



General Assembly

Substitute Bill No. 256

January Session, 2005

* SB00256JUD 041105 *

**AN ACT CONCERNING THE LIABILITY OF SKI AREA OPERATORS
FOR INJURIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 In the operation of a passenger tramway or ski area, each operator
4 shall have the obligation to perform certain duties including, but not
5 limited to: (1) Conspicuously marking all trail maintenance vehicles
6 and furnishing the vehicles with flashing or rotating lights which shall
7 be operated whenever the vehicles are working or moving within the
8 skiing area; (2) conspicuously marking the location of any hydrant or
9 similar device used in snow-making operations and placed on a trail or
10 slope; (3) conspicuously marking the entrance to each trail or slope
11 with a symbol, adopted or approved by the National Ski Areas
12 Association, which identifies the relative degree of difficulty of such
13 trail or slope or warns that such trail or slope is closed; (4)
14 conspicuously marking [all lift towers within the confines of] any lift
15 tower that is located on a trail or slope and is not readily visible; (5)
16 maintaining one or more trail boards, at prominent locations within
17 the ski area, displaying such area's network of ski trails and slopes,
18 designating each trail or slope in the same manner as provided in
19 subdivision (3) of this section and notifying each skier that the wearing

20 of ski retention straps or other devices used to prevent runaway skis is
21 required by this section, section 29-201 and sections 29-212 to [29-214]
22 29-213, inclusive; (6) in the event maintenance [men] personnel or
23 equipment are being employed on any trail or slope during the hours
24 at which such trail or slope is open to the public, conspicuously
25 posting notice thereof at the entrance to such trail or slope; and (7)
26 conspicuously marking trail or slope intersections.

27 Sec. 2. Section 29-212 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2005*):

29 (a) For the purposes of this section:

30 (1) "Skier" includes any person who is using a ski area for the
31 purpose of skiing or who is on the skiable terrain of a ski area as a
32 spectator or otherwise, but does not include (A) any person using a
33 snow tube provided by a ski area operator, and (B) any person who is
34 a spectator while in a designated spectator area during any event;

35 (2) "Skiing" means sliding downhill or jumping on snow or ice using
36 skis, a snowboard, snow blades, a snowbike, a sit-ski or any other
37 device that is controllable by its edges on snow or ice or is for the
38 purpose of utilizing any skiable terrain, but does not include snow
39 tubing operations provided by a ski area operator; and

40 (3) "Ski area operator" means a person who owns or controls the
41 operation of a ski area and such person's agents and employees.

42 (b) Each skier shall assume the risk of and legal responsibility for
43 any injury to his or her person or property [arising out of] caused by
44 the hazards inherent in the sport of skiing. [unless the injury was
45 proximately caused by the negligent operation of the ski area by the
46 ski area operator, his agents or employees.] Such hazards include, but
47 are not limited to: (1) Variations in the terrain of the trail or slope
48 which is marked in accordance with subdivision (3) of section 29-211,
49 as amended by this act, or variations in surface or subsurface snow or
50 ice conditions, except that no skier assumes the risk of variations

51 which are caused by the ski area operator unless such variations are
 52 caused by snow making, snow grooming or rescue operations; (2) bare
 53 spots which do not require the closing of the trail or slope; (3)
 54 conspicuously placed or, if not so placed, conspicuously marked lift
 55 towers; (4) trees or other objects not within the confines of the trail or
 56 slope; (5) [boarding] loading, unloading or otherwise using a
 57 passenger tramway without prior knowledge of proper loading and
 58 unloading procedures or without reading instructions concerning
 59 loading and unloading posted at the base of such passenger tramway
 60 or without asking for such instructions; and (6) collisions with any
 61 other person by any skier while skiing, except that collisions with on-
 62 duty employees of the ski area operator who are skiing and are within
 63 the scope of their employment at the time of the collision shall not be a
 64 hazard inherent in the sport of skiing.

65 (c) The provisions of this section shall not apply in any case in
 66 which it is determined that a claimant's injury was not caused by a
 67 hazard inherent in the sport of skiing.

68 Sec. 3. Section 29-214 of the general statutes is repealed. (*Effective*
 69 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	29-211
Sec. 2	<i>October 1, 2005</i>	29-212
Sec. 3	<i>October 1, 2005</i>	Repealer section

JUD *Joint Favorable Subst.*