

1 **LIMITING LIABILITY IN HOCKEY FACILITIES**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: L. Alma Mansell**

5 AN ACT RELATING TO THE JUDICIAL CODE; LIMITING THE LIABILITY FOR THE
6 OWNERS AND OPERATORS OF HOCKEY FACILITIES UNDER CERTAIN
7 CIRCUMSTANCES.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 ENACTS:

10 **78-27-61**, Utah Code Annotated 1953

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

12 Section 1. Section **78-27-61** is enacted to read:

13 **78-27-61. Limitation on liability of hockey facilities.**

14 (1) As used in this section, "hockey facility" means a facility where hockey is customarily
15 played or practiced and the general public is charged an admission fee to attend.

16 (2) The owner or operator of a hockey facility is not liable for any injury to the person or
17 property of any person as a result of that person being hit by a hockey puck or stick unless:

18 (a) the person is situated completely behind a board, glass, or similar barrier and the board,
19 glass, or barrier is defective; or

20 (b) the injury is caused by § **NEGLIGENT OR** § willful and wanton conduct in connection with
20a the game of
21 hockey by the owner or operator or any hockey player, coach, or manager employed by the owner
22 or operator.

Legislative Review Note

as of 2-3-98 4:40 PM

This bill raises the following constitutional or statutory concerns:

The Utah Constitution provides every person with open access to the courts for an injury done to his person, property, or reputation. (Article I, Section 11) This legislation may violate that provision by providing immunity to an owner or operator of a hockey facility for an injury that occurs under certain circumstances.

Office of Legislative Research and General Counsel