



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 463

Senate Amendment 1

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BACKGROUND

Under current law, liability for the injury or death of a person who participates in a recreational activity, such as riding a bicycle, 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 a snow sport that takes place at a ski area.

With regard to recreational activity, a participant 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 are reduced in proportion to the amount of negligence attributable to the participant.

With regard to a snow sport that takes place at a ski area, current 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 an injury or death that occurs as a result of any condition or risk accepted by the participant.

2015 SENATE BILL 463

2015 Senate Bill 463 (the bill) changes the term “snow sport” to “alpine sport” and adds “riding a bicycle within a ski area” to the activities that are included in the term. The bill also removes “riding a bicycle within a ski area” from the activities that are included in the term “recreational activity.” Under the bill, liability for the injury or death of a person who rides a bicycle within a ski area is determined based on the criteria that apply to alpine sports and not based on the criteria that apply to recreational activity.

SENATE AMENDMENT 1

The amendment specifies that alpine sport includes “riding a bicycle within a ski area *after purchasing or receiving a ticket, pass, or license from the ski area operator.*” The amendment also specifies that the term “recreational activity” excludes “riding a bicycle within a ski area *after purchasing or receiving a ticket, pass, or license from the ski area operator.*”

BILL HISTORY

Senator Stroebel offered Senate Amendment 1 on January 12, 2016. On January 13, 2016, the Senate Committee on Agriculture, Small Business, and Tourism recommended adoption of Senate Amendment 1 on a vote of Ayes, 9; Noes, 0. On the same day, the committee recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 3.

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