

Representative DeMar Bud Bowman proposes to substitute the following bill:

RECREATIONAL LAND USE IMMUNITY

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

AN ACT RELATING TO THE JUDICIAL CODE; AND LIMITING THE LIABILITY OF MUNICIPALITIES AND COUNTIES UNDER CERTAIN CIRCUMSTANCES.

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

ENACTS:

78-27-63, Utah Code Annotated 1953

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

Section 1. Section **78-27-63** is enacted to read:

78-27-63. Inherent risks of certain recreational activities -- Claim barred against county or municipality -- No affect on third person duty or liability.

(1) As used in this section:

(a) "Inherent risks" means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.

(b) "Municipality" has the meaning as defined in Section 10-1-104.

(c) "Person" includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.

(d) "Recreational activity" means a rodeo, an equestrian activity, skateboarding, roller skating, § **HIKING, BIKE RIDING**, § or in-line skating on property § ~~:(i)~~ § owned by:

§ ~~(i)~~ (A) § with respect to a claim against a county, the county; and

§ ~~(ii)~~ (B) § with respect to a claim against a municipality, the municipality § ; AND

(ii) INTENDED FOR THE SPECIFIC USE IN QUESTION § .

(2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,

26 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or recover
27 from a county or municipality for personal injury or property damage resulting from any of the
28 inherent risks of participating in a recreational activity.

29 (3) Nothing in this section may be construed to relieve a person participating in a
30 recreational activity from an obligation that the person would have in the absence of this section
31 to exercise due care or from the legal consequences of a failure to exercise due care.

32 (4) Nothing in this section may be construed to relieve a person § [~~other than the county or~~
33 ~~municipality, who develops, improves, or alters the condition of property owned by the county or~~
34 ~~municipality]~~ § from an obligation that the person would have in the absence of this section to
35 exercise due care or from the legal consequences of a failure to exercise due care.