



House of Representatives

General Assembly

File No. 43

February Session, 2014

Substitute House Bill No. 5148

House of Representatives, March 19, 2014

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SKI SAFETY.

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

1 Section 1. Section 29-201 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 As used in this chapter, unless the context clearly indicates
5 otherwise:

6 (1) "Passenger tramway" means a device used to transport
7 passengers in cars on tracks or suspended in the air, or uphill on skis,
8 by the use of steel cables, chains or belts or by ropes, and usually
9 supported by trestles or towers with one or more spans, but shall not
10 include any such device not available for public use and not subject to
11 a fee for use of same. The term "passenger tramway" includes the
12 following: (A) Two-car aerial passenger tramways, which are devices
13 used to transport passengers in two open or enclosed cars attached to,

14 and suspended from, a moving wire rope, or attached to a moving
15 wire rope and supported on a standing wire rope, or similar devices;
16 (B) multicar aerial passenger tramways, which are devices used to
17 transport passengers in several open or enclosed cars attached to, and
18 suspended from, a moving wire rope, or attached to a moving wire
19 rope and supported on a standing wire rope, or similar devices; (C)
20 skimobiles, which are devices in which a passenger car running on
21 steel or wooden tracks is attached to and pulled by a steel cable, or
22 similar devices; (D) chair lifts, which are devices which carry
23 passengers on chairs suspended in the air and attached to a moving
24 cable, chain or link belt supported by trestles or towers with one or
25 more spans, or similar devices; (E) J bars, T bars, platter pulls and
26 similar types of devices, which are means of transportation that pull
27 skiers riding on skis by means of an attachment to a main overhead
28 cable supported by trestles or towers with one or more spans; and (F)
29 rope tows, which are devices that pull the skiers riding on skis as the
30 skier grasps the rope manually, or similar devices.

31 (2) "Operator" means a person who owns or controls the operation
32 of a passenger tramway or ski area. An operator of a passenger
33 tramway shall be deemed not to be operating a common carrier.

34 (3) "Department" means the Department of Administrative Services.

35 (4) "Commissioner" means the Commissioner of Administrative
36 Services.

37 (5) "Skier" includes the following: (A) A person utilizing the ski area
38 under control of the operator for the purpose of skiing, whether or not
39 he or she is utilizing a passenger tramway; and (B) a person utilizing
40 the passenger tramway whether or not such person is a skier,
41 including riders on a passenger tramway operating during the
42 nonskiing season.

43 (6) "Restraint device" means a restraining bar on a passenger
44 tramway that does not yield to forward pressure by a skier.

45 Sec. 2. Section 29-211 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2014*):

47 In the operation of a passenger tramway or ski area, each operator
48 shall have the obligation to perform certain duties including, but not
49 limited to: (1) Conspicuously marking all trail maintenance vehicles
50 and furnishing the vehicles with flashing or rotating lights which shall
51 be operated whenever the vehicles are working or moving within the
52 skiing area; (2) [conspicuously marking the location of any hydrant or
53 similar device used in snow-making operations and placed on a trail or
54 slope; (3)] conspicuously marking the entrance to each trail or slope
55 with a symbol, adopted or approved by the National Ski Areas
56 Association, which identifies the relative degree of difficulty of such
57 trail or slope or warns that such trail or slope is closed; [(4)
58 conspicuously marking] (3) ensuring that any lift tower that is located
59 on a trail or slope [and is not readily visible; (5)] is padded or
60 otherwise protected; (4) maintaining one or more trail boards, at
61 prominent locations within the ski area, displaying such area's
62 network of ski trails and slopes, designating each trail or slope in the
63 same manner as provided in subdivision [(3)] (2) of this section and
64 notifying each skier that the wearing of ski retention straps or other
65 devices used to prevent runaway skis is required by [this section,
66 section 29-201 and sections 29-212 to 29-213, inclusive] section 29-213,
67 as amended by this act; [(6)] (5) in the event maintenance personnel or
68 equipment are being employed on any trail or slope during the hours
69 at which such trail or slope is open to the public, conspicuously
70 posting notice thereof at the entrance to such trail or slope; [and (7)] (6)
71 conspicuously marking trail or slope intersections; (7) ensuring that
72 passenger tramways, as defined in subparagraph (A), (B) or (D) of
73 subdivision (1) of section 29-201, as amended by this act, are equipped
74 with restraint devices; (8) at the entrance of a passenger tramway, as
75 defined in subparagraph (A), (B) or (D) of subdivision (1) of section 29-
76 201, as amended by this act, conspicuously posting instructions
77 regarding the proper use of a restraint device on such passenger
78 tramway and notice that the use of a restraint device on such
79 passenger tramway is required by section 29-213, as amended by this

80 act; and (9) ensuring that any hydrant, snow-making equipment and
81 pipes that are located within the borders of a designated slope, trail or
82 area that is approved and open for skiing by the operator and
83 regularly groomed as part of the operator's normal maintenance
84 activities are padded or marked by portable fencing or a similar
85 device.

86 Sec. 3. Section 29-213 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2014*):

88 No skier shall: (1) Intentionally drop, throw or expel any object from
89 a passenger tramway; (2) do any act which shall interfere with the
90 running or operation of a passenger tramway; (3) use a passenger
91 tramway without the permission of the operator; (4) place any object in
92 the skiing area or on the uphill track of a passenger tramway which
93 may cause a skier to fall; (5) cross the track of a J bar lift, T bar lift,
94 platter pull or similar device or a rope tow, except at a designated
95 location; (6) depart from the scene of a skiing accident when involved
96 in the accident without leaving personal identification, including name
97 and address, or before notifying the proper authorities and obtaining
98 assistance when such skier knows that any other skier involved in the
99 accident is in need of medical or other assistance; (7) fail to wear
100 retention straps or other devices used to prevent runaway skis; or (8)
101 fail to close the restraint device except when embarking and
102 disembarking the passenger tramway, as defined in subparagraph (A),
103 (B) or (D) of subdivision (1) of section 29-201, as amended by this act.

104 Sec. 4. Subsection (b) of section 29-212 of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective*
106 *October 1, 2014*):

107 (b) Each skier shall assume the risk of and legal responsibility for
108 any injury to his or her person or property caused by the hazards
109 inherent in the sport of skiing. Such hazards include, but are not
110 limited to: (1) Variations in the terrain of the trail or slope which is
111 marked in accordance with subdivision [(3)] (2) of section 29-211, as
112 amended by this act, or variations in surface or subsurface snow or ice

113 conditions, except that no skier assumes the risk of variations which
 114 are caused by the ski area operator unless such variations are caused
 115 by snow making, snow grooming or rescue operations; (2) bare spots
 116 which do not require the closing of the trail or slope; (3) conspicuously
 117 placed or, if not so placed, conspicuously marked lift towers; (4) trees
 118 or other objects not within the confines of the trail or slope; (5) loading,
 119 unloading or otherwise using a passenger tramway without prior
 120 knowledge of proper loading and unloading procedures or without
 121 reading instructions concerning loading and unloading posted at the
 122 base of such passenger tramway or without asking for such
 123 instructions; and (6) collisions with any other person by any skier
 124 while skiing, except that collisions with on-duty employees of the ski
 125 area operator who are skiing and are within the scope of their
 126 employment at the time of the collision shall not be a hazard inherent
 127 in the sport of skiing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	29-201
Sec. 2	<i>October 1, 2014</i>	29-211
Sec. 3	<i>October 1, 2014</i>	29-213
Sec. 4	<i>October 1, 2014</i>	29-212(b)

Statement of Legislative Commissioners:

In section 2 (7) and (8) and section 3 (8), references to the definition of "passenger tramways" were repositioned for clarity.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which modifies the responsibilities of both operators and users of passenger tramways and ski areas, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

sHB 5148

AN ACT CONCERNING SKI SAFETY.

SUMMARY:

This bill expands the safety checks and duties that operators of passenger tramways (for example, chair lifts for skiing) or ski areas must perform.

It requires the operators to (1) ensure that passenger tramways are equipped with restraint devices, which the bill defines as a restraining bar that does not yield to forward pressure by a skier, and (2) conspicuously post, at the tramway entrance, instructions on the proper use of the devices and notice that the law requires their use. It requires tramway riders to close the restraint device, except when embarking or disembarking.

The bill requires operators to ensure that any lift tower on a ski trail or slope is padded or otherwise protected, instead of conspicuously marking the ones not readily visible. It (1) allows them to pad snowmaking devices on ski trails and slopes, as an alternative to marking their location; (2) specifies that the marker must be a portable fence or similar device; and (3) specifies the areas on ski slopes where snowmaking equipment padding or marking is required. These are designated slopes, trails, or areas the operator approves and opens for skiing and grooms regularly as part of normal maintenance activities.

The bill also makes minor technical changes.

EFFECTIVE DATE: October 1, 2014

PASSENGER TRAMWAYS

The bill applies to aerial devices that carry passengers:

1. in two or more open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices or
2. on chairs attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans, or similar devices.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/04/2014)