

# HOUSE BILL No. 5628

January 17, 2008, Introduced by Reps. Constan, Young, Clemente, Vagnozzi and Polidori  
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 21 and 24 (MCL 408.341 and 408.344), section  
21 as amended and section 24 as added by 1981 PA 86.

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

1           Sec. 21. (1) A skier shall conduct himself or herself within  
2 the limits of his or her individual ability and shall not act or  
3 ski in a manner that may contribute to his or her injury or to the  
4 injury of any other person. A skier shall be the sole judge of his  
5 or her ability to negotiate a track, trail, or slope.

6           (2) While in a ski area, a skier or passenger shall not do any  
7 of the following:

1 (a) Board a ski lift ~~which~~**THAT** has been designated as closed.

2 (b) ~~Wilfully~~**WILLFULLY** board or embark upon, or disembark  
3 from, a ski lift, except at an area designated for those purposes.

4 (c) Intentionally drop, throw, or expel an object from a ski  
5 lift while riding on the lift.

6 (d) Do any act ~~which~~**THAT** interferes with the running or  
7 operation of a ski lift, ~~such as~~**INCLUDING**, but not limited to, +  
8 swinging or bouncing on an aerial lift, attempting to contact  
9 supporting towers, machinery, guides, or guards while riding on a  
10 ski lift; or skiing out of the designated ski track on a surface  
11 lift or tow.

12 (e) Use a ski lift, unless the skier or passenger has the  
13 ability to use the lift safely without instruction on use of the  
14 lift by a ski area owner, manager, operator, or employee, or unless  
15 the skier or passenger requests and receives instruction before  
16 entering the boarding area of the ski lift.

17 (f) Use a ski lift or ski without properly engaging and using  
18 ski restraining devices, brakes, or restraining straps.

19 **(3) A SKIER SHALL WEAR A HELMET ON HIS OR HER HEAD WHILE ON A**  
20 **SKI SLOPE. IF THE SKIER IS A MINOR, THE MINOR'S PARENT SHALL ENSURE**  
21 **THAT THE MINOR WEARS THE HELMET WHILE ON A SKI SLOPE. THE HELMET**  
22 **SHALL COMPLY WITH THE AMERICAN SOCIETY FOR TESTING AND MATERIALS**  
23 **STANDARD F2040-02, STANDARD SPECIFICATION FOR HELMETS USED FOR**  
24 **RECREATIONAL SNOW SPORTS.**

25 Sec. 24. (1) A skier, ~~or passenger, who violates this act, or~~  
26 ~~an operator who violates this act shall be~~**IS** liable for ~~that~~**THE**  
27 portion of the loss or damage ~~resulting~~**THAT RESULTS** from ~~that~~**THE**

1 violation.

2 (2) A SKIER OR, IF THE SKIER IS A MINOR, THE PARENT OF A SKIER  
3 WHO VIOLATES SECTION 21(3) IS RESPONSIBLE FOR A STATE CIVIL  
4 INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN  
5 \$100.00.