

# STATE OF NEW YORK

2345

2019-2020 Regular Sessions

## IN SENATE

January 24, 2019

Introduced by Sen. KAVANAGH -- 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 snowboarders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 18-102 of the general obligations law is amended by  
2 adding a new subdivision 8 to read as follows:

3 8. "Snowboarder" means any person wearing a snowboard and actually on  
4 a ski slope or a trail located at a ski area, for the purpose of snow-  
5 boarding.

6 § 2. Subdivisions 13 and 14 of section 18-105 of the general obli-  
7 gations law, as added by chapter 711 of the laws of 1988, are amended  
8 and a new subdivision 15 is added to read as follows:

9 13. To report any personal injury to the ski area operator before  
10 leaving the ski area; ~~and~~

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

15 15. Not to engage in downhill skiing in any area unless he or she is  
16 wearing a protective helmet. The provisions of this subdivision shall  
17 apply only to skiers under eighteen years of age.

18 § 3. The general obligations law is amended by adding a new section  
19 18-105-a to read as follows:

20 § 18-105-a. Snowboarders; protective helmets. No person under eighteen  
21 years of age shall engage in snowboarding in any area unless he or she  
22 is wearing a protective helmet.

23 § 4. The opening paragraph of section 18-106 of the general obli-  
24 gations law, as added by chapter 711 of the laws of 1988, is amended to  
25 read as follows:

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

LBD01803-01-9

1 It is recognized that skiing [~~is-a~~] and snowboarding are voluntary  
2 [~~activity~~] activities that may be hazardous regardless of all feasible  
3 safety measures that can be undertaken by ski area operators. According-  
4 ly:

5 § 5. Paragraphs c and d of subdivision 1 of section 18-106 of the  
6 general obligations law, paragraph c as added by chapter 711 of the laws  
7 of 1988 and paragraph d as amended by chapter 322 of the laws of 1989,  
8 are amended and two new paragraphs e and f are added to read as follows:

9 c. To make available at reasonable fees, as required by subdivision  
10 thirteen of section 18-103 of this article, instruction and education  
11 for skiers relative to the risks inherent in the sport and the duties  
12 prescribed for skiers by this article, and to conspicuously post notice  
13 of the times and places of availability of such instruction and educa-  
14 tion in locations where it is likely to be seen by skiers; [~~and~~]

15 d. To post notice to skiers of the right to a refund to the purchaser  
16 in the form and amount paid in the initial sale of any lift ticket  
17 returned to the ski area operator, intact and unused, upon declaration  
18 by such purchaser that he or she is unprepared or unwilling to ski due  
19 to the risks inherent in the sport or the duties imposed upon him or her  
20 by this article[~~+~~];

21 e. To offer for sale or rental protective headgear and prohibit any  
22 skier or snowboarder under eighteen years of age who is not wearing  
23 protective headgear from skiing or snowboarding. Such headgear shall  
24 meet the standards of the American National Standards Institute and  
25 standards set forth in regulations promulgated by the commissioner of  
26 labor in accordance with the provisions of article twenty-six of the  
27 labor law; and

28 f. To post notice in bold and conspicuous type at the point or points  
29 of transaction the following: "NEW YORK STATE LAW REQUIRES THAT ALL  
30 SKIERS AND SNOWBOARDERS UNDER EIGHTEEN YEARS OF AGE WEAR PROTECTIVE  
31 HEADGEAR."

32 § 6. The section heading and subdivision 1 of section 867 of the labor  
33 law, as amended by chapter 711 of the laws of 1988, are amended to read  
34 as follows:

35 Safety [~~in skiing~~] on the slopes code. 1. The commissioner, on the  
36 advice of the passenger tramway advisory council as created pursuant to  
37 section twelve-c of this chapter, shall promulgate rules and regu-  
38 lations, consistent with article eighteen of the general obligations  
39 law, intended to guard against personal injuries to downhill skiers and  
40 snowboarders which will, in view of such intent, define the duties and  
41 responsibilities of downhill skiers and snowboarders and the duties and  
42 responsibilities of ski area operators. Such duties shall include, but  
43 not be limited to, the provision by ski area operators of protective  
44 headgear, for purchase or rental, and the requirement that skiers and  
45 snowboarders under eighteen years of age wear protective headgear.

46 § 7. The labor law is amended by adding a new section 867-a to read as  
47 follows:

48 § 867-a. Penalties. If the commissioner finds that a ski area operator  
49 has knowingly violated paragraph e or f of subdivision one of section  
50 18-106 of the general obligations law, the commissioner shall impose a  
51 fine of up to one hundred dollars for the first such violation or up to  
52 two hundred dollars for any violation that occurs within a year after a  
53 prior violation.

54 § 8. This act shall take effect on the ninetieth day after it shall  
55 have become a law.