SENATE DOCKET, NO. 331 FILED ON: 1/19/2011

SENATE . . . . . No. 1247

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the recreational tramway board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 331 FILED ON: 1/19/2011

SENATE . . . . . No. 1247

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1247) of James E. Timilty for legislation relative to the recreational tramway board [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *46* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the recreational tramway board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 71I of chapter 143 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "skis" in line 5, the following words:- snowboards, sleds, tubes, other similar devices commonly used at ski areas

SECTION 2. Section 71I of chapter 143, as so appearing, is hereby further amended by striking out the words "riding on skis" in line 25.

SECTION 3. Section 71I of chapter 143, as so appearing, is hereby further amended by striking out the words "riding on skis" in lines 28 and 29.

SECTION 4. Section 71I of chapter 143, as so appearing, is hereby further amended by striking out the word "skiing" in line 35, and inserting in place thereof the following words:- sliding or jumping on snow or ice on skis, a snowboard, sled, tube, or other similar device

SECTION 5. Section 71I of chapter 143, as so appearing, is hereby further amended by striking out the definition of "Ski slope or trail" in lines 50 through 56, and inserting in place thereof the following definition:-

"Ski slope or trail", an area designed by the person or organization having operational responsibility for the ski area as herein defined, including a cross-country ski area,

17 tubing park, or freestyle terrain including jumps, rails, half pipes, quarter pipes, or freestyle
18 bump terrains, for use by the public in sliding or jumping on snow or ice on skis, a snowboard,
19 sled, tube, or other similar device, meaning such designation as is set forth on a trail map or as
20 otherwise designated by a sign indicating to the public the intent that the area be used by skiers
21 for purpose of participating in their chosen activity.

22 SECTION 6. Section 71N of chapter 143, as so appearing, is hereby amended
23 by striking paragraph 6 in lines 24 through 30, and inserting in place thereof the following
24 paragraph:-

25 (6) maintain a sign system on all buildings, recreational tramways, ski trails
26 and slopes in accordance with rules and regulations promulgated by the board and shall be
27 responsible for the maintenance and operation of ski areas under its control in a reasonably safe
28 condition or manner; provided, however, that ski area operators shall not be liable for damages to
29 persons or property, while skiing, snowboarding, tubing, sledding or engaging in any similar
30 activity commonly engaged in at a ski area, which arise out of the risks inherent in the respective
31 sport or activity.

32 SECTION 7. Section 71O of chapter 143, as so appearing, is hereby further
33 amended by striking the second paragraph in lines 12 through 42, and inserting in place thereof
34 the following paragraph:-

35 A skier who boards a recreational tramway shall be presumed to have
36 sufficient abilities to use the same, and shall follow any written or oral instruction given
37 regarding its use and no skier shall embark on a recreational tramway without authority of the
38 operator. A skier traversing down hill shall have the duty to avoid any collision with any other
39 skier, person or object on the hill below them, and, except as otherwise provided in this chapter,
40 the responsibility for collisions by any skier with any other skier or person shall be solely that of
41 the skier or person involved and not that of the operator, and the responsibility for the collision
42 with any obstruction, man-made or otherwise, shall be solely that of the skier and not that of the
43 operator, provided that such obstruction is properly marked pursuant to the regulations
44 promulgated by the board. No skier shall ski, snowboard, slide or jump on any ski slope or trail
45 or portion thereof which has been designated closed, nor ski, snowboard, slide or jump on other
46 than an identified trail, slope or ski area. Any person skiing, snowboarding, sliding or jumping
47 on other than an open slope or trail within the ski area shall be responsible for any injuries
48 resulting from their action. A skier shall be presumed to know the range of their own ability to
49 traverse any slope, trail or area. A skier shall be presumed to know of the existence of certain
50 unavoidable risks inherent in the sports of skiing, snowboarding, tubing, sledding, or other
51 similar activities commonly engaged in on ski slopes or trails which shall include, but not be
52 limited to, variations in terrain, surface or subsurface snow, ice conditions or bare spots, and
53 shall assume the risk of injury or loss caused by such inherent risks. A skier shall, prior to his
54 entrance onto the slope or trail, other than one designated for cross-country skiing, or embarking

on any recreational tramway, have attached on his skis, a strap or other device for the purpose of restraining or preventing a runaway ski. A ski area operator who finds a person in violation of this section, may issue an oral warning to that individual. A person who fails to heed the warning issued by such ski area operator shall forfeit his recreational tramway ticket and recreational tramway use privileges and may be refused issuance of another such ticket to the recreational tramway.

SECTION 8. Section 71Q of chapter 143, as so appearing, is hereby amended by inserting after the word “skiing” in line 1, the following words:- , snowboarding, tubing, or sledding

SECTION 9. Section 71R of chapter 143, as so appearing, is hereby amended by striking out the section in its entirety and inserting in place thereof the following section:-

Whoever violates any provision of section 71K, 71N, or any rule or regulation made under the provisions of section 71J, shall be punished by a fine of not more than twenty thousand dollars; provided, however, that any person who operates a recreational tramway, after the license therefor has been suspended or revoked, shall be punished by a fine of up to twenty thousand dollars for each day of such operation.