

**Olympic Legacy Liability Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: Michael K. McKell

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**LONG TITLE****General Description:**

This bill modifies provisions related to the Olympic and Paralympic Winter Games Act and winter sports activities.

**Highlighted Provisions:**

This bill:

- provides public policy considerations;
- provides definitions;
- establishes limitations on liability for claims against the operator of a specified winter sports area;
- requires a specified winter sports area to give notice of the liability limitations;
- permits a winter sports area operator to enter into a contract with a winter sports participant to limit the operator's liability;
- specifies the amount of liability caps and provides for adjustment of the liability caps; and
- makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****ENACTS:**

**78B-4-801**, Utah Code Annotated 1953

**78B-4-802**, Utah Code Annotated 1953

**78B-4-803**, Utah Code Annotated 1953

**78B-4-804**, Utah Code Annotated 1953

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

**78B-4-806**, 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.