

Chapter 14 Limitations on Landowner Liability

Part 1 General Provisions

57-14-101 Title -- Purpose.

- (1) This chapter is known as "Limitations on Landowner Liability."
- (2) The purpose of this chapter is to limit the liability of public and private land owners toward a person entering the owner's land as a trespasser or for recreational purposes, whether by permission or by operation of Title 73, Chapter 29, Public Waters Access Act.

Renumbered and Amended by Chapter 212, 2013 General Session

57-14-102 Definitions.

As used in this chapter:

- (1) "Charge" means the admission price or fee asked in return for permission to enter or go upon the land.
- (2) "Child" means an individual who is 16 years of age or younger.
- (3)
 - (a) "Land" means any land within the state boundaries.
 - (b) "Land" includes roads, railway corridors, water, water courses, private ways and buildings, structures, and machinery or equipment when attached to the realty.
- (4) "Owner" means the possessor of any interest in the land, whether public or private land, including a tenant, a lessor, a lessee, an occupant, or person in control of the land.
- (5) "Person" includes any person, regardless of age, maturity, or experience, who enters upon or uses land for recreational purposes.
- (6) "Recreational purpose" includes, but is not limited to, any of the following or any combination thereof:
 - (a) hunting;
 - (b) fishing;
 - (c) swimming;
 - (d) skiing;
 - (e) snowshoeing;
 - (f) camping;
 - (g) picnicking;
 - (h) hiking;
 - (i) studying nature;
 - (j) waterskiing;
 - (k) engaging in water sports;
 - (l) engaging in equestrian activities;
 - (m) using boats;
 - (n) mountain biking;
 - (o) riding narrow gauge rail cars on a narrow gauge track that does not exceed 24 inch gauge;
 - (p) using off-highway vehicles or recreational vehicles;
 - (q) viewing or enjoying historical, archaeological, scenic, or scientific sites;
 - (r) aircraft operations; and

- (s) equestrian activity, skateboarding, skydiving, paragliding, hang gliding, roller skating, ice skating, walking, running, jogging, bike riding, or in-line skating.
- (7) "Serious physical injury" means any physical injury or set of physical injuries that:
 - (a) seriously impairs a person's health;
 - (b) was caused by use of a dangerous weapon as defined in Section 76-1-601;
 - (c) involves physical torture or causes serious emotional harm to a person; or
 - (d) creates a reasonable risk of death.
- (8) "Trespasser" means a person who enters on the land of another without:
 - (a) express or implied permission; or
 - (b) invitation.

Amended by Chapter 345, 2019 General Session

Part 2

Liability Relating to Recreational Use

57-14-201 Owner owes no duty of care or duty to give warning -- Exceptions.

Except as provided in Subsections 57-14-204(1) and (2), an owner of land owes no duty of care to keep the land safe for entry or use by any person entering or using the land for any recreational purpose or to give warning of a dangerous condition, use, structure, or activity on the land.

Renumbered and Amended by Chapter 212, 2013 General Session

57-14-202 Use of private land without charge -- Effect.

Except as provided in Subsection 57-14-204(1), an owner of land who either directly or indirectly invites or permits without charge, or for a nominal fee of no more than \$1 per year, any person to use the owner's land for any recreational purpose, or an owner of a public access area open to public recreational access under Title 73, Chapter 29, Public Waters Access Act, does not:

- (1) make any representation or extend any assurance that the land is safe for any purpose;
- (2) confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) assume responsibility for or incur liability for any injury to persons or property caused by an act or omission of the person or any other person who enters upon the land; or
- (4) owe any duty to curtail the owner's use of the land during its use for recreational purposes.

Renumbered and Amended by Chapter 212, 2013 General Session

57-14-203 Land leased to state or political subdivision for recreational purposes.

Unless otherwise agreed in writing, Sections 57-14-201 and 57-14-202 are applicable to the duties and liability of an owner of land leased to the state or any subdivision of the state for recreational purposes.

Renumbered and Amended by Chapter 212, 2013 General Session

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

57-14-205 Person using land of another not relieved from duty to exercise care.

This part may not be construed to relieve any person, using the land of another for recreational purposes, from any obligation which the person may have in the absence of this chapter to exercise care in use of the land and in activities on the land, or from the legal consequences of failure to employ care.

Renumbered and Amended by Chapter 212, 2013 General Session

Part 3
Liability Relating to Trespassers

57-14-301 Owner liability to trespasser.

- (1) Except as provided in Subsection (2), with respect to a trespasser, an owner does not:
 - (a) make any representation or extend any assurance that the land is safe for any purpose;
 - (b) owe any duty of care to the trespasser;
 - (c) assume responsibility for or incur liability for any injury to, the death of, or damage to property of, a trespasser; or
 - (d) owe any duty to curtail the owner's use of the land.
- (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), an owner may be subject to liability for serious physical injury or death to a trespasser if:

- (a)
 - (i) the trespasser is a child;
 - (ii) the serious physical injury or death is caused by an artificial condition on the land;
 - (iii) the owner knows or reasonably should know that:
 - (A) the artificial condition exists;
 - (B) the artificial condition poses an unreasonable risk of serious physical injury or death to a child; and
 - (C) a child is likely to trespass at the location of the artificial condition;
 - (iv) the artificial condition is not of a type that a child, because of the child's youth, would discover exists or would not realize that the artificial condition poses a risk of serious physical injury or death; and
 - (v) the owner fails to take reasonable measures to eliminate, or to protect against serious physical injury or death from, the artificial condition;
- (b)
 - (i) the serious physical injury or death:
 - (A) occurs on a limited area of the land that the owner knows, or reasonably should know, is constantly intruded upon by trespassers; and
 - (B) is caused by an activity conducted by the owner that poses a risk of serious physical injury or death to a trespasser; and
 - (ii) the owner fails to conduct the activity described in Subsection (2)(b)(i)(B) with reasonable care for a trespasser's safety.
- (3)
 - (a) An owner is not subject to liability for serious physical injury or death to a trespasser if the conduct of the owner that results in serious physical injury or death is permitted or justified under Title 76, Chapter 2, Part 4, Justification Excluding Criminal Responsibility, or any other provision of law.
 - (b) An owner is not subject to liability for serious physical injury or death to a trespasser under Subsection (2) if the burden on the owner to eliminate, or to protect against serious physical injury or death from, the artificial condition outweighs the risk of serious physical injury or death posed by the artificial condition.
 - (c) An owner is not subject to liability for serious physical injury or death to a trespasser under Subsection (2) if the serious injury or death is caused by an irrigation canal or ditch.
 - (d) A public transit district is not subject to liability for a serious physical injury or death to a trespasser under Subsection (2) if the serious injury or death is caused by a trespasser entering into a fixed guideway, railroad right-of-way, or on transit facilities or premises in violation of Section 56-1-18.5 or Section 41-6a-1005.
- (4) Nothing in this chapter shall impose liability on an owner except to the extent liability existed as of May 14, 2013.

Enacted by Chapter 212, 2013 General Session

Part 4

Activities with a Recreational Purpose on Certain Lands

57-14-401 Activities with a recreational purpose on certain lands.

- (1) Notwithstanding Section 57-14-202 to the contrary, a person may not make a claim against or recover from an owner of any land, including land in developed or improved, urban or semi-rural areas opened to the general public without charge, such as a lake, pond, park, trail, waterway, or other recreation site, for personal injury or property damage caused either directly or indirectly by participating in an activity with a recreational purpose on the land.
- (2) Nothing in this section may be construed to relieve a person participating in a recreational purpose from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

Amended by Chapter 345, 2019 General Session

Part 5 Limitation on Award

57-14-501 Limitation of award of noneconomic damages.

- (1) In an action arising on or after May 14, 2019, against an owner of land for an injury to a person or damage to property, if a plaintiff is awarded noneconomic losses, the amount of the award for noneconomic losses may not exceed \$450,000.
- (2) The limit described in Subsection (1) does not apply to:
 - (a) an award of punitive damages;
 - (b) a claim for wrongful death; or
 - (c) a liability described in Subsection 57-14-204(1).

Enacted by Chapter 345, 2019 General Session