

1 **IMMUNITY OF COUNTIES AND**
2 **MUNICIPALITIES FOR SKY DIVING**
3 **ACTIVITIES**

4 2007 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Brent H. Goodfellow**

7 House Sponsor: James R. Gowans

8
9 **LONG TITLE**

10 **General Description:**

11 This bill provides immunity for counties and municipalities for skydiving activities.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that no person may make a claim against or recover from a county,
15 municipality, or independent special district for personal injury or property damage
16 resulting from the inherent risks of skydiving.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **78-27-63**, as last amended by Chapter 304, Laws of Utah 2006

24
25 *Be it enacted by the Legislature of the state of Utah:*

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

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

30 (1) As used in this section:

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

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

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

38 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,
39 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, bike riding, or
40 in-line skating on property:

41 (i) owned by:

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

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

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

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

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

54 (b) Nothing in this section may be construed to relieve any other person from an
55 obligation that the person would have in the absence of this section to exercise due care or
56 from the legal consequences of a failure to exercise due care.