



## **Arizona's Recreational Use Statute Revisited**

The Arizona Recreational Use Statute has been reaffirmed recently by the Arizona Supreme Court in a ruling dealing with a City of Flagstaff claim. The claim resulted from a sledding incident in Thorpe Park in the snow where a 10 year old child ran into a tree. Specifics of this case will be published in an upcoming article in the "Risk Review" newsletter.

In reaffirming the Statute, the Court has given new life to the limited immunity the statute provides. All members of the AMRRP (pool) are recommended to audit all recreational property under their control and determine if signs containing appropriate statements according to the Statute are in place. And if not, then it is highly recommended these signs be developed and posted appropriately.

Some common guidelines are being presented below to consider in utilization of these recreational use signs:

- All avenues of entry into the area or park should be considered as prime locations where signs should be posted. If they are posted around a body of water, the signs should be at regular, measured intervals so at least one sign may be seen from any angle of approach to the water.
- Signs should be sturdy, not easily taken down or removed. Where possible, they should be made of metal and welded to metal structures to prevent vandalism and prevent them from disappearing.
- Signs should have a first line statement that it is a "non-supervised" facility, if this is the case.

- In most all cases the risks or hazards should be described in using the recreational area; i.e. drowning and serious concussions are possible are examples.
- In addition to the statement that the facility is not supervised it should be stated users are there at their own risk, and users are responsible for their own safety (use of personal protective equipment, they have had proper training and experience, and are of an appropriate age to participate with other users of the facility).
- Some specific, local guidelines can be incorporated describing where first aid may be obtained, or where the nearest telephone is located for use in an emergency.
- Times should be posted stating time(s) of the day, and / or days of the week when the facility is open for use.
- Restrictions of use should be stated; i.e. no glass containers, use of certain equipment may not be allowed, no smoking, no drugs, are examples of restrictions.
- Some rules can be stated: misuse of the facility may cause the facility to be closed indefinitely. Misuse can be defined such as no graffiti, no profanity, no loud noise, etc.

No fees should be charged for admission to the facility for the Statute to be in effect. This may include not charging league fees for team play.

If there are questions about a specific application of the Recreation Use Statute, call The Administrator, Southwest Risk, for assistance. Phone: 888-309-4339 (outside the Phoenix area,) or 602 996-8810 (inside the Phoenix Valley area).