

Introduced: 2/9/78
Referred: Commerce

1 IN THE HOUSE

BY RUDD, LETHIN AND HAYES

2 CS HOUSE BILL NO. 778 AM

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to skiing and the regulation of skiing
7 facilities; and providing for an effective date."

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

9 * Section 1. AS 05 is amended by adding a new chapter to read:

10 CHAPTER 22. SKIING AND SKIING FACILITIES.

11 Sec. 05.22.010. INFORMATION FOR SKIERS. Every operator of a ski
12 area shall maintain a sign system as required by this section or by the
13 regulations of the department. All signs for the instruction of the
14 public shall be bold in design with wording short, simple, and to the
15 point. All signs shall be prominently placed.

16 (1) Entrances to all machinery, operators', and attendants',
17 rooms shall be posted to the effect that unauthorized persons are not
18 permitted.

19 (2) The sign "Persons Working on Lift" or a similar warning
20 sign shall be posted on the main disconnect switch and at control points
21 for starting the main or auxiliary power when repairs are in progress to
22 the passenger tramway, lift, or tow operation.

23 (3) The interior of each aerial tramway and gondola lift
24 shall be prominently posted to show:

25 (A) the maximum capacity of each aerial tramway and
26 gondola lift in pounds and the number of passengers permitted;

27 (B) instruction procedures for emergencies.

28 (4) The following signs shall be posted at all aerial lifts
29 except gondola lifts:

1 (A) "Prepare to Unload", not less than 50 feet ahead of
2 the unloading area;

3 (B) "Keep Ski Tips Up", ahead of any point where skis
4 may come in contact with a platform, the snow, or another surface;

5 (C) "Unload Here";

6 (D) "Safety Gate"; and

7 (E) "Remove Pole Straps from Wrists", at loading areas.

8 (5) The following signs shall be posted at all surface lifts:

9 (A) "Prepare to Unload", not less than 50 feet ahead of
10 unloading area;

11 (B) "Stay in Track";

12 (C) "Unload Here";

13 (D) "Safety Gate"; and

14 (E) "Remove Pole Straps from Wrists", at loading areas.

15 (6) The following signs shall be placed at all tows:

16 (A) "No Loose Scarves", "No Loose Clothing", "No Long
17 Hair Exposed", at loading areas;

18 (B) "Stay in Track";

19 (C) "Unload Here"; and

20 (D) "Safety Gate."

21 (7) If the ski area is used for night skiing, all signs re-
22 quired for tramway, lift, or tow operations shall be adequately lighted.

23 (8) The operator of any ski area shall maintain a readily
24 visible sign on each rope tow, wire rope tow, j-bar, t-bar, ski lift, or
25 other similar device, advising the users of the device that

26 (A) any person not familiar with the operation of the
27 lift shall ask the operator for assistance or instruction; and

28 (B) the skiing-ability level recommended for users of
29 the lift and the slopes served by the device which shall be classi-

1 fied "easiest", "more difficult", and "most difficult".

2 (9) An operator shall place a notice in a prominent position
3 advising the public of the substance of sec. 30 of this chapter.

4 Sec. 05.22.020. CONDUCT OF SKIERS. (a) In addition to the speci-
5 fic requirements of this section, a skier shall conduct himself within
6 the limits of his individual abilities and shall not act in a manner
7 that may contribute to his injuries or the injuries of other skiers.

8 (b) No person may

9 (1) embark or disembark upon a ski lift except at a desig-
10 nated area;

11 (2) throw or hurl an object from a tramway, ski lift, com-
12 mercial skimobile, or other commercial device while riding on the de-
13 vice;

14 (3) act in a manner while riding on a rope tow, wire rope
15 tow, j-bar, t-bar, ski lift, or similar device that may interfere with
16 the proper or safe operation of the lift or tow;

17 (4) engage in a type of conduct which may cause injury or,
18 while traveling uphill on a ski lift, place an object in the uphill ski
19 track which may cause another to fall; or

20 (5) cross the uphill track of a j-bar, t-bar, rope tow, wire
21 rope tow, or other similar device except at designated locations.

22 (c) Every person shall maintain control of his speed and course at
23 all times, and shall stay clear of snowgrooming equipment, vehicles,
24 lift towers, and other equipment on the ski area. Snowgrooming equip-
25 ment and other vehicles used in a ski area shall be equipped with a
26 flashing yellow light at any time the vehicle is moving in the vicinity
27 of a ski run.

28 (d) Each person is the sole judge of his own ability to negotiate
29 a trail, slope or uphill track. No action may be maintained against an

1 operator by reason of the condition of the track, trail, or slope unless
2 the condition results from the negligence of the operator.

3 (e) A person who boards a rope tow, wire rope tow, j-bar, t-bar,
4 ski lift, or other similar device is presumed to have sufficient abili-
5 ties to use the lift. No liability attaches to any operator or atten-
6 dant for failure to instruct a person on the use of the device, and a
7 person shall follow any written or verbal instructions that are provided
8 for use.

9 (f) Because of the inherent risk in the sport of skiing, all per-
10 sons using a ski area shall exercise reasonable care for their own
11 safety. The primary duty rests on the person skiing downhill to avoid
12 collisions with any person or object below him.

13 (g) Notwithstanding (f) of this section, a person skiing on other
14 than improved trails or slopes within the area is responsible for any
15 injuries or losses resulting from his action.

16 (h) Notwithstanding (f) and (g) of this section, a person on foot
17 or on any type of sliding device is responsible for any collision,
18 whether the collision is with another person or with an object.

19 Sec. 05.22.030. LEAVING THE SCENE OF A SKIING ACCIDENT. A person
20 who is involved in a skiing accident and who leaves the scene of the
21 accident without leaving personal identification or otherwise identify-
22 ing himself before notifying proper authorities or obtaining assistance,
23 knowing that a person involved in the accident is in need of medical or
24 other assistance, is guilty of a misdemeanor.

25 Sec. 05.22.040. REQUIRED LIABILITY INSURANCE. (a) Each tramway,
26 ski lift, or commercial skimobile operator shall maintain liability
27 insurance of not less than \$100,000 per person per accident and of not
28 less than \$200,000 per accident.

29 (b) Each operator of a rope tow, wire rope tow, j-bar, t-bar, or

1 similar device shall maintain liability insurance of not less than
2 \$25,000 per person per accident and not less than \$50,000 per accident.

3 (c) This section does not apply to operators of tramways that are
4 not open to the general public and that are operated without charge.
5 This section does apply to operators of tramways that are operated by
6 schools, ski clubs, and similar organizations.

7 Sec. 05.22.050. PROHIBITED ACTIONS. (a) No person may

8 (1) enter for skiing or other purposes an area which has been
9 closed by the operator by the placing of a notice at the top of the
10 trail or slope involved or at another point adequately advising the
11 person of the fact of the closure;

12 (2) disembark from a lift or tow for skiing or other purposes
13 at a disembarking terminal of a lift or tow which has been closed by the
14 operator and a notice of the closure placed at the closed terminal;

15 (3) enter into a ski area or on a tramway, lift, or gondola
16 without having paid any charges levied by the operator of the area for
17 the privilege or the service.

18 (b) A person who violates the provisions of (a) of this section is
19 guilty of a misdemeanor and upon conviction is punishable by a fine of
20 not more than \$1,000.

21 Sec. 05.22.060. RECOVERY OF EXPENSES. An operator or other public
22 authority which undertakes a rescue action to assist a person endangered
23 by his failure to remain out of an area closed under sec. 50 of this
24 chapter may recover from the person all direct and indirect expenses
25 arising out of the rescue.

26 Sec. 05.22.070. ENFORCEMENT. The Department of Public Safety is
27 responsible for the enforcement of this chapter and may adopt any regu-
28 lations required to enforce the provisions of this chapter.

29 * Sec. 2. This Act takes effect October 1, 1978.