

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0286.01 Duane Gall x4335

SENATE BILL 21-184

SENATE SPONSORSHIP

Story and Danielson,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING SKI AREA SAFETY, AND, IN CONNECTION THEREWITH,
102 REQUIRING THE OPERATORS OF SKI AREAS TO ADOPT AND
103 DISCLOSE SAFETY PLANS, DISCLOSE SEASONAL SKI ACCIDENT
104 STATISTICS, AND MAINTAIN AN ACCIDENT DATABASE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill updates the "Ski Safety Act of 1979" by:

- Requiring each ski area to adopt and publish, in printed form and on the ski area's website, if any, a safety plan

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

specifying the governance, management, and operational roles, responsibilities, and practices of the ski area to prevent accidents and reduce the frequency and severity of injuries; and

- Requiring ski areas with an elevation drop of 500 feet or more and at least one elevated lift to:
 - Collect and disseminate seasonal data on ski and snowboard accidents and deaths, including those occurring while boarding or exiting lifts; and
 - Collect and make available, upon request, specific information about each accident, including where and when it occurred, the conditions at the time, the type of injuries and whether death occurred on site or following medical transport, and specified nonprivate information about the injured person.

The bill makes any failure to create, maintain, and publish a safety plan or provide the required reports or data grounds for discipline by the passenger tramway safety board.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 33-44-101 as
3 follows:

4 **33-44-101. Short title.** THE SHORT TITLE OF this ~~article shall be~~
5 ~~known and may be cited as~~ ARTICLE 44 IS the "Ski Safety,
6 TRANSPARENCY, AND ACCOUNTABILITY Act". ~~of 1979".~~

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 33-44-102 as
8 follows:

9 **33-44-102. Legislative declaration.** (1) The general assembly
10 hereby finds and declares that:

11 (a) It is in the interest of the state of Colorado to:

12 (I) Establish reasonable safety standards AND REQUIREMENTS for
13 the operation of ski areas and for the skiers using them; ~~Realizing the~~
14 ~~dangers that inhere in the sport of skiing, regardless of any and all~~
15 ~~reasonable safety measures that can be employed, the purpose of this~~

1 ~~article 44 is to~~

2 (II) Supplement the passenger tramway safety provisions of article
3 150 of title 12; ~~to~~

4 (III) Further define the legal responsibilities of ski area operators
5 and their agents and employees; ~~to~~

6 (IV) Define the responsibilities of skiers using ~~such~~ ski areas; and
7 ~~to~~

8 (V) Define the rights and liabilities existing between the skier and
9 the ski area operator and between skiers;

10 (b) IN ORDER TO ASSESS AND MONITOR THE EFFECTIVENESS OF
11 INDIVIDUAL AND COLLECTIVE SKI AREA SAFETY MANAGEMENT, SKI AREA
12 PATRONS, PUBLIC HEALTH AND SAFETY OFFICIALS, AND PUBLIC POLICY
13 MAKERS MUST HAVE ACCESS TO INDIVIDUAL SKI AREA ACCIDENT
14 STATISTICS AND SAFETY MANAGEMENT DOCUMENTATION.

15 (c) THERE HAVE HISTORICALLY BEEN NO PUBLICLY AVAILABLE,
16 STATEWIDE OR SKI-AREA-SPECIFIC ACCIDENT STATISTICS OR SAFETY
17 MANAGEMENT DOCUMENTATION;

18 (d) A DATABASE OF SKI AREA ACCIDENT STATISTICS WOULD
19 ENABLE SKI AREA MANAGERS AND INDEPENDENT RESEARCHERS TO
20 IDENTIFY PREVENTABLE CAUSES AND ADDITIONAL OR IMPROVED
21 PREVENTION AND MITIGATION PRACTICES; AND

22 (e) THEREFORE, IT IS IN THE PUBLIC INTEREST TO ESTABLISH A
23 STATEWIDE DATABASE OF INDIVIDUAL SKI AREA ACCIDENT STATISTICS
24 FROM WHICH SKI AREAS CAN GENERATE ANNUAL SUMMARY SAFETY
25 REPORTS.

26 **SECTION 3.** In Colorado Revised Statutes, **amend** 33-44-103 as
27 follows:

1 **33-44-103. Definitions.** As used in this article 44, unless the
2 context otherwise requires:

3 (1) "ACCIDENT" MEANS AN INCIDENT RESULTING IN TRAUMATIC
4 INJURY TO ONE OR MORE PEOPLE ON THE SKI AREA SLOPES, TRAILS, LIFTS,
5 OR SURROUNDING TERRAIN WITHIN THE DEFINED AND MARKED
6 BOUNDARIES OF THE SKI AREA.

7 (2) "ANATOMICAL LOCATION OF TRAUMA" MEANS THE POINT OR
8 AREA OF THE BODY AFFECTED BY A TRAUMATIC INJURY.

9 ~~(1)~~ (3) "Base area lift" means any passenger tramway ~~which~~ THAT
10 skiers ordinarily use without first using some other passenger tramway.

11 ~~(2)~~ (4) "Competitor" means a skier actually engaged in
12 competition, a special event, or training or practicing for competition or
13 a special event on any portion of the area made available by the ski area
14 operator.

15 ~~(3)~~ (5) "Conditions of ordinary visibility" means daylight and,
16 where applicable, nighttime in nonprecipitating weather.

17 (6) "DATABASE" MEANS A COLLECTION OF DATA ELEMENTS
18 ORGANIZED, MAINTAINED ELECTRONICALLY, AND CAPABLE OF BEING
19 SEARCHED TO ENABLE STATISTICAL ANALYSIS.

20 ~~(3.1)~~ (7) "Extreme terrain" means any place within the ski area
21 boundary that contains cliffs with a minimum twenty-foot rise over a
22 fifteen-foot run, and slopes with a minimum fifty-degree average pitch
23 over a one-hundred-foot run.

24 ~~(3.3)~~ (8) "Freestyle terrain" includes ~~but is not limited to,~~ terrain
25 parks and terrain park features such as jumps, rails, fun boxes, and all
26 other constructed and natural features, half-pipes, quarter-pipes, and
27 freestyle-bump terrain.

1 (3.5) (9) (a) "Inherent dangers and risks of skiing" means those
2 dangers or conditions that are part of the sport of skiing, including:

3 (I) Changing weather conditions;

4 (II) Snow conditions as they exist or may change, such as ice, hard
5 pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow,
6 and machine-made snow;

7 (III) Surface or subsurface conditions such as bare spots, forest
8 growth, rocks, stumps, streambeds, cliffs, extreme terrain, and trees or
9 other natural objects and collisions with such natural objects;

10 (IV) Impact with lift towers, signs, posts, fences or enclosures,
11 hydrants, water pipes, or other man-made structures and their
12 components;

13 (V) Variations in steepness or terrain, whether natural or as a
14 result of slope design, snowmaking or grooming operations, ~~including but~~
15 ~~not limited to~~ roads, freestyle terrain, jumps, and catwalks or other terrain
16 modifications; AND

17 (VI) Collisions with other skiers and the failure of skiers to ski
18 within their own abilities.

19 (b) ~~The term~~ "Inherent dangers and risks of skiing" does not
20 include the negligence of a ski area operator as set forth in section
21 33-44-104 (2). Nothing in this section ~~shall be construed to limit~~ LIMITS
22 the liability of the ski area operator for injury caused by the use or
23 operation of ski lifts.

24 (10) (a) "INJURED PERSON" OR "PERSON INJURED" MEANS AN
25 INDIVIDUAL WHO, WHILE LOADING, UNLOADING, OR RIDING ON A LIFT;
26 WHILE ON THE SLOPES AND TRAILS WITHIN THE SKI AREA BOUNDARIES; OR
27 WHILE IN TRANSIT TO OR FROM THE SKI AREA'S LIFTS, SLOPES, OR TRAILS,

1 IS INVOLVED IN AN ACCIDENT RESULTING IN THE INDIVIDUAL'S:

2 (I) SUBSEQUENT TRANSPORT, OR THE RECOMMENDATION BY SKI
3 AREA PERSONNEL FOR TRANSPORT, BY ANY MODE TO A MEDICAL CARE
4 FACILITY OUTSIDE THE SKI AREA FOR TREATMENT OF AN INJURY
5 SUSTAINED IN THE ACCIDENT; OR

6 (II) DEATH.

7 (b) "INJURED PERSON" OR "PERSON INJURED" INCLUDES A SKI AREA
8 EMPLOYEE, A SKI AREA PATRON OR OTHER PERSON WITH A TRAMWAY
9 TICKET OR SEASON PASS, AND A SKI PATROL OR MOUNTAIN PATROL
10 VOLUNTEER OR OTHER UNCOMPENSATED INDIVIDUAL WHO IS LAWFULLY
11 PRESENT AT THE SKI AREA.

12 (11) "OPERATIONAL DAY" MEANS A DAY ON WHICH A SKI AREA IS
13 OPEN FOR SKIING.

14 ~~(4)~~ (12) "Passenger" means any ~~person~~ INDIVIDUAL who is
15 lawfully using any passenger tramway.

16 ~~(5)~~ (13) "Passenger tramway", ~~means a device~~ "TRAMWAY", OR
17 "LIFT" HAS THE SAME MEANING AS "PASSENGER TRAMWAY" as defined in
18 section 12-150-103 (5).

19 (14) "SAFETY PLAN" MEANS A WRITTEN DOCUMENT THAT DETAILS
20 ALL THE GOVERNANCE, MANAGEMENT, AND OPERATIONAL ROLES,
21 RESPONSIBILITIES, AND PRACTICES OF A SKI AREA, INCLUDING THOSE
22 APPLICABLE TO SMALL CHILDREN AND PERSONS WITH DISABILITIES, WHICH
23 DOCUMENT DESCRIBES ALL STANDARDS, PROCESSES, POLICIES,
24 PROCEDURES, METHODS, AND MATERIALS CONSISTENTLY EMPLOYED AND
25 SUBJECT TO COMPLIANCE MONITORING BY THE SKI AREA OPERATOR TO
26 PREVENT ACCIDENTS AND REDUCE THE FREQUENCY AND SEVERITY OF
27 INJURIES.

1 (15) "SEASON" MEANS A PERIOD OF MONTHS AND DAYS,
2 EXTENDING FROM THE FALL AND WINTER OF ONE YEAR INTO THE WINTER
3 AND SPRING OF A SUBSEQUENT YEAR, DURING WHICH A SKI AREA IS
4 GENERALLY IN OPERATION AND IDENTIFIED BY THE YEAR IN WHICH IT
5 ENDS. FOR EXAMPLE, THE SEASON EXTENDING FROM THE FALL AND
6 WINTER OF 2018 INTO THE WINTER AND SPRING OF 2019 IS IDENTIFIED AS
7 THE 2019 SEASON.

8 ~~(6)~~ (16) "Ski area" means all ski slopes or trails and all other
9 places within the ski area boundary, marked in accordance with section
10 33-44-107 (6), under the control of a ski area operator and administered
11 as a single enterprise within this state.

12 ~~(7)~~ (17) "Ski area operator" OR "OPERATOR" means an area
13 operator as defined in section 12-150-103 (1) and any ~~person~~ OTHER
14 INDIVIDUAL, partnership, corporation, or ~~other commercial~~ entity, ~~having~~
15 ~~operational responsibility for any ski areas,~~ including an agency of this
16 ~~state or a political subdivision thereof~~ OF THIS STATE, WITH OPERATIONAL
17 RESPONSIBILITY FOR A SKI AREA.

18 ~~(8)~~ (18) "Skier" means any person using a ski area for the purpose
19 of skiing. ~~which includes, without limitation, sliding downhill or jumping~~
20 ~~on snow or ice on skis, a toboggan, a sled, a tube, a snowbike, a~~
21 ~~snowboard, or any other device; or for the purpose of using any of the~~
22 ~~facilities of the ski area, including but not limited to ski slopes and trails.~~

23 (19) "SKIER DAY" MEANS EACH OCCASION ON WHICH A TRAMWAY
24 TICKET OR SEASON PASS IS USED BY AN INDIVIDUAL FOR ACCESS TO A SKI
25 AREA FOR ALL OR PART OF A DAY.

26 (20) "SKIING" MEANS SLIDING DOWNHILL OR JUMPING ON SNOW OR
27 ICE ON SKIS, A TOBOGGAN, A SLED, A TUBE, A SNOWBIKE, A SNOWBOARD,

1 OR ANY OTHER DEVICE ON A SKI AREA'S SLOPES OR TRAILS AND, IN
2 CONNECTION WITH THAT ACTIVITY, USING ANY OF THE FACILITIES OF THE
3 SKI AREA.

4 ~~(9)~~ (21) "Ski slopes or trails" means all ski slopes or trails and
5 adjoining skiable terrain, including all their edges and features, and those
6 areas designated by the ski area operator to be used by skiers for ~~any of~~
7 ~~the purposes enumerated in subsection (8) of this section~~ SKIING. Such
8 designation shall be set forth on trail maps, if provided, and designated
9 by signs indicating to the skiing public the intent that such areas be used
10 by skiers for the purpose of skiing. Nothing in this subsection ~~(9)~~ (21) or
11 in subsection ~~(8)~~ (20) of this section, however, shall ~~imply that~~ BE
12 CONSTRUED TO LIMIT AN OPERATOR'S ABILITY TO RESTRICT THE USE OF ski
13 slopes or trails ~~may not be restricted for use by~~ TO persons using skis only
14 or ~~for use by~~ TO persons using any other device described in subsection
15 ~~(8)~~ (20) of this section.

16 (22) "TERRAIN DIFFICULTY RATING" MEANS THE DESIGNATION,
17 RELATED SYMBOLS, AND CRITERIA USED AT A SKI AREA TO COMMUNICATE
18 THE DEGREE OF DIFFICULTY OF THE SPECIFIED TERRAIN FOR SKIING.

19 (23) "TRAUMA SCORE" MEANS A SCORE USING A SYSTEM
20 GENERALLY USED BY MEDICAL PROFESSIONALS TO DESIGNATE THE
21 ASSESSED DEGREE OF TRAUMA TO AN INJURED PERSON.

22 **SECTION 4.** In Colorado Revised Statutes, **add** part 2 to article
23 44 of title 33 as follows:

24 PART 2
25 TRANSPARENCY AND ACCOUNTABILITY
26 IN SKI ACCIDENT REPORTING AND SAFETY
27 MANAGEMENT

1 **33-44-201. Safety plan - creation - distribution.** ON OR BEFORE
2 SEPTEMBER 30, 2021, A SKI AREA OPERATOR SHALL CREATE A SAFETY
3 PLAN AND, ANNUALLY THEREAFTER, MAINTAIN AND, AS NEEDED, UPDATE
4 THE PLAN. THE SAFETY PLAN MUST BE CONSPICUOUSLY POSTED ON THE SKI
5 AREA OPERATOR'S PUBLICLY ACCESSIBLE WEBSITE, IF THE OPERATOR HAS
6 A PUBLICLY ACCESSIBLE WEBSITE, AND MUST BE AVAILABLE IN PRINTED
7 FORM TO A SKIER OR OTHER PERSON IMMEDIATELY UPON REQUEST.

8 **33-44-202. Reporting of deaths and injuries - required data -**
9 **distribution - definition.** (1) ON OR BEFORE SEPTEMBER 30, 2022, AND
10 ANNUALLY THEREAFTER, AN OPERATOR OF A SKI AREA WITH A VERTICAL
11 DROP OF FIVE HUNDRED FEET OR MORE AND AT LEAST ONE ELEVATED LIFT
12 SHALL PRODUCE A DEATH AND INJURY REPORT FOR THE IMMEDIATELY
13 PRECEDING SEASON. THE REPORT MUST BE CONSPICUOUSLY POSTED ON
14 THE SKI AREA OPERATOR'S PUBLICLY ACCESSIBLE WEBSITE, IF THE
15 OPERATOR HAS A PUBLICLY ACCESSIBLE WEBSITE, AND MUST BE
16 AVAILABLE IN PRINTED FORM IMMEDIATELY UPON REQUEST. THE REPORT
17 MUST INCLUDE:

18 (a) THE TOTAL NUMBERS AND SPECIFIC DATES OF OPERATIONAL
19 DAYS AND SKIER DAYS FOR THE SEASON, INCLUDING DAILY SKIER
20 ATTENDANCE NUMBERS FOR EACH OPERATIONAL DAY;

21 (b) THE TOTAL ACREAGE OF SKIABLE TERRAIN OF THE SKI AREA;

22 (c) THE TERRAIN DIFFICULTY RATING FOR EACH PART OF THE
23 SKIABLE TERRAIN, INCLUDING THE CRITERIA USED TO DETERMINE THE
24 DIFFICULTY RATING;

25 (d) THE PERCENTAGES OF THE TOTAL SKIABLE TERRAIN
26 REPRESENTED BY THE PARTS OF THE TERRAIN ASSIGNED EACH DIFFICULTY
27 RATING;

1 (e) THE TOTAL NUMBER OF PERSONS KILLED WHILE SKIING AT THE
2 SKI AREA AND THE TOTAL NUMBER OF PERSONS WHO SUSTAINED INJURIES
3 WHILE SKIING AT THE SKI AREA AND ARE KNOWN TO HAVE BEEN
4 SUBSEQUENTLY TRANSPORTED, OR ADVISED BY SKI AREA PERSONNEL TO
5 BE TRANSPORTED, TO A MEDICAL FACILITY OUTSIDE OF THE SKI AREA FOR
6 TREATMENT OF THE INJURIES SUSTAINED. AS USED IN THIS SUBSECTION
7 (1)(e), "SKIING" INCLUDES ANY COLLISION WITH A SKIER, WHETHER OR NOT
8 THE INJURED PERSON WAS SKIING, IF THE INJURED PERSON WAS IN TRANSIT
9 TO OR FROM SKIABLE TERRAIN OR BETWEEN LIFTS.

10 (f) THE TOTAL NUMBER OF PERSONS KILLED WHILE ENTERING,
11 EXITING, OR RIDING ON A LIFT AND THE TOTAL NUMBER OF PERSONS WHO
12 SUSTAINED INJURIES WHILE ENTERING, EXITING, OR RIDING ON A LIFT WHO
13 WERE SUBSEQUENTLY TRANSPORTED, OR ADVISED BY SKI AREA
14 PERSONNEL TO BE TRANSPORTED, OUTSIDE THE SKI AREA FOR TREATMENT;

15 (g) A BREAKDOWN OF THE NUMBER OF DEATHS REPORTED
16 PURSUANT TO SUBSECTIONS (1)(e) AND (1)(f) OF THIS SECTION,
17 CATEGORIZED BY THE ACTIVITY IN WHICH THE PERSON WAS ENGAGING;

18 (h) THE TOTAL NUMBER OF PERSONS KNOWN OR REPORTED TO SKI
19 AREA PERSONNEL AS HAVING SUSTAINED AN INJURY AND HAVING BEEN
20 TRANSPORTED, OR ADVISED BY SKI AREA PERSONNEL TO BE TRANSPORTED,
21 TO A MEDICAL CARE FACILITY OUTSIDE OF THE SKI AREA FOR TREATMENT
22 FOR TRAUMATIC INJURIES INCURRED WHILE SKIING AT THE SKI AREA. AS
23 USED IN THIS SUBSECTION (1)(h), "SKIING" INCLUDES ANY COLLISION WITH
24 A SKIER, WHETHER OR NOT THE INJURED PERSON WAS SKIING, IF THE
25 INJURED PERSON WAS IN TRANSIT TO OR FROM SKIABLE TERRAIN OR
26 BETWEEN LIFTS.

27 (i) THE TOTAL NUMBER OF PERSONS WHO SUSTAINED TRAUMATIC

1 INJURIES WHILE ENTERING, EXITING, OR RIDING ON A LIFT AT THE SKI AREA;

2 (j) THE TOTAL NUMBER OF PERSONS WHO WERE TRANSPORTED OR
3 ADVISED BY SKI AREA PERSONNEL TO BE TRANSPORTED AS DESCRIBED IN
4 SUBSECTION (1)(e), (1)(f), OR (1)(h) OF THIS SECTION AND SUBSEQUENTLY
5 KNOWN TO HAVE DIED; AND

6 (k) A BREAKDOWN OF THE NUMBER OF TRAUMATIC INJURIES
7 REPORTED PURSUANT TO SUBSECTIONS (1)(h) AND (1)(i) OF THIS SECTION,
8 CATEGORIZED BY THE ACTIVITY IN WHICH THE PERSON WAS ENGAGING.

9 **33-44-203. Accident database - required data - distribution.**

10 (1) ON OR BEFORE SEPTEMBER 30, 2022, AND ANNUALLY THEREAFTER,
11 AN OPERATOR OF A SKI AREA WITH A VERTICAL DROP OF FIVE HUNDRED
12 FEET OR MORE AND AT LEAST ONE ELEVATED LIFT SHALL OBTAIN AND
13 DOCUMENT THE FOLLOWING ELEMENTS OF DATA FOR EACH ACCIDENT
14 THAT OCCURRED AT THE SKI AREA DURING THE IMMEDIATELY PRECEDING
15 SKI SEASON, EXCLUDING THE INJURED PERSON'S NAME AND OTHER
16 PERSONAL IDENTIFYING INFORMATION. THESE DATA ELEMENTS MUST BE
17 MAINTAINED IN AN ELECTRONIC DATABASE IN A COMMONLY AVAILABLE
18 FORMAT AND MADE AVAILABLE TO ANY PERSON ON REQUEST:

19 (a) WHETHER THE INJURED PERSON WAS A SKI AREA EMPLOYEE, A
20 SKI AREA PATRON OR OTHER PERSON WITH A TRAMWAY TICKET OR SEASON
21 PASS, OR A SKI PATROL OR MOUNTAIN PATROL VOLUNTEER OR OTHER
22 UNCOMPENSATED INDIVIDUAL;

23 (b) THE ACTIVITY THE INJURED PERSON WAS ENGAGED IN AT THE
24 TIME OF INJURY, INCLUDING SKIING, SNOWBOARDING, USING ANOTHER
25 SPECIFIED SNOW SLIDING DEVICE, LIFT TRANSPORT, OPERATING SKI AREA
26 EQUIPMENT, PATROLLING, ASSISTING INJURED PERSONS, OR OTHER
27 ACTIVITIES, TOGETHER WITH A SPECIFIC NOTATION, IF APPLICABLE, AS TO

1 WHETHER THE INJURED PERSON WAS PARTICIPATING IN A SKI SCHOOL OR
2 OTHER ACTIVITY SPONSORED OR SUPERVISED BY THE SKI AREA;

3 (c) THE AGE AND GENDER OF THE PERSON INJURED;

4 (d) DATE AND TIME OF THE INJURY;

5 (e) TIME WHEN SKI AREA PERSONNEL WERE FIRST NOTIFIED OR
6 BECAME AWARE OF THE ACCIDENT AND, IF THE INJURED PERSON LEFT THE
7 SKI AREA BY TRANSPORT TO A MEDICAL FACILITY OUTSIDE OF THE SKI
8 AREA, THE TIME THAT TRANSPORTATION WAS INITIATED;

9 (f) LOCATION OF THE ACCIDENT, BY LANDMARK OR GLOBAL
10 POSITIONING COORDINATES;

11 (g) TERRAIN DIFFICULTY RATING AT THE ACCIDENT SITE;

12 (h) SURFACE CONDITIONS AND VISIBILITY AT THE TIME AND PLACE
13 OF THE ACCIDENT;

14 (i) A DESCRIPTION OF THE APPARENT INJURY OR INJURIES AND THE
15 APPARENT ANATOMICAL LOCATION OF THE TRAUMA;

16 (j) THE INJURED PERSON'S VITAL SIGNS, STATE OF CONSCIOUSNESS
17 AND ORIENTATION, AND THE TRAUMA SCORE, IF AVAILABLE, ASSIGNED TO
18 THE INJURED PERSON AT THE SITE AND IMMEDIATELY PRIOR TO TRANSPORT
19 OUTSIDE THE SKI AREA IF THE INJURED PERSON WAS TRANSPORTED;

20 (k) THE OUTCOME OF THE ACCIDENT IN TERMS OF DEATH AT THE
21 SKI AREA, DEATH FOLLOWING TRANSPORT OUTSIDE THE SKI AREA, IF
22 KNOWN, OR TREATMENT AT A MEDICAL FACILITY OUTSIDE THE SKI AREA,
23 IF KNOWN;

24 (l) THE METHOD OF TRANSPORT, IF ANY, FROM THE SKI AREA TO AN
25 OUTSIDE MEDICAL FACILITY IN TERMS OF AIR AMBULANCE, GROUND
26 AMBULANCE, FAMILY OR FRIENDS, OR OTHER METHOD, INCLUDING
27 SELF-TRANSPORT;

1 (m) A DESCRIPTION, TO THE EXTENT ASCERTAINABLE, OF THE
2 SKIING EQUIPMENT USED BY EACH INJURED PERSON, INCLUDING MAKE AND
3 MODEL IF POSSIBLE AND INCLUDING THE SKIS OR SNOWBOARD, BOOTS,
4 BINDINGS, POLES, AND HELMET, AND AN ASSESSMENT OF ANY APPARENT
5 DAMAGE TO THE EQUIPMENT; AND

6 (n) A SUMMARY DESCRIPTION OF THE ACCIDENT AND THE
7 APPARENT CAUSES AND MECHANISMS OF THE INJURIES, TO THE EXTENT
8 THESE CAN BE ASCERTAINED.

9 **SECTION 5.** In Colorado Revised Statutes, 12-150-107, **add**
10 (3)(c.5) as follows:

11 **12-150-107. Disciplinary action - administrative sanctions -**
12 **grounds.** (3) The board may take disciplinary action for any of the
13 following acts or omissions:

14 (c.5) FAILURE TO CREATE, MAINTAIN, AND PUBLISH A SAFETY PLAN
15 IN ACCORDANCE WITH SECTION 33-44-201 OR TO MAKE AND PUBLISH ANY
16 REPORT OR PROVIDE ACCIDENT DATA IN ACCORDANCE WITH SECTION
17 33-44-202 OR 33-44-203;

18 **SECTION 6.** In Colorado Revised Statutes, 8-40-301, **amend** (4)
19 as follows:

20 **8-40-301. Scope of term "employee" - definition.**

21 (4) "Employee" excludes any person who volunteers time or services for
22 a ski area operator, as defined in section 33-44-103 (7), ~~C.R.S.~~ (17), or for
23 a ski area sponsored program or activity, notwithstanding the fact that
24 such person may receive noncash remuneration for such person or such
25 person's designee in conjunction with such person's status as a volunteer.
26 No contract of hire, express or implied, is created between any volunteer
27 pursuant to this section and a ski area operator. Notice shall be given to

1 such volunteer in writing that the volunteering of time or services under
2 this subsection (4) does not constitute employment for purposes of the
3 "Workers' Compensation Act of Colorado", ARTICLES 40 TO 47 OF THIS
4 TITLE 8, and that such person is not entitled to benefits pursuant to said
5 act.

6 **SECTION 7.** In Colorado Revised Statutes, 26-6-102, **amend**
7 (16) introductory portion as follows:

8 **26-6-102. Definitions.** As used in this article 6, unless the context
9 otherwise requires:

10 (16) "Guest child care facility" means a facility operated by a ski
11 area, as that term is defined in section 33-44-103 ~~(6)~~, ~~C.R.S.~~ (16), where
12 children are cared for:

13 **SECTION 8.** In Colorado Revised Statutes, 29-2-109, **amend** (1)
14 introductory portion as follows:

15 **29-2-109. Contents of use tax ordinances and proposals -**
16 **repeal.** (1) The use tax ordinance, resolution, or proposal of any town,
17 city, or county adopted pursuant to this article 2 shall be imposed only for
18 the privilege of using or consuming in the town, city, or county any
19 construction and building materials purchased at retail or for the privilege
20 of storing, using, or consuming in the town, city, or county any motor and
21 other vehicles, purchased at retail on which registration is required, or
22 both. For the purposes of this subsection (1), the term "construction and
23 building materials" ~~shall~~ DOES not include parts or materials utilized in
24 the fabrication, construction, assembly, or installation of passenger
25 tramways, as defined in section 12-150-103 (5), by any ski area operator,
26 as defined in section 33-44-103 ~~(7)~~ (17), or any person fabricating,
27 constructing, assembling, or installing a passenger tramway for a ski area

1 operator. The ordinance, resolution, or proposal may recite that the use
2 tax ~~shall~~ DOES not apply to the storage and use of wood from salvaged
3 trees killed or infested in Colorado by mountain pine beetles or spruce
4 beetles as exempted from the state use tax pursuant to section 39-26-723.
5 The ordinance, resolution, or proposal may recite that the use tax ~~shall~~
6 DOES not apply to the storage and use of components used in the
7 production of energy, including but not limited to alternating current
8 electricity, from a renewable energy source, as exempted from the state
9 use tax pursuant to section 39-26-724. The ordinance, resolution, or
10 proposal ~~shall~~ MUST recite that the use tax ~~shall~~ DOES not apply:

11 **SECTION 9. Applicability.** This act applies to conduct occurring
12 on or after the effective date of this act.

13 **SECTION 10. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.