

HOUSE BILL NO. HB0032

Ski Safety Act.

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

A BILL

for

1 AN ACT relating to skiing; imposing duties on skiers and
2 ski area operators; providing for skier safety and
3 liability as specified; establishing assumption of risk for
4 skiers; providing for release of liability for ski area
5 operators as specified; providing a statute of limitation
6 on civil causes of action against ski area operators;
7 removing skiing in ski areas from the listing of activities
8 which constitute a sport or recreational opportunity under
9 the Recreation Safety Act; and providing for an effective
10 date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 1-1-123.1 through 1-1-123.8 are
15 created to read:

1

2 **1-1-123.1. Ski Safety Act; short title.**

3

4 This act shall be known and may be cited as the "Ski Safety
5 Act."

6

7 **1-1-123.2. Definitions.**

8

9 (a) As used in this act:

10

11 (i) "Freestyle terrain" includes terrain parks
12 and terrain features such as jumps, rails, half pipes and
13 other constructed and natural features found in terrain
14 parks;

15

16 (ii) "Inherent risk" with regard to skiing in a
17 ski area means those dangers or conditions which are part
18 of the sport of skiing, including:

19

20 (A) Changing weather conditions;

21

22 (B) Falling or surface snow conditions,
23 whether natural or man-made, as they exist or change;

1

2 (C) Surface or subsurface conditions
3 including bare spots, forest growth, rocks, stumps,
4 streambeds, cliffs, extreme terrain, trees or other natural
5 objects;

6

7 (D) Collisions or impacts with natural
8 objects such as the objects specified in subparagraph (C)
9 of this paragraph including encounters with wildlife;

10

11 (E) Impact with ski lift towers, signs,
12 posts, fences or enclosures, hydrants, water pipes or other
13 man-made structures and their components;

14

15 (F) Variations in steepness or terrain,
16 whether natural or as a result of ski trail or feature
17 design, or snowmaking or grooming operations such as roads,
18 freestyle terrain, jumps and catwalks or other terrain
19 modifications; and

20

21 (G) Collisions with other skiers or ski
22 area vehicles.

23

1 (iii) "Ski area" means the ski trails and other
2 places within the boundary of a ski area under the control
3 of a ski area operator and administered as a single
4 enterprise within the state;

5
6 (iv) "Ski area operator" means a person having
7 the responsibility for the operations of a ski area and the
8 owners, partners and members, managers, employees, agents,
9 volunteers, board members, representatives, affiliates and
10 assigns of the person. "Ski area operator" includes an
11 agency of the state or a political subdivision thereof;

12
13 (v) "Ski area vehicle" means a vehicle used in
14 the operation and maintenance of a ski area which is owned
15 by or under the direction and control of the ski area
16 operator such as a snowmobile, all-terrain vehicle, snow
17 grooming vehicle, sled and other similar vehicle;

18
19 (vi) "Ski lift" means a chairlift, gondola,
20 tramway, cable car or other aerial lift and any rope tow,
21 conveyor, t-bar, j-bar, handle tow or other surface lift
22 used by a ski area operator to transport skiers;

23

1 (vii) "Ski trail" means a trail, slope, run,
2 freestyle terrain, competition terrain, tree skiing area,
3 tubing park area or other area at or near a ski area
4 designated by the ski area operator to be used by skiers
5 for the purpose of skiing;

6

7 (viii) "Skier" means a person who is using a ski
8 area for the purpose of skiing;

9

10 (ix) "Skiing" includes sliding downhill or
11 jumping on snow or ice on skis or a toboggan, sled, tube,
12 snowbike, snowboard or other device;

13

14 (x) "This act" means W.S. 1-1-123.1 through
15 1-1-123.8.

16

17 **1-1-123.3. Duties of ski area operators; signs for**
18 **trails; notices to skiers.**

19

20 (a) A ski area operator shall post and maintain a
21 sign visible to skiers at or near the beginning of a trail
22 that depicts and explains the degree of difficulty of the
23 trail relative to each individual ski area.

1

2 (b) A ski area operator shall post and maintain a
3 sign at or near the loading area of a ski lift that states
4 the relative degree of difficulty of the trails serviced by
5 the lift.

6

7 (c) A ski area operator shall print a warning notice
8 on all ski lift tickets and season passes and shall post
9 and maintain a warning sign at or near the ski area's
10 ticket sales building that is no smaller than six (6)
11 square feet in size and states the following:

12

13 WARNING. Under Wyoming law, a skier assumes the
14 inherent risks of skiing and is legally responsible for any
15 and all damage, injury or death to person or property that
16 results from the inherent risks of skiing.

17

18 (d) A ski area operator shall post and maintain a
19 warning sign at the ski area's ticket sales building that
20 is no smaller than six (6) square feet in size and that
21 notifies the skier of the duties imposed on the skier by
22 this act and the limitations on liability provided in this
23 act.

1

2 (e) A ski area operator shall:

3

4 (i) Mark or identify on trail maps the ski area
5 boundaries;

6

7 (ii) Post a sign notifying the public if a trail
8 or portion thereof is closed at the identified entrance of
9 the trail or portion thereof. A trail without an
10 identified entrance may be closed with ropes or fences.

11

12 (f) A ski area operator shall have no duty arising
13 out of the operator's status as a ski area operator to a
14 skier skiing beyond a ski area boundary marked or
15 identified as required by subsection (e) of this section or
16 skiing in an area posted as closed or otherwise fenced or
17 roped off in accordance with subsection (e) of this
18 section.

19

20 (g) A ski area operator shall post signs in the ski
21 area or on trail maps warning skiers of encounters with ski
22 area vehicles.

23

1 (h) A ski area operator shall equip ski area vehicles
2 with a light and a fluorescent flag mounted at least five
3 (5) feet above the bottom of the vehicle's tracks visible
4 at any time the vehicle is moving on or in the vicinity of
5 a ski trail.

6
7 (j) A ski area operator shall annually inspect,
8 operate and maintain ski lifts in accordance with the most
9 current version of the American National Standards
10 Institute B-77.1 aerial tramway standards. Notwithstanding
11 any other provision of law, a ski lift shall not be deemed
12 a common carrier.

13
14 **1-1-123.4. Duties of skiers on ski lifts and trails;
15 prohibited conduct; revocation of privileges.**

16
17 (a) A skier shall have the following responsibilities
18 with regards to ski lifts:

19
20 (i) To attain the ability and knowledge to
21 negotiate or use a ski lift before boarding a lift;

22

1 (ii) To not embark upon or disembark from a ski
2 lift except at designated areas or under the direction of a
3 lift's operator;

4

5 (iii) To not throw or expel any object from a
6 ski lift while riding on the lift, except as permitted by
7 the lift's operator;

8

9 (iv) To not act while riding on a ski lift in
10 any manner that may interfere with the proper or safe
11 operation of the lift;

12

13 (v) To not engage in conduct on or near a ski
14 lift that may contribute to or cause injury to any person.

15

16 (b) A skier shall have the following responsibilities
17 with regards to skiing:

18

19 (i) To know the range of the skier's own ability
20 to negotiate a ski trail and to ski within the limits of
21 the skier's ability;

22

1 (ii) To attain knowledge of the layout, location
2 and difficulty of a ski trail;

3

4 (iii) To ski only on designated or identified
5 ski trails and to not ski on a trail posted as "closed" or
6 otherwise fenced or roped off in accordance with W.S.
7 1-1-123.3(e);

8

9 (iv) To maintain control of the skier's speed
10 and course at all times;

11

12 (v) To stay clear of ski lifts and components
13 thereof, ski area vehicles, signs, buildings and other
14 equipment and structures on a ski trail;

15

16 (vi) To stop in a place that is safe for the
17 skier and other skiers when coming to an intentional stop;

18

19 (vii) To avoid skiers already moving on a ski
20 trail before beginning to ski from a stationary position or
21 before entering a trail and to yield right of way to skiers
22 ahead of you;

23

1 (viii) To use straps, bindings or other devices
2 on the skier's skis, snowboard or other equipment to help
3 prevent runaway equipment;

4

5 (ix) To observe all posted information and other
6 signs or warnings;

7

8 (x) To refrain from acting in a manner that may
9 cause or contribute to the injury of the skier or others;

10

11 (xi) Under conditions of reduced visibility, to
12 locate and ascertain the meaning of all signs posted in
13 accordance with W.S. 1-1-123.3.

14

15 (c) A skier shall be presumed to have seen and
16 understood all information posted in accordance with this
17 act.

18

19 (d) A skier shall not engage in a course of conduct
20 prohibited under W.S. 6-9-201 or 6-9-301.

21

22 (e) A ski area operator may revoke a skier's skiing
23 privileges upon finding the skier skiing in a careless and

1 reckless manner or in a manner inconsistent with the duties
2 imposed on the skier by this act. This subsection shall
3 not be construed to create an affirmative duty on the part
4 of the ski area operator to protect skiers from their own
5 or from another skier's carelessness or recklessness.

6

7 **1-1-123.5. Duties of skiers; assumption of risks;**
8 **limitations on actions.**

9

10 (a) A skier expressly accepts and assumes the
11 inherent risks of skiing and is legally responsible for any
12 and all damage, injury or death to himself or other persons
13 or property that results from the inherent risks in skiing.

14

15 (b) A skier may not make any claim against or recover
16 from any ski area operator for injury resulting from any
17 inherent risk of skiing.

18

19 (c) A skier is not precluded under this act from
20 suing another skier for any damage, injury or death to
21 person or property that results from the other skiers' acts
22 or omissions. Notwithstanding any other provision of law,
23 the risk of collision with other skiers' is not an inherent

1 risk nor a risk assumed by a skier in an action by a skier
2 against another skier.

3

4 **1-1-123.6. Negligence; civil actions.**

5

6 (a) A violation by any person or ski area operator of
7 any provision of this act shall, to the extent the
8 violation causes damage, injury or death to person or
9 property, constitute evidence of negligence on the part of
10 the person or ski area operator violating this act.

11

12 (b) Actions based upon negligence of a person or ski
13 area operator wherein the damage, injury or death is not
14 the result of an inherent risk of skiing shall be preserved
15 pursuant to W.S. 1-1-109.

16

17 **1-1-123.7. Releases of liability.**

18

19 (a) Notwithstanding any other provision of law, in an
20 action brought by a skier against a ski area operator, if
21 the skier signed a liability release or waiver of
22 liability, the ski area operator's liability shall be
23 determined by the terms of the release or waiver, provided

1 that the terms of the release or waiver do not purport to
2 release the ski area operator from liability for:

3

4 (i) Gross negligence;

5

6 (ii) Reckless or intentional acts; or

7

8 (iii) Responsibilities imposed on the operator
9 by this act.

10

11 (b) Releases and waivers specified in subsection (a)
12 of this section shall be binding on:

13

14 (i) A minor or disabled person if the release or
15 waiver is signed on the minor's or disabled person's behalf
16 by a parent, legal guardian or school, institution,
17 organization or other person authorized by a parent or
18 legal guardian to transport the minor or disabled person to
19 a ski area and to have responsibility for the minor or
20 disabled person at the ski area;

21

22 (ii) All other persons for loss of consortium or
23 other similar claim.

1

2 **1-1-123.8. Statute of limitation.**

3

4 Notwithstanding W.S. 1-3-105, all actions against a ski
5 area operator brought to recover damages for injury to
6 person or property caused by the maintenance, supervision
7 or operation of a ski lift or a ski area shall be brought
8 within two (2) years after the cause of action accrues.

9

10 **Section 2.** W.S. 1-1-122(a)(iii) and 1-1-123 by
11 creating a new subsection (e) are amended to read:

12

13 **1-1-122. Definitions.**

14

15 (a) As used in this act:

16

17 (iii) "Sport or recreational opportunity" means
18 commonly understood sporting activities including baseball,
19 softball, football, soccer, basketball, swimming, hockey,
20 wrestling, cheerleading, rodeo, dude ranching, nordic or
21 alpine skiing and other alpine sports, snowboarding,
22 mountain climbing, outdoor education programs, river
23 floating, hunting, fishing, backcountry trips, horseback

1 riding and any other equine activity, snowmobiling and
2 similar recreational opportunities and includes the use of
3 private lands for vehicle parking and land access related
4 to the sport or recreational opportunity. "Sport or
5 recreational opportunity" does not include skiing in a ski
6 area as defined by the Ski Safety Act;

7

8 **1-1-123. Assumption of risk.**

9

10 (e) This act shall not apply to skiing in a ski area
11 as defined by the Ski Safety Act.

12

13 **Section 3.** This act is effective July 1, 2017.

14

15

(END)