

ENROLLED ACT NO. 108, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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.

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

Section 1. W.S. 1-1-123.1 through 1-1-123.5 are created to read:

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

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

1-1-123.2. Definitions.

(a) As used in this act:

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

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

(A) Changing weather conditions;

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

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

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

(E) Impact with ski lift towers, signs, posts, fences or enclosures, hydrants, water pipes or other man-made structures and their components subject to W.S. 1-1-123.3(k);

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

(G) Collisions with other skiers.

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

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

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

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

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

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

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

(x) "This act" means W.S. 1-1-123.1 through 1-1-123.5.

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

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

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

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

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

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

(e) A ski area operator shall:

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

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

(f) A ski area operator shall have no duty arising out of the operator's status as a ski area operator to a

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skier skiing beyond a ski area boundary marked or identified as required by subsection (e) of this section or skiing in an area posted as closed or otherwise fenced or roped off in accordance with subsection (e) of this section.

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

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

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

(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

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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) 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.

1-1-123.4. Assumption of risks; limitations on actions.

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

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

(c) A skier is not precluded under this act from suing another skier for any damage, injury or death to person or property that results from the other skiers' acts or omissions. Notwithstanding any other provision of law, the risk of collision with other skiers is not an inherent risk nor a risk assumed by a skier in an action by a skier against another skier.

1-1-123.5. Negligence; civil actions.

(a) A violation by any person or ski area operator of any provision of this act shall, to the extent the

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violation causes damage, injury or death to person or property, constitute evidence of negligence on the part of the person or ski area operator violating this act.

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

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

1-1-122. Definitions.

(a) As used in this act:

(iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, wrestling, cheerleading, rodeo, dude ranching, nordic or alpine skiing and other alpine sports, snowboarding, mountain climbing, outdoor education programs, river floating, hunting, fishing, backcountry trips, horseback riding and any other equine activity, snowmobiling and similar recreational opportunities and includes the use of private lands for vehicle parking and land access related to the sport or recreational opportunity. "Sport or recreational opportunity" does not include skiing in a ski area as defined by the Ski Safety Act;

1-1-123. Assumption of risk.

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

ORIGINAL HOUSE
BILL NO. HB0032

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk