

**57-14-204 Liability not limited where willful or malicious conduct involved or admission fee charged.**

- (1) Nothing in this part limits any liability that otherwise exists for:
  - (a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;
  - (b) deliberate, willful, or malicious injury to persons or property; or
  - (c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.
- (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.
- (3) Any person who hunts upon a cooperative wildlife management unit, as authorized by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.
- (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of Parks and Recreation for the use of the services and facilities at that dam or reservoir.
- (5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor of the state or a subdivision of the state:
  - (a) allows recreational use of the railway corridor and its surrounding area; and
  - (b) does not charge a fee for that use.

Renumbered and Amended by Chapter 212, 2013 General Session