

78B-4-509 Inherent risks of certain recreational activities -- Claim barred against county or municipality -- No effect on duty or liability of person participating in recreational activity or other person.

- (1) As used in this section:
 - (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.
 - (b) "Municipality" has the meaning as defined in Section 10-1-104.
 - (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.
 - (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, or in-line skating on property:
 - (i) owned, leased, or rented by, or otherwise made available to:
 - (A) with respect to a claim against a county, the county; and
 - (B) with respect to a claim against a municipality, the municipality; and
 - (ii) intended for the specific use in question.
- (2) Notwithstanding anything in Sections 78B-5-817 through 78B-5-823 to the contrary, no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity:
 - (a) a county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act; or
 - (b) the owner of property that is leased, rented, or otherwise made available to a county, municipality, local district, or special service district for the purpose of providing or operating a recreational activity.
- (3)
 - (a) Nothing in this section may be construed to relieve a person participating in a recreational activity from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.
 - (b) Nothing in this section may be construed to relieve any other person from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

Renumbered and Amended by Chapter 3, 2008 General Session
Amended by Chapter 360, 2008 General Session