

## **Part 2**

### **Liability Relating to Recreational Use**

#### **57-14-201 Owner owes no duty of care or duty to give warning -- Exceptions.**

Except as provided in Subsections 57-14-204(1) and (2), an owner of land owes no duty of care to keep the land safe for entry or use by any person entering or using the land for any recreational purpose or to give warning of a dangerous condition, use, structure, or activity on the land.

Renumbered and Amended by Chapter 212, 2013 General Session

#### **57-14-202 Use of private land without charge -- Effect.**

Except as provided in Subsection 57-14-204(1), an owner of land who either directly or indirectly invites or permits without charge, or for a nominal fee of no more than \$1 per year, any person to use the owner's land for any recreational purpose, or an owner of a public access area open to public recreational access under Title 73, Chapter 29, Public Waters Access Act, does not:

- (1) make any representation or extend any assurance that the land is safe for any purpose;
- (2) confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) assume responsibility for or incur liability for any injury to persons or property caused by an act or omission of the person or any other person who enters upon the land; or
- (4) owe any duty to curtail the owner's use of the land during its use for recreational purposes.

Renumbered and Amended by Chapter 212, 2013 General Session

#### **57-14-203 Land leased to state or political subdivision for recreational purposes.**

Unless otherwise agreed in writing, Sections 57-14-201 and 57-14-202 are applicable to the duties and liability of an owner of land leased to the state or any subdivision of the state for recreational purposes.

Renumbered and Amended by Chapter 212, 2013 General Session

#### **57-14-204 Liability not limited where willful or malicious conduct involved or admission fee charged.**

- (1) Nothing in this part limits any liability that otherwise exists for:
  - (a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;
  - (b) deliberate, willful, or malicious injury to persons or property; or
  - (c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.
- (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.
- (3) Any person who hunts upon a cooperative wildlife management unit, as authorized by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.
- (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have

charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of Parks and Recreation for the use of the services and facilities at that dam or reservoir.

- (5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor of the state or a subdivision of the state:
- (a) allows recreational use of the railway corridor and its surrounding area; and
  - (b) does not charge a fee for that use.

Renumbered and Amended by Chapter 212, 2013 General Session

**57-14-205 Person using land of another not relieved from duty to exercise care.**

This part may not be construed to relieve any person, using the land of another for recreational purposes, from any obligation which the person may have in the absence of this chapter to exercise care in use of the land and in activities on the land, or from the legal consequences of failure to employ care.

Renumbered and Amended by Chapter 212, 2013 General Session