

HOUSE No. 46

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 the 2006
2 Official Edition, is hereby amended by inserting after the word “skis” in line 5, the following
3 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 amended by
5 striking out the words “riding on skis” in line 25.

6 SECTION 3. Section 71I of chapter 143, as so appearing, is hereby further amended by
7 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 amended by
9 striking out the word “skiing” in line 35, and inserting in place thereof the following words:-
10 sliding or jumping on snow or ice on skis, a snowboard, sled, tube, or other similar device

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

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

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

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

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

33 A skier who boards a recreational tramway shall be presumed to have sufficient abilities
34 to use the same, and shall follow any written or oral instruction given regarding its use and no
35 skier shall embark on a recreational tramway without authority of the operator. A skier traversing

36 down hill shall have the duty to avoid any collision with any other skier, person or object on the
37 hill below them, and, except as otherwise provided in this chapter, the responsibility for
38 collisions by any skier with any other skier or person shall be solely that of the skier or person
39 involved and not that of the operator, and the responsibility for the collision with any
40 obstruction, man-made or otherwise, shall be solely that of the skier and not that of the operator,
41 provided that such obstruction is properly marked pursuant to the regulations promulgated by the
42 board. No skier shall ski, snowboard, slide or jump on any ski slope or trail or portion thereof
43 which has been designated closed, nor ski, snowboard, slide or jump on other than an identified
44 trail, slope or ski area. Any person skiing, snowboarding, sliding or jumping on other than an
45 open slope or trail within the ski area shall be responsible for any injuries resulting from their
46 action. A skier shall be presumed to know the range of their own ability to traverse any slope,
47 trail or area. A skier shall be presumed to know of the existence of certain unavoidable risks
48 inherent in the sports of skiing, snowboarding, tubing, sledding, or other similar activities
49 commonly engaged in on ski slopes or trails which shall include, but not be limited to, variations
50 in terrain, surface or subsurface snow, ice conditions or bare spots, and shall assume the risk of
51 injury or loss caused by such inherent risks. A skier shall, prior to his entrance onto the slope or
52 trail, other than one designated for cross-country skiing, or embarking on any recreational
53 tramway, have attached on his skis, a strap or other device for the purpose of restraining or
54 preventing a runaway ski. A ski area operator who finds a person in violation of this section, may
55 issue an oral warning to that individual. A person who fails to heed the warning issued by such
56 ski area operator shall forfeit his recreational tramway ticket and recreational tramway use
57 privileges and may be refused issuance of another such ticket to the recreational tramway.

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

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

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