

5:13-1 to 5:13-11

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:13-1 to 5:13-11 (Ski operators & skiers--define responsibilities & liabilities)

LAWS OF 1979 CHAPTER 29

Bill No. A1650

Sponsor(s) Littell and others

Date Introduced Sept. 25, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate -----

Amended during passage Yes

Date of Passage: Assembly Nov. 30, 1978

Senate Dec. 4, 1978

Date of approval Feb. 22, 1979

xxx Amendments during passage denoted by asterisks. Substituted for S1340 (not attached since identical to A1650)

Following statements are attached if available:

Sponsor statement	Yes	xxx
Committee Statement: Assembly	Yes	xxx
Senate	xxx	no
Fiscal Note	xxx	no
Veto message	xxx	no
Message on signing	Yes	xxx

Following were printed:

Reports	Yesx	No
Hearings	Yesx	no

Case cited in Assembly Committee statement is:
 Sunday v Stratton, 390 A. 2d 398 (1978)

See also (attached)

Lorrell, Jeffrey W., "The New Ski Law: Are Downhill Injury Claims Headed Downhill?" 103 NJLJ 197 (March 8, 1979)
 "The Ski-Bill--A Bad Bill", 102 NJLJ 548 (Dec. 12, 1978)

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1650

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 25, 1978

By Assemblymen LITTELL, ALBANESE, WEIDEL, BORN-HEIMER, FORTUNATO, McMANIMON, Assemblywoman MUHLER, Assemblymen SMITH, KAVANAUGH and BARRY

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT defining the responsibilities and liabilities of ski area operators and skiers.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. a. The Legislature finds that the sport of skiing is practiced
2 by a large number of citizens of this State and also attracts to this
3 State large numbers of nonresidents, significantly contributing to
4 the economy of this State and, therefore, the allocation of the risks
5 and costs of skiing are an important matter of public policy.

6 b. The purpose of this law is to make explicit a policy of this
7 State which clearly defines the responsibility of ski area operators
8 and skiers, recognizing that the sport of skiing and other ski area
9 activities involve risks which must be borne by those who engage
10 in such activities and which are essentially impractical or impos-
11 sible for the ski area operator to eliminate. It is, therefore, the
12 purpose of this act to state those risks which the skier voluntarily
13 assumes for which there can be no recovery.

1 2. As used in this act

2 a. "Operator" means a person or entity who owns, manages,
3 controls or directs the operation of an area where individuals
4 come to ski, whether alpine, touring or otherwise, or operate ski-
5 mobiles, toboggans, sleds or similar vehicles and pay money or
6 tender other valuable consideration for the privilege of participat-
7 ing in said activities, and includes an agency of this State, political
8 subdivisions thereof or instrumentality of said entities, or any
9 individual or entity acting on behalf of an operator for all or part
10 of such activities.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

11 b. "Ski area" includes all of the real and personal property,
 12 under the control of the operator or on the premises of the operator
 13 which are being occupied, by license, lease, fee simple or otherwise,
 14 including but not limited to all passenger tramways, designated
 15 trails, slopes and *other* areas ***[**under the control of the operator
 16 as well as all other indoor or outdoor recreational facilities**]***
 16A *utilized for skiing, operating toboggans, sleds, or similar vehicles*
 16B *during the skiing season*.*

17 c. "Skier" means a person utilizing the ski area ***[**under control
 18 of the operator for the purpose of skiing, observing or accompany-
 19 ing skiers, utilizing tramways or entering the premises for other
 20 purposes, whether recreational or otherwise**]*** *for recreational*
 20A *purposes such as skiing or operating toboggans, sleds or similar*
 20B *vehicles, and including anyone accompanying the person*.* Skier
 21 also includes any person *in such ski area** who is an invitee,
 22 whether or not said person pays consideration.

23 d. "Slopes and trails" means those areas designated as such by
 24 the operator.

1 3. a. It shall be the responsibility of the operator to the extent
 2 practicable, to:

3 (1) Establish and post a system generally identifying slopes
 4 and trails and designating relative degrees of difficulty thereof;
 5 and to make generally available to skiers information in the form
 6 of trail maps or trail reports***[**, provided skiers have no prior
 7 experience at the particular ski area**]***.

8 (2) Make generally available either by oral or written report
 9 or otherwise, information concerning the daily conditions of the
 10 slopes and trails.

11 (3) Remove as soon as practicable obvious, ***[**known and ex-
 12 tremely dangerous**]*** man-made hazards***[**, except as permitted by
 13 subsection 3 b. (3) of this section.**]***

14 b. No operator shall be responsible to any skier or other person
 15 because of its failure to comply with any provisions of ***[**this**]***
 16 subsection *3.a.** if such failure was caused by:

17 (1) Abrupt changes in weather conditions;

18 (2) Hazards normally associated with the varying conditions
 19 of snow or undercover, including skier use; or

20 (3) ***[**The**]*** *Subject to the provisions of subsection 3.a. (3),*
 20A *the** location of man-made facilities and equipment necessary
 21 for the ordinary operation of the ski area, such as transportation
 22 or grooming vehicles, *which are marked by flashing lights or other*
 22A *switable sight or sound devices** towers, fencing of any type, racing

23 poles, or any other object or piece of equipment utilized in connec-
 24 tion with the maintenance of trails, buildings or other facilities
 25 used in connection with skiing.

26 *c.* Grooming shall be at the discretion of the operator ***[and**
 27 the judgment of the management shall be conclusive]*.

28 ***[c.** No operator shall be liable to any person who is a trespasser,
 29 which shall include, but not be limited to, persons using the facilities
 30 who fail, when required to do so, to pay lift fees or other fees
 31 required in connection with the use of these facilities. The operator
 32 shall be liable to skiers and others only as specified in this section.]*

33 d. No operator shall be liable to any skier unless said operator
 34 has knowledge of the failure to comply with the duty imposed by
 35 this section or unless said operator should have reasonably known
 36 of such condition and having such knowledge has had a reasonable
 37 time in which to correct any condition or comply with any duty set
 38 forth in this section.

39 *e. Nothing contained in this act shall be construed as limiting
 40 or otherwise affecting the liability and responsibilities of a ski area
 41 operator under the "Ski Lift Safety Act" (P. L. 1975, c. 226,
 42 C. 34:4A-1 et seq.), or shall prevent the maintenance of an action
 43 against a ski area operator for negligent construction, maintenance
 44 or operation of a passenger tramway.*

1 4. a. Skiers shall conduct themselves within the limits of their
 2 individual ability and shall not act in a manner that may contribute
 3 to the injury of themselves or any other person.

4 b. No skier shall:

5 (1) Board or dismount from a ski lift except at a designated
 5A area;

6 (2) Throw or expel any object from any tramway, ski lift, com-
 7 mercial skimobile, or other similar device while riding on the
 8 device;

9 (3) Act in any manner *contrary to posted rules* while riding on
 10 a rope tow, wire rope tow, j-bar, t-bar, ski lift, or similar device
 11 that may interfere with the proper or safe operation of the lift
 11A or tow;

12 (4) ***[Engage]*** *Knowingly engage* in any act or activity by
 13 his skiing or frolicking which injures other skiers while such other
 14 skiers are either descending any trail, or standing or congregating
 15 in a reasonable manner, and due diligence shall be exercised in
 16 order to avoid hitting, colliding with or injuring any other skier or
 16A invitee.

17 (5) ***[Engage]*** **Knowingly engage** in any type of conduct
 18 which may injure any person, or place any object in the uphill ski
 19 track which may cause another to fall, while traveling uphill on a
 19A ski lift;

20 (6) Cross the uphill track of a j-bar, t-bar, rope tow, wire rope
 21 tow, or other similar device except at designated locations.

22 c. Every skier shall maintain control of his speed and course at
 23 all times, and shall stay clear of any snow grooming equipment, any
 24 vehicle, any lift tower, and any other equipment on the mountain.

25 d. A skier shall be the sole judge of his ability to negotiate any
 26 trail, slope, or uphill track and shall not attempt to ski or otherwise
 27 traverse any trail, slope or other area which is beyond the skier's
 28 ability to negotiate***[**, and no action shall be maintained against any
 29 operator by reason of the condition of the track, trail, or slope**]**.*

30 e. No skier shall board a rope tow, wire rope tow, j-bar, t-bar,
 31 ski lift, or other similar device unless he has sufficient knowledge
 32 and ability to use the lift. If the skier does not have such knowledge
 33 or ability, he shall ask for and receive*, *or follow any posted, writ-*
 34 *ten or oral** instructions prior to using such device. ***[No operator**
 35 **or operator's employee or agent shall be liable for failure to**
 36 **instruct a skier on the use of the device, but the skier shall follow**
 36A **any written or verbal instructions that are given regarding the**
 37 **use thereof.]**.*

38 f. No person shall ski on other than designated trails or slopes.

39 g. No person on foot or on any type of sliding device shall
 40 **knowingly** operate said device so as to cause injury to himself or
 41 others, whether such injury results from a collision with another
 42 person or with an object.

43 h. A person embarking on a lift or tow without authority, or
 44 failing to pay appropriate consideration for its use shall be
 45 considered to be a trespasser ***[and shall have no cause of action**
 46 **for injuries arising therefrom]**.*

1 5. A skier is deemed to have knowledge of and to assume the
 2 inherent risks of ***[the sport]*** **skiing, operating toboggans, sleds*
 2A *or similar vehicles** created by weather conditions, conditions
 3 of snow, trails, slopes, other skiers, and all other inherent condi-
 4 tions. Each skier is assumed to know the range of his ability, and
 5 it shall be the duty of each skier to conduct himself within the limits
 6 of such ability, to maintain control of his speed and course at all
 7 times while skiing, to heed all posted warnings and to refrain from
 8 acting in a manner which may cause or contribute to the injury of
 9 himself or others.

1 ***[**6. Each skier is deemed to accept, as a matter of law, the
 2 inherent risks attendant upon participation in skiing and related
 3 activities of whatever nature, including, but not limited to, those set
 4 out in sections 4 and 5 of this act. Such assumption shall be a complete
 5 bar of suit against an operator and shall serve as a complete
 6 defense, notwithstanding the provisions of P. L. 1973, c. 146
 7 (C. 2A:15-5.1 et seq.), relating to comparative negligence. Failure
 8 to adhere to the duties set out in sections 4 and 5 shall bar suit
 9 against an operator by, or on behalf of any skier, and shall bar
 10 suit against an operator to compensate for injuries resulting from
 11 skiing activities, where such failure is found to be a contributory
 12 factor in the resulting injury.]*

13 **6. The assumption of risk set forth in section 5 shall be a*
 14 *complete bar of suit and shall serve as a complete defense to a suit*
 15 *against an operator by a skier for injuries resulting from the*
 16 *assumed risks, notwithstanding the provisions of P. L. 1973, c. 146*
 17 *(C. 2A:15-5.1 et seq.), relating to comparative negligence, unless*
 18 *an operator has violated his duties or responsibilities under this*
 19 *act, in which case the provisions of P. L. 1973, c. 146 shall apply.*
 20 *Failure to adhere to the duties set out in sections 4 and 5 shall bar*
 21 *suit against an operator to compensate for injuries resulting from*
 22 *skiing activities, where such failure is found to be a contributory*
 23 *factor in the resulting injury, unless the operator has violated his*
 24 *duties or responsibilities under the act, in which case the provisions*
 25 *of P. L. 1973, c. 146 shall apply.**

1 7. As a precondition to bringing any suit in connection with a
 2 skiing injury against an operator, a skier shall***[**:

3 a. Personally or through another responsible party, notify orally
 4 or in writing either the ski patrol or the operator or its manager,
 5 any assistant or person of similar authority, of any accident or
 6 incident giving rise or having the potential for giving rise to loss
 7 or injury, before leaving the ski area on the day of said incident.

8 b. Report***]** **report** in writing to the ski area operator all the
 9 details of any accident as soon as possible, but in no event longer
 10 than 90 days from the time of the incident giving rise to the suit.

11 **[****[Information required by subsections a. and b. of this section]**
 12 **The report** shall include at least the following: name, address,
 13 brief description of incident, location, alleged cause, others involved
 14 and witnesses, if any. **If it is not practicable to give the report*
 15 *because of severe physical disability resulting from a skiing acci-*
 16 *dent or incident, the report shall be given as soon as practicable.*
 17 *This section is not applicable with respect to a ski area unless the*

18 operator conspicuously posts notice to skiers of the requirements
19 of the section.

20 A skier who fails to give the report within 90 days from the time
21 of the accident or incident may be permitted to give the report at
22 any time within 1 year after the accident or incident, in the discre-
23 tion of a judge of the superior court, if the ski area operator is not
24 substantially prejudiced thereby. Application to the court for
25 permission to give a late report shall be made upon motion based
26 upon affidavits showing sufficient reasons for the skier's failure to
27 give the report within 90 days from the time of the accident or
28 incident.*

1 8. Sections 2, 3, 4 and 5, and any other law notwithstanding, an
2 action for injury or death against a ski area operator, ski area or
3 its employees or owner, whether based upon tort or breach of
4 contract or otherwise arising out of skiing ***[or related activities]***
5 *, operating toboggans, sleds or similar vehicles* shall be com-
6 menced no later than 2 years after the occurrence of the incident
7 or earliest of incidents giving rise to the cause of action.

1 *9. If a skiing accident or incident, or an action based upon a
2 skiing accident or incident, involves a minor, the time limits set
3 forth in sections 7 and 8 shall not begin to run against the minor
4 until he reaches the age of majority.

1 10. The provisions of this act are cumulative with the defenses
2 available to a public entity or public employee under the New
3 Jersey Tort Claims Act (P. L. 1972, c. 45, C. 59:1-1 et seq.).*

1 ***[9.]*** *11.* The provisions of this act shall be deemed to be
2 severable, and if any phrase, clause, sentence or provision of this
3 act is declared to be unconstitutional or the applicability thereof to
4 any person is held invalid, the remainder of this act shall not
5 thereby be deemed to be unconstitutional or invalid.

1 ***[10.]*** *12.* This act shall take effect immediately.

11 Information required by subsections a. and b. of this section
 12 shall include at least the following: name, address, brief description
 13 of incident, location, alleged cause, others involved and witnesses,
 14 if any.

1 8. Sections 2, 3, 4 and 5, and any other law notwithstanding, an
 2 action for injury or death against a ski area operator, ski area or
 3 its employees or owner, whether based upon tort or breach of
 4 contract or otherwise arising out of skiing or related activities
 5 shall be commenced no later than 2 years after the occurrence of
 6 the incident or earliest of incidents giving rise to the cause of action.

1 9. The provisions of this act shall be deemed to be severable, and
 2 if any phrase, clause, sentence or provision of this act is declared
 3 to be unconstitutional or the applicability thereof to any person is
 4 held invalid, the remainder of this act shall not thereby be deemed
 5 to be unconstitutional or invalid.

1 10. This act shall take effect immediately.

SPONSOR'S STATEMENT

The purpose of this bill is to reaffirm the principles of law which recognize that there are inherent dangers in skiing to be accepted by skiers and thereby fairly allocate the risks and costs of skiing activities in a manner which will serve the interests of the skiing public by containing the rapidly rising costs of liability insurance premiums as well as secure the continuing economic viability of a relatively new industry which is vital to the State's economy.

A 1650 (1979)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1650
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 1978

The purpose of this bill is to establish in statutory law the responsibilities and liabilities of ski area operators and skiers with respect to skiing accidents. These responsibilities and liabilities are currently covered under the general law of negligence, which is primarily case law. A Vermont case, *Sunday v. Stratton*, has caused considerable concern nationwide among ski area operators and their insurers over the potential liability of ski area operators for skiing injuries. In the *Sunday* case, the court held that the doctrine of assumption of risk as a defense which completely barred recovery in negligence cases was no longer applicable because of the adoption of a comparative negligence statute. Prior to the case, this doctrine was one of the major defenses in actions based on skiing accidents. A comparative negligence statute was enacted in New Jersey in 1973 (P. L. 1973, c. 146, C. 2A:15-5.1 et seq.).

The uncertainty over what effect the *Sunday* case will have on the liability of ski area operators for skiing injuries has led to increases in the cost of liability insurance. It also poses a threat to the availability of this type of insurance which is currently provided by only a few insurers.

The bill, as introduced, proposes to deal with the problem by specifically listing the responsibilities of ski area operators and skiers. It provides that an operator is not liable to a skier for a skiing injury unless he violates his responsibilities. In addition, it bars a skier from suing an operator for a skiing injury if the skier contributes to the injury by violating his responsibilities. The bill requires, as a precondition to suit, that the skier notify the ski patrol or one of the operator's management personnel of the details of a skiing accident before leaving the ski area, and report the details in writing to the operator within 90 days of the incident. It also contains a strict 2-year statute of limitations for actions for injuries arising out of skiing.

The committee proposes a number of substantive amendments to the bill. The effects of the amendments are indicated below.

The area to which the bill applies would be limited to designated trails, slopes and other areas used for skiing, operating toboggans, sleds and similar devices during the skiing season. As introduced the bill applies to all areas under the control or on the premises of the operator. This could make the limited liability under the bill applicable to a parking lot, lodge or bar at a ski area. The specific circumstances warranting clear and more limited liability which are present on the trails, slopes and actual skiing areas, would not be present in a parking lot, lodge or bar. (Section 2. b.)

The proviso which limits the responsibility of a ski area operator to make generally available information on trails and conditions to skiers who had no prior experience at a particular ski area would be eliminated. This responsibility would extend to all skiers. (Section 3. a. (1)).

The responsibility of an operator with respect to man-made hazards would be broadened to — “remove as soon as practicable obvious, man-made hazards.” Under the bill as introduced, this responsibility is more limited in that the hazards also have to be “known and extremely dangerous.” (Section 3. a. (3)).

An operator would have the additional responsibility of marking transportation vehicles with “flashing lights or other suitable sight or sound devices.” (Section 3. b. (3)).

The complete removal of liability on the part of a ski area operator to trespassers would be eliminated. (Section 3. c. and 4h.)

A new proviso would be added to insure that this act would not affect the liability and responsibility of an operator under the Ski Lift Safety Act, or prevent a suit against an operator for negligent construction, maintenance or operation of a passenger tramway. (Section 3. e.).

A number of the skier’s responsibilities under the bill would be qualified. Several types of actions or activities for which a skier is responsible would be qualified by the addition of the modifier “knowingly.” A skier would have to engage in the actions or activities *knowingly* to be held responsible for them. (Sections 4b. (4), 4b. (5) and 4g.).

The responsibility of a skier not to act in any manner on ski lifts and tows which would interfere with their safe operation would be qualified to require that he not act in any manner *contrary to posted rules* which would interfere with their safe operation. (Section 4b. (3)).

The provision that an action shall not be maintained against an operator by reason of the condition of the track, trail or slope would be eliminated. It is part of the subsection which concerns the responsibility of a skier to ski only on trails, slopes or areas that he is able to negotiate.

It was indicated during committee consideration of the bill that this provision was intended to apply only to its subsection. However, it could be interpreted broadly as prohibiting all actions based upon trail or slope conditions. (Section 4. d.)

The provisions that an operator or his employee is not liable for failure to instruct a skier on the use of a ski lift or tow would be eliminated. (Section 4. e.)

The basic liability provision with respect to the inherent risks of skiing which a skier assumes under the bill and violations by a skier of his responsibilities under the bill, would be substantially changed. As introduced the bill provides that a skier is completely barred from suing a ski area operator based upon the assumed risks or for injuries to which the skier contributed by violating his responsibilities, notwithstanding the provisions of the comparative negligence law. Under the committee amendments, a skier is not barred from suing an operator based upon assumed risks or for injuries to which he contributed if the operator violated his duties or responsibilities under the bill. In this case, the provisions of the comparative negligence law would apply. (Section 6.).

The reporting requirement with respect to skiing accidents would be substantially changed. The requirement that a skier notify the ski patrol or one of the operator's management personnel of the details of a skiing accident before leaving the ski area would be eliminated. A skier would still be required to report in writing the details of a skiing accident to the operator within 90 days from the time of the accident. Several additional provisions would be added concerning the reporting requirement. If a skier can not give the required report because of severe physical disability resulting from a skiing accident, he is required to give the report as soon as practicable. The reporting requirement is not applicable to a ski area unless the operator conspicuously posts notice to skiers of the reporting requirement. If a skier fails to give the report within 90 days of the accident, he may be permitted to give the report at any time within 1 year after the accident, in the discretion of a judge of the superior court, if the operator is not substantially prejudiced by the late report. This provision is patterned after a similar provision in the New Jersey Tort Claims Act (N. J. S. 59:8-9). That act has a 90-day reporting requirement for claims against public entities. (Section 7.)

A new section would be added to provide that the time limits for both the reporting requirement and the statute of limitations would not begin to run against a minor until he reached the age of majority. (New Section 9.).

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 22, 1979

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

KATHRYN FORSYTH

Governor Brendan Byrne today signed a bill establishing in statutory law the responsibilities and liabilities of ski area operators and skiers with respect to skiing accidents. Byrne signed the bill in a public ceremony in his office.

The bill, A-1650, was sponsored by Assemblyman Robert Littell (R-Sussex).

A recent Vermont accident case, Sunday v. Stratton, has caused considerable nationwide concern and uncertainty among ski area operators and their insurers as to their potential liability for skiing injuries.

In the Sunday case, the court ruled that the doctrine of assumption of risk by the skier, which completely barred recovery in negligence cases and was formerly one of the major defenses in actions based on skiing accidents, was no longer applicable because of Vermont's adoption of a comparative negligence statute.

The uncertainty as to the effect of the case has led to increases of up to 400 per cent in the cost of ski area liability insurance. These increases have been passed on to consumers in the form of rising lift ticket prices.

A-1650 clarifies and defines the specific responsibilities of both ski area operators and skiers in an effort to help maintain, if not reduce, the cost of insurance.

Under the bill, the ski area operators' responsibilities are:

- establishing and posting a system generally identifying and marking trails and slopes and designating the relative degrees of difficulty of those trails and slopes;
- making this information generally available to skiers in the form of printed trail maps and trail reports, and by daily oral or written reports concerning the day-to-day conditions of the trails;
- marking transportation or grooming vehicles with flashing lights or other suitable sound or sight vehicles;
- removing as soon as practicable man-made hazards.

No operator would be responsible to any skier because of failure to meet these specified responsibilities if that failure was caused by abrupt changes in the weather conditions, hazards normally associated with the varying conditions of snow and undercover (including skier use), or the locations of man-made facilities and equipment necessary for the ordinary operation of the ski area.

In addition, no operator would be liable unless the operator had knowledge of the failure to comply with the duties imposed by the bill or unless the operator should have reasonably known of the conditions, and knowing of them had a reasonable time to correct

Grooming would be at the discretion of the operator.

Under the bill, each skier is "deemed to have knowledge of and assume the inherent risks of skiing, operating toboggans, sleds or similar vehicles created by weather conditions, conditions of snow, trails or slopes, other skiers and all other inherent conditions. Each skier is assumed to know the range of his ability and it shall be the duty of each skier to conduct himself within the limits of such ability, to maintain control of his speed and course at all times while skiing, heed all posted warnings and refrain from acting in a manner which may cause or contribute to the injury of himself or others."

No skier shall:

- board and dismount from ski lifts except at designated areas;
- throw or expel any object from a tramway, ski lift, commercial skimobile or other similar device while riding on the device;
- act in any manner contrary to posted rules while riding a rope tow, wire rope tow, j-bar, t-bar, ski lift or similar device that may interfere with the proper operation of the device;
- ski on other than designated trails or slopes;
- knowingly engage in any act or activity which injures other skiers while they are either descending a trail or standing or congregating in a reasonable manner.

Skiers must stay clear of grooming equipment, vehicles, lift towers or other equipment on the mountain.

This assumption of risk by the skier would be a complete bar of suit and would serve as a complete defense to a suit against an operator by a skier for injuries resulting from the assumed risks unless the operator has violated his responsibilities under the bill.

As a precondition of suit under the bill, an injured skier or his representative must report the details of the accident in writing to the ski area operator within 90 days of the incident giving rise to the suit.

If severe physical disability resulting from the ski accident or incident makes it impracticable to submit the written report within 90 days, then the report must be given as soon as practicable.

Any action for an injury or death resulting from a ski incident must be commenced no later than two years from the date of the occurrence. If the incident involved a minor, that time limit will not commence until he reaches the age of majority.

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reasonably known of the conditions, and knowing of them had a reasonable time to correct