

**HOUSE BILL NO. 319**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES KOTT, Dyson**

**Introduced: 1/14/02**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil liability for commercial recreational activities; and providing**  
2 **for an effective date."**

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE. It is the purpose of this Act to establish the responsibilities of persons  
7 who operate commercial recreational activities and persons who participate in those  
8 recreational activities and to decrease uncertainty regarding the legal responsibility for  
9 injuries that result from participation in commercial recreational activities. It is also the  
10 purpose of this Act to encourage the continued availability of businesses that offer  
11 commercial recreational activities to the public.

12 \* **Sec. 2.** AS 05 is amended by adding a new chapter to read:

13 **Chapter 50. Civil Liability for Commercial**  
14 **Recreational Activities.**

1           **Sec. 05.50.010. Acceptance of inherent risks.** Participation in a commercial  
2 recreational activity constitutes acceptance of the inherent risks of the commercial  
3 recreational activity that are or should be apparent to an ordinarily prudent person.

4           **Sec. 05.50.020. Contributory negligence.** (a) A person who accepts an  
5 inherent risk of a commercial recreational activity as described in AS 05.50.010 is  
6 contributorily negligent to the extent that the inherent risk causes injury, death, or  
7 property damage.

8           (b) In an action seeking to recover damages for injury or death to a person or  
9 harm to property resulting from an inherent risk of a commercial recreational activity,  
10 compensatory damages shall be reduced for contributory negligence as provided under  
11 AS 09.17.060.

12           **Sec. 05.50.030. Responsibilities of participants.** A participant in a  
13 commercial recreational activity has the responsibility to

- 14                   (1) learn about and expressly accept the risks of the activities;  
15                   (2) act within the limits of the person's abilities and as allowed by the  
16 person's health;  
17                   (3) heed all warnings regarding participation in the commercial  
18 recreational activity;  
19                   (4) maintain control of the participant's person, a minor under the  
20 control of the participant, and any equipment, devices, or animals the participant is  
21 using or that are under the control of the participant;  
22                   (5) refrain from acting in a manner that may cause or contribute to  
23 injury of the participant or another person.

24           **Sec. 05.50.040. Responsibilities of operators of commercial recreational**  
25 **activities.** A person who operates a business that offers a commercial recreational  
26 activity shall

- 27                   (1) explain to a participant  
28                           (A) the fundamental inherent risks of the commercial  
29 recreational activity; and  
30                           (B) the skills and equipment required to participate in the  
31 commercial recreational activity that are not apparent to an inexperienced

1 participant;

2 (2) require that employees who are responsible for assisting  
3 participants in the actual performance of a commercial recreational activity have  
4 training in basic first aid and cardiopulmonary resuscitation and explain to those  
5 employees how to use emergency medical services available in the area;

6 (3) maintain recreational equipment and facilities in good repair;

7 (4) provide trained and competent personnel; and

8 (5) act in a reasonably safe and competent manner.

9 **Sec. 05.50.050. Interaction with other laws.** This chapter does not affect the  
10 immunity of an owner of unimproved land under AS 09.65.200 or of a ski area  
11 operator under AS 05.45.

12 **Sec. 05.50.060. Effect of violations.** A person who operates a business that  
13 offers a commercial recreational activity and who violates AS 05.50.040 is negligent  
14 and civilly liable to the extent the violation causes injury to a person or damage to  
15 property.

16 **Sec. 05.50.100. Definitions.** In this chapter,

17 (1) "commercial recreational activity" means a recreational activity for  
18 which the participants pay compensation;

19 (2) "recreational activity" means an outdoor activity undertaken for the  
20 purpose of exercise, education, relaxation, pleasure, sport, or as a hobby.

21 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **APPLICABILITY.** This Act applies to acts or omissions that occur on or after the  
24 effective date of this Act.

25 \* **Sec. 4.** This Act takes effect July 1, 2002.