

**SENATE . . . . . No. 1319**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James E. Timilty*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the recreational tramway board.

PETITION OF:

NAME:

*James E. Timilty*

DISTRICT/ADDRESS:

*Bristol and Norfolk*

**SENATE . . . . . No. 1319**

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1319) of James E. Timilty for legislation relative to the recreational tramway board. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1185 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relative to the recreational tramway board.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 71I of Chapter 143 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting in the definition of “Recreational tramway”  
3 after the word “skis” in line 5, the words “snowboards, sleds, tubes, or other similar devices  
4 commonly used at ski areas.”

5           SECTION 2. Section 71I of Chapter 143 of the General Laws, as appearing in the 2012  
6 Official Edition, is hereby amended by striking in the definition of “J bar, T bar or platter pull”  
7 after the word “skiers” in line 25, the words “riding on skis”.

8           SECTION 3. Section 71I of Chapter 143 of the General Laws, as appearing in the 2012  
9 Official Edition, is hereby amended by striking in the definition of “Rope tow” after the words  
10 “pulls the skiers” in line 28-29, the words “riding on skis”.

11 SECTION 4. Section 71I of Chapter 143 of the General Laws, as appearing in the 2012  
12 Official Edition, is hereby amended by striking in the definition of “skier” the word “skiing” in  
13 line 35, and inserting the words “sliding or jumping on snow or ice on skis, a snowboard, sled,  
14 tube, or other similar device”.

15 SECTION 5. Section 71I of Chapter 143 of the General Laws, as appearing in the 2012  
16 Official Edition, is hereby amended by striking the definition of “Ski slope or trail” in its entirety  
17 and replacing it with the following:-

18 “an area designed by the person or organization having operational responsibility for the  
19 ski area as herein defined, including a cross-country ski area, tubing park, or freestyle terrain  
20 including jumps, rails, half pipes, quarter pipes, or freestyle bump terrains, for use by the public  
21 in sliding or jumping on snow or ice on skis, a snowboard, sled, tube, or other similar device,  
22 meaning such designation as is set forth on a trail map or as otherwise designated by a sign  
23 indicating to the public the intent that the area be used by skiers for purpose of participating in  
24 their chosen activity.”

25 SECTION 6. Section 71N of Chapter 143 of the General Laws, as appearing in the 2012  
26 Official Edition, is hereby amended by striking paragraph 6 in its entirety and replacing it with  
27 the following:- (6) maintain a sign system on all buildings, recreational tramways, ski trails and  
28 slopes in accordance with rules and regulations promulgated by the board and shall be  
29 responsible for the maintenance and operation of ski areas under its control in a reasonably safe  
30 condition or manner; provided, however, that ski area operators shall not be liable for damages to  
31 persons or property, while skiing, snowboarding, tubing, sledding or engaging in any similar

32 activity commonly engaged in at a ski area, which arise out of the risks inherent in the respective  
33 sport or activity.

34 SECTION 7. Section 71N of Chapter 143 of the General Laws, as appearing in the 2012  
35 Official Edition, is hereby amended by striking the second paragraph in its entirety and replacing  
36 it with the following:-

37 A skier who boards a recreational tramway shall be presumed to have sufficient abilities  
38 to use the same, and shall follow any written or oral instruction given regarding its use and no  
39 skier shall embark on a recreational tramway without authority of the operator. A skier traversing  
40 down hill shall have the duty to avoid any collision with any other skier, person or object on the  
41 hill below them, and, except as otherwise provided in this chapter, the responsibility for  
42 collisions by any skier with any other skier or person shall be solely that of the skier or person  
43 involved and not that of the operator, and the responsibility for the collision with any  
44 obstruction, man-made or otherwise, shall be solely that of the skier and not that of the operator,  
45 provided that such obstruction is properly marked pursuant to the regulations promulgated by the  
46 board. No skier shall ski, snowboard, slide or jump on any ski slope or trail or portion thereof  
47 which has been designated closed, nor ski, snowboard, slide or jump on other than an identified  
48 trail, slope or ski area. Any person skiing, snowboarding, sliding or jumping on other than an  
49 open slope or trail within the ski area shall be responsible for any injuries resulting from their  
50 action. A skier shall be presumed to know the range of their own ability to traverse any slope,  
51 trail or area. A skier shall be presumed to know of the existence of certain unavoidable risks  
52 inherent in the sports of skiing, snowboarding, tubing, sledding, or other similar activities  
53 commonly engaged in on ski slopes or trails which shall include, but not be limited to, variations  
54 in terrain, surface or subsurface snow, ice conditions or bare spots, and shall assume the risk of

55 injury or loss caused by such inherent risks. A skier shall, prior to his entrance onto the slope or  
56 trail, other than one designated for cross-country skiing, or embarking on any recreational  
57 tramway, have attached on his skis, a strap or other device for the purpose of restraining or  
58 preventing a runaway ski. A ski area operator who finds a person in violation of this section, may  
59 issue an oral warning to that individual. A person who fails to heed the warning issued by such  
60 ski area operator shall forfeit his recreational tramway ticket and recreational tramway use  
61 privileges and may be refused issuance of another such ticket to the recreational tramway.

62           SECTION 8. Section 71Q of Chapter 143 of the General Laws, as appearing in the 2012  
63 Official Edition, is hereby amended by inserting after the word “skiing” in line 1, the words “,  
64 snowboarding, tubing, or sledding”.

65           SECTION 9. Section 71N of Chapter 143 of the General Laws, as appearing in the 2012  
66 Official Edition, is hereby amended by striking the section in its entirety and replacing it with the  
67 following:-

68           Whoever violates any provision of section 71K, 71N, or any rule or regulation made  
69 under the provisions of section 71J, shall be punished by a fine of not more than twenty thousand  
70 dollars; provided, however, that any person who operates a recreational tramway, after the  
71 license therefor has been suspended or revoked, shall be punished by a fine of up to twenty  
72 thousand dollars for each day of such operation.