

**PRIVATE PROPERTY RIGHTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill clarifies that a property owner has no duty of care to keep the premises safe for entry or use by trespassers.

**Highlighted Provisions:**

This bill:

- ▶ defines "trespasser"; and
- ▶ clarifies that a property owner has no duty of care to keep the premises safe for entry or use by a trespasser.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**57-14-2**, as last amended by Laws of Utah 2005, Chapter 88

**57-14-3**, as last amended by Laws of Utah 1997, Chapter 62

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-14-2** is amended to read:

**57-14-2. Definitions.**



28 As used in this chapter:

29 [~~(4)~~] (1) "Charge" means the admission price or fee asked in return for permission to  
30 enter or go upon the land.

31 [~~(1)~~] (2) (a) "Land" means any land within the territorial limits of Utah.

32 (b) "Land" includes roads, railway corridors, water, water courses, private ways and  
33 buildings, structures, and machinery or equipment when attached to the realty.

34 [~~(2)~~] (3) "Owner" includes the possessor of any interest in the land, whether public or  
35 private land, a tenant, a lessor, a lessee, and an occupant or person in control of the premises.

36 [~~(5)~~] (4) "Person" includes any person, regardless of age, maturity, or experience, who  
37 enters upon or uses land for recreational purposes.

38 [~~(3)~~] (5) "Recreational purpose" includes~~[, but is not limited to,]~~ any of the following  
39 or any combination ~~[thereof]~~:

40 (a) hunting;

41 (b) fishing;

42 (c) swimming;

43 (d) skiing;

44 (e) snowshoeing;

45 (f) camping;

46 (g) picnicking;

47 (h) hiking;

48 (i) studying nature;

49 (j) waterskiing;

50 (k) engaging in water sports;

51 (l) engaging in equestrian activities;

52 (m) using boats;

53 (n) mountain biking;

54 (o) riding narrow gauge rail cars on a narrow gauge track that does not exceed 24 inch  
55 gauge;

56 (p) using off-highway vehicles or recreational vehicles; and

57 (q) viewing or enjoying historical, archaeological, scenic, or scientific sites.

58 (6) "Trespasser" means a person who enters on the property of another without express

59 or implied permission and without invitation.

60 Section 2. Section **57-14-3** is amended to read:

61 **57-14-3. Owner owes no duty of care or duty to give warning -- Exceptions.**

62 Except as provided in Subsections 57-14-6(1) and (2), an owner of land owes no duty  
63 of care to keep the premises safe for entry or use by a trespasser, or any person entering or  
64 using the premises for any recreational purpose or to give any warning of a dangerous  
65 condition, use, structure, or activity on those premises to that person or a trespasser.

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**Legislative Review Note**  
as of 2-3-12 7:08 AM

**Office of Legislative Research and General Counsel**