

SENATE FILE NO. SF0079

Recreation Safety Act-waiver on behalf of minors.

Sponsored by: Senator(s) Case and Representative(s) Brown
and Gingery

A BILL

for

1 AN ACT relating to the Recreation Safety Act; clarifying
2 assumption of risk relating to that act; providing that a
3 parent may waive a minor's negligence claim against a
4 provider of a sport or recreational opportunity; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 1-1-122(a)(iii), by creating new
10 paragraphs (vi) and (vii) and by renumbering (vi) as (viii)
11 and 1-1-123 by creating new subsections (d) and (e) are
12 amended to read:

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14 **1-1-122. Definitions.**

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16 (a) As used in this act:

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2 (iii) "Sport or recreational opportunity" means
3 commonly understood sporting activities including baseball,
4 softball, football, soccer, basketball, swimming, hockey,
5 dude ranching, nordic or alpine skiing, mountain climbing,
6 outdoor education programs, river floating, hunting,
7 fishing, backcountry trips, horseback riding and any other
8 equine activity, snowmobiling and similar recreational
9 opportunities and includes the use of private lands for
10 vehicle parking and land access related to the sport or
11 recreational opportunity;

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13 (vi) "Minor" means an unemancipated individual
14 who has not yet reached the eighteenth anniversary of his
15 birth;

16

17 (vii) "Parent" means the legal guardian of a
18 minor, his natural parent or if the minor has been legally
19 adopted, the adoptive parent;

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21 ~~(vi)~~ (viii) "This act" means W.S. 1-1-121 through
22 1-1-123.

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24 **1-1-123. Assumption of risk.**

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2 (d) The assumption of risk provisions in subsections
3 (a) through (c) of this section apply irrespective of the
4 age of the person assuming the risk.

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6 (e) A parent may, on behalf of the parent's minor
7 child, release or waive the minor's prospective claim for
8 negligence against the provider of a sport or recreational
9 opportunity in which the minor participates. The release or
10 waiver shall be in writing and shall be signed by the
11 minor's parent and need not be signed by the minor. A minor
12 may not release or waive the minor's prospective claim for
13 negligence against the provider of a sport or recreational
14 opportunity without the accompanying signature of a parent.
15 A parent may not release or waive a minor's prospective
16 claim against the provider of a sport or recreational
17 opportunity for willful, wanton or reckless acts.

18

19 **Section 2.** This act is effective immediately upon
20 completion of all acts necessary for a bill to become law
21 as provided by Article 4, Section 8 of the Wyoming
22 Constitution.

23

24

(END)