

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2093

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DATE	D-PG	OFFICIAL STATUS
02/27/2014	5897	Introduction and first reading Referred to Judiciary

1.1A bill for an act

1.2relating to skiing; regulating skier and ski area responsibilities; establishing

1.3safety and liability standards; proposing coding for new law as Minnesota

1.4Statutes, chapter 184C.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. [184C.01] TITLE.

1.7This chapter shall be known and cited as the "Minnesota Skier Safety Act."

1.8Sec. 2. [184C.02] DEFINITIONS.

1.9Subdivision 1. **Helmet.** "Helmet" means a properly sized helmet designed by the

1.10manufacturer specifically for recreational alpine skiing or, if the skier is competing or

1.11training, designed for this competition.

1.12Subd. 2. **Injury.** "Injury" means a personal injury or death of a person or loss or

1.13damage to property.

1.14Subd. 3. **Obstacles.** "Obstacles" are natural or man-made objects at or above the

1.15snow surface, or ground level if there is no snow, that are often or sometimes present

1.16at a ski area including, but not limited to, trees, stumps, logs, rocks, boulders, towers,

1.17buildings, decks, utility poles, electrical lines, signs, posts, race poles, fencing, flagging,

1.18ropes, snowmaking machines, hydrants, hoses and pipes, ski lifts, ski area vehicles

1.19complying with section 184C.04, vehicles on roads or in parking areas, cliffs, ravines, and

1.20water bodies with open water, thin ice, or strong currents.

1.21Subd. 4. **Operator.** An "operator" is an entity or person operating a ski area and

1.22includes its owners and employees.

2.1 Subd. 5. **Ski area.** "Ski area" means all ski trails or other terrain used by skiers that
2.2 is administered as a single enterprise by an operator.

2.3 Subd. 6. **Ski area vehicle.** "Ski area vehicle" is a vehicle used for operation,
2.4 maintenance, or transportation, or for competitions or events, at a ski area.

2.5 Subd. 7. **Ski lift; lift.** "Ski lift" or "lift" is a chairlift, gondola, rope or handle tow,
2.6 conveyor, t-bar, or other surface or aerial lift used by skiers at a ski area.

2.7 Subd. 8. **Ski trail.** "Ski trail" means a slope, trail, run, freestyle terrain, competition
2.8 terrain, tree skiing area, or other area at a ski area that is used for skiing, including edges
2.9 and transition areas to other terrain and areas used for loading or unloading ski lifts.

2.10 Subd. 9. **Skier.** A "skier" is a person of any age or physical or mental ability who is
2.11 skiing or is a passenger on a ski lift.

2.12 Subd. 10. **Skiing.** "Skiing" means using alpine, Telemark, or Nordic skis; a
2.13 snowboard, snowbike, sled, toboggan, or tray; or any comparable equipment on a ski trail
2.14 or walking, standing, or being present on a ski trail.

2.15 **Sec. 3. [184C.03] SKIER DUTIES; ASSUMED RISKS.**

2.16 Subdivision 1. **Skier duties.** (a) A skier shall comply at all times with each element
2.17 of the Skier Responsibility Code, as follows:

2.18 "1. Always stay in control, and be able to stop or avoid other people or objects.

2.19 2. People ahead of you have the right of way. It is your duty to avoid them.

2.20 3. You must not stop where you obstruct a trail or are not visible from above.

2.21 4. Whenever starting downhill or merging into a trail, look uphill and yield to others.

2.22 5. Always use devices to help prevent runaway equipment.

2.23 6. Observe all posted signs and warnings. Keep off closed trails and out of closed
2.24 areas.

2.25 7. Before using any lift, you must have the knowledge and ability to load, ride,
2.26 and unload safely.

2.27 KNOW THE CODE. IT'S YOUR RESPONSIBILITY.

2.28 BE SAFETY CONSCIOUS."

2.29 (b) A skier shall: (1) know the limits of the skier's ability and not ski on ski trails that
2.30 exceed that ability; (2) not ride lifts in a manner that may contribute to an injury; and (3) use
2.31 the care of an ordinarily prudent skier in complying with each skier duty under this chapter.

2.32 Subd. 2. **Skiers assume conditions and risks of skiing.** (a) A skier assumes the
2.33 risk of injury from the following conditions and risks of skiing:

2.34 (1) changes in weather and visibility;

(2) surface or subsurface conditions, including ice, ridges, moguls, dips, grooves, holes, bare ground, rocks, stumps, brush and logs, and snow in any condition including freshly made man-made snow;

(3) potential for collision with obstacles or other skiers, including skiers not complying with their duties under this chapter; and

(4) variations in the difficulty or configuration of ski trails including trails with sharp corners or that have, or are directed or drop off toward, obstacles.

(b) A skier who is not wearing a helmet while skiing or riding a ski lift assumes the risk of injury, and increased severity of injury, that could have been avoided by wearing a helmet.

Sec. 4. **[184C.04] OPERATOR RESPONSIBILITIES.**

Subdivision 1. **Requirements for ski lifts.** An operator shall keep its ski lifts in compliance with each requirement of the American National Standard for Passenger Ropeways-Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors Safety Requirements, B77.1-2011, as published by the American National Standards Institute, ANSI Ski Lift Code.

Subd. 2. **Required lift inspections.** An operator shall have its ski lifts inspected for compliance with ANSI Ski Lift Code requirements at least every ski season between November and March by a person who is knowledgeable of these requirements and is either a professional engineer or an insurance company lift inspector.

Subd. 3. **Required notices of risks of skiing.** (a) An operator shall maintain a sign at least six square feet in size at or near each of the ski area's ticket sales buildings that contains, and shall print on each ticket and season pass, the following notice: "WARNING: Under the Minnesota Skier Safety Act, each skier: (1) assumes the risk of injury resulting from conditions and risks involved with skiing, or from a failure to wear a helmet; (2) has duties to comply with while skiing including in the Skier Responsibility Code; and (3) has limitations on the ability to recover damages against a ski area for injuries or death, including the limitation that suits will be barred unless notice of intent to sue is provided to the operator within 180 days, and suit is filed within two years, of occurrence. A complete copy of this act and the Skier Responsibility Code are available for review at the ticket sales office."

(b) An operator shall make available a copy of the Skier Responsibility Code, and a copy of this act, to any skier upon request at its ticket sales office.

(c) An operator shall eliminate or provide adequate notice of an obstacle known to the operator or that should have been known to the operator with reasonable diligence

that, without such action, could not be avoided by a skier complying with each skier duty under this chapter.

Subd. 4. Required trail maps. An operator shall make available to skiers trail maps that are at least eight by eleven inches (when unfolded) in size that show the relative locations of each major ski trail ("a designated ski trail") and each trail's skill level designation using the standards in subdivision 5.

Subd. 5. Required notices of ski trail difficulty levels. (a) An operator shall maintain at or near the beginning of each designated ski trail a sign that is at least three square feet in size that contains the name of the trail and one of the following difficulty level words and emblems, as determined by the operator to be applicable to the ski trail:

(1) "Easiest," and a green circle emblem;

(2) "Difficult" or "More Difficult," and a blue square emblem;

(3) "Most Difficult," and a black diamond emblem;

(4) "Expert" or "Extreme Terrain," and a two black diamond emblem;

(5) "Freestyle Terrain," and an orange oval emblem; or

(6) "Tree skiing - CAUTION" and "This area is not groomed or patrolled - Never ski alone," using orange for lettering or as a background color.

(b) For a ski lift that does not service ski trails that are designated as "Easiest," the operator shall place, near or en route to the lift loading area, a sign that is at least six square feet in size stating: "WARNING: This lift does NOT service any trails that are "Easiest" (green circle emblem)."

Subd. 6. Required freestyle terrain signage. An operator shall maintain a barricade, through fencing, flagging, or comparable means, designating the entrance to any terrain containing terrain park features such as rails, boxes, jumps, hits, jibs, tabletops, spines, banks, half-pipes, quarter-pipes, or snowcross features, with an opening not wider than 30 feet, and maintain at or en route to the entrance signage totaling at least three square feet in size that contains a stop sign emblem, an orange oval emblem denoting freestyle terrain, and the statements "Freestyle Skills Required" and "Helmets are Recommended."

Subd. 7. Required ski area vehicle flashing lights and flags. An operator shall ensure that all ski area vehicles present during ski lift operating hours on designated ski trails that are not closed have a flashing light located near the top of the vehicle that is on. In addition, for vehicles such as snowmobiles, all-terrain vehicles, and vehicles of comparable size, the operator shall ensure that the vehicles also have a red or orange flag that is at least 40 square inches in size and displayed at least five feet above the bottom of the vehicle's tracks or tires.

5.1 Subd. 8. **Accessibility.** The information required under this section must be
5.2 provided upon request in an accessible format to persons with disabilities.

5.3 **Sec. 5. [184C.05] APPLICATION OF LAW TO COMPARATIVE FAULT.**

5.4 In an action involving an injury while skiing or riding a ski lift, "fault" by an
5.5 operator under section 604.01 includes the operator's failure to comply with its duties
5.6 under section 184C.04, and fault by a skier under section 604.01 includes both the risks
5.7 assumed and the skier's failure to comply with skier duties under section 184C.03.

5.8 **Sec. 6. [184C.06] LIABILITY LIMITATIONS.**

5.9 Liability of privately owned ski areas under this chapter is subject to the same limits
5.10 on liability as are applicable under section 466.04, relating to dollar caps and punitive
5.11 damages, and section 466.05, relating to a 180-day notice requirement for municipally
5.12 owned ski areas.

5.13 **Sec. 7. [184C.07] STATUTE OF LIMITATIONS.**

5.14 Subject to section 541.15, paragraph (a), clause (1), relating to actions by minors or
5.15 persons with certain disabilities, an action for an injury involving a skier against an operator
5.16 must be commenced within two years of the earliest of incidents giving rise to the action.

5.17 **Sec. 8. EFFECTIVE DATE.**

5.18 Sections 1 to 7 are effective August 1, 2014, and apply to all actions arising out of
5.19 incidents occurring on or after that date.