



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3949/1
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2015 SENATE BILL 463

December 18, 2015 – Introduced by Senators STROEBEL and KAPENGA, cosponsored by Representatives JARCHOW, NOVAK, BALLWEG, E. BROOKS, CZAJA, GANNON, HORLACHER, KERKMAN, KRUG, T. LARSON, TITTL, POPE and BRANDTJEN. Referred to Committee on Agriculture, Small Business, and Tourism.

1 **AN ACT** *to repeal* 167.33 (1) (d), 167.33 (3) (g) 1. and 167.33 (3) (g) 2.; *to*
2 *renumber* 167.33 (1) (a); *to renumber and amend* 167.33 (1) (c), 167.33 (1)
3 (o), 167.33 (3) (b) and 167.33 (3) (g) (intro.); *to amend* 15.347 (20) (b) 6., 167.33
4 (title), 167.33 (1) (b), 167.33 (1) (f), 167.33 (1) (g), 167.33 (1) (h), 167.33 (1) (L),
5 167.33 (1) (m), 167.33 (2) (title), 167.33 (2) (b) 1., 167.33 (2) (f), 167.33 (2) (h),
6 167.33 (3) (a), 167.33 (3) (f) (intro.), 167.33 (3) (f) 5., 167.33 (3) (f) 6., 167.33 (3)
7 (h), 167.33 (3) (j) 1., 167.33 (3) (j) 2., 167.33 (4) (a), 167.33 (4) (ag), 167.33 (4) (b)
8 2., 167.33 (5) (title), 167.33 (5) (a) 13., 167.33 (5) (b) 11., 895.525 (2) (b), 895.526
9 (title), 895.526 (2) (title), 895.526 (2) (a), 895.526 (2) (b), 895.526 (2) (c), 895.526
10 (2) (d), 895.526 (3) (intro.), 895.526 (3) (b) and 895.526 (4) (a); and *to create*
11 167.33 (1) (ar), 167.33 (1) (dm), 167.33 (3) (am), 167.33 (3) (b) 2., 167.33 (3) (em)

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1 and 167.33 (5) (c) of the statutes; **relating to:** duties of ski area operators and
2 persons who bike in a ski area, and liability of ski area operators.

Analysis by the Legislative Reference Bureau

This bill establishes duties for persons who bike in ski areas and for the operators of ski areas.

Under current law, a participant in a recreational activity, including bicycling, on a premises that is open to the public for such purposes is deemed to accept the risks inherent in the activity of which an ordinary prudent person is or should be aware. Current law also imposes certain responsibilities on participants in a recreational activity, including the responsibility to act within the limits of his or her ability, heed all warnings regarding participation in the recreational activity, maintain control of himself or herself and the equipment he or she is using, and refrain from acting in any manner that may cause or contribute to the death of or injury to himself or herself or to other persons while participating in the recreational activity.

Under current law, if a participant in a recreational activity is injured or killed, his or her own actions may be considered contributory negligence in a civil suit brought against the owners of the premises if the participant failed to comply with any of the responsibilities set forth for participants in the activity.

Under current law, the same rules of liability and negligence apply to skiing, sledding, tubing, tobogganing, and other snow sports (snow sports) that take place outside of a ski area, but there is a different scheme for determining whether the operator of a ski area is liable for injuries sustained by a person who participates in a snow sport at a ski area. This bill applies much of the same analysis that is applied to a participant in a snow sport to a person who bikes in a ski area (biker).

Under the bill, a biker is deemed to know, and accept, certain risks inherent in biking in a ski area, such as changes in weather or visibility, the presence of certain conditions and difficulties with the terrain, and the risk of collisions and to accept that the operator of a ski area may not mitigate certain risks by padding items or obstacles within the ski area. Under the bill, a biker's responsibilities include knowing and complying with all safety rules established by the ski area operator, knowing the limits of his or her abilities, and being able to maintain control of himself or herself and his or her equipment while biking.

The bill also sets forth several safety requirements for ski area operators and requirements designed to inform participants of the dangers inherent in biking and of the responsibilities each participant has for his or her own safety. The requirements include placing warning signs and informational signs as to the level of difficulty of ski trails, and recommending the use of helmets.

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Under the bill, the operator of a ski area is immune from liability for any injury sustained by a biker if the injury was a result of any of the risks accepted by the biker and the operator of the ski area has complied with the requirements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.347 (20) (b) 6. of the statutes is amended to read:
2 15.347 (20) (b) 6. Persons who engage in snow alpine sports.
- 3 **SECTION 2.** 167.33 (title) of the statutes is amended to read:
4 **167.33** (title) **Snow Alpine sports.**
- 5 **SECTION 3.** 167.33 (1) (a) of the statutes is renumbered 167.33 (1) (am).
- 6 **SECTION 4.** 167.33 (1) (ar) of the statutes is created to read:
7 167.33 (1) (ar) “Biking” means riding a bicycle within a ski area.
- 8 **SECTION 5.** 167.33 (1) (b) of the statutes is amended to read:
9 167.33 (1) (b) “Competition” means any event authorized by a ski area operator,
10 or by an agent of a ski area operator, that involves a comparison of skills used in one
11 or more snow alpine sports. “Competition” includes training sessions for such an
12 event.
- 13 **SECTION 6.** 167.33 (1) (c) of the statutes is renumbered 167.33 (1) (om) and
14 amended to read:
15 167.33 (1) (om) “Freestyle Terrain features” means man-made features that
16 include boxes, jumps, hits, jibs, ~~tabletops, spikes, take-off ramps, landings, banks,~~
17 rails, rollers, half pipes, picnic tables, logs, and pipes.
- 18 **SECTION 7.** 167.33 (1) (d) of the statutes is repealed.
- 19 **SECTION 8.** 167.33 (1) (dm) of the statutes is created to read:

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1 167.33 (1) (dm) “Freestyle terrain” means an area that includes half-pipes,
2 terrain parks, terrain gardens, freestyle courses, or other terrain features. Freestyle
3 terrain does not include an area groomed with natural and man-made surface
4 variations to aid new skiers in learning to ski or natural or man-made mogul fields.

5 **SECTION 9.** 167.33 (1) (f) of the statutes is amended to read:

6 167.33 (1) (f) “Lift” means any aerial tramway or lift, a surface lift, a tow, or
7 a conveyor used by a ski area operator to transport participants in ~~snow~~ alpine sports
8 at a ski area.

9 **SECTION 10.** 167.33 (1) (g) of the statutes is amended to read:

10 167.33 (1) (g) “Participant in ~~a snow~~ an alpine sport” means an individual who
11 has a pass or ticket to engage in an alpine sport and who is engaged in ~~a snow~~ an
12 alpine sport or who is walking or otherwise traveling within a ski area for purposes
13 of engaging in the sport. “Participant in ~~a snow~~ an alpine sport” also means an
14 individual who is present at a ski area to observe others engaged in ~~a snow~~ an alpine
15 sport or who is a passenger on a lift. “Participant in ~~a snow~~ an alpine sport” includes
16 an individual that is an employee of a ski area operator when he or she is acting
17 outside the scope of his or her employment.

18 **SECTION 11.** 167.33 (1) (h) of the statutes is amended to read:

19 167.33 (1) (h) “Ski area” means trails, terrains, and other outdoor areas that
20 are used by individuals engaged in ~~snow~~ alpine sports and that is administered as
21 a single enterprise by a ski area operator.

22 **SECTION 12.** 167.33 (1) (L) of the statutes is amended to read:

23 167.33 (1) (L) “Skiing” means downhill skiing, alpine skiing, nordic skiing,
24 cross-country skiing, ski biking, telemarking, snowshoeing, or snowboarding.

25 **SECTION 13.** 167.33 (1) (m) of the statutes is amended to read:

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1 167.33 (1) (m) “Sledding” means sliding down a prepared course on sleds,
2 toboggans, ~~ski bikes~~, or comparable devices. “Sledding” excludes tubing.

3 **SECTION 14.** 167.33 (1) (o) of the statutes is renumbered 167.33 (1) (ag) and
4 amended to read:

5 167.33 (1) (ag) “~~Snow~~ Alpine sport” means skiing, sledding, biking, or tubing,
6 or freestyling.

7 **SECTION 15.** 167.33 (2) (title) of the statutes is amended to read:

8 167.33 (2) (title) CONDITIONS AND RISKS OF SNOW ALPINE SPORTS.

9 **SECTION 16.** 167.33 (2) (b) 1. of the statutes is amended to read:

10 167.33 (2) (b) 1. Snow, ice, crust, slush, soft spots, holes, grooves, bare spots,
11 mud, loose dirt, cuts, rocks, boulders, water, puddles, creeks, streams, cliffs,
12 drop-offs, or tracks from foot traffic or ski area vehicles.

13 **SECTION 17.** 167.33 (2) (f) of the statutes is amended to read:

14 167.33 (2) (f) The risk of collision with other participants in snow alpine sports,
15 employees of a ski area operator, or ski area infrastructure.

16 **SECTION 18.** 167.33 (2) (h) of the statutes is amended to read:

17 167.33 (2) (h) The greater risk of collision, injury, or death in treed areas, in
18 areas where competitions are held, and in areas where ~~freestyling is allowed of~~
19 freestyle terrain.

20 **SECTION 19.** 167.33 (3) (a) of the statutes is amended to read:

21 167.33 (3) (a) *Notice on tickets required.* ~~Each~~ Except as provided in par. (am),
22 each ski area operator shall print on each ticket or season pass that it issues to
23 participants in snow alpine sports the following warning:

24 “WARNING: Under Wisconsin law, each participant in ~~a snow~~ an alpine sport
25 assumes the risk of injury or death to person or injury to property resulting from the

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1 conditions and risks that are considered to be inherent in ~~a snow~~ an alpine sport, has
2 a number of duties that must be met while engaging in ~~a snow~~ an alpine sport, and
3 is subject to limitations on the ability to recover damages from a ski area operator
4 for injuries or death to a person or to property. A complete copy of this law is available
5 for review at the main site where tickets to this ski area are sold.”

6 **SECTION 20.** 167.33 (3) (am) of the statutes is created to read:

7 167.33 (3) (am) A ski area operator may sell, distribute, and use tickets or
8 season passes printed before the effective date of this paragraph [LRB inserts
9 date], until its stock of those tickets or passes are exhausted. A ski area operator that
10 sells, distributes, or uses such tickets or passes shall post a notice at each location
11 where the tickets or passes are sold, distributed, or used that informs each recipient
12 of the ticket or pass that he or she is engaging in an alpine sport, as defined in s.
13 167.33 (1) (ag), and that the definition for snow sport, as used on the ticket or pass,
14 has been amended. The notice shall indicate that a complete copy of s. 167.33 is
15 available for review at the main site where the ski area operator sells tickets.

16 **SECTION 21.** 167.33 (3) (b) of the statutes is renumbered 167.33 (3) (b) (intro.)
17 and amended to read:

18 167.33 (3) (b) *Signs required; generally.* (intro.) Each ski area operator shall
19 post and maintain ~~a sign~~ the following signs:

20 1. A sign that is at least 10 square feet in size at or near each of the sites where
21 tickets to the ski area are sold, at or near each of the entrances or lift loading areas
22 for areas that are open to snow alpine sports, and at or near each area open to
23 sledding, biking, or tubing which is not served by a lift. The sign shall contain the
24 following warning:

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1 “WARNING — ASSUMPTION OF RISKS: Under Wisconsin law, each
2 participant in ~~a snow~~ an alpine sport is considered to have accepted and to have
3 knowledge of the risk of injury or death to person or injury to property that may
4 result. Under Wisconsin law, each participant in ~~a snow~~ an alpine sport has the duty
5 to take the precautions that are necessary to avoid injury or death to person or injury
6 to property. Wisconsin law sets forth certain other limitations on the liability of ski
7 area operators for injuries or death to person or injury to property. A complete copy
8 of this law is available for review at the main site where tickets to this ski area are
9 sold.”

10 **SECTION 22.** 167.33 (3) (b) 2. of the statutes is created to read:

11 167.33 (3) (b) 2. A sign that is at least 3 square feet in size at or near each of
12 the sites where tickets to the ski area are sold that contains the words: “Helmets are
13 recommended” or “Consider wearing a helmet.”

14 **SECTION 23.** 167.33 (3) (em) of the statutes is created to read:

15 167.33 (3) (em) *Signs required; biking areas.* In addition to the sign required
16 under par. (b), each ski area operator offering biking shall post and maintain a sign
17 that is at least 10 square feet in size at or near each entrance to a loading area of a
18 lift that serves areas open to biking or at or near an entrance of an area open to biking
19 that is not served by a lift. The sign shall contain the following warning:

20 “WARNING — DUTIES OF INDIVIDUALS ENGAGED IN BIKING: Under
21 Wisconsin law, each individual engaged in biking has a duty to do all of the following:

- 22 1. Obey all posted warnings and signs.
- 23 2. Keep out of closed areas.
- 24 3. Know the range of his or her ability and engage in biking within that ability.

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1 4. Assess the difficulty of the trails and terrains, including natural and
2 man-made features, that are open to biking. Where possible, walk the trail or
3 features prior to biking.

4 5. Maintain control of his or her speed and direction.

5 6. Comply with any posted limits that are imposed on the type of bike or other
6 equipment that may be ridden on a trail or portion of the ski area.

7 7. Be able to stop or avoid other individuals or objects.

8 8. Yield to other individuals engaged in biking who are ahead or who are down
9 the slope.

10 9. Be able to safely board, ride, and disembark any lift serving an area open to
11 biking.

12 10. Board and disembark a lift only at designated sites.

13 11. Look uphill and yield to oncoming bikes before leaving the bottom of the hill
14 at the end of the run or when entering a trail or slope.”

15 **SECTION 24.** 167.33 (3) (f) (intro.) of the statutes is amended to read:

16 167.33 (3) (f) *Signs required; trails and terrains.* (intro.) Each ski area operator
17 shall designate the trails that are open for skiing or biking in its ski area and shall
18 determine the difficulty level of each trail. The ski area operator shall post and
19 maintain a sign at or near the beginning of each trail. The sign shall contain the
20 name of the trail and all of the applicable wording and emblems specified in this
21 paragraph to describe the difficulty level of the trail or terrain. The sign shall be at
22 least 4 square feet in size. Each sign shall contain one or more of the following
23 designations that are applicable:

24 **SECTION 25.** 167.33 (3) (f) 5. of the statutes is amended to read:

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1 167.33 (3) (f) 5. The words “freestyling area ahead” “freestyle terrain” with an
2 emblem consisting of an orange oval.

3 **SECTION 26.** 167.33 (3) (f) 6. of the statutes is amended to read:

4 167.33 (3) (f) 6. The words “tree skiing — caution.” The sign shall have an
5 orange background or orange lettering with a black or white background and shall
6 contain the additional statement: “This back country trail is not groomed or
7 patrolled — Never ski here alone.”

8 **SECTION 27.** 167.33 (3) (g) (intro.) of the statutes is renumbered 167.33 (3) (g)
9 and amended to read:

10 167.33 (3) (g) *Areas open to freestyling of freestyle terrain; signs and barricades*
11 *required.* A ski area operator shall may designate an area as an area for freestyling
12 if it contains one or more freestyle features of freestyle terrain. A ski area operator
13 that designates an area of freestyle terrain shall construct and maintain a barricade
14 with fencing, roping, or similar means at the entrance to such an area. The opening
15 in the barricade may not be wider than 30 feet. The ski area operator shall post and
16 maintain a sign at or near the entrance of the area of freestyle terrain that is at least
17 3 square feet in size ~~and that shows the boundaries of the area open to freestyling.~~
18 The sign shall contain emblems consisting of a stop sign and orange oval consistent
19 with signage recommended by a national ski areas association for use in areas of
20 freestyle terrain. The sign shall contain all of the following: the words “freestyle
21 terrain.”

22 **SECTION 28.** 167.33 (3) (g) 1. of the statutes is repealed.

23 **SECTION 29.** 167.33 (3) (g) 2. of the statutes is repealed.

24 **SECTION 30.** 167.33 (3) (h) of the statutes is amended to read:

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1 167.33 (3) (h) *Lifts; signs required.* For each lift that is used by individuals
2 engaged in skiing and that does not serve any trail that is described under par. (f)
3 as “easier,” the ski operator shall post and maintain, at or near the loading area for
4 the lift a sign that is at least 10 square feet in size near or at the entrance of the
5 loading area. The sign shall contain the following warning:

6 “WARNING: This lift does not serve any trails that are “easier” (marked with
7 a green circle emblem). All of the trails served by this lift are “difficult” or “more
8 difficult” (marked with a blue square emblem), “most difficult” (marked with a black
9 diamond emblem), “expert” or “extreme terrain” (marked with an emblem consisting
10 of 2 black diamonds), or “~~freestyling terrain ahead~~ freestyle terrain” (marked with
11 an orange oval).”

12 **SECTION 31.** 167.33 (3) (j) 1. of the statutes is amended to read:

13 167.33 (3) (j) 1. In lieu of posting and maintaining each of the separate signs
14 required under par. (b) and par. (d) ~~or~~, (e), or (em), a ski area operator may post and
15 maintain a single sign that is at least 12 square feet in size and that contains all of
16 the required warnings.

17 **SECTION 32.** 167.33 (3) (j) 2. of the statutes is amended to read:

18 167.33 (3) (j) 2. A ski area operator may, in a ski area with fewer than 100 acres
19 in use for ~~a snow~~ an alpine sport vary from the specific wording, size, and location
20 requirements for signs specified under this subsection, but any variation may not
21 preclude a reasonably prudent participant in ~~a snow~~ an alpine sport from finding
22 or understanding the contents of the sign.

23 **SECTION 33.** 167.33 (4) (a) of the statutes is amended to read:

24 167.33 (4) (a) *Maps.* Each ski area operator shall post and maintain a map of
25 the trails and terrains in the ski area that are designated for any ~~snow~~ alpine sport

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1 at all of the sites where tickets to the ski area are sold if the ski area has more than
2 3 trails. The map shall contain the names of each trail or terrain and a description
3 of the level of difficulty for each trail as determined by the ski area operator under
4 sub. (3) (f). The sign shall be at least 32 square feet in size.

5 **SECTION 34.** 167.33 (4) (ag) of the statutes is amended to read:

6 167.33 (4) (ag) *Markings.* Each ski area operator shall mark hydrants, water
7 pipes, and any other man-made structures on a ski area that are not readily visible
8 to participants in ~~a snow~~ an alpine sport under conditions of ordinary visibility from
9 a distance of at least 100 feet. A ski area operator may use any type of marker,
10 including a wooden or bamboo pole, flag, or sign if the marker is visible from a
11 distance of 100 feet and if the marker itself does not constitute a serious hazard to
12 participants in ~~a snow~~ an alpine sport. Variations in steepness or terrain, whether
13 natural or as a result of slope design, snowmaking, or grooming operations, including
14 roads, catwalks, or other terrain modifications, are not man-made structures for the
15 purpose of this paragraph.

16 **SECTION 35.** 167.33 (4) (b) 2. of the statutes is amended to read:

17 167.33 (4) (b) 2. If any vehicular grooming operations take place on a ski trail
18 during hours in which a lift is being operated, the ski area operator shall close that
19 trail to the public at the top entrance to the trail until the vehicular grooming
20 operations are complete on that trail. If a groomer is traversing part of a ski area that
21 is not part of a ski trail during hours in which a lift is being operated, the ski area
22 operator shall provide an escort for the groomer or equip the groomer with emergency
23 lights and an audible warning system to warn guests of the approaching groomer.

24 **SECTION 36.** 167.33 (5) (title) of the statutes is amended to read:

25 167.33 (5) (title) DUTIES OF INDIVIDUALS ENGAGED IN SNOW ALPINE SPORTS.

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1 **SECTION 37.** 167.33 (5) (a) 13. of the statutes is amended to read:

2 167.33 (5) (a) 13. If involved in a collision with another participant in ~~a snow~~
3 an alpine sport that results in injury or death, not leave the vicinity of the collision
4 before giving his or her name and current address to an employee of the ski area
5 operator or a member of the ski patrol, except for the purpose of securing aid for a
6 person injured in the collision. A person who leaves the scene of the collision for the
7 purpose of securing aid shall give his or her name and current address after securing
8 the aid.

9 **SECTION 38.** 167.33 (5) (b) 11. of the statutes is amended to read:

10 167.33 (5) (b) 11. If involved in a collision with another participant in ~~a snow~~
11 an alpine sport that results in injury or death, not leave the vicinity of the collision
12 before giving his or her name and current address to an employee of the ski area
13 operator or a member of the ski patrol, except for the purpose of securing aid for a
14 person injured in the collision. A person who leaves the scene of the collision for the
15 purpose of securing aid shall give his or her name and current address after securing
16 the aid.

17 **SECTION 39.** 167.33 (5) (c) of the statutes is created to read:

18 167.33 (5) (c) *Safety rules; biking.* Each individual engaged in biking at a ski
19 area has a duty to do all the following:

- 20 1. Obey all posted warnings and signs.
- 21 2. Keep out of closed areas.
- 22 3. Know the range of his or her ability and engage in biking within that ability.
- 23 4. Assess the difficulty of the trails and terrains, including natural and
24 man-made features, that are open to biking. Where possible, walk the trail or
25 features prior to biking.

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- 1 5. Maintain control of his or her speed and direction.
- 2 6. Comply with any posted limits that are imposed on the type of bike or other
3 equipment that may be ridden on a trail or portion of the ski area.
- 4 7. Be able to stop or avoid other individuals or objects.
- 5 8. Yield to other individuals engaged in biking who are ahead or who are down
6 the slope.
- 7 9. Be able to safely board, ride, and disembark any lift serving an area open to
8 biking.
- 9 10. Board and disembark a lift only at designated sites.
- 10 11. Look uphill and yield to oncoming bikes before leaving the bottom of the hill
11 at the end of the run and upon entering a trail or slope.
- 12 12. If involved in a collision with another participant in an alpine sport that
13 results in injury or death, remain in the vicinity of the collision until he or she gives
14 his or her name and current address to an employee of the ski area operator or a
15 member of the bike patrol, except to secure aid for a person injured in the collision.
16 A person who leaves the vicinity in order to secure aid shall provide his or her name
17 and current address after securing the aid.
- 18 **SECTION 40.** 895.525 (2) (b) of the statutes is amended to read:
- 19 895.525 (2) (b) “Recreational activity” means any activity undertaken for the
20 purpose of exercise, relaxation or pleasure, including practice or instruction in any
21 such activity. “Recreational activity” does not include participating in ~~a snow~~ an
22 alpine sport at a ski area, as those terms are defined in s. 167.33, but includes
23 hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves,
24 nature study, dancing, bicycling that is not biking, as defined in s. 167.33 (1) (ar),
25 horseback riding, horseshoe-pitching, bird-watching, motorcycling, operating an

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1 all-terrain vehicle or utility terrain vehicle, recreational aviation, as defined in s.
2 895.52 (1) (hm), ballooning, curling, throwing darts, hang gliding, hiking, sleigh
3 riding, snowmobiling, skating, participation in water sports, weight and fitness
4 training, sight-seeing, rock-climbing, cutting or removing wood, climbing
5 observation towers, animal training, harvesting the products of nature,
6 participating in an agricultural tourism activity, sport shooting, and participating
7 in ~~a snow~~ an alpine sport outside a ski area, as those terms are defined in s. 167.33,
8 and any other sport, game or educational activity.

9 **SECTION 41.** 895.526 (title) of the statutes is amended to read:

10 **895.526 (title) Participation in ~~a snow~~ an alpine sport; restrictions on**
11 **civil liability, assumption of risk.**

12 **SECTION 42.** 895.526 (2) (title) of the statutes is amended to read:

13 895.526 (2) (title) APPRECIATION OF CONDITIONS AND RISK OF PARTICIPATION IN ~~A~~
14 ~~SNOW~~ AN ALPINE SPORT.

15 **SECTION 43.** 895.526 (2) (a) of the statutes is amended to read:

16 895.526 (2) (a) Every participant in ~~a snow~~ an alpine sport at a ski area accepts
17 the conditions and risks of the ~~snow~~ alpine sport as set forth in s. 167.33 (2).

18 **SECTION 44.** 895.526 (2) (b) of the statutes is amended to read:

19 895.526 (2) (b) Every participant in ~~a snow~~ an alpine sport at a ski area is
20 presumed to have seen and understood signage provided by the ski area operator
21 pursuant to s. 167.33 (3).

22 **SECTION 45.** 895.526 (2) (c) of the statutes is amended to read:

23 895.526 (2) (c) Every participant in ~~a snow~~ an alpine sport at a ski area accepts
24 that failure to wear a helmet or wearing a helmet that is improperly sized, fitted, or
25 secured increases the risk of injury or death or the risk of a more severe injury. Every

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1 participant in ~~a snow~~ an alpine sport at a ski area accepts that a helmet may not be
2 available for purchase or for rent at a ski area.

3 **SECTION 46.** 895.526 (2) (d) of the statutes is amended to read:

4 895.526 (2) (d) Every participant in ~~a snow~~ an alpine sport at a ski area accepts
5 that natural or man-made items or obstacles within a ski area, including ski area
6 infrastructure and ski area vehicles, may be unpadded or not heavily padded and
7 accepts that there may be a higher risk of injury or death or of a more severe injury
8 associated with a collision with an item or obstacle that is unpadded or not heavily
9 padded.

10 **SECTION 47.** 895.526 (3) (intro.) of the statutes is amended to read:

11 895.526 (3) RESPONSIBILITIES OF A PARTICIPANT IN ~~A SNOW~~ AN ALPINE SPORT. (intro.)
12 Every participant in ~~a snow~~ an alpine sport is responsible to do all of the following:

13 **SECTION 48.** 895.526 (3) (b) of the statutes is amended to read:

14 895.526 (3) (b) Choose whether to wear a helmet while participating in the
15 ~~snow~~ alpine sport. If the participant chooses to wear a helmet, he or she has the
16 responsibility to ensure the helmet is of the correct size and fit and to ensure that it
17 is properly secured while he or she participates in the ~~snow~~ alpine sport.

18 **SECTION 49.** 895.526 (4) (a) of the statutes is amended to read:

19 895.526 (4) (a) A ski operator who fulfills all of his or her duties under s. 167.33
20 (3) and (4) owes no further duty of care to a participant in ~~a snow~~ an alpine sport and
21 is not liable for an injury or death that occurs as a result of any condition or risk
22 accepted by the participant under sub. (2).

23

(END)