

IN THE SENATE

SENATE BILL NO. 1051

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 6-1206, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING THE LIABILITY OF OUTFITTERS AND GUIDES; AND
3 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-1206, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 6-1206. LIABILITY OF OUTFITTERS AND GUIDES. (1) No ~~licensed~~ outfitter
9 or guide licensed under the provisions of chapter 21, title 36, Idaho Code,
10 and acting in the course of his employment shall be liable to a participant
11 for damages or injuries to such participant unless such damage or injury was
12 directly or proximately caused by failure of the outfitter or guide to com-
13 ply with the duties placed on him by chapter 21, title 36, Idaho Code, or by
14 the rules of the Idaho outfitters and guides licensing board, or by the du-
15 ties placed on such outfitter or guide by the provisions of this chapter the
16 negligent, reckless, or intentional conduct of the outfitter or guide.

17 (2) The limitations on liability created by this chapter shall apply
18 only to outfitters or guides appropriately licensed under the provisions of
19 chapter 21, title 36, Idaho Code, and only when the outfitter or guide is act-
20 ing within the course of his employment. In the event that there is damage
21 or injury to a participant by the action of an outfitter or guide, and there
22 is no exemption for liability for such outfitter or guide under the provi-
23 sions of this chapter, the rules of negligence and comparative negligence
24 existing in the laws of the state of Idaho shall apply. An outfitter or guide
25 has no duty to eliminate, alter, control, or lessen the risks inherent with
26 recreational activities provided by outfitters and guides. A participant
27 who takes part in a recreational activity provided by outfitters and guides
28 assumes all risks inherent in that activity.

29 (3) Any person may, by express written consent, prospectively waive
30 negligence claims against licensed outfitters and guides. It is the policy
31 of this state that such written liability waivers are enforceable to the same
32 degree as similar waivers for other activities.

33 SECTION 2. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2023.