



# SENATE BILL No. 471

April 26, 1995, Introduced by Senators NORTH, MC MANUS, KOIVISTO, DUNASKISS, HOFFMAN, ROGERS, MILLER, YOUNG, EMMONS and STILLE and referred to the Committee on Transportation and Tourism.

A bill to amend the title and section 2 of Act No. 199 of the Public Acts of 1962, entitled as amended "Ski area safety act of 1962," as amended by Act No. 86 of the Public Acts of 1981, being section 408.322 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 2 of Act No. 199 of the  
2 Public Acts of 1962, as amended by Act No. 86 of the Public Acts  
3 of 1981, being section 408.322 of the Michigan Compiled Laws, are  
4 amended to read as follows:

### TITLE

5  
6 An act to provide for the inspection, licensing, and regula-  
7 tion of ski areas and ski lifts; to provide for the safety of  
8 skiers, spectators, and the public using ski areas; to provide  
9 for certain presumptions relative to liability for an injury or

1 damage sustained by skiers; to prescribe the duties of skiers and  
2 ski area operators; to create a ski area safety board; ~~in the~~  
3 ~~office of the director of licensing and regulation;~~ to provide  
4 for the disposition of revenues; to provide for liability for  
5 damages which result from a violation of this act; to provide  
6 civil fines for certain violations of this act; and to provide  
7 criminal penalties for certain violations of this act.

8       Sec. 2. As used in this act:

9       (a) "Board" means the ski area safety board.

10       (b) "Commissioner" means the director of ~~licensing and~~  
11 ~~regulation~~ COMMERCE or an authorized representative of the  
12 director.

13       (c) "Department" means the state department of ~~licensing~~  
14 ~~and regulation~~ COMMERCE.

15       (d) "Operator" means a person who owns or controls, or who  
16 has operational responsibility for, a ski area or ski lift. An  
17 operator includes this state or a political subdivision of this  
18 state.

19       (e) "Passenger" means a person, skier or nonskier, who  
20 boards, disembarks from, or is transported by a ski lift, regard-  
21 less of whether the ski lift is being used during the skiing  
22 season or nonskiing season, and includes a person waiting for or  
23 moving away from the loading or unloading point of a ski lift.

24       (f) "Ski area" means an area used for skiing and served by 1  
25 or more ski lifts.

26       (g) "Skier" means a person wearing skis ~~—~~ or UTILIZING A  
27 DEVICE THAT ATTACHES TO AT LEAST 1 FOOT OR THE LOWER TORSO FOR

1 THE PURPOSE OF SLIDING ON A SLOPE. THE DEVICE SLIDES ON THE SNOW  
2 OR OTHER SURFACE OF A SLOPE AND IS CAPABLE OF BEING MANEUVERED  
3 AND CONTROLLED BY THE PERSON USING THE DEVICE. SKIER INCLUDES a  
4 person not wearing skis OR A SKIING DEVICE while the person is in  
5 a ski area for the purpose of skiing.

6 (h) "Ski lift" means a device for transporting persons  
7 uphill on skis, or in cars on tracks, or suspended in the air by  
8 the use of cables, chains, belts, or ropes, and usually supported  
9 by trestles or towers with 1 or more spans. Ski lift ~~includes~~  
10 INCLUDES a rope tow.