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SENATE BILL 5186

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Kastama, Delvin, and Eide

Read first time 01/17/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to skiing in areas closed to skiing; amending RCW  
2 79A.45.030; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79A.45.030 and 1989 c 81 s 3 are each amended to read  
5 as follows:

6 (1) In addition to the specific requirements of this section, all  
7 skiers shall conduct themselves within the limits of their individual  
8 ability and shall not act in a manner that may contribute to the injury  
9 of themselves or any other person.

10 (2) No person shall:

11 (a) Embark or disembark upon a ski lift except at a designated  
12 area;

13 (b) Throw or expel any object from any tramway, ski lift,  
14 commercial skimobile, or other similar device while riding on the  
15 device;

16 (c) Act in any manner while riding on a rope tow, wire rope tow, j-  
17 bar, t-bar, ski lift, or similar device that may interfere with the  
18 proper or safe operation of the lift or tow;

1 (d) Willfully engage in any type of conduct which may injure any  
2 person, or place any object in the uphill ski track which may cause  
3 another to fall, while traveling uphill on a ski lift; or

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

6 (3) Every person shall maintain control of his or her speed and  
7 course at all times, and shall stay clear of any snowgrooming  
8 equipment, any vehicle, any lift tower, and any other equipment on the  
9 mountain.

10 (4) A person shall be the sole judge of his or her ability to  
11 negotiate any trail, run, or uphill track and no action shall be  
12 maintained against any operator by reason of the condition of the  
13 track, trail, or run unless the condition results from the negligence  
14 of the operator.

15 (5) Any person who boards a rope tow, wire rope tow, j-bar, t-bar,  
16 ski lift, or other similar device shall be presumed to have sufficient  
17 abilities to use the device. No liability shall attach to any operator  
18 or attendant for failure to instruct the person on the use of the  
19 device, but a person shall follow any written or verbal instructions  
20 that are given regarding the use.

21 (6) Because of the inherent risks in the sport of skiing all  
22 persons using the ski hill shall exercise reasonable care for their own  
23 safety. However, the primary duty shall be on the person skiing  
24 downhill to avoid any collision with any person or object below him or  
25 her.

26 (7)(a) Any person skiing outside the confines of trails open for  
27 skiing or runs open for skiing within the ski area boundary shall be  
28 responsible for any injuries or losses resulting from his or her  
29 action.

30 (b) A person shall not ski on a ski slope, trail, or area that is  
31 designated by a ski area operator as closed to the public and that has  
32 signs posted indicating the closure. Any person who violates the  
33 provisions of this subsection commits a civil infraction and is subject  
34 to a monetary penalty of up to one thousand dollars.

35 (i) A member of the national ski patrol who witnesses a violator  
36 present in a closed area may conduct an investigation that includes  
37 preparation of an incident report form and collection of evidence or

1 witness statements. Information pertaining to the violation may be  
2 remitted within seven days to the sheriff of the county in which the  
3 violation occurred or to the director of fish and wildlife.

4 (ii) The sheriff of the county in which the violation occurred or  
5 a fish and wildlife officer as defined in RCW 77.08.010 may issue a  
6 citation to a person who violates this subsection (7)(b).

7 (8) Any person on foot or on any type of sliding device shall be  
8 responsible for any collision whether the collision is with another  
9 person or with an object.

10 (9) A person embarking on a lift or tow without authority shall be  
11 considered to be a trespasser.

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