

HOUSE BILL NO. 491

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 2/18/92

Referred: Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for skiing accidents; and providing for an effective date."

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

3 * Section 1. PURPOSE. The purpose of this Act is to revise state law relating to civil liability for
4 skiing accidents enacted by ch. 80, SLA 1980, as interpreted by the Alaska Supreme Court in
5 *Hiibschman v. City of Valdez*, _____ P.2d_____, Op. No. 3783 (Alaska 1991).

6 * Sec. 2. AS 09.65.135(b) is amended to read:

7 (b) A ski area operator shall post the following sign in a clearly visible location at the
8 ski area where tramway tickets and ski school lessons are sold, and at the uphill loading
9 point of each tramway [TRAIL SIGNS AT PROMINENT LOCATIONS WITHIN A SKI
10 AREA WHICH SHALL INCLUDE A LIST OF THE INHERENT RISKS OF SKIING AND
11 THE LIMITATION ON LIABILITY OF THE SKI AREA OPERATOR PROVIDED BY THIS
12 SECTION].

13 WARNING

14 Under Alaska law, the risk of injury to a person or property resulting

1 from an inherent risk of skiing rests only with the skier. A ski area
2 operator is not liable to a skier for an injury resulting from an
3 inherent risk of skiing. Inherent risks of skiing include changing
4 weather and snow conditions, bare spots, rocks, trees, collisions with
5 lift towers or other skiers, variations or steepness in terrain, or a
6 skier's failure to ski within the skier's ability.

7 * Sec. 3. AS 09.65.135(c) is amended to read:

8 (c) In this section,

9 (1) "inherent risks of skiing" means the danger or conditions that [WHICH] are
10 an integral part of the sport of skiing, including [, BUT NOT LIMITED TO,]

11 (A) changing weather conditions;

12 (B) variations or steepness in terrain, whether natural or a result of
13 slope design, including roads, catwalks, jumps, or other terrain modifications;

14 (C) snow [OR ICE] conditions as they exist or may change, including
15 ice, hard pack, powder, wind pack, corn, slush, cut-up snow, and machine-made
16 snow;

17 (D) surface or subsurface conditions, including [SUCH AS] bare spots,
18 forest growth, [AND] rocks, streambeds, trees, other natural objects, and collisions
19 with natural objects;

20 (E) collisions with tramway [LIFT] towers, signs, posts, fences,
21 enclosures, hydrants, water pipes, other man-made structures, and their components
22 unless the skier is on the tramway [LIFT];

23 (F) collisions with other skiers; [AND]

24 (G) a skier's failure to ski within the limits of the skier's ability; and

25 (H) snow making or grooming operations;

26 (2) "injury" means [A] personal injury, death, [OR] property damage, or other
27 loss;

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

31 (4) "ski area" means all ski slopes, trails, and other places under the control of

1 a ski area operator and administered as a single enterprise in the state;

2 (5) "ski area operator" means the operator of a ski area;

3 (6) "tramway" means a device regulated under AS 05.20 that is a rope-tow
4 or a passenger, aerial, surface, or ski lift.

5 * Sec. 4. APPLICABILITY. AS 09.65.135, as amended by secs. 2 and 3 of this Act, applies to an
6 act or omission that occurs on or after the effective date of this Act.

7 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).