



HOUSE BILL No. 5625

June 9, 1994, Introduced by Rep Yokich and referred to the Committee on Tourism and Recreation

A bill to amend the title and sections 2 21 and 22 of Act No 199 of the Public Acts of 1962, entitled as amended
Ski area safety act of 1962 "
sections 2 and 21 as amended and section 22 as added by Act No 86 of the Public Acts of 1981, being sections 408 322, 408 341, and 408 342 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 2, 21, and 22 of Act
2 No 199 of the Public Acts of 1962, sections 2 and 21 as amended
3 and section 22 as added by Act No 86 of the Public Acts of 1981,
4 being sections 408 322, 408 341, and 408 342 of the Michigan
5 Compiled Laws, are amended to read as follows

TITLE

An act to provide for the inspection, licensing, and regulation of ski areas and ski lifts to provide for the safety of skiers spectators and the public using ski areas to provide for certain presumptions relative to liability for an injury or damage sustained by skiers to prescribe the duties of skiers and ski area operators to create a ski area safety board ~~in the office of the director of licensing and regulation~~ to provide for the disposition of revenues to provide for liability for damages ~~which~~ THAT result from a violation of this act to provide civil fines for certain violations of this act and to provide criminal penalties for certain violations of this act

Sec 2 As used in this act

(a) Board means the ski area safety board

(b) Commissioner means the director of ~~licensing and regulation~~ COMMERCE or an authorized representative of the director

(c) Department means the ~~state~~ department of ~~licensing and regulation~~ COMMERCE

(d) Operator means a person who owns or controls or who has operational responsibility for, a ski area or ski lift An operator includes this state or a political subdivision of this state

(e) Passenger means a person, skier or nonskier, who boards disembarks from or is transported by a ski lift regardless of whether the ski lift is being used during the skiing

1 season or nonskiing season, and includes a person waiting for or
2 moving away from the loading or unloading point of a ski lift

3 (f) 'Ski area' means an area used for skiing and served by 1
4 or more ski lifts

5 (g) "Skier" means a person ~~wearing skis, or a person not~~
6 ~~wearing skis while the person is~~ in a ski area for ~~the purpose~~
7 ~~of skiing~~ RECREATIONAL PURPOSES, REGARDLESS OF THE FORM OF THAT
8 RECREATION OR DEVICE USED FOR THAT RECREATION SKIER INCLUDES A
9 SPECTATOR

10 (h) "Ski lift" means a device for transporting persons
11 uphill on skis, ~~or~~ in cars on tracks, or suspended in the air
12 by the use of cables, chains, belts, or ropes, and usually sup-
13 ported by trestles or towers with 1 or more spans Ski lift
14 ~~includes~~ INCLUDES a rope tow

15 Sec 21 (1) A skier shall conduct himself or herself
16 within the limits of his or her individual ability and shall not
17 act or ski in a manner that may contribute to his or her injury
18 or to the injury of any other person A skier shall be the sole
19 judge of his or her ability to negotiate a track, trail, or
20 slope REGARDLESS OF THE CAUSE OF THE INJURY, A SKIER INJURED
21 WHILE SKIING ON A TRACK TRAIL, OR SLOPE DESIGNATED AT A DEGREE
22 OF DIFFICULTY GREATER THAN THAT SKIER S ABILITY IS SOLELY RESPON-
23 SIBLE FOR THAT INJURY

24 (2) REGARDLESS OF THE CAUSE OF THE INJURY, A SKIER INJURED
25 WHILE SKIING OUTSIDE OF A TRACK, TRAIL, OR SLOPE BOUNDARY IS
26 SOLELY RESPONSIBLE FOR THAT INJURY

1 (3) A SKIER IS SOLELY RESPONSIBLE FOR CONTROLLING HIS OR HER
2 SPEED SO THAT THE SKIER CAN STOP OR TURN TO AVOID DANGERS A
3 SKIER WHO DOES NOT AVOID A DANGER BY STOPPING OR TURNING IS PRE-
4 SUMED TO BE EXCEEDING A SAFE SPEED FOR THE SKIER'S ABILITY
5 REGARDLESS OF THE CAUSE OF THE INJURY, A SKIER INJURED AS A
6 RESULT OF EXCESSIVE SPEED IS SOLELY RESPONSIBLE FOR THAT INJURY

7 (4) ~~(2)~~ While in a ski area, a skier or passenger shall
8 not do any of the following

9 (a) Board a ski lift ~~which has been~~ THAT IS designated as
10 closed

11 (b) ~~Willfully~~ WILLFULLY board or embark upon, or disembark
12 from a ski lift, except at an area designated for those
13 purposes

14 (c) Intentionally drop throw or expel an object from a ski
15 lift while riding on the lift

16 (d) Do any act ~~which~~ THAT interferes with the running or
17 operation of a ski lift, such as, but not limited to — swing-
18 ing or bouncing on an aerial lift — attempting to contact sup-
19 porting towers machinery, guides, or guards while riding on a
20 ski lift or skiing out of the designated ski track on a surface
21 lift or tow

22 (e) Use a ski lift, unless the skier or passenger has the
23 ability to use the lift safely without instruction on use of the
24 lift by a ski area owner, manager, operator, or employee, or
25 unless the skier or passenger requests and receives instruction
26 before entering the boarding area of the ski lift

1 (f) Use a ski lift or ski without properly engaging and
2 using ski restraining devices brakes or restraining straps

3 Sec 22 (1) While in a ski area, each skier shall do all
4 of the following

5 (a) Maintain reasonable control of his or her speed and
6 course at all times

7 (b) Stay clear of snow-grooming vehicles and equipment in
8 the ski area

9 (c) Heed all posted signs and warnings

10 (d) Ski only in ski areas ~~which~~ THAT are marked as open
11 for skiing on the trail board described in section ~~6a(e)~~ 6A

12 (2) Each person who participates in the sport of skiing
13 accepts the dangers that inhere in that sport ~~insofar as the~~
14 ~~dangers are obvious and necessary~~ Those dangers include, but
15 ~~are not limited to, injuries which can result from variations in~~
16 ~~terrain surface or subsurface snow or ice conditions bare~~
17 ~~spots rocks trees, and other forms of natural growth or debris~~
18 ~~collisions with ski lift towers and their components, with other~~
19 ~~skiers, or with properly marked or plainly visible snow making or~~
20 ~~snow grooming equipment~~ THE INHERENT DANGERS OF SKIING INCLUDE
21 BUT ARE NOT LIMITED TO, INJURIES THAT RESULT FROM ANY OF THE
22 FOLLOWING

23 (A) VARIATIONS IN TERRAIN DUE TO ANY CAUSE, INCLUDING, BUT
24 NOT LIMITED TO, TRACK, TRAIL OR SLOPE DESIGN OR CONSTRUCTION
25 USE OR LACK OF USE OF GROOMING OR SNOWMAKING EQUIPMENT OR VARIA-
26 TIONS CAUSED BY SNOWMOBILES, FIRST AID EQUIPMENT, OR SKIERS

1 (B) SURFACE OR SUBSURFACE SNOW OR ICE CONDITIONS

2 (C) BARE SPOTS OR EROSION OF SOIL, SNOW, OR ICE

3 (D) OBSTRUCTIONS, WHETHER OBVIOUS OR NOT, INCLUDING, BUT NOT

4 LIMITED TO, OTHER SKIERS ROCKS, TREES, STICKS, BRUSH, STUMPS,

5 AND OTHER GROWTH OR DEBRIS AND SIGNS, MARKERS, STRUCTURES, AND

6 OTHER SKI AREA PROPERTY OR EQUIPMENT

7 (3) WHETHER OR NOT A DANGER IS OBVIOUS, A SKIER IS RESPONSI-

8 BLE FOR OBSERVING THE DANGER A SKIER INJURED AS A RESULT OF THE

9 SKIER S FAILURE TO OBSERVE A DANGER IS SOLELY RESPONSIBLE FOR

10 THAT INJURY

11 Section 2 The amendments made by this amendatory act do

12 not apply to an injury incurred before the effective date of this

13 amendatory act