

6752

I N S E N A T E

February 3, 2010

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law and the labor law, in relation to the duties of skiers and ski area operators and penalties for violation thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 18-103 of the general obligations law is amended by
2 adding two new subdivisions 15 and 16 to read as follows:
3 15. TO ENSURE THAT SKIERS ARE NOT PERMITTED TO ENTER THE SKI AREA
4 WITHOUT A PROTECTIVE HELMET.
5 16. TO MAKE AVAILABLE TO THE PUBLIC, FOR SALE OR LEASE, PROTECTIVE
6 HELMETS.
7 S 2. Section 18-105 of the general obligations law is amended by
8 adding a new subdivision 12-a to read as follows:
9 12-A. TO WEAR A PROTECTIVE HELMET WHILE IN THE SKI AREA;
10 S 3. Paragraph c of subdivision 1 of section 18-106 of the general
11 obligations law, as added by chapter 711 of the laws of 1988, is amended
12 to read as follows:
13 c. To make available at reasonable fees, as required by subdivision
14 thirteen of section 18-103 of this article, instruction and education
15 for skiers relative to the risks inherent in the sport and the duties
16 prescribed for skiers by this article, EDUCATIONAL LITERATURE REGARDING
17 INJURY PREVENTION and to conspicuously post notice of the times and
18 places of availability of such instruction and education in locations
19 where it is likely to be seen by skiers; and
20 S 4. The labor law is amended by adding a new section 867-a to read as
21 follows:
22 S 867-A. PENALTIES. IF THE COMMISSIONER FINDS THAT A SKI AREA OPERATOR
23 HAS KNOWINGLY VIOLATED THE PROVISIONS OF SUBDIVISION FIFTEEN OR SIXTEEN
24 OF SECTION 18-103 OF THE GENERAL OBLIGATIONS LAW, THE COMMISSIONER SHALL
25 IMPOSE A FINE OF ONE HUNDRED DOLLARS FOR THE FIRST SUCH VIOLATION, TWO
26 HUNDRED DOLLARS FOR A SECOND VIOLATION, AND FOR ANY SUBSEQUENT
27 VIOLATION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, AFTER A HEAR-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 ING THEREON, SUSPEND THE LICENSE OF SUCH SKI AREA OPERATOR FOR A PERIOD
2 OF THREE DAYS.
3 S 5. This act shall take effect on the sixtieth day after it shall
4 have become a law.