

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 462

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO RESPONSIBILITIES OF SKI AREA OPERATORS AND SKIERS; AMENDING SECTION 6-1102, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 6-1103, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 6-1106, IDAHO CODE, TO REVISE DUTIES OF SKIERS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-1102, Idaho Code, be, and the same is hereby amended to read as follows:

6-1102. DEFINITIONS. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Aerial passenger tramway" means any device operated by a ski area operator used to transport passengers, by single or double reversible tramway; chair lift or gondola lift; T-bar lift, J-bar lift, platter lift or similar device; ~~or a fiber rope or wire rope tow or a conveyor~~, which is subject to regulations adopted by the proper authority.

(2) "Passenger" means any person who is lawfully using an aerial passenger tramway, or is waiting to embark or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.

(3) "Ski area" means the property owned or leased and under the control of the ski area operator within the state of Idaho.

(4) "Ski area operator" means any person, partnership, corporation or other commercial entity and their agents, officers, employees or representatives, who has operational responsibility for any ski area or aerial passenger tramway.

(5) "Skiing area" means all designated slopes and trails but excludes any aerial passenger tramway.

(6) "Skier" means any person present at a skiing area under the control of a ski area operator for the purpose of engaging in ~~the sport of skiing by utilizing the activities including~~, but not limited to, sliding downhill or jumping on snow or ice on skis, a snowboard, or any other sliding device, or who is using any ski area including, but not limited to, ski slopes, and trails and freestyle terrain but does not include the use of an aerial passenger tramway.

(7) "Ski slopes and trails" mean those areas designated by the ski area operator to be used by skiers for the purpose of participating in the sport of skiing.

(8) "Freestyle terrain" means terrain parks and terrain features including, but not limited to, jumps, hits, ramps, banks, fun boxes, jibs, rails, half-pipes, quarter pipes and any other natural or constructed features.

1 SECTION 2. That Section 6-1103, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 6-1103. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO SKI AREAS. Every
4 ski area operator shall have the following duties with respect to their oper-
5 ation of a skiing area:

6 (1) To mark all trail maintenance vehicles and to furnish such vehicles
7 with flashing or rotating lights ~~which~~ that shall be in operation whenever
8 the vehicles are working or are in movement in the skiing area;

9 (2) To mark with a visible sign or other warning implement the location
10 of any hydrant or similar equipment used in snowmaking operations and lo-
11 cated on ski slopes and trails;

12 (3) To mark conspicuously the top or entrance to each slope or trail or
13 area, with an appropriate symbol for its relative degree of difficulty; and
14 those slopes, trails, or areas which are closed, shall be so marked at the top
15 or entrance;

16 (4) To maintain one (1) or more trail boards at prominent locations at
17 each ski area displaying that area's network of ski trails and slopes with
18 each trail and slope rated thereon as to ~~it~~ its relative degree of diffi-
19 culty;

20 (5) To designate by trail board or otherwise which trails or slopes are
21 open or closed;

22 (6) To place, or cause to be placed, whenever snowgrooming or snowmak-
23 ing operations are being undertaken upon any trail or slope while such trail
24 or slope is open to the public, a conspicuous notice to that effect at or near
25 the top of such trail or slope;

26 (7) To post notice of the requirements of this chapter concerning the
27 use of ski retention devices. This obligation shall be the sole requirement
28 imposed upon the ski area operator regarding the requirement for or use of
29 ski retention devices;

30 (8) To provide a ski patrol with qualifications meeting the standards
31 of the national ski patrol system;

32 (9) To post a sign at the bottom of all aerial passenger tramways which
33 advises the passengers to seek advice if not familiar with riding the aerial
34 passenger tramway; and

35 (10) Not to intentionally or negligently cause injury to any person;
36 provided, that except for the duties of the operator set forth in subsections
37 (1) through (9) of this section and in section 6-1104, Idaho Code, the oper-
38 ator shall have no duty to eliminate, alter, control or lessen the risks in-
39 herent in the sport of skiing, which risks include, but are not limited to,
40 those described in section 6-1106, Idaho Code; and, that no activities un-
41 dertaken by the operator in an attempt to eliminate, alter, control or lessen
42 such risks shall be deemed to impose on the operator any duty to accomplish
43 such activities to any standard of care.

44 SECTION 3. That Section 6-1106, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 6-1106. DUTIES OF SKIERS. It is recognized that skiing as a recre-
47 ational sport is hazardous to skiers, regardless of all feasible safety
48 measures ~~which~~ that can be taken.

1 Each skier expressly assumes the risk of and legal responsibility for
2 any injury to person or property ~~which that~~ results from participation in the
3 sport of skiing including any injury caused by the following, all whether
4 above or below snow surface: variations in terrain; any movement of snow
5 including, but not limited to, slides, sloughs or avalanches; any depths of
6 snow, including tree wells, or any accumulations of snow, whether natural
7 or man made, including snowmaking mounds; freestyle terrain; surface or
8 subsurface snow or ice conditions; bare spots, rocks, trees, other forms
9 of forest growth or debris, lift towers and components thereof; utility
10 poles, and snowmaking and snowgrooming equipment which is plainly visible
11 or plainly marked in accordance with the provisions of section 6-1103, Idaho
12 Code. Therefore, each skier shall have the sole individual responsibility
13 for knowing the range of his own ability to negotiate any slope or trail, and
14 it shall be the duty of each skier to ski within the limits of the skier's
15 own ability, to maintain reasonable control of speed and course at all times
16 while skiing, to heed all posted warnings, to ski only on a skiing area des-
17 ignated by the ski area operator and to refrain from acting in a manner which
18 may cause or contribute to the injury of anyone. The responsibility for col-
19 lisions by any skier while actually skiing, with any person, shall be solely
20 that of the individual or individuals involved in such collision and not that
21 of the ski area operator.

22 No person shall place any object in the skiing area or on the uphill
23 track of any aerial passenger tramway ~~which that~~ may cause a passenger or
24 skier to fall; cross the track of any T-bar lift, J-bar lift, platter lift
25 or similar device, ~~or~~ a fiber rope or wire rope tow and a conveyor, except at
26 a designated location; or depart when involved in a skiing accident, from
27 the scene of the accident without leaving personal identification, includ-
28 ing name and address, before notifying the proper authorities or obtaining
29 assistance when that person knows that any other person involved in the acci-
30 dent is in need of medical or other assistance.

31 No skier shall fail to wear retention straps or other devices to help
32 prevent runaway ~~skis~~ equipment.