

Senate Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

CHAPTER 71

## **SENATE BILL 1123**

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 on a showing that the owner, easement holder, lessee, tenant, manager  
10 or occupant was guilty of wilful, malicious or grossly negligent conduct that  
11 was a direct cause of the injury to the recreational or educational user.

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

16 C. For the purposes of this section:

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

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

28 3. "Park" includes outdoor school grounds that are open to  
29 recreational users, excluding swimming pools and other aquatic features.

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

38 5. "Recreational user" means a person to whom permission has been  
39 granted or implied without the payment of an admission fee or any other  
40 consideration to travel across or to enter premises to hunt, fish, trap,  
41 camp, hike, ride, engage in off-highway vehicle, off-road recreational motor  
42 vehicle or all-terrain vehicle activity, operate aircraft, exercise, swim or  
43 engage in other outdoor recreational pursuits. The purchase of a state  
44 hunting, trapping or fishing license, an off-highway vehicle user indicia or  
45 a state trust land recreational permit is not the payment of an admission fee

1 or any other consideration as provided in this section. A nominal fee that  
2 is charged by a public entity or a nonprofit corporation to offset the cost  
3 of providing the educational or recreational premises and associated services  
4 does not constitute an admission fee or any other consideration as prescribed  
5 by this section. Recreational user does not include a student WHO IS  
6 registered at a school ~~who is on the way to or from school~~, during designated  
7 times that ~~a~~ THE student is allowed to be on THE school grounds as  
8 determined by district personnel or WHO IS participating in a  
9 school-sanctioned activity.

10 6. "School" has the same meaning prescribed in section 15-101.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.

Passed the House April 16, 2014,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 6, 2014,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16<sup>th</sup> day of April, 2014,

at 4:15 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

April, 2014,

at 10:13 o'clock A M.

[Signature]  
Governor of Arizona

S.B. 1123

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18<sup>th</sup> day of April, 2014,

at 8:10 o'clock A M.

[Signature]  
Secretary of State