

1 H.294  
2 Introduced by Representatives Terenzini of Rutland Town, Beyor of Highgate,  
3 Canfield of Fair Haven, Cupoli of Rutland City, Gage of  
4 Rutland City, Helm of Fair Haven, Larocque of Barnet, Marek  
5 of Newfane, and Winters of Williamstown

6 Referred to Committee on

7 Date:

8 Subject: Court procedure; liability of ski area to search and rescue  
9 organization; skiing off trail

10 Statement of purpose of bill as introduced: This bill proposes to make a ski  
11 area liable to a rescue organization for the costs the organization incurs  
12 rescuing a person who skis off the ski area's designated trails. The ski area is  
13 permitted to impose a surcharge on lift tickets to defray the rescue costs.

14 An act relating to liability for skiing off trail

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 12 V.S.A. § 1038 is amended to read:

17 § 1038. SKIING OFF DESIGNATED SKI TRAILS; COLLISION; DUTY  
18 TO REPORT; RECOVERY FOR RESCUE EXPENSES

19 \* \* \*

1 (c) Civil action to recover. A person who uses the facilities of a ski area to  
2 access terrain outside the open and designated ski trails, shall be liable in a  
3 civil action brought by any person, including a ski area, rescue organization,  
4 municipality, or the ~~state~~ State, to recover expenses incurred to provide rescue,  
5 medical, or other services to such person for circumstances or injuries which  
6 resulted from such use. The entity seeking to recover may also recover  
7 reasonable ~~attorney~~ attorney's fees and court costs. ~~No~~ Except as provided in  
8 subsection (d) of this section, no ski area, its owners, agents or employees,  
9 individual or entity, municipal or otherwise, shall be held liable for any acts or  
10 omissions taken in the course of such rescue operations unless such act or  
11 omission constitutes gross negligence.

12 (d)(1) A ski area shall be liable to a rescue organization for the costs the  
13 organization incurs rescuing a person who uses the facilities of a ski area to  
14 access terrain outside the ski area's open and designated ski trails. A rescue  
15 organization that prevails in an action to enforce this subsection shall be  
16 entitled to recover costs, including reasonable attorney's fees, from the ski  
17 area.

18 (2) A ski area may impose a surcharge on lift tickets to defray the costs  
19 of reimbursing rescue organizations for rescuing persons who use the ski area's  
20 facilities to access terrain outside the ski area's open and designated ski trails.

- 1       Sec. 2. EFFECTIVE DATE
- 2       This act shall take effect on passage.