



Fifty-first Legislature - First Regular Session

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[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 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 laterals 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, implied or otherwise, without the payment of an admission fee or any other consideration to enter premises to participate in an educational program, including but not limited to the viewing of historical, natural, archaeological or scientific sights. A nominal fee may be charged by a public entity or a nonprofit corporation to offset the cost of providing educational or recreational premises and associated services and 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 but excluding swimming pools and other aquatic features.

4. "Premises" means agricultural, range, open space, park, flood control, mineral 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 but not limited to, paved or unpaved multiuse trails and special purpose roads, trails not open to automotive use by the public and any building, improvement, fixture, water conveyance system, body of water, channel, canal or lateral, or structure on such lands.

5. "Recreational user" means a person to whom permission has been granted, implied or otherwise, without the payment of an admission fee or any other consideration to access 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 activities, 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 license or a state trust land recreational permit 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 educational or recreational premises and associated services does not constitute an admission fee or any other consideration as provided in this section.

admission fee or any other consideration as prescribed by this section. Recreation does not include a student registered at a school who is on the way to or from school, during designated times that a student is allowed to be on school grounds determined by district personnel or participating in a school sanctioned activity. "School" has the same meaning prescribed in section 15-101.

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