

- 90 (k) engaging in water sports;  
 91 (l) engaging in equestrian activities;  
 92 (m) using boats;  
 93 (n) mountain biking;  
 94 (o) riding narrow gauge rail cars on a narrow gauge track that does not exceed 24 inch  
 95 gauge;  
 96 (p) using off-highway vehicles or recreational vehicles;  
 97 (q) viewing or enjoying historical, archaeological, scenic, or scientific sites; [~~and~~]  
 98 (r) aircraft operations[~~;~~]; and  
 99 (s) equestrian activity, skateboarding, skydiving, paragliding, hang gliding, roller  
 100 skating, ice skating, walking, running, jogging, bike riding, or in-line skating.

101 (8) "Serious physical injury" means any physical injury or set of physical injuries that:

102 (a) seriously impairs a person's health;

103 (b) was caused by use of a dangerous weapon as defined in Section 76-1-601;

104 (c) involves physical torture or causes serious emotional harm to a person; or

105 (d) creates a reasonable risk of death.

106 (9) "Trespasser" means a person who enters on the land of another without:

107 (a) express or implied permission; or

108 (b) invitation.

109 Section 4. Section **57-14-201**, which is renumbered from Section 57-14-3 is  
 110 renumbered and amended to read:

### 111 **Part 2. Liability Relating to Recreational Use**

112 [~~57-14-3~~]. **57-14-201**. Owner owes no duty of care or duty to give warning --

#### 113 **Exceptions.**

114 Except as provided in Subsections [~~57-14-6~~] 57-14-204(1) and (2) ~~§~~ → [~~and Part 3, Liability~~  
 115 ~~Relating to Trespassers~~] ← ~~§~~ , an owner of land owes no duty of care to keep the [~~premises~~] land safe  
 116 for entry or use by any person entering or using the [~~premises~~] land for any recreational  
 117 purpose or to give [~~any~~] warning of a dangerous condition, use, structure, or activity on [~~those~~  
 118 ~~premises to that person~~] the land.

119 Section 5. Section **57-14-202**, which is renumbered from Section 57-14-4 is  
 120 renumbered and amended to read:

214 Responsibility, or any other provision of law.

215 (b) An owner is not subject to liability for serious physical injury or death to a  
 216 trespasser under Subsection (2) ~~H→ [(a)] ←H~~ if the burden on the owner to eliminate,  
 216a or to protect against  
 217 serious physical injury or death from, the artificial condition outweighs the risk of serious  
 218 physical injury or death posed by the artificial condition.

219 (c) An owner is not subject to liability for serious physical injury or death to a  
 220 trespasser under Subsection (2) ~~H→ [(a)] ←H~~ if the serious injury or death is caused  
 220a by ~~H→ [the existence of] ←H~~ an  
 221 irrigation canal or ditch ~~H→ [on the owner's land] ←H~~ .

221a **~~H→ (d) A public transit district is not subject to liability for a serious physical injury or~~**  
 221b **death to a trespasser under Subsection (2) if the serious injury or death is caused by a**  
 221c **trespasser entering into a fixed guideway, railroad right-of-way, or on transit facilities or**  
 221d **premises in violation of Section 56-1-18.5 or Section 41-6a-1005.**

221e **(4) Nothing in this chapter shall impose liability on an owner except to the extent**  
 221f **liability existed as of May 14, 2013. ←H**

222 Section 10. Section 57-14-401 is enacted to read:

223 **Part 4. Inherent Risks of Certain Activities**

224 **57-14-401. Inherent risks of activities with a recreational purpose on certain**  
 225 **lands.**

226 (1) Notwithstanding Section 57-14-202 to the contrary, a person may not make a claim  
 227 against or recover from an owner of ~~H→ any ←H~~ land ~~S→~~ , as defined in this chapter, including  
 227a1 **land ←S ←H →S→ [[ in developed or improved, urban or**  
 227a **semi-rural areas ]]** ~~←S ←H~~

228 opened to the general public without charge, such as a lake, pond, park, trail, waterway, or  
 229 other recreation site, for personal injury or property damage caused by the inherent risks of  
 230 participating in an activity with a recreational purpose on the land.

231 (2) Nothing in this section may be construed to relieve a person participating in a  
 232 recreational purpose from an obligation that the person would have in the absence of this  
 233 section to exercise due care or from the legal consequences of a failure to exercise due care.

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