HOUSE BILL NO. HB0032

Ski Safety Act.

Sponsored by: Joint Travel, Recreation, Wildlife & Cultural Resources Interim Committee

A BILL

for

AN ACT relating to skiing; imposing duties on skiers and ski area operators; providing for skier safety and liability as specified; establishing assumption of risk for skiers; providing for release of liability for ski area operators as specified; providing a statute of limitation on civil causes of action against ski area operators; removing skiing in ski areas from the listing of activities which constitute a sport or recreational opportunity under the Recreation Safety Act; and providing for an effective date.

12 Be It Enacted by the Legislature of the State of Wyoming:

14 Section 1. W.S. 1-1-123.1 through 1-1-123.8 are created to read:

This act shall be known and may be cited as the "Ski Safety Act."

1-1-123.2. Definitions.

(a) As used in this act:

   (i) "Freestyle terrain" includes terrain parks and terrain features such as jumps, rails, half pipes and other constructed and natural features found in terrain parks;

   (ii) "Inherent risk" with regard to skiing in a ski area means those dangers or conditions which are part of the sport of skiing, including:

      (A) Changing weather conditions;

      (B) Falling or surface snow conditions, whether natural or man-made, as they exist or change;
(C) Surface or subsurface conditions including bare spots, forest growth, rocks, stumps, streambeds, cliffs, extreme terrain, trees or other natural objects;

(D) Collisions or impacts with natural objects such as the objects specified in subparagraph (C) of this paragraph including encounters with wildlife;

(E) Impact with ski lift towers, signs, posts, fences or enclosures, hydrants, water pipes or other man-made structures and their components;

(F) Variations in steepness or terrain, whether natural or as a result of ski trail or feature design, or snowmaking or grooming operations such as roads, freestyle terrain, jumps and catwalks or other terrain modifications; and

(G) Collisions with other skiers or ski area vehicles.
(iii) "Ski area" means the ski trails and other places within the boundary of a ski area under the control of a ski area operator and administered as a single enterprise within the state;

(iv) "Ski area operator" means a person having the responsibility for the operations of a ski area and the owners, partners and members, managers, employees, agents, volunteers, board members, representatives, affiliates and assigns of the person. "Ski area operator" includes an agency of the state or a political subdivision thereof;

(v) "Ski area vehicle" means a vehicle used in the operation and maintenance of a ski area which is owned by or under the direction and control of the ski area operator such as a snowmobile, all-terrain vehicle, snow grooming vehicle, sled and other similar vehicle;

(vi) "Ski lift" means a chairlift, gondola, tramway, cable car or other aerial lift and any rope tow, conveyor, t-bar, j-bar, handle tow or other surface lift used by a ski area operator to transport skiers;
(vii) "Ski trail" means a trail, slope, run, freestyle terrain, competition terrain, tree skiing area, tubing park area or other area at or near a ski area designated by the ski area operator to be used by skiers for the purpose of skiing;

(viii) "Skier" means a person who is using a ski area for the purpose of skiing;

(ix) "Skiing" includes sliding downhill or jumping on snow or ice on skis or a toboggan, sled, tube, snowbike, snowboard or other device;

(x) "This act" means W.S. 1-1-123.1 through 1-1-123.8.

1-1-123.3. Duties of ski area operators; signs for trails; notices to skiers.

(a) A ski area operator shall post and maintain a sign visible to skiers at or near the beginning of a trail that depicts and explains the degree of difficulty of the trail relative to each individual ski area.
(b) A ski area operator shall post and maintain a sign at or near the loading area of a ski lift that states the relative degree of difficulty of the trails serviced by the lift.

(c) A ski area operator shall print a warning notice on all ski lift tickets and season passes and shall post and maintain a warning sign at or near the ski area's ticket sales building that is no smaller than six (6) square feet in size and states the following:

WARNING. Under Wyoming law, a skier assumes the inherent risks of skiing and is legally responsible for any and all damage, injury or death to person or property that results from the inherent risks of skiing.

(d) A ski area operator shall post and maintain a warning sign at the ski area's ticket sales building that is no smaller than six (6) square feet in size and that notifies the skier of the duties imposed on the skier by this act and the limitations on liability provided in this act.
(e) A ski area operator shall:

(i) Mark or identify on trail maps the ski area boundaries;

(ii) Post a sign notifying the public if a trail or portion thereof is closed at the identified entrance of the trail or portion thereof. A trail without an identified entrance may be closed with ropes or fences.

(f) A ski area operator shall have no duty arising out of the operator's status as a ski area operator to a skier skiing beyond a ski area boundary marked or identified as required by subsection (e) of this section or skiing in an area posted as closed or otherwise fenced or roped off in accordance with subsection (e) of this section.

(g) A ski area operator shall post signs in the ski area or on trail maps warning skiers of encounters with ski area vehicles.
(h) A ski area operator shall equip ski area vehicles with a light and a fluorescent flag mounted at least five (5) feet above the bottom of the vehicle's tracks visible at any time the vehicle is moving on or in the vicinity of a ski trail.

(j) A ski area operator shall annually inspect, operate and maintain ski lifts in accordance with the most current version of the American National Standards Institute B-77.1 aerial tramway standards. Notwithstanding any other provision of law, a ski lift shall not be deemed a common carrier.

1-1-123.4. Duties of skiers on ski lifts and trails; prohibited conduct; revocation of privileges.

(a) A skier shall have the following responsibilities with regards to ski lifts:

(i) To attain the ability and knowledge to negotiate or use a ski lift before boarding a lift;
(ii) To not embark upon or disembark from a ski lift except at designated areas or under the direction of a lift's operator;

(iii) To not throw or expel any object from a ski lift while riding on the lift, except as permitted by the lift's operator;

(iv) To not act while riding on a ski lift in any manner that may interfere with the proper or safe operation of the lift;

(v) To not engage in conduct on or near a ski lift that may contribute to or cause injury to any person.

(b) A skier shall have the following responsibilities with regards to skiing:

(i) To know the range of the skier's own ability to negotiate a ski trail and to ski within the limits of the skier's ability;
(ii) To attain knowledge of the layout, location and difficulty of a ski trail;

(iii) To ski only on designated or identified ski trails and to not ski on a trail posted as "closed" or otherwise fenced or roped off in accordance with W.S. 1-1-123.3(e);

(iv) To maintain control of the skier's speed and course at all times;

(v) To stay clear of ski lifts and components thereof, ski area vehicles, signs, buildings and other equipment and structures on a ski trail;

(vi) To stop in a place that is safe for the skier and other skiers when coming to an intentional stop;

(vii) To avoid skiers already moving on a ski trail before beginning to ski from a stationary position or before entering a trail and to yield right of way to skiers ahead of you;
(viii) To use straps, bindings or other devices on the skier's skis, snowboard or other equipment to help prevent runaway equipment;

(ix) To observe all posted information and other signs or warnings;

(x) To refrain from acting in a manner that may cause or contribute to the injury of the skier or others;

(xi) Under conditions of reduced visibility, to locate and ascertain the meaning of all signs posted in accordance with W.S. 1-1-123.3.

(c) A skier shall be presumed to have seen and understood all information posted in accordance with this act.

(d) A skier shall not engage in a course of conduct prohibited under W.S. 6-9-201 or 6-9-301.

(e) A ski area operator may revoke a skier's skiing privileges upon finding the skier skiing in a careless and
reckless manner or in a manner inconsistent with the duties imposed on the skier by this act. This subsection shall not be construed to create an affirmative duty on the part of the ski area operator to protect skiers from their own or from another skier's carelessness or recklessness.

1-1-123.5. Duties of skiers; assumption of risks; limitations on actions.

(a) A skier expressly accepts and assumes the inherent risks of skiing and is legally responsible for any and all damage, injury or death to himself or other persons or property that results from the inherent risks in skiing.

(b) A skier may not make any claim against or recover from any ski area operator for injury resulting from any inherent risk of skiing.

(c) A skier is not precluded under this act from suing another skier for any damage, injury or death to person or property that results from the other skiers' acts or omissions. Notwithstanding any other provision of law, the risk of collision with other skiers' is not an inherent
risk nor a risk assumed by a skier in an action by a skier against another skier.

1-1-123.6. Negligence; civil actions.

(a) A violation by any person or ski area operator of any provision of this act shall, to the extent the violation causes damage, injury or death to person or property, constitute evidence of negligence on the part of the person or ski area operator violating this act.

(b) Actions based upon negligence of a person or ski area operator wherein the damage, injury or death is not the result of an inherent risk of skiing shall be preserved pursuant to W.S. 1-1-109.

1-1-123.7. Releases of liability.

(a) Notwithstanding any other provision of law, in an action brought by a skier against a ski area operator, if the skier signed a liability release or waiver of liability, the ski area operator’s liability shall be determined by the terms of the release or waiver, provided
that the terms of the release or waiver do not purport to release the ski area operator from liability for:

(i) Gross negligence;

(ii) Reckless or intentional acts; or

(iii) Responsibilities imposed on the operator by this act.

(b) Releases and waivers specified in subsection (a) of this section shall be binding on:

(i) A minor or disabled person if the release or waiver is signed on the minor’s or disabled person's behalf by a parent, legal guardian or school, institution, organization or other person authorized by a parent or legal guardian to transport the minor or disabled person to a ski area and to have responsibility for the minor or disabled person at the ski area;

(ii) All other persons for loss of consortium or other similar claim.
1-1-123.8. Statute of limitation.

Notwithstanding W.S. 1-3-105, all actions against a ski area operator brought to recover damages for injury to person or property caused by the maintenance, supervision or operation of a ski lift or a ski area shall be brought within two (2) years after the cause of action accrues.

Section 2. W.S. 1-1-122(a)(iii) and 1-1-123 by creating a new subsection (e) are amended to read:

1-1-122. Definitions.

(a) As used in this act:

(iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, wrestling, cheerleading, rodeo, dude ranching, nordic or alpine skiing and other alpine sports, snowboarding, mountain climbing, outdoor education programs, river floating, hunting, fishing, backcountry trips, horseback
riding and any other equine activity, snowmobiling and
similar recreational opportunities and includes the use of
private lands for vehicle parking and land access related
to the sport or recreational opportunity. "Sport or
recreational opportunity" does not include skiing in a ski
area as defined by the Ski Safety Act;

1-1-123. Assumption of risk.

(e) This act shall not apply to skiing in a ski area
as defined by the Ski Safety Act.

Section 3. This act is effective July 1, 2017.