Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 154

SENATE BILL 1410

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-557; RELATING TO LIMITATIONS OF ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 12, chapter 5, article 3, Arizona Revised Statutes, is amended by adding section 12-557, to read:

12-557. Possessors of land; limited liability for trespasser harm

A. A POSSESSOR OF REAL PROPERTY, INCLUDING AN OWNER, EASEMENT HOLDER, LESSEE, RENTER OR OTHER OCCUPANT, DOES NOT OWE A DUTY OF CARE TO A TRESPASSER EXCEPT TO REFRAIN FROM CAUSING INTENTIONAL, WILLFUL OR WANTON INJURY.

B. THIS SECTION DOES NOT ESTABLISH OR INCREASE THE LIABILITY OF ANY POSSESSOR OF REAL PROPERTY AND DOES NOT AFFECT ANY IMMUNITIES FROM OR DEFENSES TO LIABILITY ESTABLISHED BY STATUTE OR AVAILABLE AT COMMON LAW TO WHICH A POSSESSOR OF REAL PROPERTY MAY BE ENTITLED.

Sec. 2. Intent

The Legislature intends this act to codify the common law liability of real property possessors for harms to trespassers in effect on the effective date of this act. Thus, this legislation does not abrogate any common law right of action that either existed as of statehood or judicially evolved into existence by the effective date of this act. The legislation also does not limit the amount of damages to be recovered for causing the death or injury of any person.

Sec. 3. Short title

This act may be cited as the "Trespasser Responsibility Act".

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House March 26, 2012,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 28, 2012,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28 day of March, 2012,

at 10:20 o'clock A M.

Secretary to the Governor

Approved this 29th day of

March, 2012,

at 10:50 o'clock A M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29th day of March, 2012,

at 4:58 o'clock P M.

Secretary of State

S.B. 1410