



# House of Representatives

**File No. 739**

General Assembly

February Session, 2014

**(Reprint of File No. 43)**

Substitute House Bill No. 5148  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 2, 2014

## **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2 statutes is repealed and the following is substituted in lieu thereof  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, as defined in subparagraph (D) of subdivision (1) of this  
45 section, that does not yield to forward pressure by a skier.

46 Sec. 2. Section 29-211 of the general statutes is repealed and the

47 following is substituted in lieu thereof (*Effective October 1, 2014*):

48 In the operation of a passenger tramway or ski area, each operator  
49 shall have the obligation to perform certain duties including, but not  
50 limited to: (1) Conspicuously marking all trail maintenance vehicles  
51 and furnishing the vehicles with flashing or rotating lights which shall  
52 be operated whenever the vehicles are working or moving within the  
53 skiing area; (2) [conspicuously marking the location of any hydrant or  
54 similar device used in snow-making operations and placed on a trail or  
55 slope; (3)] conspicuously marking the entrance to each trail or slope  
56 with a symbol, adopted or approved by the National Ski Areas  
57 Association, which identifies the relative degree of difficulty of such  
58 trail or slope or warns that such trail or slope is closed; [(4)  
59 conspicuously marking] (3) ensuring that any lift tower that is located  
60 on a trail or slope [and is not readily visible; (5)] is padded or  
61 otherwise protected; (4) maintaining one or more trail boards, at  
62 prominent locations within the ski area, displaying such area's  
63 network of ski trails and slopes, designating each trail or slope in the  
64 same manner as provided in subdivision [(3)] (2) of this section and  
65 notifying each skier that the wearing of ski retention straps or other  
66 devices used to prevent runaway skis is required by [this section,  
67 section 29-201 and sections 29-212 to 29-213, inclusive] section 29-213,  
68 as amended by this act; [(6)] (5) in the event maintenance personnel or  
69 equipment are being employed on any trail or slope during the hours  
70 at which such trail or slope is open to the public, conspicuously  
71 posting notice thereof at the entrance to such trail or slope; [and (7)] (6)  
72 conspicuously marking trail or slope intersections; (7) ensuring that  
73 passenger tramways, as defined in subparagraph (D) of subdivision (1)  
74 of section 29-201, as amended by this act, are equipped with restraint  
75 devices; (8) at the entrance of a passenger tramway, as defined in  
76 subparagraph (D) of subdivision (1) of section 29-201, as amended by  
77 this act, conspicuously posting instructions regarding the proper use of  
78 a restraint device on such passenger tramway and notice that the use  
79 of a restraint device on such passenger tramway is required by section  
80 29-213, as amended by this act; and (9) ensuring that any hydrant,

81 snow-making equipment and pipes that are located within the borders  
82 of a designated slope, trail or area that is approved and open for skiing  
83 by the operator and regularly groomed as part of the operator's normal  
84 maintenance activities are padded or marked by portable fencing or a  
85 similar 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 (D)  
103 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)

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.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill modifies the responsibilities of both operators and users of passenger tramways and ski areas. Specifically, the bill requires certain tramways to have a restraining device and conspicuously posted instructions on the use of such device. The bill also requires passengers of the affected tramways to close the restraint device when riding such tramway. There is no fiscal impact arising from the provisions of the bill.

House "A" limited the restraining device requirement to certain passenger tramways and has no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5148 (as amended by House "A")\******AN ACT CONCERNING SKI SAFETY.*****SUMMARY:**

This bill expands the safety checks and duties that operators of certain passenger tramways (aerial chair lifts) 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 a skier's forward pressure, 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 passenger tramways to which the bill applies are lifts that carry passengers on chairs suspended in the air and attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans, or similar devices.

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.

\*House Amendment "A" limits the bill to chair lifts and excludes

aerial cars included in the original file.

EFFECTIVE DATE: October 1, 2014

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/04/2014)