

SENATE BILL NO. 164

INTRODUCED BY B. HOVEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEFINITIONS RELATED TO SKIING; AND AMENDING SECTION 23-2-702, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 23-2-702, MCA, is amended to read:

**"23-2-702. Definitions.** As used in this part, the following definitions apply:

(1) "Freestyle terrain" means terrain parks and terrain features, including but not limited to jumps, rails, fun boxes, half-pipes, quarter-pipes, and freestyle bump terrain, and any other constructed features.

(2) "Inherent dangers and risks of skiing" means those dangers or conditions that are part of the sport of skiing, including:

(a) changing weather conditions;

(b) snow conditions as they exist or as they may change, including ice, hardpack, powder, packed powder, wind pack, corn snow, crust, slush, cut-up snow, and machine-made snow of any depth or accumulation, including but not limited to any depth or accumulation around or near trees or snowmaking equipment;

(c) avalanches, except on open, ~~designated~~ machine-groomed ski trails;

(d) collisions with natural surface or subsurface conditions, such as bare spots, forest growth, rocks, stumps, streambeds, cliffs, trees, and other natural objects;

(e) collisions with lift towers, signs, posts, fences, enclosures, hydrants, water pipes, or other artificial structures and their components;

(f) variations in steepness or terrain, whether natural or the result of slope design, snowmaking, or snow grooming operations, including but not limited to roads, freestyle terrain, ski jumps, catwalks, and other terrain modifications;

(g) collisions with clearly visible or plainly marked equipment, including but not limited to lift equipment, snowmaking equipment, snow grooming equipment, trail maintenance equipment, and snowmobiles, whether or not the equipment is moving;

(h) collisions with other skiers;

- 1 (i) the failure of a skier to ski within that skier's ability;
- 2 (j) skiing in a closed area or skiing outside the ski area boundary as designated on the ski area trail map;
- 3 and
- 4 (k) restricted visibility caused by snow, wind, fog, sun, or darkness.
- 5 (3) "Passenger" means any person who is being transported or conveyed by a passenger ropeway.
- 6 (4) "Passenger ropeway" means a device used to transport passengers by means of an aerial tramway
- 7 or lift, surface lift, surface conveyor, or surface tow.
- 8 (5) "Ski area operator" or "operator" means a person, firm, or corporation and its agents and employees
- 9 having operational and administrative responsibility for ski slopes and trails and improvements.
- 10 (6) "Ski slopes and trails" means those areas designated by the ski area operator to be used by skiers
- 11 for skiing.
- 12 (7) "Skier" means a person who is using any ski area facility for the purpose of skiing, including but not
- 13 limited to ski slopes and trails.
- 14 (8) "Skiing" means any activity, including ~~an organized event~~ participation in or practice or training for
- 15 competitions or special events, that involves sliding or jumping on snow or ice while using skis, a snowboard, or
- 16 any other sliding device."

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