

## Golf Hazards

---

Golf has been around for many, many years. During its evolution, the game has acquired well-established rules and customs that enable the players to maximize their enjoyment of the game, and to ensure their safety. There are many dangers involved with golf. Each golfer has a right to rely upon the fact that others will observe the rules and customs that have been adopted.

Besides the demand of good sportsmanship, laws also impose obligations to use ordinary care while playing golf. This is necessary to be sure that others are not endangered. The failure to observe safety rules or to use the proper degree of care, precaution and vigilance under given circumstances may be negligent. Negligent acts could trigger legal action and find a golfer in someone else's sights to recover damages in the event of injury.

A player is not always able to control either the direction or destination of a golf ball. Every golfer knows that the slightest imperfection in his or her stroke may cause it to stray from its intended line of flight, or its ultimate halting place. Therefore, a cardinal rule of the game is that, before addressing the ball, one should warn those persons in the area who may be harmed if a ball is driven inaccurately.

Golf caddies (persons who assist in carrying golf equipment, help track struck balls and providing golfing guidance) are particularly prone to injury because of the amount of time they spend on the course. Further, their job requires them to focus in a manner that doesn't permit them to be fully aware of on-course dangers.

Example: A caddy was injured when a player failed to give proper warning. The golfer had sliced his original drive from the fourth tee and the course of his second shot was over the edge of the third green where the caddy in question had just handed his player a driver and was walking toward a bunker on the fourth fairway. The caddy sued the golfer. The court decided that, with players and caddies out in front of him and with the knowledge that his ball might deviate from its intended course, the player had a duty to observe whether there were any persons in the general direction of his drive and, if so, to see that they were adequately warned: furthermore, the caddy had a right to expect that the player would not endanger him by driving in his direction without giving some audible warning in time for him to protect himself. Since a warning had not been given, the player was guilty of a breach of his duty and owed the caddy damages.

Example: A caddy and his player were following a foursome who had reached a tee and were preparing to make their drives. In order that he might follow his own player's ball when it came his time to drive from the same tee, the caddy took a position on an adjoining fairway near the one being played. His attention for the moment was fixed elsewhere and he did not observe the last member of the foursome drive. The ball swerved from its intended course; no warning was given until it was in flight; and he was struck over the eye. A jury concluded that the player had violated his duty to use the care of a reasonably prudent person who would have given timely warning to enable those likely to be injured to protect themselves.

Not all golfing accidents, however, result from driven balls.

Example: One player was demonstrating a stroke to her companion and, on her "follow through," she allowed her club to strike a nearby spectator. She was held responsible for the spectator's injury because she admitted she did not look when she made the stroke. A jury determined that her conduct did not measure up to that of a reasonable person in the same circumstances and the player had to pay a substantial verdict.

Golfing accidents can occur and many take place without the person causing the accident having to pay damages. All that a player is required to do is exercise the level of precaution demanded by the applicable circumstances. Typically, no legal fault is found where injury results from an unanticipated event.

---

COPYRIGHT: Insurance Publishing Plus, Inc. 2008

All rights reserved. Production or distribution, whether in whole or in part, in any form of media or language; and no matter what country, state or territory, is expressly forbidden without written consent of Insurance Publishing Plus, Inc.