

CHAPTER 341

NATURAL RESOURCES

HOUSE BILL 04-1393

BY REPRESENTATIVE(S) White, Cadman, Garcia, Merrifield, Miller, Rippey, Rose, Spadley, Berry, Brophy, Carroll, Coleman, Crane, Frangas, Hall, Larson, Plant, Salazar, Smith, Weissmann, Wiens, and Williams S.;
also SENATOR(S) Taylor, Andrews, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, McElhany, Groff, Grossman, Johnson S., Jones, May R., and Teck.

AN ACT

**CONCERNING AMENDMENTS TO THE COLORADO "SKI SAFETY ACT OF 1979" TO REFLECT EVOLUTION
IN THE SPORT OF SKIING.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 33-44-103 (2), (3.5), (6), (8), and (9), Colorado Revised Statutes, are amended, and the said 33-44-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

33-44-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Competitor" means a skier actually engaged in competition, ~~or in practice therefor with the permission of the ski area operator on any slope or trail or portion thereof designated~~ A SPECIAL EVENT, OR TRAINING OR PRACTICING FOR COMPETITION OR A SPECIAL EVENT ON ANY PORTION OF THE AREA MADE AVAILABLE by the ski area operator. ~~for the purpose of competition.~~

(3.1) "EXTREME TERRAIN" MEANS ANY PLACE WITHIN THE SKI AREA BOUNDARY THAT CONTAINS CLIFFS WITH A MINIMUM TWENTY-FOOT RISE OVER A FIFTEEN-FOOT RUN, AND SLOPES WITH A MINIMUM FIFTY-DEGREE AVERAGE PITCH OVER A ONE-HUNDRED-FOOT RUN.

(3.3) "FREESTYLE TERRAIN" INCLUDES, BUT IS NOT LIMITED TO, TERRAIN PARKS AND TERRAIN PARK FEATURES SUCH AS JUMPS, RAILS, FUN BOXES, AND ALL OTHER CONSTRUCTED AND NATURAL FEATURES, HALF-PIPES, QUARTER-PIPES, AND FREESTYLE-BUMP TERRAIN.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3.5) "Inherent dangers and risks of skiing" means those dangers or conditions ~~which~~ THAT are an integral part of the sport of skiing, including changing weather conditions; snow conditions as they exist or may change, such as ice, hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, and machine-made snow; surface or subsurface conditions such as bare spots, forest growth, rocks, stumps, streambeds, CLIFFS, EXTREME TERRAIN, and trees, or other natural objects, and collisions with such natural objects; impact with lift towers, signs, posts, fences or enclosures, hydrants, water pipes, OR other man-made structures and their components; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to roads, FREESTYLE TERRAIN, JUMPS, and catwalks or other terrain modifications; collisions with other skiers; and the failure of skiers to ski within their own abilities. The term "inherent dangers and risks of skiing" does not include the negligence of a ski area operator as set forth in section 33-44-104 (2). Nothing in this section shall be construed to limit the liability of the ski area operator for injury caused by the use or operation of ski lifts.

(6) "Ski area" means all ski slopes or trails and ALL other places WITHIN THE SKI AREA BOUNDARY, MARKED IN ACCORDANCE WITH SECTION 33-44-107 (6), under the control of a ski area operator and administered as a single enterprise within this state.

(8) "Skier" means any person using a ski area for the purpose of skiing, ~~for the purpose of~~ WHICH INCLUDES, WITHOUT LIMITATION, sliding downhill OR JUMPING on snow or ice on skis, a toboggan, a sled, a tube, a ~~ski-bob~~ SNOWBIKE, a snowboard, or any other device; or for the purpose of using any of the facilities of the ski area, including but not limited to ski slopes and trails.

(9) "Ski slopes or trails" means ALL SKI SLOPES OR TRAILS AND ADJOINING SKIABLE TERRAIN, INCLUDING ALL THEIR EDGES AND FEATURES, AND those areas designated by the ski area operator to be used by skiers for any of the purposes enumerated in subsection (8) of this section. Such designation shall be set forth on trail maps, if provided, and designated by signs indicating to the skiing public the intent that such areas be used by skiers for the purpose of skiing. Nothing in this subsection (9) or in subsection (8) of this section, however, shall imply that ski slopes or trails may not be restricted for use by persons using skis only or for use by persons using any other device described in subsection (8) of this section.

SECTION 2. 33-44-107 (2) (d), Colorado Revised Statutes, is amended to read:

33-44-107. Duties of ski area operators - signs and notices required for skiers' information. (2) A sign shall be placed in such a position as to be recognizable as a sign to skiers proceeding to the uphill loading point of each base area lift depicting and explaining signs and symbols which the skier may encounter at the ski area as follows:

(d) ~~Danger areas, designated by a red exclamation point inside a yellow triangle with a red band around the triangle and the word "Danger" printed beneath the emblem. Danger areas do not include areas presenting inherent dangers and risks of skiing.~~ THE SKI AREA'S EXTREME TERRAIN SHALL BE SIGNED AT THE COMMONLY USED ACCESS DESIGNATED WITH TWO BLACK DIAMONDS CONTAINING THE LETTERS "E" IN

ONE AND "X" IN THE OTHER IN WHITE AND THE WORDS "EXTREME TERRAIN". THE SKI AREA'S SPECIFIED FREESTYLE TERRAIN AREAS SHALL BE DESIGNATED WITH AN ORANGE OVAL.

SECTION 3. 33-44-108 (2), Colorado Revised Statutes, is amended to read:

33-44-108. Ski area operators - additional duties. (2) Whenever maintenance equipment is being employed to maintain or groom any ski slope or trail while such ski slope or trail is open to the public, the ski area operator shall place or cause to be placed a conspicuous notice to that effect at or near the top of that ski slope or trail. THIS REQUIREMENT SHALL NOT APPLY TO MAINTENANCE EQUIPMENT TRANSITING TO OR FROM A GROOMING PROJECT.

SECTION 4. 33-44-109 (6) and (10), Colorado Revised Statutes, are amended to read:

33-44-109. Duties of skiers - penalties. (6) Each ski OR SNOWBOARD used by a skier while skiing shall be equipped with a strap or other device capable of stopping the ski OR SNOWBOARD should the ski OR SNOWBOARD become unattached from the skier. This requirement shall not apply to cross country skis.

(10) No skier involved in a collision with another skier or person in which an injury results shall leave the vicinity of the collision before giving his OR HER name and current address to an employee of the ski area operator or a member of the ~~voluntary~~ ski patrol, except for the purpose of securing aid for a person injured in the collision; in which event the person so leaving the scene of the collision shall give his OR HER name and current address as required by this subsection (10) after securing such aid.

SECTION 5. 33-44-110, Colorado Revised Statutes, is amended to read:

33-44-110. Competition and freestyle terrain. (1) The ski area operator shall, ~~prior to the beginning of a competition, allow each competitor a reasonable visual inspection of the course or area where the competition is to be held~~ USE OF ANY PORTION OF THE AREA MADE AVAILABLE BY THE SKI AREA OPERATOR, ALLOW EACH COMPETITOR AN OPPORTUNITY TO REASONABLY VISUALLY INSPECT THE COURSE, VENUE, OR AREA.

(2) The competitor shall be held to assume the risk of all course, VENUE, OR AREA conditions, including, but not limited to, weather and snow conditions; OBSTACLES; course OR FEATURE LOCATION, construction, or layout; ~~and obstacles which a visual inspection should have revealed~~ FREESTYLE TERRAIN CONFIGURATION AND CONDITIONS; AND OTHER COURSES, LAYOUTS, OR CONFIGURATIONS OF THE AREA TO BE USED. No liability shall attach to a ski area operator for injury or death ~~of~~ TO any competitor ~~proximately~~ caused by ~~such assumed risk~~ COURSE, VENUE, OR AREA CONDITIONS THAT A VISUAL INSPECTION SHOULD HAVE REVEALED OR BY COLLISIONS WITH OTHER COMPETITORS.

SECTION 6. Applicability. This act shall apply to acts occurring on or after the effective date of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2004