

LIMITATIONS ON LANDOWNER LIABILITY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill addresses limitations on landowner liability.

Highlighted Provisions:

This bill:

- ▶ addresses use by a guest of a migratory bird production area under provisions related to limiting landowner liability under certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-14-202, as renumbered and amended by Laws of Utah 2013, Chapter 212

57-14-401, as last amended by Laws of Utah 2019, Chapter 345

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

Section 1. Section **57-14-202** is amended to read:

57-14-202. Use of private land without charge -- Effect.

(1) Except as provided in Subsection **57-14-204(1)**, an owner of land who either



28 directly or indirectly invites or permits without charge, or for a nominal fee of no more than \$1
29 per year, any person to use the owner's land for any recreational purpose, or an owner of a
30 public access area open to public recreational access under Title 73, Chapter 29, Public Waters
31 Access Act, does not:

32 ~~[(1)]~~ (a) make any representation or extend any assurance that the land is safe for any
33 purpose;

34 ~~[(2)]~~ (b) confer upon the person the legal status of an invitee or licensee to whom a
35 duty of care is owed;

36 ~~[(3)]~~ (c) assume responsibility for or incur liability for any injury to persons or property
37 caused by an act or omission of the person or any other person who enters upon the land; or

38 ~~[(4)]~~ (d) owe any duty to curtail the owner's use of the land during ~~[its]~~ the land's use
39 for recreational purposes.

40 (2) The limitations of liability provided in this part apply to the owner of land
41 designated as a migratory bird production area under Title 23, Chapter 28, Migratory Bird
42 Production Area, that is owned and operated for any purpose allowed under Title 23, Chapter
43 28, Migratory Bird Production Area, if:

44 (a) the owner allows a guest of the owner or a guest of a shareholder or member of the
45 owner to engage in an activity with a recreational purpose on that land; and

46 (b) the guest is not charged.

47 Section 2. Section 57-14-401 is amended to read:

48 **57-14-401. Activities with a recreational purpose on certain lands.**

49 (1) Notwithstanding Section 57-14-202 to the contrary, a person may not make a claim
50 against or recover from an owner of any land for personal injury or property damages caused
51 either directly or indirectly by participating in an activity with a recreational purpose on the
52 land, including land:

53 (a) in developed or improved, urban or semi-rural areas opened to the general public
54 without charge, such as a lake, pond, park, trail, waterway, or other recreation site~~[, for~~
55 ~~personal injury or property damage caused either directly or indirectly by participating in an~~
56 ~~activity with a recreational purpose on the land.]; or~~

57 (b) designated as a migratory bird production area under Title 23, Chapter 28,
58 Migratory Bird Production Area, if the person is invited or permitted to enter the land to

59 engage in an activity with a recreational purpose as provided in Subsection [57-14-202](#)(2).

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