

**HOUSE BILL NO. 300**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Introduced: 5/6/93**

**Referred: Labor & Commerce, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 \* **Section 1. PURPOSE.** It is the purpose of this Act to establish the responsibilities of  
5 persons who operate commercial recreational activities and persons who participate in those  
6 recreational activities and to decrease uncertainty regarding the legal responsibility for injuries  
7 that result from participation in recreational activities. It is also the purpose of this Act to  
8 encourage the continued availability of businesses that offer recreational activities to the  
9 public.

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

11 **CHAPTER 45. CIVIL LIABILITY FOR COMMERCIAL**  
12 **RECREATIONAL ACTIVITIES.**

13 **Sec. 05.45.010. ACCEPTANCE OF INHERENT RISKS.** Participation in  
14 a commercial recreational activity constitutes acceptance of the inherent risks of the

1 recreational activity that are or should be apparent to an ordinarily prudent person.

2 Sec. 05.45.020. CONTRIBUTORY NEGLIGENCE. A person who accepts an  
3 inherent risk of a recreational activity as described in AS 05.45.010 is contributorily  
4 negligent to the extent that the inherent risk causes injury, death, or property damage.  
5 In an action seeking to recover damages for injury or death to a person or harm to  
6 property resulting from an inherent risk of a recreational activity, compensatory  
7 damages shall be reduced for contributory negligence as provided under AS 09.17.060.

8 Sec. 05.45.030. RESPONSIBILITIES OF PARTICIPANTS. A participant in  
9 a recreational activity has the responsibility to

10 (1) learn about the risks of the activities;

11 (2) act within the limits of the person's abilities;

12 (3) heed all warnings regarding participation in the recreational activity;

13 (4) maintain control of the participant's person and any equipment,  
14 devices, or animals the participant is using;

15 (5) refrain from acting in a manner that may cause or contribute to  
16 injury of the participant or another person.

17 Sec. 05.45.040. RESPONSIBILITIES OF OPERATORS OF RECREATIONAL  
18 ACTIVITIES. A person who operates a business that offers a recreational activity  
19 shall

20 (1) explain to a participant the

21 (A) inherent risks of the recreational activity; and

22 (B) skills or equipment required to safely participate in the  
23 recreational activity that are not apparent to an inexperienced participant;

24 (2) train employees who are in contact with participants in basic first  
25 aid and explain to employees how to use emergency medical services available in the  
26 area; and

27 (3) maintain recreational equipment and facilities in good repair.

28 Sec. 05.45.050. INTERACTION WITH OTHER LAWS. This chapter does  
29 not affect the immunity of an owner of unimproved land under AS 09.45.795 or of a  
30 ski area operator under AS 09.65.135.

31 Sec. 05.45.100. DEFINITIONS. In this chapter,

1 (1) "commercial" means an activity undertaken for a profit;

2 (2) "premises" means real property owned or leased, or used with  
3 permission of the owner, for the purpose of offering the opportunity to participate in  
4 a recreational activity;

5 (3) "recreational activity" means a supervised commercial outdoor  
6 activity undertaken for the purpose of exercise, relaxation, or pleasure, and includes  
7 kayaking, canoeing, hiking, rafting, glacier walks, sailing, fishing, camping, picnicking,  
8 exploring caves, nature study, bicycling, horseback riding, bird watching, scuba diving,  
9 or sight-seeing.

10 \* Sec. 3. This Act applies to acts or omissions that occur on or after the effective date of  
11 this Act.

12 \* Sec. 4. This Act takes effect July 1, 1994.