



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2334

state lands; lease provisions

Purpose

Prohibits specified state land leases from assigning liability to a lessee for outlined claims or causes of action.

Background

A public or private owner, easement holder, lessee, tenant, manager or occupant of premises is not liable to a recreational or educational user, except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of willful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational or educational user. An *educational user* is a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to enter premises to participate in an educational program, including the viewing of historical, natural, archaeological or scientific sites. A *recreational user* is a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter premises to engage in outdoor recreational pursuits ([A.R.S. § 33-1551](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits state land leases that provide continued public access and that are entered into pursuant to statute from containing provisions that:
 - a) tender defense of a claim or cause of action:
 - i. based on an injury to a person who is on or using state lands and to whom the state or a state agency has granted permission to be on or use the land, including as a contracted third party; or
 - ii. arising under state or federal environmental laws;
 - b) require indemnification in any form, including for damages, penalties, costs, charges and expenses and attorney fees and costs from a lessee or the lessee's employees or agents; or
 - c) otherwise assign liability to a lessee for the claims or causes of action prescribed in this legislation.
2. Requires liability for an injury to a person who is on or using state lands that the state or a state agency has granted the person permission to be on or use, including as a contracted third party, to be determined pursuant to:
 - a) statute regarding the liability of recreational or educational users of public or private land;
or
 - b) the applicable state or federal law.

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3. Becomes effective on the general effective date.

House Action

LARA	2/14/22	DPA	11-0-0-0
3 rd Read	2/21/22		59-0-1

Prepared by Senate Research

March 10, 2022

RC/slp