

**INHERENT RISKS OF PARTICIPATING IN
RECREATIONAL ACTIVITIES ON PROPERTY
OWNED BY LOCAL GOVERNMENT**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: DeMar Bud Bowman

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends a provision relating to the inherent risks of participating in recreational activities on property owned by a county or municipality.

Highlighted Provisions:

This bill:

▶ adds ice skating ~~H→~~ **and fishing** ~~←H~~ to the definition of recreational activities in a provision prohibiting a person from making a claim for a personal injury or property damage resulting from the inherent risks of participating in the recreational activity on property owned by a county or municipality ~~H→~~ [-] ;

▶ **expands the definition of recreational activities; and**

▶ **extends to independent special districts the protection from liability that counties and municipalities have for claims resulting from inherent risks of certain recreational activities.** ~~←H~~

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-27-63, as enacted by Chapter 107, Laws of Utah 1999

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



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

29 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**
 30 **county or municipality -- No effect on duty or liability of person participating in**
 31 **recreational activity or other person.**

32 (1) As used in this section:

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

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

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

40 (d) "Recreational activity" ~~Ĥ→~~ **[means] includes** ~~←Ĥ~~ a rodeo, an equestrian activity,
 40a skateboarding, roller
 41 skating, ice skating, ~~Ĥ→~~ **fishing**, ~~←Ĥ~~ hiking, bike riding, or in-line skating on property:

42 (i) owned by:

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

44 (B) with respect to a claim against a municipality, the municipality; and

45 (ii) intended for the specific use in question.

46 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,
 47 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or
 48 recover from a county ~~Ĥ→~~ **[or]**, ~~←Ĥ~~ municipality ~~Ĥ→~~, **or independent special district under**
 48a **Title 17A, Chapter 2, Independent Special Districts**, ~~←Ĥ~~ for personal injury or property damage
 48b resulting from
 49 any of the inherent risks of participating in a recreational activity.

50 (3) ~~Ĥ→~~ **(a)** ~~←Ĥ~~ Nothing in this section may be construed to relieve a person participating
 50a in a
 51 recreational activity from an obligation that the person would have in the absence of this
 52 section to exercise due care or from the legal consequences of a failure to exercise due care.

53 ~~Ĥ→~~ **[(4)] (b)** ~~←Ĥ~~ Nothing in this section may be construed to relieve ~~Ĥ→~~ **[a]** any
 53a other ~~←Ĥ~~ person from an obligation that
 54 the person would have in the absence of this section to exercise due care or from the legal
 55 consequences of a failure to exercise due care.

Legislative Review Note

as of 8-9-05 7:47 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0207

Inherent Risks of Participating in Recreational Activities on Property
Owned by Local Government

16-Jan-06
3:02 PM

State Impact

No fiscal impact.

Individual and Business Impact

Individuals would be prohibited from making a claim for personal injury or property damage resulting from the inherent risks of ice skating on county or municipal property.

Office of the Legislative Fiscal Analyst

