

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

D

SENATE BILL 648
Judiciary Committee Substitute Adopted 4/16/25
Third Edition Engrossed 5/1/25
PROPOSED HOUSE COMMITTEE SUBSTITUTE S648-PCS15484-CI-55

Short Title: Winter Sports Safety and Accidents.

(Public)

Sponsors:

Referred to:

March 26, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS CONCERNING WINTER SPORTS SAFETY AND
3 ACCIDENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Chapter 99C of the General Statutes reads as rewritten:

6 "Chapter 99C.

7 "Actions Relating to Winter Sports Safety and Accidents.

8 "§ 99C-1. Definitions.

9 When used in this Chapter, unless the context otherwise requires:

10 (1) Competitor. – A skier actually engaged in competition or in practice ~~therefor~~
11 for competition with the permission of the ski area operator on any slope or
12 trail or portion ~~thereof of a slope or trail~~ designated by the ski area operator
13 for the purpose of competition.

14 (1a) Freestyle terrain. – Constructed and natural features in ski areas intended for
15 winter sports ~~including, but not limited to, sports, including~~ terrain parks and
16 terrain park features such as jumps, rails, fun boxes, half-pipes, quarter-pipes,
17 and freestyle-bump terrain.

18 (1b) Inherent risks of skiing. – Risks or conditions that are part of the sport of
19 skiing, including the following:

20 a. Changing weather conditions.

21 b. Snow conditions as they exist or may change, such as ice, hard pack,
22 powder, packed powder, wind pack, corn, crust, slush, cut-up snow,
23 and machine-made snow.

24 c. Surface or subsurface conditions, such as bare spots, forest growth,
25 rocks, stumps, streambeds, cliffs, extreme terrain, trees, or other
26 natural objects, and collisions with any of the preceding terms.

27 d. Impact with lift towers, signs, posts, fences or enclosures, hydrants,
28 water pipes, or other man-made structures and their components, both
29 padded and unpadded.

30 e. Variations in steepness or terrain, whether natural or as a result of
31 slope design, snowmaking, or grooming operations, including roads,
32 freestyle terrain, jumps, and catwalks or other terrain modifications.

33 f. Collisions with other skiers.

34 g. Failing to properly load or unload a tramway.



* S 6 4 8 - P C S 1 5 4 8 4 - C I - 5 5 *

1 h. Becoming an unseated passenger on a tramway.

2 i. A skier failing to ski within their own abilities.

3 (2) Passenger. – Any person who is being transported or is awaiting
4 transportation, or being conveyed on a passenger tramway or is moving from
5 the disembarkation point of a passenger tramway or is in the act of embarking
6 upon or disembarking from a passenger tramway.

7 (3) Passenger tramway. – Any device used to transport passengers uphill on skis
8 or other winter sports devices, or in cars on tracks, or suspended in the air, by
9 the use of steel cables, chains, belts or ropes. ~~Such~~ This definition shall include
10 ~~such includes~~ devices such as a chair lift, chairlift, J Bar, or platter pull, rope
11 tow, conveyor lift, and wire tow.

12 (3a) Season pass. – A license provided by a ski area operator for the purpose of
13 allowing individuals to access terrain or property owned or operated as a ski
14 area for a complete ski season.

15 (4) Ski area. – All winter sports slopes, alpine and Nordic ski trails, freestyle
16 ~~terrain-terrain~~, and passenger tramways, that are administered or operated as
17 a ski area enterprise within this State.

18 (5) Ski area operator. – A person, corporation, or organization that is responsible
19 for the safe operation and maintenance of the ski area.

20 (5a) Ski pass. – A license provided by a ski area operator for the purpose of
21 allowing individuals to access terrain or property owned or operated as a ski
22 area on a daily or multiday basis.

23 (6) Skier. – Any person who is wearing ~~skis-skis~~, a snowboard, or other winter
24 sports devices or any person who for the purpose of skiing or other winter
25 sports is on a designated and clearly marked winter sports slope, alpine or
26 Nordic ski trail or freestyle terrain that is located at a ski area, or any person
27 who is a passenger or spectator at a ski area.

28 (7) Winter sports. – Any use of skis, snowboards, snowshoes, or any other device
29 for skiing, sliding, jumping, or traveling on snow or ice.

30 **"§ 99C-2. Duties of ski area operators and skiers.**

31 (a) A ski area operator ~~shall be~~ is responsible for the maintenance and safe operation of
32 any passenger tramway in ~~his-the ski area operator's~~ ski area and ~~insure-ensuring~~ that ~~such-the~~
33 ski area is in conformity with the rules ~~and regulations~~-prescribed and adopted by the North
34 Carolina Department of Labor pursuant to G.S. 95-120(1) ~~as such appear in the North Carolina~~
35 ~~Administrative Procedures Act-G.S. 95-120(1).~~ The North Carolina Department of Labor shall
36 conduct certifications and inspections of passenger tramways.

37 A ski area operator's responsibility regarding passenger tramways ~~shall include, but is not~~
38 ~~limited to, insuring~~ includes:

39 (1) Ensuring operating personnel are adequately trained and are adequate in
40 ~~number; meeting~~ number.

41 (2) Meeting all standards set forth for terminals, stations, line structures, and line
42 ~~equipment; meeting~~ equipment.

43 (3) Meeting all rules and regulations regarding the safe operation and
44 maintenance of all passenger lifts and tramways, including all necessary
45 inspections and record keeping.

46 (b) A skier ~~shall have~~ has the following duties and responsibilities:

47 (1) To know the range of the skier's abilities to negotiate any ski slope or trail and
48 to ski within the limits of ~~such ability;~~ their ability.

49 (2) To maintain control of the skier's speed and course at all times when skiing
50 and to maintain a proper lookout so as to be able to avoid other skiers and
51 obvious hazards and inherent risks, including variations in terrain, snow, or

- 1 ice conditions, bare spots and rocks, trees and other forms of forest growth or
2 forest ~~debris;~~debris.
- 3 (3) To stay clear of snow grooming equipment, all vehicles, pole lines, lift towers,
4 signs, snowmaking equipment, and any other equipment on the ski slopes and
5 ~~trails;~~trails.
- 6 (4) To heed all posted information and other warnings and to refrain from acting
7 in a manner which may cause or contribute to the injury of the skier or
8 ~~others;~~others.
- 9 (5) To wear retention straps, ski brakes, or other devices to prevent runaway skis
10 or ~~snowboards;~~snowboards.
- 11 (6) Before beginning to ski from a stationary position or before entering a ski
12 slope or trail from the side, to avoid moving skiers already on the ski slope or
13 ~~trail;~~trail.
- 14 (7) To not move uphill on any passenger tramway or use any ski slope or trail
15 while ~~such the~~ person's ability to do so is impaired by the consumption of
16 alcohol or by the use of any narcotic or other drug or while ~~such the~~ person is
17 under the influence of alcohol or any narcotic or any ~~drug;~~drug.
- 18 (8) ~~If involved in a collision with another skier or person, to not leave the vicinity~~
19 ~~of the collision before giving his name and current address to an employee of~~
20 ~~the ski area operator, a member of the ski patrol, or the other skier or person~~
21 ~~with whom the skier collided, except in those cases when medical treatment~~
22 ~~is required; in which case, said information shall be provided as soon as~~
23 ~~practical after the medical treatment has been obtained. If the other person~~
24 ~~involved in the collision is unknown, the skier shall leave the personal~~
25 ~~identification required by this subsection with the ski area operator;~~To not
26 leave the vicinity when the skier knows or should reasonably know that they
27 were involved in a collision with another skier before giving his or her name
28 and current address to an employee or agent of the ski area operator, a member
29 of the ski patrol, or the other skier or person with whom the skier collided,
30 except to seek medical treatment for anyone injured as a result of the collision
31 or when remaining at the scene places the skier or others at significant risk of
32 injury. If a skier does leave the vicinity for a reason permitted by this
33 subdivision, the skier must provide the required information to an employee
34 or agent of the ski area operator or a member of the ski patrol as soon as
35 practical after leaving the vicinity. If the other skier involved in the collision
36 is unknown, the skier shall leave the personal identification required by this
37 subdivision with the ski area operator or their employee or agent or a member
38 of the ski patrol.
- 39 (9) ~~Not to~~To not embark upon or disembark from a passenger tramway except at
40 an area that is designated for ~~such purpose;~~that purpose.
- 41 (10) ~~Not to~~To not throw or expel any object from a passenger ~~tramway;~~tramway.
- 42 (11) ~~Not to~~To not perform any action that interferes with the operation or running
43 of a passenger ~~tramway;~~tramway.
- 44 (12) ~~Not to~~To not use ~~such a~~ tramway unless the skier has the ability to use it with
45 reasonable ~~safety;~~safety.
- 46 (13) ~~Not to~~To not engage willfully or negligently in any type of conduct that
47 contributes to or causes injury to another person or ~~his properties;~~that person's
48 properties.
- 49 (14) ~~Not to~~To not embark upon a passenger tramway without the authority of the
50 ski area ~~operator;~~operator.

- 1 (15) If using freestyle terrain, to know the range of the skier's abilities to negotiate
 2 the terrain and to avoid conditions and obstacles beyond the limits of ~~such the~~
 3 skier's ability that a visible inspection should have revealed.
- 4 (16) To not ski off or outside of the ski trail boundaries.
- 5 (17) To load and unload properly from a tramway, and to use any passenger
 6 restraining devices on tramways in accordance with its intended purpose,
 7 posted instructions, and any verbal instructions from the ski area operator.
- 8 (18) To not ski on a ski slope or ski trail that is posted as "closed" or outside of the
 9 operating hours of the ski area.
- 10 (19) To stay clear of snow-grooming equipment, all vehicles, lift towers, signs, and
 11 any other equipment on ski slopes and ski trails.
- 12 (20) To heed all posted information and other warnings, and to refrain from acting
 13 in a manner which may cause or contribute to the injury of the skier or others.
 14 Each skier is presumed to have seen and understood all information posted in
 15 accordance with this Chapter near base area lifts, on the passenger tramways,
 16 and on ski areas, ski slopes, and ski trails. Under decreased visibility, the skier
 17 has a duty to locate and ascertain the meaning of all signage.
- 18 (21) To yield the right-of-way to the downhill skier when approaching or
 19 overtaking another skier.
- 20 (b1) A parent or guardian of a skier under 14 years of age who is participating in winter
 21 sports activities at the ski area has a duty to properly supervise the skier.
- 22 (c) A ski area operator ~~shall have~~ has the following duties and responsibilities:
- 23 (1) To mark all trails and maintenance vehicles and to furnish ~~such those~~ vehicles
 24 with flashing or rotating lights that shall ~~be in operation~~ operate whenever the
 25 vehicles are working or moving in the ski ~~area~~ area.
- 26 (2) To mark with a visible sign or other warning implement the location of any
 27 hydrant or similar equipment that is used in snowmaking operations and
 28 located anywhere in the ski ~~area~~ area, unless the hydrant or similar equipment
 29 is in an open and obvious location.
- 30 (3) To indicate the relative degree of difficulty of a slope or trail by appropriate
 31 signs. ~~Such signs~~ Signs are to be prominently displayed at the base of a slope
 32 where skiers embark on a passenger tramway serving the slope or trail, or at
 33 the top of a slope or trail. The signs must be of the type that have been
 34 approved by the National Ski Areas Association and are in current use by the
 35 ~~industry~~ industry.
- 36 (4) To post (i) at or near the top of or entrance to, any designated slope or trail,
 37 (ii) at ticket kiosks, or (iii) online, signs giving reasonable notice of unusual
 38 conditions on the slope or ~~trail~~ trail.
- 39 (5) To provide adequate ski ~~patrols~~ patrol.
- 40 (6) To mark clearly any hidden rock, hidden stump, or any other hidden hazard
 41 known by the ski area operator to ~~exist~~ exist.
- 42 (6a) To inspect the winter sports slopes, alpine and Nordic ski trails, and freestyle
 43 terrains that are open to the public at least twice daily and maintain a log
 44 recording: (i) the time of the inspection and the name of the inspector(s); and
 45 (ii) the general surface conditions, based on industry standards, for the entire
 46 ski area at the time of the ~~inspections~~ inspections.
- 47 (6b) To post, in a conspicuous manner, the general surface conditions for the entire
 48 ski area twice ~~daily~~ and daily.
- 49 (7) ~~Not to~~ To not engage willfully or negligently in any type conduct that
 50 contributes to or causes injury to another person or ~~his~~ the person's properties.

51 "§ 99C-3. Violation constitutes negligence.

1 A violation of any duty or responsibility placed on the ~~skier, passenger or ski area operator~~
2 skier, passenger, or skier's parent or guardian as set forth in G.S. 99C-2, to the extent ~~such the~~
3 violation proximately causes injury to any person or damage to any property, shall constitute
4 negligence on the part of the person violating the provisions of that section.

5 **"§ 99C-4. Competition.**

6 The ski area operator shall, prior to the beginning of a competition, allow each competitor a
7 reasonable visual inspection of the course or area where the competition is to be held. The
8 competitor shall be held to assume risk of all course conditions ~~including, but not limited to,~~
9 including weather and snow conditions, course construction or layout, and obstacles which a
10 visual inspection should have revealed. No liability shall attach to a ski area operator for injury
11 or death of any competitor proximately caused by ~~such an~~ assumed risk.

12 **"§ 99C-5. Operation of passenger tramway.**

13 The operation of a passenger tramway shall not constitute the operation of a common carrier.

14 **"§ 99C-6. Assumption of risk.**

15 Skiers are deemed to have knowledge of and to assume the inherent risks of skiing.

16 **"§ 99C-7. Liability of ski area operator.**

17 No ski area operator who has complied with G.S. 99C-2 shall be liable to any person who
18 voluntarily participates in skiing for any damage or injury to property or persons that arises out
19 of a person's participation in the activity that takes place in a ski area.

20 **"§ 99C-8. Misuse of ski passes and season passes; unauthorized access to and use of ski**
21 **area.**

22 (a) Violation. – It shall be unlawful for any person to do any of the following acts:

- 23 (1) Use a stolen, fictitious, or borrowed ski pass or season pass for the purpose of
24 obtaining services of any kind from a ski area.
- 25 (2) Ski at a ski area without a valid ski pass or season pass.
- 26 (3) Provide a stolen or fictitious ski pass or season pass or to loan a ski pass or
27 season pass to another person for the purpose of allowing another to obtain
28 services of any kind from a ski area.
- 29 (4) Provide a ski pass or season pass to another person who is not the lawful owner
30 and authorized user of the season pass for the purpose of allowing another to
31 obtain services of any kind from a ski area.
- 32 (5) Access closed lifts, tramways, or ski trails.
- 33 (6) Access lifts, tramways, or ski trails without a ski pass or season pass.

34 (b) Punishment. – A person who violates this section is guilty of a Class 1 misdemeanor.

35 **"§ 99C-9. Hit and run ski collision.**

36 (a) Violation. – It shall be unlawful for a skier to leave the vicinity when the skier knows
37 or should reasonably know that they were involved in a collision with another skier before giving
38 his or her name and current address to an employee or agent of the ski area operator, a member
39 of the ski patrol, or the other skier or person with whom the skier collided, except to seek medical
40 treatment for anyone injured as a result of the collision or when remaining at the scene places the
41 skier or others at significant risk of injury. If a skier does leave the vicinity for a reason permitted
42 by this subsection, the skier must provide the required information to an employee or agent of
43 the ski area operator or a member of the ski patrol as soon as practical after leaving the vicinity.
44 If the other skier involved in the collision is unknown, the skier shall leave the personal
45 identification required by this subsection with the ski area operator or their employee or agent or
46 a member of the ski patrol.

47 (b) Punishment. – A person who violates this section is guilty of a Class 1 misdemeanor.

48 **"§ 99C-10. Civil action.**

49 A ski area operator may bring a civil action against a person who misuses a ski pass or season
50 pass or who accesses or uses a ski area without authorization from the ski area operator and shall
51 be entitled to recover an amount equal to the regular cost of a full season pass to the ski area.

1 Misuse of a ski pass or season pass and unauthorized access to and use of ski areas means any
2 one or more of the following:

- 3 (1) Using a stolen, fictitious, or borrowed ski pass or season pass for the purpose
4 of obtaining services of any kind from a ski area.
- 5 (2) Skiing at a ski area without a valid ski pass or season pass.
- 6 (3) Providing a stolen or fictitious ski pass or season pass or loaning a ski pass or
7 season pass to another person for the purpose of allowing another to obtain
8 services of any kind from a ski area.
- 9 (4) Providing a ski pass or season pass to another person who is not the lawful
10 owner and authorized user of the ski pass or season pass for the purpose of
11 allowing another to obtain services of any kind from a ski area.
- 12 (5) Accessing closed lifts, tramways, or ski trails.
- 13 (6) Accessing lifts, tramways, or ski trails without a ski pass or season pass.

14 **"§ 99C-11. Limited immunity.**

15 A ski area operator's agent or employee who detains or causes the arrest of any person shall
16 not be held civilly liable for detention, malicious prosecution, false imprisonment, or false arrest
17 of the person detained or arrested, if (i) within the premises of the ski area, (ii) in a reasonable
18 manner for a reasonable length of time, and (iii) the agent or employee had probable cause to
19 believe, at the time of the detention, that the person committed a violation under this section. If
20 the person detained is a minor under 18 years of age, the agent or employee shall call or notify,
21 or make a reasonable effort to call or notify, the parent or guardian of the minor during the period
22 of detention. An agent or employee shall not be held civilly liable for failing to notify the parent
23 or guardian of the minor.

24 **"§ 99C-12. Medical bills as evidence.**

25 Evidence offered to prove past medical expenses shall be limited to evidence of the amounts
26 actually paid to satisfy the bills that have been satisfied, regardless of the source of payment, and
27 evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet
28 satisfied. This section does not impose upon any party an affirmative duty to seek a reduction in
29 billed charges to which the party is not contractually entitled.

30 **"§ 99C-13. Public policy of waivers.**

31 It is the public policy of the State of North Carolina that waivers of liability executed in
32 conjunction with winter sports are an express acknowledgement of the inherent risks set out in
33 G.S. 99C-1(1b) enumerated in that document.

34 **"§ 99C-14. Ski patrol and volunteers.**

35 The provisions of G.S. 95-25.3 (minimum wage), 95-25.4 (overtime), 95-25.5 (youth
36 employment), and 95-25.15(b) (record keeping) do not apply to a bona fide volunteer who
37 volunteers at a ski area. For the purposes of this section, a "bona fide volunteer" is (i) a volunteer
38 ski patroller, competition or special event volunteer, volunteer ski instructor, or volunteer
39 mountain host or (ii) any other person performing volunteer services at a ski area, if the individual
40 receives no compensation for the services other than meals, lodging, or the use of ski area
41 facilities or any combination of meals, lodging, or use of ski area facilities."

42 **SECTION 1.(b)** G.S. 95-25.5, as amended by S.L. 2025-56, reads as rewritten:

43 **"§ 95-25.5. Youth employment.**

44 ...

45 (o) Nothing in this section prohibits a qualified youth under 18 years of age from
46 volunteering at a ski area as defined by G.S. 99C-14. As used in this subsection, the term
47 "qualified youth under 18 years of age" means a bona fide volunteer who receives no
48 compensation but who may be offered and may accept meals, lodging, or use of the ski area
49 facilities or any combination thereof."

50 **SECTION 2.** This act becomes effective October 1, 2026, and applies to causes of
51 action arising on or after that date and offenses committed on or after that date.