



LAWS OF ALASKA

1980

Source

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Chapter No.

80

AN ACT

Relating to the inherent risks of skiing; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: June 12, 1980
Actual Effective Date: June 13, 1980

AN ACT

Relating to the inherent risks of skiing; and providing
for an effective date.

* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that the sport of skiing is practiced by a large number of residents of the state and attracts a large number of nonresidents, significantly contributing to the economy of the state. It further finds that insurance carriers are increasingly reluctant to provide liability insurance protection to ski area operators and that the premiums charged by insurance carriers have risen sharply in recent years due to confusion as to whether a skier assumes the risks inherent in the sport of skiing when he participates actively in the sport. It is the intent of the legislature in enacting this Act to clarify the law in relation to skiing injuries and the risks inherent in that sport and to provide that, as a matter of public policy, a person engaged in that sport may not recover from a ski area operator for injuries resulting from those inherent risks.

* Sec. 2. AS 09.10 is amended by adding a new section to read:

ARTICLE 2. LIMITATIONS ON CLAIMS ARISING FROM
INHERENT RISKS OF SKIING.

Sec. 09.10.300. LIMITATIONS ON CLAIMS ARISING FROM SKIING. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

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1 (b) A ski area operator shall post trail signs at prominent loca-
2 tions within a ski area which shall include a list of the inherent risks
3 of skiing and the limitation on liability of the ski area operator
4 provided by this section.

5 (c) In this section

6 (1) "inherent risks of skiing" means the dangers or condi-
7 tions which are an integral part of the sport of skiing, including, but
8 not limited to,

9 (A) changing weather conditions;

10 (B) variations or steepness in terrain;

11 (C) snow or ice conditions;

12 (D) surface or subsurface conditions such as bare spots,
13 forest growth, and rocks;

14 (E) collisions with lift towers, other structures, and
15 their components unless the skier is on the lift;

16 (F) collisions with other skiers; and

17 (G) a skier's failure to ski within the limits of his
18 own ability;

19 (2) "injury" means a personal injury or property damage or
20 loss;

21 (3) "skier" means a person in a ski area engaged in the sport
22 of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled,
23 a tube, a ski-bob, or other device for recreation in snow;

24 (4) "ski area" means all ski slopes, trails and other places
25 under the control of a ski area operator and administered as a single
26 enterprise in the state;

27 (5) "ski area operator" means the operator of a ski area.

28 * Sec. 3. AS 18.60 is amended by adding a new section to read:

29 ARTICLE 11. SNOW SAFETY.

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Sec. 18.60.822. SNOW SAFETY AND OPERATION PLAN. A ski area may not be operated except under a snow safety and operation plan approved

(1) by the commissioner of public safety; or

(2) by the agency of the United States that manages land on which the ski area operates.

* Sec. 4. AS 05.20.012 is repealed.

* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-070(c).