

SENATE, No. 3980

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 21, 2021

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Eliminates certain requirements for nonprofit organization operating ski area.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning nonprofit organizations operating a ski area and
2 amending P.L.1979, c.29.

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4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.1979, c.29 (C.5:13-2) is amended to read as
8 follows:

9 2. As used in this act

10 [a.] “Nonprofit organization” means a private nonprofit
11 corporation, society, or association that has been determined by the
12 Internal Revenue Service of the United States Department of the
13 Treasury to be exempt from income taxation under 26
14 U.S.C.s.501(c)(3).

15 "Operator" means a person or entity who owns, manages,
16 controls or directs the operation of an area where individuals come
17 to ski, whether alpine, touring or otherwise, or operate skimobiles,
18 toboggans, sleds or similar vehicles and pay money or tender other
19 valuable consideration for the privilege of participating in said
20 activities, and includes an agency of this State, political
21 subdivisions thereof or instrumentality of said entities, or any
22 individual or entity acting on behalf of an operator for all or part of
23 such activities.

24 [b.] "Ski area" includes all of the real and personal property,
25 under the control of the operator or on the premises of the operator
26 which are being occupied, by license, lease, fee simple or
27 otherwise, including but not limited to all passenger tramways,
28 designated trails, slopes and other areas utilized for skiing,
29 operating toboggans, sleds, or similar vehicles during the skiing
30 season.

31 [c.] "Skier" means a person utilizing the ski area for
32 recreational purposes such as skiing or operating toboggans, sleds
33 or similar vehicles, and including anyone accompanying the person.
34 Skier also includes any person in such ski area who is an invitee,
35 whether or not said person pays consideration.

36 [d.] "Slopes and trails" means those areas designated as such by
37 the operator.

38 (cf: P.L.1979, c.29, s.2)

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40 2. Section 3 of P.L.1979, c.29 (C.5:13-3) is amended to read as
41 follows:

42 3. a. It shall be the responsibility of the operator to the extent
43 practicable, to:

44 (1) Establish and post a system generally identifying slopes and
45 trails and designating relative degrees of difficulty thereof; and to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 make generally available to skiers information in the form of trail
2 maps or trail reports.

3 (2) Make generally available either by oral or written report or
4 otherwise, information concerning the daily conditions of the slopes
5 and trails.

6 (3) Remove as soon as practicable obvious, man-made hazards.

7 An operator shall not be required to comply with the provisions
8 of this subsection if the ski area is operated by a nonprofit
9 organization.

10 b. **【No operator】** An operator shall not be responsible to any
11 skier or other person because of its failure to comply with any
12 provisions of subsection **【3.a.】** a. of this section if such failure
13 was caused by:

14 (1) Abrupt changes in weather conditions;

15 (2) Hazards normally associated with the varying conditions of
16 snow or undercover, including skier use; or

17 (3) Subject to the provisions of paragraph 3 of subsection
18 **【3.a.(3)】** a. of this section, the location of man-made facilities and
19 equipment necessary for the ordinary operation of the ski area, such
20 as transportation or grooming vehicles, which are marked by
21 flashing lights or other suitable sight or sound devices towers,
22 fencing of any type, racing poles, or any other object or piece of
23 equipment utilized in connection with the maintenance of trails,
24 buildings or other facilities used in connection with skiing.

25 c. Grooming shall be at the discretion of the operator.

26 d. **【No operator】** An operator shall not be liable to any skier
27 unless said operator has knowledge of the failure to comply with the
28 duty imposed by this section or unless said operator should have
29 reasonably known of such condition and having such knowledge
30 has had a reasonable time in which to correct any condition or
31 comply with any duty set forth in this section.

32 e. Nothing contained in this act shall be construed as limiting
33 or otherwise affecting the liability and responsibilities of a ski area
34 operator under the "Ski Lift Safety Act" (P.L.1975, c. 226, C.
35 34:4A-1 et seq.), or shall prevent the maintenance of an action
36 against a ski area operator for negligent construction, maintenance
37 or operation of a passenger tramway.

38 (cf: P.L.1979, c.29, s.3)

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40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill eliminates certain requirements for nonprofit
46 organizations operating a ski area.

47 Under current law, the operator of a ski area is required to:

- 1 • establish and post a system generally identifying slopes and
 - 2 trails and designating the relative degrees of difficulty of the
 - 3 slopes and trails and make trail maps and trail reports
 - 4 available to skiers;
 - 5 • make available, either by oral or written report, information
 - 6 concerning the daily conditions of the slopes and trails; and
 - 7 • remove obvious, man-made hazards as soon as practicable.
- 8 Under the bill, the operator of a ski area is not required to comply
- 9 with these provisions if the ski area is operated by a nonprofit
- 10 organization.
- 11 The bill defines “nonprofit organization” to mean a private
- 12 nonprofit corporation, society, or association that has been
- 13 determined by the Internal Revenue Service of the United States
- 14 Department of the Treasury to be exempt from income taxation
- 15 under 26 U.S.C.s.501(c)(3).