

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 564

Introduced by Senator Monning

February 22, 2013

An act to add Article 3 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to recreational activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 564, as amended, Monning. Ski resorts: safety plans: accident reports.

Existing law regulates certain behavior related to recreational activities and public safety, including, among other things, playgrounds and wooden playground equipment.

~~This bill would require ski resorts, as defined, to prepare an annual safety plan, as defined, that includes, at a minimum, a detailed description of any and only those policies, procedures, standards, methods, and materials consistently employed to reduce patron deaths and injuries on the resort, as provided, among other things. The bill would require the safety plan to be posted on the ski resorts Internet Web site, if any, and at a location in the ski resort. The bill would require the ski resort to create monthly and annual reports that include information of all known deaths and injuries of patrons of the resort, as provided. The bill would require the ski resort to make copies of the safety plan and reports available upon request. The bill would authorize a requesting individual to initiate a civil cause of action to compel the production of the safety plan or reports if a resort fails to make them available upon request.~~

This bill would require a ski resort to prepare an annual safety plan and, upon request, make the safety plan available to the public 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 that resulted from a recreational activity.

The bill would specify that the above-described provisions do not 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:

1 *SECTION 1. Article 3 (commencing with Section 115815) is*
2 *added to Chapter 4 of Part 10 of Division 104 of the Health and*
3 *Safety Code, to read:*

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Article 3. Ski Resorts

7 *115815. A ski resort that operates in California shall do all of*
8 *the following:*

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

12 *(b) Make the annual safety plan available to the public at the*
13 *ski resort, upon request, the same day the request is received.*

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

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

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

1 (d) This article does not change the existing assumption of risk
2 doctrine as it applies to ski resorts.

3 SECTION 1. ~~Article 3 (commencing with Section 115815) is~~
4 ~~added to Chapter 4 of Part 10 of Division 104 of the Health and~~
5 ~~Safety Code, to read:~~

6
7 Article 3. ~~Ski Resorts~~

8
9 115815. ~~For the purposes of this article, the following~~
10 ~~definitions shall apply:~~

11 (a) ~~“Safety plan” or “plan” refers to a document describing a~~
12 ~~plan or program to prevent accidents and reduce the number of~~
13 ~~deaths as well as the frequency and severity of injuries that~~
14 ~~generally conforms to the structure and content of model safety~~
15 ~~plans and programs recommended by property and casualty~~
16 ~~insurance companies in the United States.~~

17 (b) ~~“Season” refers to the entire period of snow sport operations~~
18 ~~from a resort’s opening in the fall or early winter of one calendar~~
19 ~~year to its closure in the spring or early summer of the subsequent~~
20 ~~calendar year.~~

21 (c) ~~“Ski resort” or “resort” means any ski and other snow sport~~
22 ~~facility or resort that operates in California.~~

23 (d) ~~“Skier day” refers to a ski industry term used to denote~~
24 ~~utilization of a snow sport resort by a guest who skis or engages~~
25 ~~in other snow sports during a single calendar day of resort~~
26 ~~operations. The number of skier days are used to track utilization~~
27 ~~as well as to normalize other patron volume related statistics over~~
28 ~~a defined period of resort operations.~~

29 (e) ~~“Terrain park” refers to a designated area within a resort~~
30 ~~specifically groomed for jumping and other acrobatics.~~

31 115816. ~~A ski resort shall prepare an annual safety~~
32 ~~plan. The safety plan shall, at a minimum, include the following:~~

33 (a) ~~A detailed description of any and only those policies,~~
34 ~~procedures, practices, standards, methods, and materials~~
35 ~~consistently employed to reduce patron deaths and injuries on the~~
36 ~~resort lifts, slopes, trails, and terrain parks.~~

37 (b) ~~A detailed explanation of all criteria used for designating~~
38 ~~terrain or trail difficulty.~~

1 115817. (a) The ski resort shall post its annual safety plan on
2 its Internet Web site, if one is maintained, and at a location in the
3 ski resort where it can be viewed by the public.

4 (b) The ski resort shall make copies of its annual safety plan
5 available in a prompt and timely manner to any person who
6 requests it at the ski resort during its regular hours of operation,
7 and, if the resort does not have an Internet Web site, mail or e-mail
8 copies of the plan within three business days of a request by
9 telephone, Internet, or mail. The resort may charge for any postage
10 and a per-page copying fee, not to exceed the usual and customary
11 charge of public libraries in the area of the resort.

12 115818. (a) (1) By the 15th calendar day after the end of each
13 full or partial calendar month of snow sport operations, the resort
14 shall create a summary monthly report of the number of all deaths
15 that occur onsite, or subsequent to an accident that occurred onsite
16 or after voluntary or unintended egress from the resort boundaries,
17 and all injuries to any person that occurred onsite about which the
18 resort is aware, unless the injury does not require medical service
19 other than ordinary first aid onsite. The summary report shall
20 specify the number of injured patrons using air or ground
21 ambulance transportation from the resort to a medical facility. The
22 summary report shall include, individual incident reports of deaths
23 and injuries, including all the accident and injury-related
24 information collected by the resort, with the identity of the victim
25 redacted.

26 (2) The summary monthly report shall also include the number
27 of skier days for the month, the number of days of operation, and
28 the approximate relative percentage of open slopes and trails by
29 the terrain difficulty designations used by the resort as well as the
30 criteria for those designations.

31 (b) Within 60 calendar days of the end of the calendar year or
32 of its operation for a season, whichever day is later, the resort shall
33 annually prepare a summary seasonal report consolidating and
34 including all of the information from the reports required pursuant
35 to subdivision (a).

36 (c) (1) The resort shall make copies of the reports required
37 pursuant to subdivisions (a) and (b) available in a prompt and
38 timely manner to any person who requests them at the resort during
39 its regular hours of operation and mail or e-mail copies of the
40 reports within three business days of a request by telephone,

1 Internet, or mail. The resort may charge for any postage and a per
2 page copying fee not to exceed the usual and customary charge of
3 public libraries in the area of the resort.

4 ~~(2) This subdivision does not require a resort to publicly post~~
5 ~~the reports required pursuant to subdivisions (a) or (b) on its~~
6 ~~Internet Web site or anywhere on its premise.~~

7 115819. If a resort fails to comply with a request made pursuant
8 to subdivision (b) of Section 115817 or subdivision (c) of Section
9 115818, the requesting individual may use that failure as the basis
10 to initiate a civil cause of action to compel the production of the
11 requested information. If the individual prevails in a civil action
12 to compel the production of these reports or documents, the resort
13 shall pay the cost of the individual's attorney's fees and court costs.

14 115820. This article does not change the existing assumption
15 of risk doctrine as it applies to ski resorts.