

route to the principal chalet. The required size of the maps is specified in bill. The maps must contain difficulty ratings for each trail, consistent with the requirements of subdivision 3.

Subd. 5. Freestyle terrain. Requires barricades and certain signage to be posted near the entrance to ski trails that contain freestyle terrain.

Subd. 6. Tubing park. Requires signage to be posted at, near, or on the route to the loading area of a tubing park ski lift or entrance to the park that contains a warning notice related to assumption of risks and liability, and a warning notice related to tubing participant responsibilities. The size and content requirements for the signs are specified in the bill.

Subd. 7. Lift signs. Requires signage at, near, or en route to the loading area of any ski lift that does not service "easier" ski trails. The size and content requirements for the signs are specified in the bill.

Subd. 8. Ski area vehicles. (a) Requires all ski area vehicles present on a designated trail during operating hours to have a flashing light on or near the top of the vehicle. Snowmobiles, ATV's, or other similarly sized vehicles must also maintain a red or orange flag at least 40 square inches in size mounted at least five feet from the bottom of the vehicle's tracks or tires while present on a designated ski trail.

(b) Provides that ski area operators are not liable for injury or death resulting from a collision with a ski area vehicle if a ski trail is closed, or if the vehicle is equipped with lights and/or a flag as required by paragraph (a) and is not on a designated trail.

Subd. 9. Variation of signs. Permits a ski area operator to vary from the sign posting requirements in this section if a reasonably prudent skier abiding by the skiers responsibilities would be able to find and understand the sign.

Subd. 10. Ski lift inspections. Requires ski lifts to be inspected by a qualified lift inspector during or prior to each ski season, at least once every 15 months. This subdivision also specifies that ski area operators are responsible for injury or death in the event of a ski lift accident, if the incident is caused by the operator's failure to comply with a mandatory provision of the ANSI Ski Lift Code, or by the operator's negligence.

Subd. 11. Accessibility of information. Requires information required to be maintained on a sign, trail map, ticket, or season pass to be provided in an accessible format to persons with disabilities upon request.

4 Skier responsibilities; limited operator liability. Establishes a number of responsibilities of skiers and limits the liability of a ski area operator who substantially adheres to the requirements of this chapter.

Subd. 1. Duties of skiers. (a) Provides that it skiers have a duty to comply with the "skier responsibility code" published by the National Ski Areas Association, and a duty to exercise reasonable care in skiing. The skier is presumed to have seen and understood all postings, signs, and warnings.

(b) A person who engages in the act of skiing and who is not authorized to be in the ski area is considered a trespasser.

Subd. 2. Helmets. Provides that is the responsibility of a skier to wear a properly-secured, sized, and fitted helmet, and that a skier is presumed to know the risks of a failure to wear a helmet.

Subd. 3. Release of liability. Provides that a valid release of liability signed by a skier is

effective so long as the release is not ambiguous. This section may not be construed as releasing an operator for damages caused by gross negligence or reckless or intentional acts.

Subd. 4. Assumption of risks. Provides that a skier assumes knowledge of all conditions and risks of skiing, even if a particular condition or risk was not specifically presented or stated to the skier. A definition of "conditions and risks of skiing" is provided in section 2 of the bill.

This subdivision also releases a ski area operator who substantially adheres to the requirements of this chapter from liability for injury or death occurring as a result of a condition or risk of skiing. The definitions contained in this chapter are to be interpreted broadly, and determination of a "condition or risk of skiing" is a question of law (meaning it must be decided by a judge, not by a jury).

- 5 Statute of limitations; notice of claim.** Provides that an action or injury or death against a ski area operator must be commenced within two years after the incident or earliest of the incidents giving rise to the claim. A claimant must provide a notice of intent to file a claim to the ski area operator within 180 days of an incident that may give rise to a claim. The content requirements for the notice are specified in the bill.
- 6 Effective date.** Provides an effective date for the bill.