CS FOR HOUSE BILL NO. 300(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/28/94
Referred: Judiciary, Finance

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

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, the participant's
14 children, and any equipment, 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 cardiopulmonary resuscitation and explain to employees how to use emergency
26 medical services available in the 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) "children" means persons under 18 years of age;

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

3 (3) "recreational activity" means a commercial outdoor activity

4 undertaken for the purpose of hunting, sport fishing, exercise, relaxation, or pleasure.

5 * Sec. 3. This Act applies to acts or omissions that occur on or after the effective date of

6 this Act.

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