

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 24-058

BY SENATOR(S) Baisley and Roberts, Gardner, Kirkmeyer, Liston, Lundeen, Priola, Rodriguez, Smallwood, Van Winkle, Will, Fenberg; also REPRESENTATIVE(S) Titone and Bird, Joseph, Amabile, Bradley, Brown, Daugherty, Duran, Epps, Froelich, Hamrick, Jodeh, Kipp, Lindsay, Lindstedt, Lukens, Marvin, Mauro, McLachlan, Ricks, Snyder, Soper, Story, Vigil, Willford, Young, McCluskie.

CONCERNING LANDOWNER LIABILITY UNDER THE COLORADO RECREATIONAL USE STATUTE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 33-41-102, **amend** the introductory portion, (3), and (5); and **add** (4.2) as follows:

33-41-102. Definitions. As used in this ~~article~~ **ARTICLE 41**, unless the context otherwise requires:

- (3) "Owner" includes: ~~but is not limited to,~~
 - (a) The possessor of a fee interest;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) A tenant, lessee, OR occupant;

(c) The possessor of any other interest in land, INCLUDING A POSSESSOR OR HOLDER OF A CONSERVATION EASEMENT, or any person having a right to grant permission to use the land; or

(d) Any public entity, as defined in the "Colorado Governmental Immunity Act", article 10 of title 24, ~~C.R.S., which~~ THAT has an interest in land.

(4.2) "PRIMARY ACCESS POINT" MEANS A LOCATION AT A TRAILHEAD OR ALONG A TRAIL, ROUTE, AREA, OR ROADWAY UPON AN OWNER'S LAND WHERE THE OWNER ALLOWS INDIVIDUALS TO LEGALLY ENTER THE LAND FOR RECREATIONAL PURPOSES.

(5) "Recreational purpose" ~~includes, but is not limited to,~~ MEANS any sports HOBBY, DIVERSION, SPORT, or other recreational activity ~~of whatever nature~~ undertaken by a person while using the land, including ponds, lakes, reservoirs, streams, paths, and trails appurtenant ~~thereto, of another and~~ TO THE LAND. THE TERM includes but is not limited to ~~any hobby, diversion, or other sports or other recreational activity such as:~~ hunting, fishing, camping, picnicking, hiking, TRAIL RUNNING, horseback riding, snowshoeing, cross country skiing, BACKCOUNTRY SKIING AND SNOWBOARDING, bicycling, riding or driving motorized recreational vehicles, swimming, tubing, PADDLEBOARDING, KAYAKING, RAFTING, diving, spelunking, sight-seeing, exploring, hang gliding, PARAGLIDING, rock climbing, ICE CLIMBING, kite flying, roller skating, bird watching, gold panning, target shooting, ice skating, ice fishing, AND photography. ~~or engaging in any other form of sports or other recreational activity.~~

SECTION 2. In Colorado Revised Statutes, 33-41-103, **amend** (2)(e) introductory portion; and **repeal** (2)(e)(III) as follows:

33-41-103. Limitation on owner's liability. (2) (e) For purposes of AS USED IN this subsection (2), ~~only~~; unless the context otherwise requires:

(III) ~~"Recreational purposes" includes, but is not limited to, any sports or other recreational activity of whatever nature undertaken by an invited guest while using the land, including ponds, lakes, reservoirs,~~

~~streams, paths, and trails appurtenant to, of another and includes, but is not limited to, any hobby, diversion, or other sports or other recreational activity such as: Fishing, picnicking, hiking, horseback riding, snowshoeing, cross country skiing, bicycling, swimming, tubing, diving, sight-seeing, exploring, kite flying, bird watching, gold panning, ice skating, ice fishing, photography, or engaging in any other form of sports or other recreational activity, as well as any activities related to such sports or recreational activities, and any activities directly or indirectly resulting from such sports or recreational activity.~~

SECTION 3. In Colorado Revised Statutes, 33-41-104, **add** (2), (3), and (4) as follows:

33-41-104. When liability is not limited - warning signage - trespassers. (2) FOR THE PURPOSES OF SUBSECTION (1)(a) OF THIS SECTION, IN THE EVENT THAT AN INDIVIDUAL WHO LAWFULLY ENTERS LAND AT A PRIMARY ACCESS POINT IS INJURED OR KILLED ON THE LAND BY A KNOWN DANGEROUS CONDITION, USE, STRUCTURE, OR ACTIVITY THAT IS LIKELY TO CAUSE HARM, THE OWNER DOES NOT COMMIT A WILLFUL OR MALICIOUS FAILURE TO GUARD OR WARN AGAINST THE KNOWN DANGEROUS CONDITION, USE, STRUCTURE, OR ACTIVITY LIKELY TO CAUSE HARM IF:

(a) PRIOR TO THE INJURY OR DEATH, THE OWNER POSTS A SIGN AT THE PRIMARY ACCESS POINT WHERE THE INDIVIDUAL ENTERED THE LAND, WHICH SIGN:

(I) INCLUDES THE FOLLOWING TEXT:

WARNING!

YOU ARE ENTERING THIS LAND FOR RECREATIONAL PURPOSES. IF YOU LEAVE THE DESIGNATED TRAIL, ROUTE, AREA, OR ROADWAY, YOU WILL BE DEEMED TRESPASSING. THERE ARE INHERENT DANGERS AND RISKS ASSOCIATED WITH USING THIS LAND THAT MAY CAUSE SERIOUS INJURY OR DEATH, INCLUDING CHANGING WEATHER CONDITIONS; OPEN AND OBVIOUS VARIATIONS IN STEEPNESS, SURFACE CONDITIONS, AND CONSISTENCY OF TERRAIN, SUCH AS FOREST GROWTH, ROCKS, STUMPS, WATERWAYS, STREAMBEDS, CLIFFS, EXTREME TERRAIN, AND

TREES; WILDLIFE; AND MINING OR AGRICULTURAL ACTIVITIES, STRUCTURES, REMNANTS, EQUIPMENT, OR OPERATIONS.

(II) IS AT LEAST:

(A) EIGHT INCHES IN WIDTH AND TEN INCHES IN LENGTH; OR

(B) EIGHT INCHES IN LENGTH AND TEN INCHES IN WIDTH; AND

(III) IS POSTED IN A LOCATION AND MANNER THAT MAKES THE SIGN VISIBLE TO AN INDIVIDUAL AT THE PRIMARY ACCESS POINT;

(b) THE OWNER MAINTAINS PHOTOGRAPHIC OR OTHER EVIDENCE OF EACH SUCH SIGN; AND

(c) THE DANGEROUS CONDITION, USE, STRUCTURE, OR ACTIVITY THAT CAUSED THE INJURY OR DEATH IS DESCRIBED BY THE SIGN.

(3) ANY KNOWN DANGEROUS CONDITION, USE, STRUCTURE, OR ACTIVITY LIKELY TO CAUSE HARM THAT IS NOT DESCRIBED BY THE SIGN IS NOT COVERED BY SUBSECTION (2) OF THIS SECTION AND REMAINS SUBJECT TO THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION.

(4) AN INDIVIDUAL WHO ACCESSES LAND FOR RECREATIONAL PURPOSES SHALL STAY ON THE DESIGNATED RECREATIONAL TRAIL, ROUTE, AREA, OR ROADWAY UNLESS THE OWNER EXPRESSLY ALLOWS OTHERWISE. AN INDIVIDUAL WHO LEAVES A DESIGNATED RECREATIONAL TRAIL, ROUTE, AREA, OR ROADWAY IS DEEMED TO BE TRESPASSING.

SECTION 4. In Colorado Revised Statutes, 33-41-105, **amend** (1) introductory portion and (1)(c); and **add** (1)(d) as follows:

33-41-105. Article not to create liability, relieve obligation, or limit owner authority. (1) Nothing in this ~~article~~ ARTICLE 41 shall be construed to:

(c) Limit any liability of any owner to any person for damages resulting from any occurrence ~~which~~ THAT took place prior to January 1, 1970; OR

(d) LIMIT AN OWNER'S AUTHORITY TO:

(I) RESTRICT OR PROHIBIT THE USE OF THE OWNER'S LAND, OR PORTIONS OF THE OWNER'S LAND, FOR ANY RECREATIONAL PURPOSE; OR

(II) ESTABLISH TIMES WHEN THE OWNER'S LAND IS CLOSED AND UNAVAILABLE TO INDIVIDUALS TO USE FOR RECREATIONAL PURPOSES, INCLUDING SEASONAL CLOSURES.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO