

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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The term "malicious" means behavior resulting from hatred, ill will or revenge, or undertaken when insult or injury is intended. Does that term limit the owner's, operator's, or employee's liability too much? Other terms used in the immunity chapters which are not as limiting include "reckless", "wilful" and "wanton".

Acts of omission, such as not cleaning a swimming pool, can result in significant injury.

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