

H.B. No. 0032**Ski Safety Act.**

Sponsored By: Joint Travel, Recreation, Wildlife & Cultural
Resources Interim Committee

AN ACT relating to skiing; imposing duties on skiers and ski area operators; providing for skier safety and liability as specified; establishing assumption of risk for skiers; removing skiing in ski areas from the listing of activities which constitute a sport or recreational opportunity under the Recreation Safety Act; and providing for an effective date.

12/13/2016 Bill Number Assigned
1/9/2017 H Received for Introduction
1/11/2017 H Introduced and Referred to H06 - Travel
1/18/2017 H06 - Travel:Recommend Amend and Do Pass 6-3-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Flitner, Gierau, Haley, Halverson, MacGuire

Nays: Representative(s) Clem, Freeman, Steinmetz

Ayes 6 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

1/18/2017 H Placed on General File

HB0032HS001/ADOPTED

Page 1-line 4 After "skiers;" delete balance of the line.
Page 1-line 5 Delete the line through "specified;".
Page 1-line 14 Delete "1-1-123.8" insert "1-1-123.7".
Page 5-line 15 Delete "1-1-123.8" insert "1-1-123.7".
Page 12-line 23 Delete "skiers'" insert "skiers".
Page 13-lines 17 through 23 Delete entirely.
Page 14-lines 1 through 23 Delete entirely.
Page 15-line 2 Delete "1-1-123.8" insert "1-1-123.7". ALLEN,
CHAIRMAN

1/20/2017 H COW:Passed

HB0032H2001/FAILED

Page 6-line 23 After "act." insert "Each sign shall include an image, at least twelve (12) inches tall, of the bucking horse and rider as described in W.S. 8-3-117.". LINDHOLM, BLACKBURN, CLEM

1/23/2017 H 2nd Reading:Passed

HB0032H3001/ADOPTED

Page 1-line 14 Delete the standing committee amendment (HB0032HS001/A) to this line; delete "1-1-123.8" insert "1-1-123.6".
Page 5-line 15 Delete the standing committee amendment (HB0032HS001/A) to this line; delete "1-1-123.8" insert "1-1-123.6".
Page 5-line 18 After "**skiers**" insert "; **duties of skiers**".
Page 8-After line 12 Insert:
"(k) A skier shall have the responsibility to observe all posted

information and other signs and warnings posted in accordance with this act and shall be presumed to have seen and understood all signs, warnings and other information posted in accordance with this act."

Page 8-lines 14 through 21 Delete entirely.

Page 9-lines 1 through 21 Delete entirely.

Page 10-lines 1 through 22 Delete entirely.

Page 11-lines 1 through 23 Delete entirely.

Page 12-lines 1 through 5 Delete entirely.

Page 12-line 7 Delete "1-1-123.5. Duties of skiers;" insert "1-1-123.4."

Page 13-line 4 Delete "1-1-123.6" insert "1-1-123.5".

Page 15-line 2 Delete the standing committee amendment (HB0032HS001/A) to this line; delete "1-1-123.8" insert "1-1-123.6". NICHOLAS

HB0032H3002/ADOPTED

Page 6-line 14 Delete "any".

Page 6-line 15 Delete "and all".

Page 12-line 11 Delete "any".

Page 12-line 12 Delete "and all". CONNOLLY

1/24/2017 H 3rd Reading:Passed 40-19-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Bovee, Brown, Burkhart, Byrd, Connolly, Crank, Dayton, Eklund, Eyre, Flitner, Furphy, Gierau, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Lindholm, Lone, MacGuire, Madden, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Salazar, Schwartz, Sommers, Sweeney, Wilson, Zwonitzer

Nays: Representative(s) Baker, Blackburn, Blake, Clausen, Clem, Court, Edwards, Freeman, Gray, Greear, Jennings, Larsen, Laursen, Loucks, Miller, Piiparinen, Steinmetz, Walters, Winters

Excused: Representative McKim

Ayes 40 **Nays** 19 **Excused** 1 **Absent** 0 **Conflicts** 0

1/26/2017 S Received for Introduction

1/31/2017 S Introduced and Referred to S09 - Minerals

2/9/2017 S09 - Minerals:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Coe, Perkins, Rothfuss, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/9/2017 S Placed on General File

HB0032SS001.01/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 3-line 12 After "components" insert "subject to W.S. 1-1-123.3(k)".

Page 3-line 21 After "vehicles" insert "subject to W.S. 1-1-123.3(m)".

Page 8-after line 12 Insert and renumber:

"(k) A ski area operator shall mark hydrants, water pipes and all other man-made structures on slopes and trails which are not readily visible to skiers under conditions of ordinary visibility from

a distance of one hundred (100) feet and shall adequately and appropriately cover the structures with a shock-absorbent material that will lessen injuries. Any type of marker shall be sufficient under this subsection including but not limited to wooden poles, flags or signs if the marker is visible from a distance of one hundred (100) feet and if the marker itself does not constitute a serious hazard to skiers. As used in this subsection "man-made structures" shall not include variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to roads, catwalks and other terrain modifications.

(m) Whenever maintenance equipment is being employed to maintain or groom any ski slope or trail while the ski slope or trail is open to the public, the ski area operator shall place or cause to be placed a conspicuous notice to that effect at or near the top of that ski slope or trail. This subsection shall not apply to maintenance equipment transitioning to or from a maintenance or grooming project."

Page 8-line 14 Delete "(k)" insert "(n)". VON FLATERN,
CHAIRMAN

HB0032SS001.02/FAILED (TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 2-line 15 After "area" insert "shall not include action or inaction by a ski area operator that unreasonably increases the inherent risks of skiing. Except as provided in this paragraph, "inherent risk"". VON FLATERN, CHAIRMAN

2/14/2017 S COW:Passed
2/15/2017 S 2nd Reading:Passed
2/16/2017 S 3rd Reading:Laid Back

HB0032S3001.01/ADOPTED (TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 10-line 15 Delete "two (2)" insert "four (4)". NETHERCOTT

HB0032S3001.02/FAILED (TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 7-line 4 After "identify" delete line.
Page 7-line 5 Delete "boundaries" insert "ski area boundaries with signs, ropes or fences visible to skiers under conditions of ordinary visibility and indicate boundaries on trail maps of the area".
NETHERCOTT

HB0032S3002/FAILED (TO ENGROSSED COPY)

Page 9-line 18 After "actions" insert "; applicability".

Page 10-after line 7 Insert:

"(c) This act shall not apply to claims or actions involving gross negligence or intentional conduct.". NETHERCOTT

2/21/2017 S 3rd Reading:Passed 22-8-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Baldwin, Barnard, Bebout, Bouchard,

Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Moniz, Pappas, Perkins, Peterson, Scott, Wasserburger
Nays: Senator(s) Anselmi-Dalton, Boner, Case, Hastert, Meier, Nethercott, Rothfuss, Von Flatern

Ayes 22 **Nays** 8 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2017 H Received for Concurrence

2/22/2017 H Concur:Failed 24-36-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Blake, Bovee, Brown, Byrd, Connolly, Dayton, Gierau, Haley, Hallinan, Halverson, Henderson, Hunt, Kinner, Kirkbride, MacGuire, Madden, Northrup, Pelkey, Schwartz, Sommers, Sweeney, Zwonitzer

Nays: Representative(s) Baker, Biteman, Blackburn, Burkhart, Clausen, Clem, Court, Crank, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Harshman, Jennings, Larsen, Laursen, Lindholm, Lone, Loucks, McKim, Miller, Nicholas, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Salazar, Steinmetz, Walters, Wilson, Winters

Ayes 24 **Nays** 36 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2017 H Appointed JCC01 Members

Representative(s) Zwonitzer, Gierau, Greear

2/23/2017 S Appointed JCC01 Members

Senator(s) Coe, Anderson, Kinskey

3/1/2017 H Adopted HB0032JC001: 36-24-0-0-0

HB0032JC001/HADOPTED (TO ENGROSSED COPY)

Delete the following Senate amendments:

HB0032SS001.01/ACE

HB0032S3001.01/ACE

Further amend the ENGROSSED COPY as follows:

Page 1-line 4 After "skiers;" delete balance of line.

Page 1-line 5 Delete line through "operators;"

Page 1-line 12 Delete "1-1-123.6" insert "1-1-123.5".

Page 3-line 12 After "components" insert "subject to W.S. 1-1-123.3(k)".

Page 3-line 20 Delete "or ski".

Page 3-line 21 Delete "area vehicles".

Page 5-line 15 Delete "1-1-123.6" insert "1-1-123.5".

Page 8-After line 12 Insert:

"(k) A ski area operator shall mark hydrants, water pipes and all other man-made structures on slopes and trails which are not visible to skiers under conditions of ordinary visibility from a distance of one hundred (100) feet and shall cover the structures with a shock-absorbent material typically used by ski area operators for the purpose. Any type of marker shall be sufficient under this subsection including but not limited to wooden poles, flags or signs if the marker is visible from a distance of one hundred (100) feet and if the marker itself does not constitute a serious hazard to skiers. As used in this subsection "man-made structures" shall not include variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to roads, catwalks and other terrain modifications."

Page 8-line 14 Delete "(k)" insert "(m)".

Page 10-lines 9 through 15 Delete entirely. ZWONITZER, GIERAU, COE, ANDERSON, KINSKEY

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blake, Bovee, Brown, Byrd, Connolly, Crank, Dayton, Eklund, Eyre, Flitner, Furphy, Gierau, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Lindholm, MacGuire, Madden, Olsen, Paxton, Pelkey, Pownall, Schwartz, Sommers, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Baker, Blackburn, Burkhart, Clausen, Clem, Court, Edwards, Freeman, Gray, Greear, Jennings, Larsen, Laursen, Lone, Loucks, McKim, Miller, Nicholas, Northrup, Obermueller, Piiparinen, Salazar, Steinmetz, Walters

Ayes 36 **Nays** 24 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2017 S Adopted HB0032JC001: 23-7-0-0-0

HB0032JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Delete the following Senate amendments:

HB0032SS001.01/ACE

HB0032S3001.01/ACE

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Page 1-line 5 Delete line through "operators;".
Page 1-line 12 Delete "1-1-123.6" insert "1-1-123.5".
Page 3-line 12 After "components" insert "subject to W.S.
1-1-123.3(k)".
Page 3-line 20 Delete "or ski".
Page 3-line 21 Delete "area vehicles".
Page 5-line 15 Delete "1-1-123.6" insert "1-1-123.5".
Page 8-After line 12 Insert:

"(k) A ski area operator shall mark hydrants, water pipes and all other man-made structures on slopes and trails which are not visible to skiers under conditions of ordinary visibility from a distance of one hundred (100) feet and shall cover the structures with a shock-absorbent material typically used by ski area operators for the purpose. Any type of marker shall be sufficient under this subsection including but not limited to wooden poles, flags or signs if the marker is visible from a distance of one hundred (100) feet and if the marker itself does not constitute a serious hazard to skiers. As used in this subsection "man-made structures" shall not include variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to roads, catwalks and other terrain modifications.".

Page 8-line 14 Delete "(k)" insert "(m)".

Page 10-lines 9 through 15 Delete entirely. ZWONITZER, GIERAU, COE, ANDERSON, KINSKEY

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Baldwin, Barnard, Bebout, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Moniz, Pappas, Perkins, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Anselmi-Dalton, Boner, Case, Hastert, Meier, Nethercott, Rothfuss

Ayes 23 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

3/2/2017 Assigned Number HEA No. 0108

3/2/2017 H Speaker Signed HEA No. 0108

3/3/2017 S President Signed HEA No. 0108

3/10/2017 Governor Signed HEA No. 0108

3/10/2017 Assigned Chapter Number

Chapter No. 192 Session Laws of Wyoming 2017