

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 ASSEM-
BLY, 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:

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

LBD03662-01-1

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

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