



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 471 (as enrolled)
 Sponsor: Senator Walter H. North
 Senate Committee: Transportation and Tourism
 House Committee: Regulatory Affairs

Date Completed: 6-29-95

RATIONALE

The Ski Area Safety Act, among other things, establishes responsibilities of ski area operators, such as indicating the difficulty of each ski run and displaying an area's network of slopes and trails. (A "ski area" is an area used for skiing and served by one or more ski lifts.) The Act also governs the conduct of individual skiers and prohibits them from engaging in certain activities. The Act specifies that "[e]ach person who participates in the sport of skiing accepts the dangers that inhere in that sport insofar as the dangers are obvious and necessary", and provides that a skier, passenger, or operator who violates the Act is liable for that portion of the loss or damage resulting from the violation. As a result, if a skier is injured while engaging in prohibited conduct, the ski area operator is not liable for the injury caused by that violation. Conversely, if a skier is injured as a result of a ski area operator's violation of the Act, the operator's liability is clear.

It has been pointed out that these provisions might not necessarily cover someone using a snowboard (like a skateboard without wheels), or a legless person using a ski-like device attached to the torso. The Act currently defines "skier" as a person wearing skis or a person not wearing skis while in a ski area for the purpose of skiing. On the other hand, the American National Standards Institute (ANSI), which sets standards for ski areas and other industries, defines "skier" to include people using snowboards and handicappers using ski devices. Apparently, ski areas are inspected both by the Department of Commerce, which relies on the statutory definition, and by insurers, who adhere to the ANSI definition. It has been suggested that the Act be amended to include snowboards and ski devices, in order to conform to the ANSI standards and to clarify the responsibility and liability of people using these

devices, as well as the liability of ski operators for accidents involving them.

CONTENT

The bill would amend the Ski Area Safety Act to include in the definition of "skier" a person using "a device that attaches to at least 1 foot or the lower torso for the purpose of sliding on a slope" and that "slides on the snow or other surface of a slope and is capable of being maneuvered and controlled by the person using the device". "Skier" also would include a person not wearing a skiing device while the person was in a ski area for the purpose of skiing.

MCL 408.322

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Snowboarding is a sport that is growing in popularity. Reportedly, national statistics show that 15% to 20% of the people who use ski facilities are snowboarders. In addition, skiing by handicappers has increased. Since these individuals share the slopes with skiers regulated under the Ski Area Safety Act, they also should share the same statutory regulations and protections. By including snowboards and ski devices in the Act, the bill would make people using them subject to the Act's provisions governing skiers' conduct, assumption of the risk, and liability for violations. At the same time, the liability and responsibility of ski area operators would be the same for snowboarders and ski

device-users as it is for traditional skiers. In addition, the Act would be consistent with national safety standards.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would not expand the scope of regulation or inspections to an extent that there would be a fiscal impact on the Department of Commerce. There would be no impact on local governmental units.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.