

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:

1 Section 1. Subdivisions 13 and 14 of section 18-105 of the general
2 obligations law, as added by chapter 711 of the laws of 1988, are
3 amended and a new subdivision 15 is added to read as follows:
4 13. To report any personal injury to the ski area operator before
5 leaving the ski area; [and]
6 14. Not to willfully remove, deface, alter or otherwise damage
7 signage, warning devices or implements, or other safety devices placed
8 and maintained by the ski area operator pursuant to the requirements of
9 section 18-103 of this article[.]; AND
10 15. ALL SKIERS, UNDER FOURTEEN YEARS OF AGE, SHALL HAVE THE ADDITIONAL
11 RESPONSIBILITY TO WEAR A HELMET SUITABLE FOR USE WHILE SKIING. FOR
12 PURPOSES OF THIS SUBDIVISION WEARING OF A HELMET MEANS A HELMET OF GOOD
13 FIT FASTENED SECURELY TO THE HEAD OF THE WEARER WITH STRAPS SECURELY
14 FASTENED.
15 S 2. The general obligations law is amended by adding a new section
16 18-106-a to read as follows:
17 S 18-106-A. ENFORCEMENT OF SKI HELMET REQUIREMENTS. 1. ANY PERSON WHO
18 VIOLATES THE PROVISIONS OF SUBDIVISION FIFTEEN OF SECTION 18-105 OF THIS
19 ARTICLE SHALL PAY A CIVIL FINE NOT TO EXCEED FIFTY DOLLARS. A COURT
20 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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1 BETWEEN THE DATE OF THE VIOLATION AND THE APPEARANCE DATE FOR SUCH
2 VIOLATION SUCH PERSON PURCHASED OR RENTED A HELMET.

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

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

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

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

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

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

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