

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

4 2006 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: DeMar Bud Bowman**

7 Senate Sponsor: Peter C. Knudson

8
9 **LONG TITLE**

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

15 ▶ adds ice skating and fishing to the definition of recreational activities in a provision
16 prohibiting a person from making a claim for a personal injury or property damage
17 resulting from the inherent risks of participating in the recreational activity on
18 property owned by a county or municipality;

19 ▶ expands the definition of recreational activities; and

20 ▶ extends to independent special districts the protection from liability that counties
21 and municipalities have for claims resulting from inherent risks of certain
22 recreational activities.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **78-27-63**, as enacted by Chapter 107, Laws of Utah 1999

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **78-27-63** is amended to read:

33 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**
34 **county or municipality -- No effect on duty or liability of person participating in**
35 **recreational activity or other person.**

36 (1) As used in this section:

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

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

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

44 (d) "Recreational activity" [~~means~~] includes a rodeo, an equestrian activity,
45 skateboarding, roller skating, ice skating, fishing, hiking, bike riding, or in-line skating on
46 property:

47 (i) owned by:

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

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

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

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

52 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or

53 recover from a county [~~or~~], municipality, or independent special district under Title 17A,54 Chapter 2, Independent Special Districts, for personal injury or property damage resulting from

55 any of the inherent risks of participating in a recreational activity.

56 (3) (a) Nothing in this section may be construed to relieve a person participating in a

57 recreational activity from an obligation that the person would have in the absence of this

58 section to exercise due care or from the legal consequences of a failure to exercise due care.

59 ~~[(4)]~~ (b) Nothing in this section may be construed to relieve [~~a~~] any other person from
60 an obligation that the person would have in the absence of this section to exercise due care or
61 from the legal consequences of a failure to exercise due care.