

SENATE No. 1247

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the recreational tramway board.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

SENATE No. 1247

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1247) of James E. Timilty for legislation relative to the recreational tramway board [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 46 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the recreational tramway board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 71I of chapter 143 of the General Laws, as appearing in
2 the 2006 Official Edition, is hereby amended by inserting after the word “skis” in line 5, the
3 following words:- snowboards, sleds, tubes, other similar devices commonly used at ski areas

4 SECTION 2. Section 71I of chapter 143, as so appearing, is hereby further
5 amended by striking out the words “riding on skis” in line 25.

6 SECTION 3. Section 71I of chapter 143, as so appearing, is hereby further
7 amended by striking out the words “riding on skis” in lines 28 and 29.

8 SECTION 4. Section 71I of chapter 143, as so appearing, is hereby further
9 amended by striking out the word “skiing” in line 35, and inserting in place thereof the following

words:- sliding or jumping on snow or ice on skis, a snowboard, sled, tube, or other similar device

SECTION 5. Section 71I of chapter 143, as so appearing, is hereby further amended by striking out the definition of “Ski slope or trail” in lines 50 through 56, and inserting in place thereof the following definition:-

“Ski slope or trail”, an area designed by the person or organization having operational responsibility for the ski area as herein defined, including a cross-country ski area, tubing park, or freestyle terrain including jumps, rails, half pipes, quarter pipes, or freestyle bump terrains, for use by the public in sliding or jumping on snow or ice on skis, a snowboard, sled, tube, or other similar device, meaning such designation as is set forth on a trail map or as otherwise designated by a sign indicating to the public the intent that the area be used by skiers for purpose of participating in their chosen activity.

SECTION 6. Section 71N of chapter 143, as so appearing, is hereby amended by striking paragraph 6 in lines 24 through 30, and inserting in place thereof the following paragraph:-

(6) maintain a sign system on all buildings, recreational tramways, ski trails and slopes in accordance with rules and regulations promulgated by the board and shall be responsible for the maintenance and operation of ski areas under its control in a reasonably safe condition or manner; provided, however, that ski area operators shall not be liable for damages to persons or property, while skiing, snowboarding, tubing, sledding or engaging in any similar activity commonly engaged in at a ski area, which arise out of the risks inherent in the respective sport or activity.

SECTION 7. Section 71O of chapter 143, as so appearing, is hereby further amended by striking the second paragraph in lines 12 through 42, and inserting in place thereof the following paragraph:-

A skier who boards a recreational tramway shall be presumed to have sufficient abilities to use the same, and shall follow any written or oral instruction given regarding its use and no skier shall embark on a recreational tramway without authority of the operator. A skier traversing down hill shall have the duty to avoid any collision with any other skier, person or object on the hill below them, and, except as otherwise provided in this chapter, the responsibility for collisions by any skier with any other skier or person shall be solely that of the skier or person involved and not that of the operator, and the responsibility for the collision with any obstruction, man-made or otherwise, shall be solely that of the skier and not that of the operator, provided that such obstruction is properly marked pursuant to the regulations promulgated by the board. No skier shall ski, snowboard, slide or jump on any ski slope or trail or portion thereof which has been designated closed, nor ski, snowboard, slide or jump on other than an identified trail, slope or ski area. Any person skiing, snowboarding, sliding or jumping on other than an open slope or trail within the ski area shall be responsible for any injuries resulting from their action. A skier shall be presumed to know the range of their own ability to traverse any slope, trail or area. A skier shall be presumed to know of the existence of certain unavoidable risks inherent in the sports of skiing, snowboarding, tubing, sledding, or other similar activities commonly engaged in on ski slopes or trails which shall include, but not be limited to, variations in terrain, surface or subsurface snow, ice conditions or bare spots, and shall assume the risk of injury or loss caused by such inherent risks. A skier shall, prior to his entrance onto the slope or trail, other than one designated for cross-country skiing, or embarking

on any recreational tramway, have attached on his skis, a strap or other device for the purpose of restraining or preventing a runaway ski. A ski area operator who finds a person in violation of this section, may issue an oral warning to that individual. A person who fails to heed the warning issued by such ski area operator shall forfeit his recreational tramway ticket and recreational tramway use privileges and may be refused issuance of another such ticket to the recreational tramway.

SECTION 8. Section 71Q of chapter 143, as so appearing, is hereby amended by inserting after the word “skiing” in line 1, the following words:- , snowboarding, tubing, or sledding

SECTION 9. Section 71R of chapter 143, as so appearing, is hereby amended by striking out the section in its entirety and inserting in place thereof the following section:-

Whoever violates any provision of section 71K, 71N, or any rule or regulation made under the provisions of section 71J, shall be punished by a fine of not more than twenty thousand dollars; provided, however, that any person who operates a recreational tramway, after the license therefor has been suspended or revoked, shall be punished by a fine of up to twenty thousand dollars for each day of such operation.