

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

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/29/94
Offered: 3/11/94

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;

- 1 (3) maintain recreational equipment and facilities in good repair;
2 (4) provide trained and competent personnel; and
3 (5) act in a reasonably safe and competent manner.

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

7 Sec. 05.45.100. DEFINITIONS. In this chapter,

- 8 (1) "children" means persons under 18 years of age;
9 (2) "commercial recreational activity" means a recreational activity for
10 which the participants pay compensation;
11 (3) "recreational activity" means an outdoor activity undertaken for the
12 purpose of exercise, education, relaxation, pleasure, sport, or as a hobby.

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

15 * Sec. 4. This Act takes effect July 1, 1994.1