

1 **INHERENT RISK OF RECREATIONAL ACTIVITIES**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill makes changes related to the inherent risk of certain recreational activities.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ holds an individual responsible for certain recreational activities on public lands and
- 14 waterways under certain circumstances; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **78B-4-509**, as last amended by Laws of Utah 2008, Chapter 360 and renumbered and
23 amended by Laws of Utah 2008, Chapter 3

24

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

25 Section 1. Section **78B-4-509** is amended to read:



28 **78B-4-509. Inherent risks of certain recreational activities -- Claim barred**
 29 **against county or municipality -- No effect on duty or liability of person participating in**
 30 **recreational activity or other person.**

31 (1) As used in this section:

32 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury
 33 or property damage that are an integral and natural part of participating in a recreational
 34 activity.

35 (b) ~~["Municipality" has the meaning as defined in Section 10-1-104.~~ (c) "Person"
 36 includes an individual, regardless of age, maturity, ability, capability, or experience, and a
 37 corporation, partnership, limited liability company, or any other form of business enterprise.

38 (c) "Public entity" means the state, a municipality, town, county, school district, local
 39 district, special service district, or other political subdivision of the state.

40 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,
 41 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,
 42 running, jogging, bike riding, ~~[or]~~ in-line skating, or any other sport or leisure activity on
 43 public waterways or public property, or on property:

44 (i) owned, leased, or rented by, or otherwise made available to~~[-]~~ a public entity; and
 45 ~~[(A) with respect to a claim against a county, the county; and]~~

46 ~~[(B) with respect to a claim against a municipality, the municipality; and]~~

47 (ii) either intended for the specific use in question[-] or on publicly owned or controlled
 48 waterways and lands left unimproved by the public entity owner.

49 (2) Notwithstanding anything in Sections ~~78B-5-817~~ through ~~78B-5-823~~ to the
 50 contrary, no person may make a claim against or recover from any of the following entities for
 51 personal injury or property damage resulting from any of the inherent risks of participating in a
 52 recreational activity:

53 (a) a ~~[county, municipality, local district under Title 17B, Limited Purpose Local~~
 54 ~~Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,~~
 55 ~~Special Service District Act]~~ public entity; or

56 (b) the owner of property that is leased, rented, or otherwise made available to a
 57 ~~[county, municipality, local district, or special service district]~~ public entity for the purpose of
 58 providing or operating a recreational activity.

59 (3) (a) Nothing in this section may be construed to relieve a person participating in a
60 recreational activity from an obligation that the person would have in the absence of this
61 section to exercise due care or from the legal consequences of a failure to exercise due care.

62 (b) Nothing in this section may be construed to relieve any other person from an
63 obligation that the person would have in the absence of this section to exercise due care or
64 from the legal consequences of a failure to exercise due care.

Legislative Review Note
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Office of Legislative Research and General Counsel