

# HOUSE BILL No. 5538

December 6, 2007, Introduced by Reps. Knollenberg, Shaffer, Wojno and Robertson and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1962 PA 199, entitled "Ski area safety act of 1962," by amending sections 6a and 23 (MCL 408.326a and 408.343), as added by 1981 PA 86, and by adding sections 6b and 23a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6a. Each ski area operator shall, with respect to  
2 operation of a ski area, do all of the following:  
3           (a) Equip each snow-grooming vehicle and any other authorized  
4 vehicle ~~, except a snowmobile,~~ with a flashing or rotating yellow  
5 light conspicuously located on the vehicle, and operate the  
6 flashing or rotating yellow light while the vehicle is moving on,  
7 or in the vicinity of, a ski run. A snowmobile operated in a ski  
8 area shall be operated with at least 1 operating white light  
9 located on the front of the snowmobile **AND AS OTHERWISE PROVIDED IN**

1 **SECTION 6B.**

2 (b) Mark with a visible sign or other warning device the  
3 location of any hydrant or similar fixture or equipment used in  
4 snow-making operations located on a ski run, as prescribed by rules  
5 promulgated under section 20(3).

6 (c) Mark the top of or entrance to each ski run, slope, and  
7 trail to be used by skiers for the purpose of skiing, with an  
8 appropriate symbol indicating the relative degree of difficulty of  
9 the run, slope, or trail, using a symbols code prescribed by rules  
10 promulgated under section 20(3).

11 (d) Mark the top of or entrance to each ski run, slope, and  
12 trail which is closed to skiing, with an appropriate symbol  
13 indicating that the run, slope, or trail is closed, as prescribed  
14 by rules promulgated under section 20(3).

15 (e) Maintain 1 or more trail boards at prominent locations in  
16 each ski area displaying that area's network of ski runs, slopes,  
17 and trails and the relative degree of difficulty of each ski run,  
18 slope, and trail, using the symbols code required under subdivision  
19 (c) and containing a key to that code, and indicating which runs,  
20 slopes, and trails are open or closed to skiing.

21 (f) Place or cause to be placed, if snow-grooming or snow-  
22 making operations **OR OTHER MAINTENANCE OPERATIONS** are being  
23 performed on a ski run, slope, or trail while the run, slope, or  
24 trail is open to the public, a conspicuous notice at or near the  
25 top of or entrance to the run, slope, or trail indicating that  
26 those operations are being performed.

27 (g) Post the duties of skiers and passengers as prescribed in

1 sections 21 and 22 and the duties, obligations, and liabilities of  
2 operators as prescribed in this section in and around the ski area  
3 in conspicuous places open to the public.

4 (H) USE A VISUAL OR AUDIBLE WARNING SYSTEM TO INFORM  
5 INDIVIDUALS WHEN A SNOWMOBILE IS BEING OPERATED IN A SKI AREA.

6 (I) ~~(h)~~—Maintain the stability and legibility of all required  
7 signs, symbols, and posted notices.

8 SEC. 6B. ALL OF THE FOLLOWING APPLY TO A SNOWMOBILE OPERATED  
9 ON THE SKI SLOPES OR SKI TRAILS IN A SKI AREA:

10 (A) THE SNOWMOBILE SHALL, AT A MINIMUM, HAVE ALL OF THE  
11 FOLLOWING EQUIPMENT:

12 (i) A SIREN.

13 (ii) ONE OPERATING WHITE HEADLIGHT LOCATED ON THE FRONT OF THE  
14 SNOWMOBILE.

15 (iii) ONE OPERATING RED TAILLIGHT LOCATED ON THE REAR OF THE  
16 SNOWMOBILE.

17 (iv) ONE FLASHING OR ROTATING YELLOW LIGHT IN A CONSPICUOUS  
18 LOCATION ON THE SNOWMOBILE.

19 (v) ONE RED FLUORESCENT FLAG THAT IS AT LEAST 40 SQUARE INCHES  
20 IN SIZE AND LOCATED AT LEAST 6 FEET ABOVE THE BOTTOM OF THE TRACKS  
21 OF THE SNOWMOBILE.

22 (vi) A BRAKE SYSTEM MAINTAINED IN OPERABLE CONDITION.

23 (B) THE SNOWMOBILE SHALL BE OPERATED BY AN INDIVIDUAL 18 YEARS  
24 OF AGE OR OLDER WHO HAS RECEIVED THE TRAINING SET FORTH IN SECTION  
25 23A WITHIN THE 1-YEAR PERIOD PRECEDING THE DATE AND TIME OF  
26 OPERATION, AS FOLLOWS:

27 (i) AT A REASONABLE AND PRUDENT SPEED GIVEN EXISTING

1 CONDITIONS, BUT NOT EXCEEDING 10 MILES PER HOUR.

2 (ii) WITH THE SIREN AND FLASHING OR ROTATING YELLOW LIGHT  
3 ACTIVATED.

4 (C) THE INDIVIDUAL OPERATING THE SNOWMOBILE SHALL GIVE RIGHT-  
5 OF-WAY TO SKIERS AND PEDESTRIANS AT ALL TIMES.

6 (D) A PERSON OTHER THAN AN OPERATOR, OR AN EMPLOYEE OR  
7 CONTRACTUAL SERVICE PROVIDER OF AN OPERATOR, SHALL NOT OPERATE A  
8 SNOWMOBILE ON A SKI RUN, SKI SLOPE, OR SKI TRAIL IN A SKI AREA THAT  
9 IS OPEN TO SKIING.

10 (E) A PERSON WHO IS AN OPERATOR, OR AN EMPLOYEE OR CONTRACTUAL  
11 SERVICE PROVIDER OF AN OPERATOR, SHALL OPERATE A SNOWMOBILE ONLY  
12 WITHIN AREAS AND PATHWAYS IN THE SKI AREA REASONABLY DESIGNATED AND  
13 DEMARCATED BY THE OPERATOR FOR SNOWMOBILE USE AND OPERATION.

14 Sec. 23. (1) A skier involved in an accident causing an injury  
15 to another person shall to the extent that he or she is reasonably  
16 able to do so immediately notify the ski patrol or the operator, or  
17 law enforcement or emergency personnel, and shall clearly identify  
18 himself or herself. A skier who ~~wilfully~~ **WILLFULLY** fails to give  
19 identification after involvement in a skiing accident with another  
20 person, or a skier who is reasonably able to do so who fails to  
21 notify the proper authorities or to obtain assistance when the  
22 skier knows that another person involved in the accident is in need  
23 of medical or other assistance, is guilty of a misdemeanor ~~7~~  
24 punishable by imprisonment for not more than 30 days ~~7~~ or a fine of  
25 not more than \$100.00, or both.

26 (2) A skier involved in an accident causing an injury to  
27 himself or herself, but not to another person, shall immediately

1 notify the ski patrol or the operator, or law enforcement or  
2 emergency personnel, if the accident created a known hazardous  
3 condition in the area where the accident occurred.

4 (3) AN OPERATOR SHALL REPORT TO THE BOARD ANY INJURY OCCURRING  
5 IN THE SKI AREA THAT CAUSES DEATH TO ANY INDIVIDUAL. THE REPORT  
6 SHALL BE MADE WITHIN 24 HOURS AFTER THE OPERATOR IS NOTIFIED THAT  
7 THE DEATH OCCURRED.

8 SEC. 23A. EACH OPERATOR SHALL HOLD AT LEAST 1 EMPLOYEE  
9 TRAINING SESSION BEFORE THE BEGINNING OF EACH SKI SEASON. THE  
10 TRAINING SHALL, AT A MINIMUM, INCLUDE INFORMATION REGARDING ALL OF  
11 THE FOLLOWING AS SPECIFIED BY THE BOARD:

12 (A) THE SAFE OPERATION OF TRAIL MAINTENANCE EQUIPMENT IN THE  
13 SKI AREA FOR INDIVIDUALS WHO ARE RESPONSIBLE FOR TRAIL MAINTENANCE.

14 (B) THE METHODS TO BE USED FOR SUMMONING AID IN CASE OF AN  
15 EMERGENCY FOR INDIVIDUALS WHO ARE RESPONSIBLE FOR MAINTENANCE,  
16 INSPECTION, OR PATROL DUTIES IN THE SKI AREA.

17 (C) THE SAFE OPERATION AND USE OF SNOWMOBILES BY AN OPERATOR,  
18 OR AN EMPLOYEE OR CONTRACTUAL SERVICE PROVIDER OF AN OPERATOR, WHO  
19 IS ENGAGED IN AN EMERGENCY RESPONSE IN THE SKI AREA.

20 (D) THE DESIGNATED AREAS IN THE SKI AREA IN WHICH SNOWMOBILES  
21 MAY BE USED BY AN OPERATOR, OR AN EMPLOYEE OR CONTRACTUAL SERVICE  
22 PROVIDER OF AN OPERATOR, TO RESPOND TO AN EMERGENCY IN THE SKI  
23 AREA.