

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 duty or liability of person participating in recreational activity or other person.

(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:

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

(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, 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or recover

from a county or municipality for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity.

(3) Nothing in this section may be construed to relieve a person participating in a recreational activity 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.

(4) Nothing in this section may be construed to relieve a person 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.