

**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, or in-line skating on property owned by:

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

(ii) with respect to a claim against a municipality, the municipality.

(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.