

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 278

Introduced by Senator Gaines
(Coauthor: Assembly Member Dickinson)

February 14, 2011

An act to add Article 4 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 278, as amended, Gaines. Public safety: ski resorts.

Existing law imposes regulations on certain facilities that are used for recreational activities, including, among others, skateboard parks and public swimming pools.

This bill would require ~~a ski resorts~~ *resort* to prepare an annual safety plan; *and, upon request*, make the safety plan available to the public ~~within 30 days of receipt of a request, and the same day the request is received.~~ *The bill would also require a ski resort to make available to the public, within 30 days of receipt of a request, a monthly report with specified details about any fatal incidents at the resort which resulted from a recreational activity. The bill would also require a ski resort to establish its own signage policy and its own safety padding policy for the resort.*

The bill would specify that nothing in the above-described provisions shall be construed to change the existing assumption of risk doctrine as it applies to ski resorts.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 115815) is added to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 4. Ski Resorts

115815. A ski resort that operates in California shall do all of the following:

(a) Prepare an annual safety plan that conforms with the requirements of federal regulations applicable to ski resorts operating on federal property.

(b) Make the annual safety plan available to the public at the ski resort, upon request, ~~within 30 days of receiving the request~~ *the same day the request is received*.

(c) Make available to the public, within 30 days of receipt of a request, a monthly report containing the following information, if known:

(1) A description of each incident resulting in a fatality which occurred on the ski resort property and resulted from a recreational activity, such as skiing, snowboarding, and sledding, that the resort is designed to provide.

(2) The age of each person fatally injured in an incident identified in paragraph (1), the type of recreational activity involved, the cause of the fatality, the location at the resort where the incident occurred, and the name of any facility where medical treatment was provided. The report shall not identify a deceased person by name or address.

(d) Establish its own signage policy used to indicate the ski area boundaries, closed areas, relative degree of slope difficulty, and other safety and educational information.

(e) Establish its own policy for safety padding or other barriers for lift towers and fixed snowmaking equipment located on or in close proximity to groomed ski runs.

(f) Nothing in this article shall be construed to change the existing assumption of risk doctrine as it applies to ski resorts.

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