

1 **RECREATIONAL ACTIVITY RISKS AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brady Brammer**

5 Senate Sponsor: Jani Iwamoto

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding liability for a recreational activity.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides that scooter riding is a recreational activity for the purpose of a claim that
- 13 is brought for a personal injury or property damage resulting from the inherent risks
- 14 of a recreational activity; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **78B-4-509**, as last amended by Laws of Utah 2008, Chapter 360 and renumbered and
23 amended by Laws of Utah 2008, Chapter 3

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

26 Section 1. Section **78B-4-509** is amended to read:

27 **78B-4-509. Inherent risks of certain recreational activities -- Claim barred**
28 **against 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~~] any danger, condition, and potential for personal injury or
33 property damage that is an integral and natural part of participating in a recreational activity.

34 (b) "Municipality" [~~has the meaning as~~] means the same as that term is defined in
35 Section 10-1-104.

36 (c) "Person" [~~includes~~] means:

37 (i) an individual, regardless of age, maturity, ability, capability, or experience[;]; and

38 (ii) a corporation, partnership, limited liability company, or any other form of business
39 enterprise.

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

43 (i) owned, leased, or rented by, or otherwise made available to:

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

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

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

47 (2) Notwithstanding [~~anything in~~] Sections 78B-5-817 through 78B-5-823 [~~to the~~
48 ~~contrary~~], no person may make a claim against or recover from any of the following entities for
49 personal injury or property damage resulting from any of the inherent risks of participating in a
50 recreational activity:

51 (a) a county, municipality, local district under Title 17B, Limited Purpose Local
52 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
53 Special Service District Act; or

54 (b) the owner of property that is leased, rented, or otherwise made available to a
55 county, municipality, local district, or special service district for the purpose of providing or
56 operating a recreational activity.

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

58 recreational activity from an obligation that the person would have in the absence of this
59 section to exercise due care or from the legal consequences of a failure to exercise due care.

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