



S. 18 TESTIMONY

Vermont Ski Areas Association

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The Vermont Ski Areas Association is a non-profit trade association representing 20 alpine and 30 cross-country ski areas across the state.

A significant contributor to Vermont's economy, skiing is a \$1.6B industry in Vermont, bringing \$925M in direct spending to the state each winter season, two-thirds of which occurs in towns and communities surrounding ski areas. This spending generates over \$120 million in tax revenues for the state. The ski industry is a significant part of the larger outdoor recreation and tourism industries which account for over \$2.5B and \$2.8B in spending, respectively.

Additionally, and importantly, recreation and skiing are a huge part of the state's culture and a cherished part of many Vermonters' lifestyles. They are also workforce development magnets: people move to Vermont for outdoor recreation and skiing opportunities and these are reasons why many choose to stay in Vermont. And, they are big opportunities for economic development. The Vt Outdoor Rec Economic Collaborative (VOREC) recently awarded grants to help communities leverage their outdoor recreation assets as an economic development tool. They awarded \$100k, which is wonderful, but received over \$1M in grant proposals representing every county in VT - so there is a lot more potential for recreation to drive the economy.

Outdoor recreation includes large and small businesses and non-profits, like the YMCA, and others, like Run Vermont, Vermont Adaptive Sports, the Kelly Brush Foundation and Special Olympics, fundraise through sporting events. These businesses and organizations all use participant agreements, releases and waivers as a regular course of daily business.

These participant agreements, which include warning of risks, acknowledgement of risks, and release of liability to fullest the extent of the law, are the foundation of recreation risk management. They are key in allowing recreational providers to procure liability insurance. And without an exemption for recreation contracts, these releases and waivers would be presumed unconscionable under S.18.

Recreation law is not broken, so it does not need to be fixed. Currently, judges can and do rule on the enforceability of these releases and waivers and they rely on a large body of existing case law to do so.

Early in the session, we met with Senator Pearson, the bill's lead sponsor, to discuss our concerns about how this legislation would impact recreation and he told us that recreation participation contracts were not a target of this bill. Senator Sears, another of the bill's sponsors, also affirmed this.

Given the profound affect the bill would have on recreation and events in Vermont, we requested of the Senate Judiciary Committee that they include an exemption for recreation contracts that narrowly

focuses on enrollment or participation in a recreational activity, sport or competition -- and the Committee did include it. This exemption simply keeps recreation law the way it is currently.

Why is this exemption so important?

Without it, S. 18 would make Vermont an outlier with the weakest protections for recreation in the country and making the legal climate very unpredictable. Without releases, it would be easier to sue recreation providers and increase the number of frivolous lawsuits; and it would be impossible or prohibitively expensive for recreational businesses to get liability insurance. Likewise, it would be very difficult to attract sporting events or sponsorships to Vermont venues, as they would simply choose other states with better legal protection.

This would have a negative impact on our state's economy as the cost of doing business for recreation businesses increases and event producers look to other states to hold events, driving recreational businesses and events out of Vermont, or out of business entirely, and preventing others from coming into the state.

We cannot afford to hurt our economy by making Vermont an undesirable and unaffordable place for outdoor recreation. This would disrupt the tourism industry, take away a key workforce recruitment tool and, importantly, diminish recreational opportunities for Vermonters -- a part of the lifestyle here that many of us cherish.

For these reasons, we respectfully ask this committee to maintain the exemption for recreation participation contracts as the Senate has included it in S.18.

Thank you for the opportunity to testify today.