

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# 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.