

STATEMENT OF PURPOSE

RS31217 / H0516

This legislation amends section 6-1103, Idaho Code, the Responsibilities and Liabilities of Skiers and Ski Area Operators, to clarify that there is no standard of care for the nine enumerated duties of ski area operators. This clarification recognizes that skiing is an inherently dangerous sport, and the nine enumerated duties are intended to lessen the associated risks.

FISCAL NOTE

This bill will have no negative fiscal impact on the state General Fund or local units of government as it places no requirements on any governmental entity.

Contact:

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 516

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SKI AREA OPERATORS; AMENDING SECTION 6-1103, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF SKI AREA OPERATORS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-1103, Idaho Code, be, and the same is hereby amended to read as follows:

6-1103. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO SKI AREAS. (1) The duties provided for in this section are intended to eliminate, alter, control, and lessen the risks inherent in the sport of skiing, and therefore, there shall be no standard of care in accomplishing such duties. Every ski area operator shall have the following duties with respect to their operation of a skiing area:

~~(1)~~ (a) To mark all trail maintenance vehicles and to furnish such vehicles with flashing or rotating lights that shall be in operation whenever the vehicles are working or are in movement in the skiing area;

~~(2)~~ (b) To mark with a visible sign or other warning implement the location of any hydrant or similar equipment used in snowmaking operations and located on ski slopes and trails;

~~(3)~~ (c) To mark conspicuously the top or entrance to each slope or trail or area ~~with~~ with an appropriate symbol for its relative degree of difficulty; and those slopes, trails, or areas ~~which~~ that are closed ~~shall~~ be so marked at the top or entrance;

~~(4)~~ (d) To maintain one (1) or more trail boards at prominent locations at each ski area displaying that area's network of ski trails and slopes with each trail and slope rated thereon as to its relative degree of difficulty;

~~(5)~~ (e) To designate by trail board or otherwise which trails or slopes are open or closed;

~~(6)~~ (f) To place, or cause to be placed, whenever snowgrooming or snowmaking operations are being undertaken upon any trail or slope while such trail or slope is open to the public, a conspicuous notice to that effect at or near the top of such trail or slope;

~~(7)~~ (g) To post notice of the requirements of this chapter concerning the use of ski retention devices. This obligation shall be the sole requirement imposed upon the ski area operator regarding the requirement for or use of ski retention devices;

~~(8)~~ (h) To provide a ski patrol with qualifications meeting the standards of the national ski patrol system; and

~~(9)~~ (i) To post a sign at the bottom of all aerial passenger tramways ~~which~~ that advises the passengers to seek advice if not familiar with riding the aerial passenger tramway ~~and~~.

1 ~~(10) (2) Not to intentionally or negligently cause injury to any per-~~
2 ~~son; provided, that except~~ Except for the duties of the ski area operator set
3 forth in subsections (1) through (9) of this section and in section 6-1104,
4 Idaho Code, the ski area operator shall have no duty to eliminate, alter,
5 control, or lessen the risks inherent in the sport of skiing, which risks in-
6 clude, but are not limited to, those described in section 6-1106, Idaho Code,
7 and, that no. No activities undertaken by the ski area operator in an attempt
8 to eliminate, alter, control, or lessen such risks shall be deemed to impose
9 on the ski area operator any duty to accomplish such activities to any stan-
10 dard of care.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2024.