

HOUSE CS FOR CS FOR SENATE BILL NO. 44(FIN)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/22/94  
 Referred: Rules

Sponsor(s): SENATOR KELLY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for skiing accidents, operation of ski areas, and  
 2 duties of ski area operators and skiers; and providing for an effective date."

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

4 \* Section 1. LEGISLATIVE FINDINGS AND PURPOSE. (a) The legislature finds that

5 (1) the sport of skiing is practiced by a large number of citizens of the state  
 6 and also attracts a large number of nonresidents, providing significant contributions to the  
 7 economy of the state through construction and operation of skiing facilities, and through the  
 8 money spent by citizens of the state and nonresidents;

9 (2) the sport of skiing serves important public social and policy goals in the  
 10 state given the dominance of the winter season; skiing contributes to the health and well-being  
 11 of Alaskans, including the physically and mentally challenged; it is highly accessible to  
 12 Alaskans have convenient and inexpensive access to the sport of skiing;

13 (3) skiing is an active sport conducted in the outdoor winter environment  
 14 environment consists of several elements, including terrain, weather, and snow.

1 amenities created and maintained by the ski area operator;

2 (4) the terrain necessary for downhill skiing is characterized by large areas of  
3 land, that vary tremendously in steepness and feature bumps, hillocks, drops, cliffs, gullies,  
4 ridges, and knobs of infinite variety; the surface and subsurface include trees, bushes,  
5 undergrowth, rocks, boulders, springs, streams, stumps, branches, roots, and other debris;

6 (5) weather that produces the snow necessary for skiing also produces factors  
7 that complicate the sport; weather varies from sunny and warm to bitterly cold and windy,  
8 with various forms of precipitation, including sleet, hail, rime, varieties of snow, fog, mist,  
9 drizzle, rain, and showers; weather complicates the snow surface by constantly altering the  
10 snow consistency and snow level, covering, uncovering, and sculpting the terrain features  
11 described above;

12 (6) snow is a generic term covering a wide variety of solid precipitation and  
13 the frozen state of water as it exists and evolves on the ground; there are many different kinds  
14 of snow precipitation; in addition, snow on the ground is constantly changing until it either  
15 melts or sublimates; this metamorphism depends on many variable factors and produces snow  
16 of substantially different texture and consistency, often in short periods of time; on any given  
17 day, the snow conditions vary substantially from location to location and from time to time  
18 during the day;

19 (7) in order to facilitate the sport, ski area operators develop facilities,  
20 including ski runs, trails, roads, aerial tramways, snowmaking equipment, buildings, lighting,  
21 and signs; while these facilities may alter the natural conditions, the facilities are obvious and  
22 necessary to the sport;

23 (8) because of the size, power, and variation of the winter alpine environment,  
24 ski area operators are financially and physically incapable of controlling all the conditions  
25 under which skiing takes place;

26 (9) ski area operators have a limited ability to alter terrain features; some  
27 terrain features may offer a hazard to the skier but at the same time offer additional challenge  
28 or enjoyment for skiers; there will always be natural and artificial hazards in the sport of  
29 skiing and the skier must accept these hazards as a part of the risk of skiing;

30 (10) ski area operators do not have control over natural weather conditions;

31 (11) under the proper weather conditions, ski area operators can and do

1 generate a form of artificial snow and can spread the snow on the surface of the terrain;  
2 however, it is not possible nor is it desirable to groom all snow to a particular finish;

3 (12) skiing is an exhilarating sport, the enjoyment of which includes several  
4 components: exercise, enjoyment of the outdoor environment, physical and mental challenge  
5 of a sporting activity, companionship of family and friends, and the excitement of taking  
6 physical risks;

7 (13) falling is an ordinary, obvious, and necessary component of the sport; all  
8 skiers, even expert skiers, fall on all kinds of terrain; a particular fall is no indication of the  
9 risks of a particular slope or set of conditions; the same factors that offer the excitement of  
10 skiing contribute to its inherent risks; skiers may slide when they fall, and they may encounter  
11 obstacles or other skiers; skiers can be injured while skiing due to the intrinsic risks of the  
12 sport, whether natural or man-made.

13 (b) The purpose of this Act is to repeal and revise state law relating to skiing enacted  
14 by ch. 80, SLA 1980, as interpreted by the Alaska Supreme Court in *Hiibschman v. City of*  
15 *Valdez*, 821 P.2d 1354, (Alaska 1991). It is also the purpose of this Act to

16 (1) define the responsibilities of ski area operators and their agents and  
17 employees;

18 (2) define the responsibilities of skiers using ski areas;

19 (3) define those areas of responsibility and affirmative acts for which ski area  
20 operators may be liable for loss, damage, injury, or death, and to define those risks that the  
21 skier expressly assumes as an inherent danger and risk of skiing; and

22 (4) provide that where an injury is the result only of an inherent risk of skiing,  
23 a comparative negligence or comparative fault analysis does not apply.

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

25 CHAPTER 45. SKI LIABILITY, SAFETY, AND RESPONSIBILITY.

26 Sec. 05.45.010. LIMITATION ON ACTIONS ARISING FROM SKIING.

27 Notwithstanding any other provision of law, a person may not bring an action against  
28 a ski area operator for an injury resulting from an inherent danger and risk of skiing.

29 Sec. 05.45.020. EFFECT OF VIOLATIONS. (a) A ski area operator or other  
30 person who violates a requirement of this chapter, a provision of a plan of operation  
31 prepared under AS 05.45.040, or a regulation adopted by the Department of Labor

1 under AS 05.20.070 is negligent and civilly liable to the extent the violation causes  
2 injury to a person or damage to property.

3 (b) Notwithstanding the provisions of AS 09.17.080,

4 (1) the limitation of liability described under AS 05.45.010 is a  
5 complete defense in an action against a ski area operator for an injury if an inherent  
6 danger or risk of skiing is determined to be a contributory factor in the resulting  
7 injury, unless the ski area operator has violated a requirement of this chapter, a  
8 provision of a plan of operation prepared under AS 05.45.040, or a regulation adopted  
9 by the Department of Labor under AS 05.20.070;

10 (2) a violation of the passenger duties imposed under AS 05.45.030 or  
11 skier duties imposed under AS 05.45.100 is a complete defense in an action against  
12 a ski area operator if the violation is determined to be a contributory factor in the  
13 resulting injury, unless the ski area operator has violated a requirement of this chapter,  
14 a provision of a plan of operation prepared under AS 05.45.040, or a regulation  
15 adopted by the Department of Labor under AS 05.20.070.

16 (c) If the ski area operator is determined to have violated a requirement of this  
17 chapter, a provision of a plan of operation prepared under AS 05.45.040, or a  
18 regulation adopted by the Department of Labor under AS 05.20.070, the provisions of  
19 AS 09.17.080 apply in an action against a ski area operator for an injury resulting from  
20 the violation.

21 Sec. 05.45.030. DUTIES OF PASSENGERS. (a) A passenger may not board  
22 a tramway if the passenger does not have

23 (1) sufficient physical dexterity or ability and knowledge to negotiate  
24 or use the facility safely; or

25 (2) the assistance of a person authorized by the ski area operator to  
26 assist a skier.

27 (b) A passenger may not

28 (1) embark upon or disembark from a tramway except at a designated  
29 area unless reasonably necessary to prevent injury to the passenger or others; this  
30 paragraph does not apply if the tramway stops and the operator assists the passengers  
31 to disembark from the tramway;

- 1 (2) intentionally throw or expel an object from a tramway while riding  
2 on the tramway, except as permitted by the operator;
- 3 (3) act while riding on a tramway in a manner that may interfere with  
4 proper or safe operation of the tramway;
- 5 (4) engage in conduct that may contribute to or cause injury to a  
6 person;
- 7 (5) intentionally place in an uphill track of a J-bar, T-bar, platter pull,  
8 rope tow, or another surface lift an object that could cause another skier to fall;
- 9 (6) embark upon a tramway marked as closed;
- 10 (7) disobey instructions posted in accordance with this chapter or oral  
11 instructions by the ski area operator regarding the proper or safe use of a tramway  
12 unless the oral instructions are contrary to this chapter or contrary to posted  
13 instructions.

14 Sec. 05.45.040. REQUIRED PLAN AND PATROL BY SKI AREA  
15 OPERATORS. (a) A ski area operator shall prepare a plan of operation for each ski  
16 season and shall implement the plan throughout the ski season. A plan of operation  
17 must include written provisions for ski patrol, avalanche control, avalanche rescue,  
18 grooming procedures, tramway evacuation, hazard marking, missing person procedures,  
19 and first aid. Before the operation of the ski area for that season, the plan shall be  
20 reviewed and approved by the commissioner of natural resources except that if an  
21 agency of the United States manages the land on which the ski area operates, the plan  
22 shall be reviewed and approved by that agency. The commissioner of natural  
23 resources may require a ski area operator to pay a fee not to exceed the department's  
24 cost of reviewing the plan, and may adopt regulations to implement this subsection.

25 (b) A ski area operator shall provide a ski patrol whose members meet or  
26 exceed the training standards of the National Ski Patrol System, Inc. This subsection  
27 does not apply to a ski area if the operator transports skiers using only a single  
28 tramway consisting of a rope tow, the rope tow does not transport skiers more than  
29 500 vertical feet, and the ski area is operated by a nonprofit corporation or a  
30 municipality. In this subsection, "nonprofit corporation" means a corporation that  
31 qualifies for exemption from taxation under 26 U.S.C. 501(c)(3) or (4) (Internal

1 Revenue Code).

2 (c) Notwithstanding any other law, the state and the commissioner of natural  
3 resources are not civilly liable for damages resulting from an act or omission in  
4 reviewing, approving, or disapproving a plan of operation under (a) of this section.

5 Sec. 05.45.050. REQUIRED SIGNS FOR TRAMWAYS; DUTIES OF  
6 OPERATORS. (a) A ski area operator who operates a tramway shall maintain a sign  
7 system with concise, simple, and pertinent information for the protection and  
8 instruction of passengers. Signs shall be prominently placed on each tramway,  
9 readable in conditions of ordinary visibility, and where applicable adequately lighted  
10 for nighttime passengers. Signs shall be posted

11 (1) at or near the loading point of each tramway, regardless of the type,  
12 advising that a person not familiar with the operation of the device must ask the  
13 operator of the device for assistance and instruction;

14 (2) in the interior of each two-car and multicar tramway showing

15 (A) the maximum capacity in pounds of the car and the  
16 maximum number of passengers allowed;

17 (B) instructions for procedures in emergencies;

18 (3) in a conspicuous place at each loading area of two-car and multicar  
19 tramways stating the maximum capacity in pounds of the car and the maximum  
20 number of passengers allowed;

21 (4) at all chair lifts stating the following:

22 (A) "Prepare to Unload," which shall be located not less than  
23 50 feet ahead of the unloading area;

24 (B) "Keep Ski Tips Up," which shall be located ahead of any  
25 point where the skis may come in contact with a platform or the snow surface;

26 (C) "Unload Here," which shall be located at the point  
27 designated for unloading;

28 (D) "Stop Gate," which shall be located where applicable;

29 (E) "Remove Pole Straps from Wrists," which shall be located  
30 prominently at each loading area;

31 (F) "Check for Loose Clothing and Equipment," which shall be

1 located before the "Prepare to Unload" sign;  
2 (5) at all J-bars, T-bars, platter pulls, rope tows, and any other surface  
3 lift, stating the following:  
4 (A) "Remove Pole Straps from Wrists," which shall be placed  
5 at or near the loading area;  
6 (B) "Stay in Tracks," "Unload Here," and "Safety Gate," which  
7 shall be located where applicable;  
8 (C) "Prepare to Unload," which shall be located not less than  
9 50 feet ahead of each unloading area;  
10 (6) near the boarding area of all J-bars, T-bars, platter pulls, rope tows,  
11 and any other surface lift, advising passengers to check to be certain that clothing,  
12 scarves, and hair will not become entangled with the lift;  
13 (7) at or near the boarding area of all lifts, stating the skier's duty set  
14 out in AS 05.45.100(c)(2).  
15 (b) Signs not specified by (a) of this section may be posted at the discretion  
16 of the ski area operator.  
17 (c) A ski area operator, before opening the tramway to the public each day,  
18 shall inspect the tramway for the presence and visibility of the signs required by (a)  
19 of this section.  
20 (d) A ski area operator shall post and maintain signs that are required by (a)  
21 of this section in a manner that they may be viewed during conditions of ordinary  
22 visibility.  
23 **Sec. 05.45.060. REQUIRED SIGNS FOR TRAILS AND SLOPES; DUTIES**  
24 **OF OPERATORS. (a) A ski area operator shall maintain a sign and marking system**  
25 **as required in this section in addition to that required by AS 05.45.050. All signs**  
26 **required by this section shall be maintained so as to be readable and recognizable**  
27 **under conditions of ordinary visibility.**  
28 (b) A ski area operator shall post a sign recognizable to skiers proceeding to  
29 the uphill loading point of each base area lift that depicts and explains signs and  
30 symbols that the skier may encounter at the ski area. The sign must include the  
31 following:

1 (1) the least difficult trails and slopes, designated by a green circle and  
2 the word "easier";

3 (2) the most difficult trails and slopes, designated by a black diamond  
4 and the words "most difficult"; trails intended for expert skiers may be marked with  
5 a double black diamond and the words "expert only";

6 (3) the trails and slopes that have a degree of difficulty that falls  
7 between the green circle and the black diamond designation, designated by a blue  
8 square and the words "more difficult";

9 (4) danger areas designated by a red exclamation point inside a yellow  
10 triangle with a red band around the triangle and the word "danger" printed beneath the  
11 emblem;

12 (5) closed trails or slopes designated by a sign with a circle or octagon  
13 around a figure in the shape of a skier with a band running diagonally across the sign  
14 from the upper right-hand side to the lower left-hand side and with the word "closed"  
15 printed beneath the emblem.

16 (c) If applicable, a sign shall be placed at or near the loading point of each  
17 tramway as follows:

18 WARNING: This lift services (most difficult) or  
19 (most difficult and more difficult) or (more  
20 difficult) slopes only.

21 (d) If a particular trail or slope or portion of a trail or slope is closed to the  
22 public by a ski area operator, the operator shall place a sign notifying the public of  
23 that fact at each identified entrance of each portion of the trail or slope involved. A  
24 slope without an entrance defined by terrain or forest growth may be closed with a line  
25 of signs in a manner readily visible to skiers under conditions of ordinary visibility.  
26 This subsection does not apply if the trail or slope is closed with ropes or fences.

27 (e) A ski area operator shall

28 (1) place a sign at or near the beginning of each trail or slope, which  
29 must contain the appropriate symbol of the relative degree of difficulty of that  
30 particular trail or slope as described in (b) of this section; this paragraph does not  
31 apply to a slope or trail designated "easier" that to a skier is substantially visible in its

1 entirety under conditions of ordinary visibility before beginning to ski the slope or  
2 trail;

3 (2) mark the ski area boundaries in a fashion readily visible to skiers  
4 under conditions of ordinary visibility;

5 (3) mark that portion of the boundary with signs as required by (b)(5)  
6 of this section if the owner of land adjoining a ski area closes all or part of the land  
7 and notifies the ski area operator of the closure;

8 (4) mark hydrants, water pipes, and all other man-made structures on  
9 slopes and trails that are not readily visible to skiers under conditions of ordinary  
10 visibility from a distance of at least 100 feet and adequately and appropriately cover  
11 man-made structures that create obstructions with a shock absorbent material that will  
12 lessen injuries; any type of marker is sufficient, including wooden poles, flags, or  
13 signs, if the marker is visible from a distance of 100 feet and if the marker itself does  
14 not constitute a serious hazard to skiers; in this paragraph, "man-made structures" does  
15 not include variations in steepness or terrain, whether natural or as a result of slope  
16 design, snow making, grooming operations, roads and catwalks, or other terrain  
17 modifications;

18 (5) mark exposed forest growth, rocks, stumps, streambeds, trees, or  
19 other natural objects that are located on a slope or trail that is regularly used by skiers  
20 or that is regularly packed and prepared by a ski area operator using a snow vehicle  
21 and attached implements and that are not readily visible to skiers under conditions of  
22 ordinary visibility from a distance of at least 100 feet;

23 (6) mark roads, catwalks, cliffs, or other terrain modifications that are  
24 not readily visible to skiers under conditions of ordinary visibility from a distance of  
25 at least 100 feet;

26 (7) post and maintain signs that contain the warning notice specified  
27 in (g) of this section; the notice shall be placed in a clearly visible location at the ski  
28 area where lift tickets and ski school lessons are sold and in a position to be  
29 recognizable as a sign to skiers proceeding to the uphill loading point of each base  
30 area lift; the signs may not be smaller than three feet by three feet and must be white  
31 with black and red letters as specified in this paragraph; the word "WARNING" must

1 appear on the sign in red letters; the warning notice specified in this paragraph must  
2 appear on the sign in black letters with each letter to be a minimum of one inch in  
3 height.

4 (f) A ski lift ticket sold or made available for sale to skiers by a ski area  
5 operator must contain in clearly readable print the warning notice specified in (g) of  
6 this section.

7 (g) The signs described in (c)(7) of this section and the lift tickets described  
8 in (f) of this section must contain the following warning notice:

9 **WARNING**

10 Under Alaska law, the risk of an injury to person or property  
11 resulting from any of the inherent dangers and risks of skiing  
12 rests with the skier. A skier may not recover from a ski area  
13 operator for an injury resulting from any of the inherent dangers  
14 and risks of skiing, including changing weather conditions;  
15 existing and changing snow conditions; bare spots, rocks,  
16 stumps and trees; collisions with natural objects, man-made  
17 objects, or other skiers; variations in terrain; and the failure of  
18 skiers to ski within their own abilities.

19 **Sec. 05.45.070. OTHER DUTIES OF SKI AREA OPERATORS.** (a) A ski  
20 area operator shall equip a motorized snow-grooming vehicle with a light visible at any  
21 time the vehicle is moving on or in the vicinity of a ski slope or trail.

22 (b) When maintenance equipment is being employed to maintain or groom a  
23 ski slope or trail while the ski slope or trail is open to the public, the ski area operator  
24 shall place a conspicuous notice regarding the maintenance or grooming at or near the  
25 top of that ski slope or trail.

26 (c) A motor vehicle operated on the ski slope or trails of a ski area shall be  
27 equipped with at least

- 28 (1) one lighted head lamp;  
29 (2) one lighted red tail lamp;  
30 (3) a brake system maintained in operable condition; and  
31 (4) a fluorescent flag at least 40 square inches mounted at least six feet

1 above the bottom of the tracks.

2 (d) A ski area operator shall make available at reasonable fees, instruction and  
3 education regarding the inherent danger and risk of skiing and the duties imposed on  
4 skiers under this chapter. Notice of the availability of the instruction and education  
5 required under this subsection shall be placed in a clearly visible location at the ski  
6 area where lift tickets and ski school lessons are sold, in a position to be recognizable  
7 as a sign to skiers proceeding to the uphill loading point of each base area lift, and  
8 printed on equipment rental agreements.

9 Sec. 05.45.080. SKIERS OUTSIDE MARKED BOUNDARIES. A ski area  
10 operator does not have a duty arising out of the operator's status as a ski area operator  
11 to a skier skiing beyond the area boundaries if the boundaries are marked as required  
12 by AS 05.45.060(e)(2).

13 Sec. 05.45.090. RECKLESS SKIERS; REVOCATION OF SKIING  
14 PRIVILEGES. (a) A ski area operator shall develop and maintain a written policy  
15 covering situations involving reckless skiers, including a definition of reckless skiing,  
16 procedures for approaching and warning skiers regarding reckless conduct, and  
17 procedures for taking action against reckless skiers, including revocation of ski  
18 privileges. A ski area operator shall designate ski patrol personnel responsible for  
19 implementing the ski area operator's policy regarding reckless skiers.

20 (b) A ski area operator, upon finding a person skiing in a careless and reckless  
21 manner, may revoke that person's skiing privileges. This section may not be construed  
22 to create an affirmative duty on the part of the ski area operator to protect skiers from  
23 their own or from another skier's carelessness or recklessness.

24 Sec. 05.45.100. DUTIES AND RESPONSIBILITIES OF SKIERS. (a) A  
25 skier is responsible for knowing the range of the skier's own ability to negotiate a ski  
26 slope or trail and to ski within the limits of the skier's ability. A skier is responsible  
27 for an injury to a person or property resulting from an inherent danger and risk of  
28 skiing, except that a skier is not precluded under this chapter from suing another skier  
29 for an injury to person or property resulting from the other skier's acts or omissions.  
30 Notwithstanding any other provision of law, the risk of a skier's collision with another  
31 skier is not an inherent danger or risk of skiing in an action by one skier against

1 above the bottom of the tracks.

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25 skier is responsible for knowing the range of the skier's own ability to negotiate a ski  
26 slope or trail and to ski within the limits of the skier's ability. A skier is responsible  
27 for an injury to a person or property resulting from an inherent danger and risk of  
28 skiing, except that a skier is not precluded under this chapter from being another skier  
29 for an injury to person or property resulting from the other skier's act or omission.  
30 Notwithstanding any other provision of law, the risk of a skier's collision with another  
31 skier is not an inherent danger or risk of skiing in an action by one skier against

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another.

(b) A skier has the duty to maintain control of the skier's speed and course at all times when skiing and to maintain a proper lookout so as to be able to avoid other skiers and objects. However, a person skiing downhill has the primary duty to avoid collision with a person or object below the skier.

(c) A skier may not

(1) ski on a ski slope or trail that has been posted as "closed" under AS 05.45.060(b)(5) and (d);

(2) use a ski unless the ski is equipped with a strap or other device capable of stopping the ski should the ski become unattached from the skier;

(3) cross the uphill track of a J-bar, T-bar, platter pull, or rope tow except at locations designated by the operator, or place an object in an uphill track;

(4) move uphill on a tramway or use a ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug;

(5) knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator under AS 05.45.060(e)(3).

(d) A skier shall stay clear of snow grooming equipment, vehicles, lift towers, signs, and other equipment on the ski slopes and trails.

(e) A skier has the duty to heed all posted information and other warnings and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others. Evidence that the signs required by AS 05.45.050 and 05.45.060 were present, visible, and readable at the beginning of a given day creates a presumption that all skiers using the ski area on that day have seen and understood the signs.

(f) Before beginning to ski from a stationary position or before entering a ski slope or trail from the side, a skier has the duty to avoid moving skiers already on the ski slope or trail.

(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current

1 address to the other person involved in the collision and to an employee of the ski area  
2 operator or a member of the voluntary ski patrol. A person who leaves the scene of  
3 a collision to obtain aid shall give the person's name and current address as required  
4 by this subsection after obtaining aid.

5 (h) A person who violates a provision of (c) or (g) of this section is guilty of  
6 a violation as defined in AS 11.81.900. The commissioner of natural resources, a  
7 person designated by the ski area operator who is authorized by the commissioner, or  
8 an employee of the Department of Natural Resources authorized by the commissioner  
9 may issue a citation in accordance with the provisions of AS 41.21.960 to a person  
10 who violates (c) or (g) of this section within a ski area over which the state has  
11 jurisdiction.

12 Sec. 05.45.110. COMPETITION; IMMUNITY FOR SKI AREA OPERATOR.

13 (a) The ski area operator shall, before the beginning of a ski competition, allow an  
14 athlete who will ski in the competition a reasonable visual inspection of the course or  
15 area where the competition is to be held.

16 (b) An athlete skiing in competition assumes the risk of all course or area  
17 conditions, including weather and snow conditions, course construction or layout, and  
18 obstacles that a visual inspection would have revealed. A ski area operator is not  
19 liable for injury to an athlete who skis in competition and who is injured as a result  
20 of a risk described in this subsection.

21 Sec. 05.45.120. USE OF LIABILITY RELEASES. (a) A ski area operator  
22 may not require a skier to sign an agreement releasing the ski area operator from  
23 liability in exchange for the right to ride a ski area tramway and ski in the ski area.  
24 A release that violates this subsection is void and may not be enforced.

25 (b) Notwithstanding (a) of this section, a ski area operator may

26 (1) require a special event coach, participant, helper, spectator, or rental  
27 customer to sign an agreement releasing the ski area operator from liability in  
28 exchange for the right to coach, participate, assist in, or observe the special event; or

29 (2) use a release agreement required by a third party as a condition of  
30 operating a rental program or special event at the ski area.

31 (c) In this section, "special event" means an event, pass, race, program, rental

1 program, or service that offers competition or other benefits in addition to a ticket  
2 representing the right to ride a ski area tramway and ski on the ski slopes or trails,  
3 whether or not additional consideration is paid.

4 Sec. 05.45.200. DEFINITIONS. In this chapter,

5 (1) "base area lift" means a tramway that skiers ordinarily use without  
6 first using some other tramway;

7 (2) "conditions of ordinary visibility" means daylight or, where  
8 applicable, nighttime, in nonprecipitating weather;

9 (3) "inherent danger and risk of skiing" means a danger or condition  
10 that is an integral part of the sport of skiing, including changing weather conditions;  
11 snow conditions as they exist or may change, including ice, hard pack, powder, packed  
12 powder, wind pack, corn, crust, slush, cut-up snow, and machine-made snow; surface  
13 or subsurface conditions including bare spots, forest growth, rocks, stumps, streams,  
14 streambeds, and trees, or other natural objects, and collisions with natural objects;  
15 impact with lift towers, signs, posts, fences or enclosures, hydrants, water pipes, other  
16 man-made structures, and their components; variations in steepness or terrain, whether  
17 natural or as a result of slope design, snowmaking or grooming operations, including  
18 roads and catwalks or other terrain modifications; collision with other skiers; and the  
19 failure of skiers to ski within their own abilities; the term "inherent danger and risk of  
20 skiing" does not include the negligence of a ski area operator under AS 05.45.020, or  
21 acts or omissions of a ski area operator involving the use or operation of ski lifts;

22 (4) "injury" means property damage, personal injury, or death;

23 (5) "passenger" means a person who is lawfully using a tramway;

24 (6) "ski area" means all downhill ski slopes or trails and other places  
25 under the control of a downhill ski area operator; "ski area" does not include a cross-  
26 country ski trail;

27 (7) "ski area operator" means a person having operational responsibility  
28 for a downhill ski area, and includes an agency of the state or a political subdivision  
29 of the state;

30 (8) "skier" means an individual using a downhill ski area for the  
31 purpose of

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(A) skiing;

(B) sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, a snowboard, or another skiing or sliding device; or

(C) using any of the facilities of a ski area, including ski slopes and trails;

(9) "ski slopes or trails" means those areas designated by a ski area operator to be used by a skier;

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

Sec. 05.45.210. SHORT TITLE. This chapter may be cited as the Alaska Ski Safety Act of 1994.

\* Sec. 3. AS 09.65.135 and AS 18.60.822 are repealed.

\* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).