

May 13, 2008

S 1577. AMEND LIABILITY OF SKI AREA OPERATORS. Filed 5/13/08. *TO AMEND THE LAW REGARDING THE LIABILITY OF SKI AREA OPERATORS FOR DAMAGES RELATED TO CERTAIN WINTER SPORTS.*

Amends GS 99C-1 to include findings, purpose, and definitions (was, definitions) relating to the winter sports industry. Makes conforming change to the catchline. Expands definitions to define *winter sports* and to encompass common terms relevant to a broad array of winter sports.

Amends 99C-2 to clarify that the responsibilities regarding following safety guidelines while engaging in winter sports activities belong to a skier and a passenger (was, and/or). Adds to the responsibilities of skiers and passengers. Deletes from the list of ski area operators' responsibilities the requirement to clearly mark hidden hazards known to the ski area operator. Provides that the ski area operator's responsibilities requires the operator to maintain the ski area in a reasonably safe condition but specifies that the operator is not liable for physical injury, loss, or property damage caused by any variations in terrain or natural conditions, and any collision with pole lines, lift towers, or any of their components, or any collision with snow-making equipment that is visibly marked with a sign or warning. Makes additional changes and deletions to eliminate redundancies and correct punctuation and makes other technical changes.

Amends 99C-3 (declares that a violation of any responsibility placed on the skier, passenger, or ski operator constitutes negligence) to specify that the statute does not apply to a violation of GS 99C-2(b)(14) (regarding the responsibility of a skier and a passenger not to board a passenger tramway without the authority of the ski area operator). Makes technical changes.

Enacts new GS 99C-4A providing that a skier who chooses to use freestyle terrain assumes the risk of all terrain conditions, regardless of the age of the skier. Directs that a ski area operator is not liable for injury or death of any skier that is proximately caused by assumption of this risk.

Effective October 1, 2008. Applies to causes of actions that arise on or after that date.

Intro. by Goss.

GS 99C