

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 793
Version: As introduced

DATE: February 24, 2015

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Subject: Minnesota Skier Safety Act

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Overview

This bill establishes a new chapter of law (chapter 184C) to be known as the “Minnesota Skier Safety Act.” The act establishes responsibilities for skiers and ski area operators and related liability limitations.

Section

- 1 **Title.** States that the chapter shall be cited as the “Minnesota Skier Safety Act.”
- 2 **Definitions.** Establishes definitions for the purposes of the act.
- 3 **Skier duties.**

Subd. 1. Skier responsibility code. Requires skiers to comply with the Skier Responsibility Code, based upon the responsibility code established by the National Ski Areas Association, which requires a skier to stay in control and observe posted signs, among other things.

Subd. 2. Other skier duties. Establishes additional duties for skiers, including knowing their abilities, not using lifts in ways that may cause injury, and following instructions.

Subd. 3. Skiers assume conditions and risks of skiing. States that skiers assume the risks of injury inherent in skiing. States that objects or conditions present because of a reckless act or omission by an operator or other person are not risks inherent to skiing and are to be determined by a court. States that a skier may not recover against an operator for a claim involving the inherent risks of skiing or an object that could have been avoided by a skier following the duties of a skier established in the chapter.

Section

4 Operator responsibilities.

Subd. 1. Requirements for ski lifts. Requires operators to keep their ski lifts in compliance with the requirements of the American National Standard for Passenger Ropeways–Aerial Tramways, Aerial Lifts, Surface Lifts, Tows, and Conveyors Safety Requirements published by the American National Standards Institute (also known as the “ANSI Ski Lift Code”).

Subd. 2. Required lift inspections. Requires operators to have their ski lifts inspected for compliance with the ANSI Ski Lift Code every ski season.

Subd. 3. Required notices of risks of skiing. Requires operators to have signs displaying and copies of the Skier Responsibility Code.

Subd. 4. Required trail maps. Requires operators to have ski trail maps with the location of trails and their designated skill levels.

Subd. 5. Required notices of ski trail difficulty levels. Requires operators to have signs at or near the beginning of ski trails with the name of the trail and the difficulty level (easiest, difficult or more difficult, most difficult, expert or extreme terrain, and freestyle terrain). Requires ski lifts that do not service trails designated as the easiest to have a sign warning skiers that it does not service one.

Subd. 6. Required freestyle terrain signage. Requires an operator to maintain a barricade designating areas containing features such as rails, boxes, jumps, etc. (e.g. snowboarding areas) and have signage that states that “freestyle skills are required” and that “helmets are recommended.”

Subd. 7. Required ski area vehicle flashing lights and flags. Requires operators to ensure that all ski area vehicles present during operation hours on open trails have a flashing light near the top of the vehicle and that shorter vehicles (snowmobiles, etc.) have a red or orange flag displayed above them.

Subd. 8. Accessibility. Requires information required under this section to also be available in accessible formats to persons with disabilities upon request.

5 Comparative fault. Provides standards when apportioning fault, in a civil action for damages resulting from an injury while skiing or riding a ski lift. A ski operator will be considered at legal fault if the operator fails comply with the operator duties provided by this bill, and a skier will be considered at fault if the skier fails to comply with the skier duties provided by the bill.

A determination of fault is used to calculate a proportional damage award, in civil cases where the actions of both the plaintiff and the defendant may have contributed to the injury.

6 Liability limitations. Provides a notice of claim requirement, for actions against a nonmunicipal ski area operator. A person bringing a claim for damages against a nonmunicipal ski area operator would be required to submit a notice of the claim to the operator within 360 days of the injury, or within two years of an injury resulting in death. These notice periods are two times as long as the notice periods that apply, under current law, to ski areas operated by a municipality.

Section

This chapter also clarifies that the bill would not impact any limitations of liability provisions that apply to municipal or nonprofit ski area operators under current law.

Existing law provides a cap on damages that may be awarded against a municipality, and complete civil immunity from civil damages, in certain circumstances.

- 7** **Effective date.** States that the bill become effective August 1, 2015, and applies to incidents occurring on or after that date.