

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 123

SENATE BILL 1229

AN ACT

AMENDING SECTION 33-1551, ARIZONA REVISED STATUTES; RELATING TO LIABILITIES
AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1551, Arizona Revised Statutes, is amended to
3 read:

4 33-1551. Duty of owner, lessee or occupant of premises to
5 recreational or educational users; liability;
6 definitions

7 A. A public or private owner, easement holder, lessee, TENANT, MANAGER
8 or occupant of premises is not liable to a recreational or educational user
9 except ~~upon~~ ON a showing that the owner, easement holder, lessee, TENANT,
10 MANAGER or occupant was guilty of wilful, malicious or grossly negligent
11 conduct ~~which~~ THAT was a direct cause of the injury to the recreational or
12 educational user.

13 B. This section does not limit the liability ~~which~~ THAT otherwise
14 exists for maintaining an attractive nuisance, except with respect to dams,
15 channels, canals and lateral ditches used for flood control, agricultural,
16 industrial, metallurgical or municipal purposes.

17 C. ~~As used in~~ FOR THE PURPOSES OF this section:

18 1. "Educational user" means a person to whom permission has been
19 granted or implied without the payment of an admission fee or any other
20 consideration to enter ~~upon~~ premises to participate in an educational
21 program, including but not limited to, the viewing of historical, natural,
22 archaeological or scientific sights. A nominal fee that is charged by a
23 public entity or a nonprofit corporation to offset the cost of providing the
24 educational or recreational premises and associated services does not
25 constitute an admission fee or any other consideration as prescribed by this
26 section.

27 2. "Grossly negligent" means a knowing or reckless indifference to the
28 health and safety of others.

29 3. "Premises" means agricultural, range, open space, park, flood
30 control, mining, forest, WATER DELIVERY, WATER DRAINAGE or railroad lands,
31 and any other similar lands, wherever located, ~~which~~ THAT are available to a
32 recreational or educational user, including, but not limited to, paved or
33 unpaved ~~multi-use~~ MULTIUSE trails and special purpose roads or trails not
34 open to automotive use by the public and any building, improvement, fixture,
35 water conveyance system, body of water, channel, canal or lateral, road,
36 trail or structure on such lands.

37 4. "Recreational user" means a person to whom permission has been
38 granted or implied without the payment of an admission fee or any other
39 consideration to travel across or to enter ~~upon~~ premises to hunt, fish, trap,
40 camp, hike, ride, ENGAGE IN OFF-HIGHWAY VEHICLE, OFF-ROAD RECREATIONAL MOTOR
41 VEHICLE OR ALL-TERRAIN VEHICLE ACTIVITY, OPERATE AIRCRAFT, exercise, swim or
42 engage in ~~similar~~ OUTDOOR RECREATIONAL pursuits. The purchase of a state
43 hunting, trapping or fishing license, OFF-HIGHWAY VEHICLE USER INDICIA OR A

1 STATE TRUST LAND RECREATIONAL PERMIT is not the payment of an admission fee
2 or any other consideration as provided in this section. A nominal fee that
3 is charged by a public entity or a nonprofit corporation to offset the cost
4 of providing the educational or recreational premises and associated services
5 does not constitute an admission fee or any other consideration as prescribed
6 by this section.

APPROVED BY THE GOVERNOR APRIL 14, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2011.

Passed the House April 6, 2011,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 10, 2011,

by the following vote: 29 Ayes,

6 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmaine Bell
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1229

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 12, 20 11

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12 day of April, 20 11

at 3:30 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 14th day of

April

at 3:00 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 14th day of April, 20 11

S.B. 1229

at 5:07 o'clock [Signature] M.

[Signature]
Secretary of State