

28 development, improvement, or alteration of condition.

29 (3) (a) "Without charge" means that a person is not required to pay any sum of money to
30 use the land owned by the municipality for the sport or recreational activity.

31 (b) The determination under Subsection (3)(a) shall be made without regard to any taxes
32 or fees a person pays to the municipality for a reason other than the use of the land for the sport
33 or recreational activity.

34 Section 2. Section **10-1-402** is enacted to read:

35 **10-1-402. Limitation on liability.**

36 (1) A municipality that allows a person to develop, improve, or alter the condition of
37 undeveloped land owned by the municipality so that it may be used by the public without charge
38 for a sport or recreational activity may not be held liable for any personal injury or property
39 damage resulting from the use of the land for the sport or recreational activity.

40 (2) A municipality does not lose the protection against liability provided by Subsection (1)
41 by:

42 (a) issuing a building permit for an improvement on the land; or

43 (b) approving an improvement on the land as complying with applicable building code
44 requirements.

45 Section 3. Section **10-1-403** is enacted to read:

46 **10-1-403. No affect on person's obligation to use due care.**

47 Nothing in this part may be construed to relieve a person using the recreational facilities
48 from an obligation that the person would have in the absence of this part to exercise due care in
49 the use of the recreational facilities or from the legal consequences of a failure to use due care.

50 Section 4. Section **10-1-404** is enacted to read:

51 **10-1-404. No affect on obligation of person or firm that improves land.**

52 Nothing in this part may be construed to relieve the person that develops, improves, or
53 alters the condition of land owned by a municipality from an obligation that the person would have
54 in the absence of this part to exercise due care in developing, improving, or altering the condition
55 of the land.

56 Section 5. Section **63-30-8** is amended to read:

57 **63-30-8. Waiver of immunity for injury caused by defective, unsafe, or dangerous**
58 **condition of highways, bridges, or other structures.**

59 Unless the injury arises out of one or more of the exceptions to waiver set forth in Section
60 10-1-402 or 63-30-10, immunity from suit of all governmental entities is waived for any injury
61 caused by a defective, unsafe, or dangerous condition of any highway, road, street, alley,
62 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them.

63 Section 6. Section **63-30-9** is amended to read:

64 **63-30-9. Waiver of immunity for injury from dangerous or defective public building,**
65 **structure, or other public improvement -- Exception.**

66 Unless the injury arises out of one or more of the exceptions to waiver set forth in Section
67 10-1-402 or 63-30-10, immunity from suit of all governmental entities is waived for any injury
68 caused from a dangerous or defective condition of any public building, structure, dam, reservoir,
69 or other public improvement.

Legislative Review Note

as of 1-21-99 10:15 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel