

SENATE BILL No. 969

December 6, 2007, Introduced by Senators PAPPAGEORGE and BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1962 PA 199, entitled
"Ski area safety act of 1962,"
by amending sections 6a and 23 (MCL 408.326a and 408.343), as added
by 1981 PA 86, and by adding sections 6b and 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6a. Each ski area operator shall, with respect to
2 operation of a ski area, do all of the following:

3 (a) Equip each snow-grooming vehicle and any other authorized
4 vehicle ~~, except a snowmobile,~~ with a flashing or rotating yellow
5 light conspicuously located on the vehicle, and operate the
6 flashing or rotating yellow light while the vehicle is moving on,
7 or in the vicinity of, a ski run. A snowmobile operated in a ski
8 area shall be operated with at least 1 operating white light
9 located on the front of the snowmobile **AND AS OTHERWISE PROVIDED IN**

1 **SECTION 6B.**

2 (b) Mark with a visible sign or other warning device the
3 location of any hydrant or similar fixture or equipment used in
4 snow-making operations located on a ski run, as prescribed by rules
5 promulgated under section 20(3).

6 (c) Mark the top of or entrance to each ski run, slope, and
7 trail to be used by skiers for the purpose of skiing, with an
8 appropriate symbol indicating the relative degree of difficulty of
9 the run, slope, or trail, using a symbols code prescribed by rules
10 promulgated under section 20(3).

11 (d) Mark the top of or entrance to each ski run, slope, and
12 trail which is closed to skiing, with an appropriate symbol
13 indicating that the run, slope, or trail is closed, as prescribed
14 by rules promulgated under section 20(3).

15 (e) Maintain 1 or more trail boards at prominent locations in
16 each ski area displaying that area's network of ski runs, slopes,
17 and trails and the relative degree of difficulty of each ski run,
18 slope, and trail, using the symbols code required under subdivision
19 (c) and containing a key to that code, and indicating which runs,
20 slopes, and trails are open or closed to skiing.

21 (f) Place or cause to be placed, if snow-grooming or snow-
22 making operations **OR OTHER MAINTENANCE OPERATIONS** are being
23 performed on a ski run, slope, or trail while the run, slope, or
24 trail is open to the public, a conspicuous notice at or near the
25 top of or entrance to the run, slope, or trail indicating that
26 those operations are being performed.

27 (g) Post the duties of skiers and passengers as prescribed in

1 sections 21 and 22 and the duties, obligations, and liabilities of
2 operators as prescribed in this section in and around the ski area
3 in conspicuous places open to the public.

4 (H) USE A VISUAL OR AUDIBLE WARNING SYSTEM TO INFORM
5 INDIVIDUALS WHEN A SNOWMOBILE IS BEING OPERATED IN A SKI AREA.

6 (I) ~~(h)~~ Maintain the stability and legibility of all required
7 signs, symbols, and posted notices.

8 SEC. 6B. ALL OF THE FOLLOWING APPLY TO A SNOWMOBILE OPERATED
9 ON THE SKI SLOPES OR SKI TRAILS IN A SKI AREA:

10 (A) THE SNOWMOBILE SHALL, AT A MINIMUM, HAVE ALL OF THE
11 FOLLOWING EQUIPMENT:

12 (i) A SIREN.

13 (ii) ONE OPERATING WHITE HEADLIGHT LOCATED ON THE FRONT OF THE
14 SNOWMOBILE.

15 (iii) ONE OPERATING RED TAILLIGHT LOCATED ON THE REAR OF THE
16 SNOWMOBILE.

17 (iv) ONE FLASHING OR ROTATING YELLOW LIGHT IN A CONSPICUOUS
18 LOCATION ON THE SNOWMOBILE.

19 (v) ONE RED FLUORESCENT FLAG THAT IS AT LEAST 40 SQUARE INCHES
20 IN SIZE AND LOCATED AT LEAST 6 FEET ABOVE THE BOTTOM OF THE TRACKS
21 OF THE SNOWMOBILE.

22 (vi) A BRAKE SYSTEM MAINTAINED IN OPERABLE CONDITION.

23 (B) THE SNOWMOBILE SHALL BE OPERATED BY AN INDIVIDUAL 18 YEARS
24 OF AGE OR OLDER WHO HAS RECEIVED THE TRAINING SET FORTH IN SECTION
25 23A WITHIN THE 1-YEAR PERIOD PRECEDING THE DATE AND TIME OF
26 OPERATION, AS FOLLOWS:

27 (i) AT A REASONABLE AND PRUDENT SPEED GIVEN EXISTING

1 CONDITIONS, BUT NOT EXCEEDING 10 MILES PER HOUR.

2 (ii) WITH THE SIREN AND FLASHING OR ROTATING YELLOW LIGHT
3 ACTIVATED.

4 (C) THE INDIVIDUAL OPERATING THE SNOWMOBILE SHALL GIVE RIGHT-
5 OF-WAY TO SKIERS AND PEDESTRIANS AT ALL TIMES.

6 (D) A PERSON OTHER THAN AN OPERATOR, OR AN EMPLOYEE OR
7 CONTRACTUAL SERVICE PROVIDER OF AN OPERATOR, SHALL NOT OPERATE A
8 SNOWMOBILE ON A SKI RUN, SKI SLOPE, OR SKI TRAIL IN A SKI AREA THAT
9 IS OPEN TO SKIING.

10 (E) A PERSON WHO IS AN OPERATOR, OR AN EMPLOYEE OR CONTRACTUAL
11 SERVICE PROVIDER OF AN OPERATOR, SHALL OPERATE A SNOWMOBILE ONLY
12 WITHIN AREAS AND PATHWAYS IN THE SKI AREA REASONABLY DESIGNATED AND
13 DEMARCATED BY THE OPERATOR FOR SNOWMOBILE USE AND OPERATION.

14 Sec. 23. (1) A skier involved in an accident causing an injury
15 to another person shall to the extent that he or she is reasonably
16 able to do so immediately notify the ski patrol or the operator, or
17 law enforcement or emergency personnel, and shall clearly identify
18 himself or herself. A skier who ~~wilfully~~**WILLFULLY** fails to give
19 identification after involvement in a skiing accident with another
20 person, or a skier who is reasonably able to do so who fails to
21 notify the proper authorities or to obtain assistance when the
22 skier knows that another person involved in the accident is in need
23 of medical or other assistance, is guilty of a misdemeanor ~~7~~
24 punishable by imprisonment for not more than 30 days ~~7~~ or a fine of
25 not more than \$100.00, or both.

26 (2) A skier involved in an accident causing an injury to
27 himself or herself, but not to another person, shall immediately

1 notify the ski patrol or the operator, or law enforcement or
2 emergency personnel, if the accident created a known hazardous
3 condition in the area where the accident occurred.

4 (3) AN OPERATOR SHALL REPORT TO THE BOARD ANY INJURY OCCURRING
5 IN THE SKI AREA THAT CAUSES DEATH TO ANY INDIVIDUAL. THE REPORT
6 SHALL BE MADE WITHIN 24 HOURS AFTER THE OPERATOR IS NOTIFIED THAT
7 THE DEATH OCCURRED.

8 SEC. 23A. EACH OPERATOR SHALL HOLD AT LEAST 1 EMPLOYEE
9 TRAINING SESSION BEFORE THE BEGINNING OF EACH SKI SEASON. THE
10 TRAINING SHALL, AT A MINIMUM, INCLUDE INFORMATION REGARDING ALL OF
11 THE FOLLOWING AS SPECIFIED BY THE BOARD:

12 (A) THE SAFE OPERATION OF TRAIL MAINTENANCE EQUIPMENT IN THE
13 SKI AREA FOR INDIVIDUALS WHO ARE RESPONSIBLE FOR TRAIL MAINTENANCE.

14 (B) THE METHODS TO BE USED FOR SUMMONING AID IN CASE OF AN
15 EMERGENCY FOR INDIVIDUALS WHO ARE RESPONSIBLE FOR MAINTENANCE,
16 INSPECTION, OR PATROL DUTIES IN THE SKI AREA.

17 (C) THE SAFE OPERATION AND USE OF SNOWMOBILES BY AN OPERATOR,
18 OR AN EMPLOYEE OR CONTRACTUAL SERVICE PROVIDER OF AN OPERATOR, WHO
19 IS ENGAGED IN AN EMERGENCY RESPONSE IN THE SKI AREA.

20 (D) THE DESIGNATED AREAS IN THE SKI AREA IN WHICH SNOWMOBILES
21 MAY BE USED BY AN OPERATOR, OR AN EMPLOYEE OR CONTRACTUAL SERVICE
22 PROVIDER OF AN OPERATOR, TO RESPOND TO AN EMERGENCY IN THE SKI
23 AREA.