Senate Engrossed

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE BILL 1387

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)

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

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

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

A. A public or private owner, easement holder, lessee, tenant, manager or occupant of premises is not liable to a recreational or educational user except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of wilful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational or educational user.

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

C. For the purposes of this section:

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

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

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

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

5. "Recreational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter premises to hunt, fish, trap, camp, hike, ride, engage in off-highway vehicle, off-road recreational motor vehicle or all-terrain vehicle activity, operate aircraft, exercise, swim or engage in other outdoor recreational pursuits. The purchase of a state hunting, trapping or fishing license, an off-highway vehicle user indicia or a state trust land recreational permit OR PAYMENT BY AN AGENCY OF THIS STATE TO AN OWNER, EASEMENT HOLDER OR LESSEE FOR PUBLIC RECREATIONAL ACCESS TO THE PREMISES is not the payment of an admission fee or any other consideration as

provided in this section. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section. Recreational user does not include a student who is registered at a school during designated times that the student is allowed to be on the school grounds as determined by district personnel or who is participating in a school-sanctioned activity.

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