S T A T E O F N E W Y O R K

1059

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, MILLMAN, SCARBOROUGH, CASTRO, HOOPER, WEISENBERG, JAFFEE, JEFFRIES, KAVANAGH -- Multi-Sponsored by -- M. of A. CLARK, COOK, GOTTFRIED, HIKIND, MARKEY, MAYERSOHN, PHEFFER -- read once and referred 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:

Section 1. Section 18-103 of the general obligations law is amended by adding two new subdivisions 15 and 16 to read as follows:

15. TO ENSURE THAT SKIERS ARE NOT PERMITTED TO ENTER THE SKI AREA WITHOUT A PROTECTIVE HELMET.

16. TO MAKE AVAILABLE TO THE PUBLIC, FOR SALE OR LEASE, PROTECTIVE HELMETS.

S 2. Section 18-105 of the general obligations law is amended by adding a new subdivision 12-a to read as follows:

12-A. TO WEAR A PROTECTIVE HELMET WHILE IN THE SKI AREA;

S 3. Paragraph c of subdivision 1 of section 18-106 of the general obligations law, as added by chapter 711 of the laws of 1988, is amended to read as follows:

c. To make available at reasonable fees, as required by subdivision thirteen of section 18-103 of this article, instruction and education for skiers relative to the risks inherent in the sport and the duties prescribed for skiers by this article, EDUCATIONAL LITERATURE REGARDING INJURY PREVENTION and to conspicuously post notice of the times and places of availability of such instruction and education in locations where it is likely to be seen by skiers; and

S 4. The labor law is amended by adding a new section 867-a to read as follows:

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

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S 867-A. PENALTIES. IF THE COMMISSIONER FINDS THAT A SKI AREA OPERATOR HAS KNOWINGLY VIOLATED THE PROVISIONS OF SUBDIVISION FIFTEEN OR SIXTEEN OF SECTION 18-103 OF THE GENERAL OBLIGATIONS LAW, THE COMMISSIONER SHALL IMPOSE A FINE OF ONE HUNDRED DOLLARS FOR THE FIRST SUCH VIOLATION, TWO HUNDRED DOLLARS FOR A SECOND VIOLATION, AND FOR ANY SUBSEQUENT VIOLATION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, AFTER A HEARING THEREON, SUSPEND THE LICENSE OF SUCH SKI AREA OPERATOR FOR A PERIOD OF THREE DAYS.

S 5. This act shall take effect on the sixtieth day after it shall have become a law.