

**CS FOR HOUSE BILL NO. 300(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/11/94**  
**Referred: 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 commercial recreational activities. It is also the purpose of**  
**8 this Act to encourage the continued availability of businesses that offer commercial**  
**9 recreational activities to the 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 commercial recreational activity that are or should be apparent to an ordinarily prudent  
2 person.

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

10 Sec. 05.45.030. RESPONSIBILITIES OF PARTICIPANTS. A participant in  
11 a commercial recreational activity has the responsibility to

- 12 (1) learn about and expressly accept the risks of the activities;  
13 (2) act within the limits of the person's abilities;  
14 (3) heed all warnings regarding participation in the commercial  
15 recreational activity;  
16 (4) maintain control of the participant's person, the participant's  
17 children, and any equipment, devices, or animals the participant is using;  
18 (5) refrain from acting in a manner that may cause or contribute to  
19 injury of the participant or another person.

20 Sec. 05.45.040. RESPONSIBILITIES OF OPERATORS OF COMMERCIAL  
21 RECREATIONAL ACTIVITIES. A person who operates a business that offers a  
22 commercial recreational activity shall

- 23 (1) explain to a participant the  
24 (A) fundamental inherent risks of the commercial recreational  
25 activity; and  
26 (B) skills or equipment required to participate in the commercial  
27 recreational activity that are not apparent to an inexperienced participant;  
28 (2) require that employees who are responsible for assisting participants  
29 in the actual performance of a commercial recreational activity have training in basic  
30 first aid and cardiopulmonary resuscitation and explain to those employees how to use  
31 emergency medical services available in the area; and

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

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

5 Sec. 05.45.100. DEFINITIONS. In this chapter,

6 (1) "children" means persons under 18 years of age;

7 (2) "commercial recreational activity" means a recreational activity for  
8 which the participants pay compensation;

9 (3) "recreational activity" means an outdoor activity undertaken for the  
10 purpose of exercise, education, relaxation, pleasure, sport, or as a hobby.

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

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