

28 **78B-4-805**, Utah Code Annotated 1953

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

32 Section 1. Section **78B-4-801** is enacted to read:

33 **Part 8. Limitations on Liability for Winter Sports Activities**

34 **78B-4-801 . Public policy.**

35 The Legislature finds that:

- 36 (1) winter sports are practiced by a large number of residents of Utah and attracts a large
 37 number of nonresidents, significantly contributing to the economy of this state;
 38 (2) Utah has hosted the 2002 Olympic and Paralympic Winter Games, is scheduled to host
 39 the 2034 Olympic and Paralympic Winter Games, and aspires to host future games;
 40 (3) Utah has hosted annual national and international winter sports competitions including
 41 ski, snowboard, bobsled, skeleton, luge, speedskating and other ice sport national
 42 championships, world cups, world championships, and aspires to continue to host such
 43 competitions and to encourage residents of Utah to train for and participate in these
 44 events; and
 45 (4) assuring the financial viability of a facility in which the state has invested to permit the
 46 teaching of, training in, recreational enjoyment of, and competition in winter sports
 47 benefits the residents of Utah and encourages residents of Utah to participate in and
 48 excel at winter sports.

49 Section 2. Section **78B-4-802** is enacted to read:

50 **78B-4-802 . Definitions.**

51 As used in this part:

- 52 (1) "Inherent risks of winter sports" means the dangers or conditions that are an integral
 53 part of recreational, competitive, or professional participation in winter sports, including:
 54 (a) changing weather conditions;
 55 (b) snow or ice conditions as the snow or ice conditions exist or may change, including
 56 hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, or
 57 machine-made snow;
 58 (c) the inherent danger in engaging in high-risk activities such as winter sports by means
 59 of natural or man-made terrain, jumps, ice or snow tracks, or other structures;
 60 (d) surface or subsurface conditions, including bare spots, forest growth, rocks, stumps,
 61 streambeds, cliffs, trees, or other natural objects;

- 62 (e) variations or steepness in terrain, whether natural or as a result of slope design,
63 snowmaking or grooming operations, or other terrain modifications, including:
64 (i) terrain parks;
65 (ii) terrain features, including jumps, rails, or fun boxes; or
66 (iii) all other constructed and natural features, including half pipes, quarter pipes, or
67 freestyle-bump terrain;
68 (f) impact with lift towers, tracks, other structures, or their components, including signs,
69 posts, fences or enclosures, hydrants, or water pipes;
70 (g) collisions with other participants, structures, equipment, natural features, or other
71 objects;
72 (h) equipment failure or malfunction, unless the failure or malfunction is due to gross
73 negligence or a failure to reasonably maintain the equipment;
74 (i) participation in, or practicing or training for, competitions or special events; and
75 (j) the failure of an individual to participate within that individual's own abilities.
76 (2) "Injury" means any personal injury or property damage or loss.
77 (3) "Winter sports" means:
78 (a) skiing and snowboarding, including alpine, nordic cross country, nordic jumping,
79 freestyle, freeride, and biathlon;
80 (b) ice sports, including ice skating, speedskating, figure skating, hockey, and curling; or
81 (c) sliding sports, including bobsled, luge, skeleton, and tubing.
82 (4) "Winter sports area" means an area or facility that:
83 (a) is primarily dedicated to performing winter sports;
84 (b) was constructed by the state or a state agency, and was financed primarily with state
85 funds; and
86 (c) was constructed for the purpose of serving as a facility for use in everyday winter
87 sports training and regular events including an Olympic and Paralympic Winter
88 Games.
89 (5)(a) "Winter sports area operator" means a person that operates a winter sports area.
90 (b) "Winter sports area operator" includes an agent, an officer, an employee, or a
91 representative of the person that operates a winter sports area.
92 (6) "Winter sports participant" means an individual present in a winter sports area for the
93 purpose of engaging in winter sports.

94 Section 3. Section **78B-4-803** is enacted to read:

95 **78B-4-803 . Bar against claim or recovery from operator for injury resulting**

96 **from inherent risks of winter sports.**

97 Notwithstanding Sections 78B-5-817 through 78B-5-823, a winter sports participant
98 may not make any claim against, or recover from, a winter sports area operator for injury
99 resulting from inherent risks of winter sports.

100 Section 4. Section **78B-4-804** is enacted to read:

101 **78B-4-804 . Notice of inherent risks and limitations on liability.**

102 (1) A winter sports area operator shall provide notice to winter sports participants that there
103 are inherent risks of participating in winter sports and that the winter sports area operator
104 is not liable for those risks.

105 (2) Notice shall be provided by:

106 (a) posting a sign in at least one prominent location within the winter sports area; or

107 (b) providing a document or release for the winter sports participant to sign.

108 (3) The notice provided by the sign or document shall be sufficient if it includes the
109 definition of inherent risks of winter sports in Section 78B-4-802 and states that the
110 winter sports area operator is not liable for those inherent risks.

111 Section 5. Section **78B-4-805** is enacted to read:

112 **78B-4-805 . Liability agreements.**

113 A winter sports participant may enter into an agreement with a winter sports area
114 operator before an injury to:

115 (1) waive a claim that the winter sports participant is permitted to bring against a winter
116 sports area operator; or

117 (2) release the winter sports area operator from a claim that the winter sports participant is
118 permitted to bring under this part.

119 Section 6. Section **78B-4-806** is enacted to read:

120 **78B-4-806 . Limitation on damages.**

121 (1) Subject to adjustment under Subsection 63G-7-604(4), an action arising against a winter
122 sports area operator for a claim not prohibited under this part, in which the winter sports
123 participant, or a person authorized to bring a claim on behalf of the winter sports
124 participant, recovers for an injury and is awarded noneconomic losses, the amount of the
125 award for noneconomic losses may not exceed:

126 (a) \$827,000 for one person in any one occurrence; and

127 (b) \$3,329,100 for the aggregate amount of individual awards that may be awarded in
128 relation to a single occurrence.

129 (2) The limits on an award for noneconomic losses described in Subsection (1) do not apply

130 to an award:
131 (a) of punitive damages; or
132 (b) for a wrongful death action.
133 **Section 7. Effective Date.**
134 This bill takes effect on May 7, 2025.