

Introduced: 2/18/80
Referred: Judiciary

1 IN THE HOUSE

BY MUNSON

2 HOUSE BILL NO. 860

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that
10 the sport of skiing is practiced by a large number of residents of the state
11 and attracts a large number of nonresidents, significantly contributing to
12 the economy of the state. It further finds that insurance carriers are
13 increasingly reluctant to provide liability insurance protection to ski area
14 operators and that the premiums by insurance carriers have risen sharply in
15 recent years due to confusion as to whether a skier assumes the risks in-
16 herent in the sport of skiing. It is the intent of the legislature in enact-
17 ing this Act to clarify the law in relation to skiing injuries and the risks
18 inherent in that sport and to provide that, as a matter of public policy, a
19 person engaged in that sport may not recover from a ski area operator for
20 injuries resulting from those inherent risks.

21 * Sec. 2. AS 09.10 is amended by adding new sections to read:

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

24 Sec. 09.10.300. LIMITATIONS ON CLAIMS. (a) A skier may not
25 recover from a ski area operator for injury resulting from an inherent
26 risk of skiing.

27 (b) A claim against a ski area operator arising out of an injury
28 to a skier is barred unless the ski area operator is notified of the
29 injury within 90 days of its occurrence or within 90 days after the

1 skier discovers or through the use of reasonable diligence should have
2 discovered the injury.

3 Sec. 09.10.310. INFORMATION FOR SKIERS. A ski area operator shall
4 post trail signs at prominent locations within a ski area which shall
5 include a list of the inherent risks of skiing and the limitation on
6 liability of the ski area operator provided by AS 09.10.300.

7 Sec. 09.10.320. DEFINITIONS. In AS 09.10.300 - 09.10.320

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

11 (A) changing weather conditions;

12 (B) variations or steepness in terrain;

13 (C) snow or ice conditions;

14 (D) surface or subsurface conditions such as bare spots,
15 forest growth, rocks, and stumps;

16 (E) collisions with lift towers, other structures, and
17 their components;

18 (F) collisions with other skiers; and

19 (G) a skier's failure to ski within his own ability;

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

22 (3) "skier" means a person in a ski area engaged in the sport
23 of skiing;

24 (4) "ski area" means an area designated by a ski area opera-
25 tor to be used for skiing;

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

27 * Sec. 3. AS 05.20.012 is repealed.

28 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).