### IDJI 3.17 – Duty once presence is discovered

INSTRUCTION NO. \_\_\_\_\_

Once an [owner] [occupant] discovers a visitor of any status proceeding on a course, which probably will result in harm because of a dangerous condition of the premises, which is known to the [owner] [occupant] but not known to the visitor, the [owner] [occupant] owes a duty to use reasonable means to warn the visitor of the dangerous condition. The failure to do so amounts to reckless conduct.

Comment:

Instruction may be redundant to either 303 (licensee) or 308 (trespasser). “Reckless” appears to be the equivalent of “willful and wanton,” and is more understandable. See Comment to Instruction 2.25.