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

3295--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. DESTITO, WRIGHT, ORTIZ, PHEFFER, MORELLE, THIELE, DINOWITZ, JAFFEE, GLICK, BOYLE, DUPREY, SAYWARD, P. LOPEZ, P. RIVERA -- Multi-Sponsored by -- M. of A. COLTON, FINCH, GALEF, JEFFRIES, MAISEL, MARKEY, McDONOUGH, MILLMAN, PAULIN, REILLY, SCARBOROUGH, SCHIMMINGER, SWEENEY -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to the duties of skiers and ski area operators

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

Section 1. Subdivisions 13 and 14 of section 18-105 of the general obligations law, as added by chapter 711 of the laws of 1988, are amended and a new subdivision 15 is added to read as follows:

13. To report any personal injury to the ski area operator before leaving the ski area; [and]

14. Not to willfully remove, deface, alter or otherwise damage signage, warning devices or implements, or other safety devices placed and maintained by the ski area operator pursuant to the requirements of section 18-103 of this article[.]; AND

15. ALL SKIERS, UNDER FOURTEEN YEARS OF AGE, SHALL HAVE THE ADDITIONAL RESPONSIBILITY TO WEAR A HELMET SUITABLE FOR USE WHILE SKIING. FOR PURPOSES OF THIS SUBDIVISION WEARING OF A HELMET MEANS A HELMET OF GOOD FIT FASTENED SECURELY TO THE HEAD OF THE WEARER WITH STRAPS SECURELY FASTENED.

S 2. The general obligations law is amended by adding a new section 18-106-a to read as follows:

S 18-106-A. ENFORCEMENT OF SKI HELMET REQUIREMENTS. 1. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION FIFTEEN OF SECTION 18-105 OF THIS ARTICLE SHALL PAY A CIVIL FINE NOT TO EXCEED FIFTY DOLLARS. A COURT SHALL WAIVE SUCH FINE IF SUCH PERSON SUPPLIES THE COURT WITH PROOF THAT

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

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BETWEEN THE DATE OF THE VIOLATION AND THE APPEARANCE DATE FOR SUCH VIOLATION SUCH PERSON PURCHASED OR RENTED A HELMET.

2. LOCAL LAW ENFORCEMENT SHALL BE SOLELY RESPONSIBLE FOR ENFORCING THE PROVISIONS OF SUBDIVISION FIFTEEN OF SECTION 18-105 OF THIS ARTICLE. A POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION OF SUCH SUBDIVISION BY A PERSON UNDER FOURTEEN YEARS OF AGE TO THE PARENT OR GUARDIAN OF SUCH PERSON IF THE VIOLATION BY SUCH PERSON OCCURS IN THE PRESENCE OF SUCH PERSON'S PARENT OR GUARDIAN AND WHERE SUCH PARENT OR GUARDIAN IS EIGHTEEN YEARS OF AGE OR OLDER. SUCH SUMMONS SHALL ONLY BE ISSUED TO SUCH PARENT OR GUARDIAN, AND SHALL NOT BE ISSUED TO THE PERSON UNDER THE AGE OF FOURTEEN.

S 3. Section 18-103 of the general obligations law is amended by adding three new subdivisions 15, 16 and 17 to read as follows:

15. (A) TO POST SIGNS AT THE CENTRAL LOCATION INFORMATION BOARD AT THE SKI AREA AND AT ALL ON SITE LOCATIONS WHERE TICKETS ARE SOLD THAT ADVISES CUSTOMERS OF THE AVAILABILITY OF HELMETS FOR SALE AND FOR RENT AT THE SKI AREA; AND

(B) TO POST SIGNS AT THE CENTRAL LOCATION INFORMATION BOARD AT THE SKI AREA AND AT ALL ON SITE LOCATIONS WHERE TICKETS ARE SOLD THAT ADVISES CUSTOMERS OF THEIR OBLIGATIONS UNDER SECTION 18-105 OF THIS ARTICLE.

16. TO MAINTAIN A REASONABLE INVENTORY OF HELMETS FOR RENT AND FOR SALE. SUCH HELMETS SHALL MEET THE STANDARDS AND CRITERIA SET FORTH IN SUBDIVISION FIFTEEN OF SECTION 18-105 OF THIS ARTICLE.

17. TO PUBLISH ON ALL LIFT TICKETS THE FOLLOWING LANGUAGE: "NEW YORK STATE LAW PROHIBITS CHILDREN UNDER FOURTEEN YEARS OF AGE FROM SKIING/SNOWBOARDING WITHOUT A HELMET."

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however that section three of this act shall take effect one year after it shall have become a law.