

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 11
RESPONSIBILITIES AND LIABILITIES OF SKIERS AND SKI AREA OPERATORS

6-1101. LEGISLATIVE PURPOSE. The legislature finds that the sport of skiing is practiced by a large number of citizens of this state and also attracts a large number of nonresidents, significantly contributing to the economy of Idaho. Since it is recognized that there are inherent risks in the sport of skiing which should be understood by each skier and which are essentially impossible to eliminate by the ski area operation, it is the purpose of this chapter to define those areas of responsibility and affirmative acts for which ski area operators shall be liable for loss, damage or injury, and to define those risks which the skier expressly assumes and for which there can be no recovery.

[6-1101, added 1979, ch. 270, sec. 1, p. 701.]

6-1102. DEFINITIONS. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Aerial passenger tramway" means any device operated by a ski area operator used to transport passengers, by single or double reversible tramway; chair lift or gondola lift; T-bar lift, J-bar lift, platter lift or similar device; a fiber rope or wire rope tow or a conveyor, which is subject to regulations adopted by the proper authority.

(2) "Passenger" means any person who is lawfully using an aerial passenger tramway, or is waiting to embark or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.

(3) "Ski area" means the property owned or leased and under the control of the ski area operator within the state of Idaho.

(4) "Ski area operator" means any person, partnership, corporation or other commercial entity and their agents, officers, employees or representatives, who has operational responsibility for any ski area or aerial passenger tramway.

(5) "Skiing area" means all designated slopes and trails but excludes any aerial passenger tramway.

(6) "Skier" means any person present at a skiing area under the control of a ski area operator for the purpose of engaging in activities including, but not limited to, sliding downhill or jumping on snow or ice on skis, a snowboard, or any other sliding device, or who is using any ski area including, but not limited to, ski slopes, trails and freestyle terrain but does not include the use of an aerial passenger tramway.

(7) "Ski slopes and trails" mean those areas designated by the ski area operator to be used by skiers for the purpose of participating in the sport of skiing.

(8) "Freestyle terrain" means terrain parks and terrain features including, but not limited to, jumps, hits, ramps, banks, fun boxes, jibs, rails, half-pipes, quarter pipes and any other natural or constructed features.

[6-1102, added 1979, ch. 270, sec. 1, p. 701; am. 2014, ch. 187, sec. 1, p. 497.]

6-1103. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO SKI AREAS. Every ski area operator shall have the following duties with respect to their operation of a skiing area:

(1) To mark all trail maintenance vehicles and to furnish such vehicles with flashing or rotating lights that shall be in operation whenever the vehicles are working or are in movement in the skiing area;

(2) To mark with a visible sign or other warning implement the location of any hydrant or similar equipment used in snowmaking operations and located on ski slopes and trails;

(3) To mark conspicuously the top or entrance to each slope or trail or area, with an appropriate symbol for its relative degree of difficulty; and those slopes, trails, or areas which are closed, shall be so marked at the top or entrance;

(4) To maintain one (1) or more trail boards at prominent locations at each ski area displaying that area's network of ski trails and slopes with each trail and slope rated thereon as to its relative degree of difficulty;

(5) To designate by trail board or otherwise which trails or slopes are open or closed;

(6) To place, or cause to be placed, whenever snowgrooming or snowmaking operations are being undertaken upon any trail or slope while such trail or slope is open to the public, a conspicuous notice to that effect at or near the top of such trail or slope;

(7) To post notice of the requirements of this chapter concerning the use of ski retention devices. This obligation shall be the sole requirement imposed upon the ski area operator regarding the requirement for or use of ski retention devices;

(8) To provide a ski patrol with qualifications meeting the standards of the national ski patrol system;

(9) To post a sign at the bottom of all aerial passenger tramways which advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(10) Not to intentionally or negligently cause injury to any person; provided, that except for the duties of the operator set forth in subsections (1) through (9) of this section and in section 6-1104, Idaho Code, the operator shall have no duty to eliminate, alter, control or lessen the risks inherent in the sport of skiing, which risks include, but are not limited to, those described in section 6-1106, Idaho Code; and, that no activities undertaken by the operator in an attempt to eliminate, alter, control or lessen such risks shall be deemed to impose on the operator any duty to accomplish such activities to any standard of care.

[6-1103, added 1979, ch. 270, sec. 1, p. 702; am. 2014, ch. 187, sec. 2, p. 498.]

6-1104. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS. Every ski area operator shall have the duty to construct, operate, maintain and repair any aerial passenger tramway in accordance with the American national standards safety requirements for aerial passenger tramways.

[6-1104, added 1979, ch. 270, sec. 1, p. 703.]

6-1105. DUTIES OF PASSENGERS. Every passenger shall have the duty not to:

- (1) Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose;
- (2) Drop, throw or expel any object from an aerial passenger tramway;
- (3) Do any act which shall interfere with the running or operation of an aerial passenger tramway;
- (4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction until the passenger has requested and received sufficient instruction to permit safe usage;
- (5) Embark on an aerial passenger tramway without the authority of the ski area operator;
- (6) Use any aerial passenger tramway without engaging such safety or restraining devices as may be provided.

[6-1105, added 1979, ch. 270, sec. 1, p. 703.]

6-1106. DUTIES OF SKIERS. It is recognized that skiing as a recreational sport is hazardous to skiers, regardless of all feasible safety measures that can be taken.

Each skier expressly assumes the risk of and legal responsibility for any injury to person or property that results from participation in the sport of skiing including any injury caused by the following, all whether above or below snow surface: variations in terrain; any movement of snow including, but not limited to, slides, sloughs or avalanches; any depths of snow, including tree wells, or any accumulations of snow, whether natural or man made, including snowmaking mounds; freestyle terrain; surface or subsurface snow or ice conditions; bare spots, rocks, trees, other forms of forest growth or debris, lift towers and components thereof; utility poles, and snowmaking and snowgrooming equipment which is plainly visible or plainly marked in accordance with the provisions of section 6-1103, Idaho Code. Therefore, each skier shall have the sole individual responsibility for knowing the range of his own ability to negotiate any slope or trail, and it shall be the duty of each skier to ski within the limits of the skier's own ability, to maintain reasonable control of speed and course at all times while skiing, to heed all posted warnings, to ski only on a skiing area designated by the ski area operator and to refrain from acting in a manner which may cause or contribute to the injury of anyone. The responsibility for collisions by any skier while actually skiing, with any person, shall be solely that of the individual or individuals involved in such collision and not that of the ski area operator.

No person shall place any object in the skiing area or on the uphill track of any aerial passenger tramway that may cause a passenger or skier to fall; cross the track of any T-bar lift, J-bar lift, platter lift or similar device, a fiber rope or wire rope tow and a conveyor, except at a designated location; or depart when involved in a skiing accident, from the scene of the accident without leaving personal identification, including name and address, before notifying the proper authorities or obtaining assistance when that person knows that any other person involved in the accident is in need of medical or other assistance.

No skier shall fail to wear retention straps or other devices to help prevent runaway equipment.

[6-1106, added 1979, ch. 270, sec. 1, p. 703; am. 2014, ch. 187, sec. 3, p. 498.]

6-1107. LIABILITY OF SKI AREA OPERATORS. Any ski area operator shall be liable for loss or damages caused by its failure to follow the duties set forth in sections 6-1103 and 6-1104, Idaho Code, where the violation of duty is causally related to the loss or damage suffered. The ski area operators shall not be liable to any passenger or skier acting in violation of their duties as set forth in sections 6-1105 and 6-1106, Idaho Code, where the violation of duty is causally related to the loss or damage suffered; nor shall a ski area operator be liable for any injury or damage to a person who is not legally entitled to be in the ski area; or for any loss or damages caused by any object dropped, thrown or expelled by a passenger from an aerial passenger tramway.

[6-1107, added 1979, ch. 270, sec. 1, p. 704.]

6-1108. LIABILITY OF PASSENGERS. Any passenger shall be liable for loss or damages resulting from violations of the duties set forth in section 6-1105, Idaho Code, and shall not be able to recover from the ski area operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

[6-1108, added 1979, ch. 270, sec. 1, p. 704.]

6-1109. LIABILITY OF SKIERS. Any skier shall be liable for loss or damages resulting from violations of the duties set forth in section 6-1106, Idaho Code, and shall not be able to recover from the ski area operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

[6-1109, added 1979, ch. 270, sec. 1, p. 704.]