

# HOUSE BILL No. 5053

August 1, 1991, Introduced by Reps. Gilmer, Nye, Martin, Knight, Ostling and Bartnik and referred to the Committee on Judiciary.

A bill to prescribe certain duties of persons who operate or utilize winter sports parks; to provide for the acceptance of certain risks by persons who utilize winter sports parks; and to prescribe liability for violation of this act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "winter sports liability act".

3       Sec. 2. As used in this act:

4       (a) "Operator" means a person or entity who owns or controls  
5 or who has operational responsibility for a winter sports park.

6       (b) "Participant" means a person who engages in winter  
7 sports at a winter sports park.

8       (c) "Winter sports" means sledding, tobogganing, luge, ice  
9 skating, or cross-country skiing, whether recreational or  
10 competitive.

1 (d) "Winter sports park" means a building, facility, or  
2 outdoors that provides an area specifically designed to be used  
3 for winter sports by the public.

4 (e) "Spectator" means a person who is present in a winter  
5 sports park only for the purpose of observing winter sports  
6 activity, whether recreational or competitive.

7 Sec. 3. An operator shall do all of the following:

8 (a) Post notice of the duties and liabilities of a partici-  
9 pant as prescribed by sections 4 and 5 in and around the winter  
10 sports park in conspicuous places open to the public.

11 (b) Maintain the stability and legibility of posted notices  
12 under subdivision (a).

13 (c) Exercise reasonable care in the maintenance and opera-  
14 tion of a winter sports park for the protection of participants  
15 and spectators.

16 Sec. 4. While in a winter sports park, a winter sports par-  
17 ticipant shall do all of the following:

18 (a) Maintain reasonable control of his or her speed and  
19 course at all times.

20 (b) Read all posted signs and warnings.

21 (c) Maintain a proper lookout to avoid other participants  
22 and objects.

23 (d) Accept the responsibility for knowing his or her own  
24 ability to negotiate the intended direction of travel while  
25 engaged in a winter sport and to engage in that winter sport  
26 within the limits of that ability.

1 (e) Refrain from acting in a manner that may cause injury to  
2 others.

3 Sec. 5. Each participant accepts the danger that inheres in  
4 that winter sport insofar as the dangers are obvious and  
5 necessary. Those dangers may include, but are not limited to,  
6 injuries resulting from collisions with other participants or  
7 spectators, injuries resulting from falls, and injuries involving  
8 objects or artificial structures properly within the intended  
9 travel of the participant that are not otherwise attributable to  
10 the operator's breach of his or her common law duties.

11 Sec. 6. A participant or operator who violates this act is  
12 liable for the loss or damage resulting from that violation.