



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 168
[2015 Senate Bill 463]

**Liability Related to Riding a
Bicycle Within a Ski Area**

BACKGROUND

Under Wisconsin law, liability for the injury or death of a person who participates in a recreational activity that occurs on a premises that is open to the public for such purposes is determined differently from how liability is determined for the injury or death of a person who participates in certain sports that take place at a ski area.

2015 WISCONSIN ACT 168

The Act changes how liability is determined for the injury or death of a person who rides a bicycle within a ski area after purchasing or receiving a ticket, pass, or license from the ski area operator.

Under Wisconsin law, a participant in a recreational activity is responsible for conforming his or her conduct to certain standards and is deemed to accept the risks inherent in the activity of which an ordinary prudent person should be aware. If a participant is injured or killed, the damages that may be collected from the owner of the premises where the activity occurs are reduced in proportion to the amount of negligence attributable to the participant.

The term “recreational activity” generally means any activity undertaken for the purpose of exercise, relaxation, or pleasure. However, certain sports are excluded from the term “recreational activity” when they are performed at a ski area.

Under prior law, these sports included skiing, sledding, and tubing, and were termed “snow sports.” The Act replaces the term “snow sports” with the term “alpine sports” and provides that it includes riding a bicycle within a ski area after purchasing or receiving a ticket, pass, or license from the ski area operator.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

With regard to alpine sports that take place at a ski area, Wisconsin law provides certain duties that a ski area operator and a participant must fulfill, and it prescribes certain conditions and risks that a participant is deemed to be aware of. A ski area operator who fulfills all of his or her duties owes no further duty of care to a participant and is not liable for any injury or death that occurs as a result of any condition or risk accepted by the participant.

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