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**States' Recreational Use Statutes**

**State of Utah**

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UNIVERSITY of ARKANSAS  
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## States' Recreational Use Statutes

### STATE OF UTAH

#### **U.C.A. 1953 § 57-14-1 to § 57-14-7**

*Current through 2009 General Session and 2009 First Special Session*

#### **§ 57-14-1. Legislative purpose**

The purpose of this act is to encourage public and private owners of land to make land and water areas available to the public for recreational purposes by limiting the owners' liability toward persons entering the land and water areas for those purposes.

#### **§ 57-14-2. Definitions**

As used in this chapter:

- (1)(a) "Land" means any land within the territorial limits of Utah.
- (1)(b) "Land" includes roads, railway corridors, water, water courses, private ways and buildings, structures, and machinery or equipment when attached to the realty.
- (2) "Owner" includes the possessor of any interest in the land, whether public or private land, a tenant, a lessor, a lessee, and an occupant or person in control of the premises.
- (3) "Recreational purpose" includes, but is not limited to, any of the following or any combination thereof:
  - (a) hunting;
  - (b) fishing;
  - (c) swimming;
  - (d) skiing;
  - (e) snowshoeing;
  - (f) camping;
  - (g) picnicking;
  - (h) hiking;
  - (i) studying nature;

- (j) waterskiing;
- (k) engaging in water sports;
- (l) engaging in equestrian activities;
- (m) using boats;
- (n) mountain biking;
- (o) riding narrow gauge rail cars on a narrow gauge track that does not exceed 24 inch gauge;
- (p) using off-highway vehicles or recreational vehicles; and
- (q) viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) "Charge" means the admission price or fee asked in return for permission to enter or go upon the land.

(5) "Person" includes any person, regardless of age, maturity, or experience, who enters upon or uses land for recreational purposes.

### **§ 57-14-3. Owner owes no duty of care or duty to give warning--Exceptions**

Except as provided in Subsections 57-14-6(1) and (2), an owner of land owes no duty of care to keep the premises safe for entry or use by any person entering or using the premises for any recreational purpose or to give any warning of a dangerous condition, use, structure, or activity on those premises to that person.

### **§ 57-14-4. Owner's permitting another to use land without charge--Effect**

Except as provided in Subsection 57-14-6(1), an owner of land who either directly or indirectly invites or permits without charge or for a nominal fee of not more than \$1 per year any person to use the land for any recreational purpose does not thereby:

- (1) make any representation or extend any assurance that the premises are safe for any purpose;
- (2) confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) assume responsibility for or incur liability for any injury to persons or property caused by an act or omission of the person or any other person who enters upon the land; or
- (4) owe any duty to curtail the owner's use of his land during its use for recreational purposes.

### **§ 57-14-5. Land leased to state or political subdivision for recreational purposes**

Unless otherwise agreed in writing, Sections 57-14-3 and 57-14-4 are applicable to the duties

and liability of an owner of land leased to the state or any subdivision of the state for recreational purposes.

**§ 57-14-6. Liability not limited where willful or malicious conduct involved or admission fee charged**

(1) Nothing in this chapter shall limit any liability which otherwise exists for:

- (a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;
- (b) deliberate, willful, or malicious injury to persons or property; or
- (c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.

(2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.

(3) Any person who hunts upon a cooperative wildlife management unit, as authorized by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.

(4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of Parks and Recreation for the use of the services and facilities at that dam or reservoir.

(5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor if the state or a subdivision of the state:

- (a) allows recreational use of the railway corridor and its surrounding area; and
- (b) does not charge a fee for that use.

**§ 57-14-7. Person using land of another not relieved from duty to exercise care**

This chapter may not be construed to relieve any person, using the land of another for recreational purposes, from any obligation which the person may have in the absence of this act to exercise care in use of the land and in activities thereon, or from the legal consequences of failure to employ care.