



New York State YMCA
Youth And Government

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Committee Assignment: Assembly Liberty 2

Bill #:AL-13

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An Act To Amend section § 18 of New York State General Obligations Law to require skiers under 18 years of age to wear a helmet while skiing at New York ski areas and to require signage posting the law.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose To help prevent head injuries on children and overall encourage the use of helmets while skiing.

Summary of Provisions

Section 1: Definitions

"Downhill skiing" means the operations of skis and snowboards and the use of ski tows, lifts, and tramways while wearing or transporting skis or snowboards.

"Helmet" means a type of molded headgear equipped with a neck or chin strap specially designed by the manufacturer to be used while engaged in the activity of recreational downhill skiing.

"Skier" means any person wearing a ski or skis and any person actually on a ski slope or trail located at a ski area, for the purpose of skiing.

Section 2

§ 18-103. Duties of ski area operators. Every ski area operator shall have the following duties:

15. To post signage at the central location information board at the ski area and at all locations where ski tickets are sold advising customers of their obligations under § 18-105 as well as the availability of helmets for rent and for sale at the ski area.

16. To maintain a reasonable inventory of helmets for rent and for sale. Such helmets shall meet the standards and criteria set forth in the definition of a helmet.

§ 18-105. Duties of skiers. All skiers shall have the following duties:

13. To report any personal injury to the ski area operator before leaving the ski area; and

14. Not to willfully remove, deface, alter or otherwise damage signage, warning devices or implements, or other safety devices placed and maintained by the ski area operator pursuant to the requirements of section 18-103 of this article; and

15. A person under 18 years of age engaged in the activity of downhill skiing shall wear a securely fitted protective helmet.

§ 18-106. Duties of skiers and ski area operators with respect to



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42 inherent risks. It is recognized that skiing is a voluntary activity
43 that may be hazardous regardless of all feasible safety measures that
44 can be undertaken by ski area operators. Accordingly:
45 § 18-106-a. Enforcement of ski helmet requirements. 1. Any person who violates
46 the provisions of subdivision fifteen of section 18-105 of this article shall pay a civil
47 fine not to exceed twenty-five dollars. A court shall waive such fine if such person
48 supplies the court with proof that between the date of the violation and the
49 appearance date for such violation such person purchased or rented a helmet.
50 2. Local law enforcement shall be solely responsible for enforcing the provisions of
51 subdivision fifteen of section 18-105 of this article. A police officer shall only issue a
52 summons for a violation of such subdivision by a person under eighteen years of
53 age to the parent or guardian of such person if the violation by such person occurs
54 in the presence of such person's parent or guardian and where such parent or
55 guardian is eighteen years of age or older. Such summons shall only be issued to
56 such parent or guardian, and shall not be issued to the person under the age of
57 eighteen.

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60 **Justification**

61 Skiing and snowboarding can lead to all sorts of injuries. According to research
62 from the University of Calgary in Alberta, the risk of head injury while skiing or
63 snowboarding was reduced by 35% with helmet use, and by almost 40% among
64 children under 13 years of age. The human brain continues to grow and develop
65 into young adulthood, and wearing helmets can help to keep the brain safer. This
66 bill will help ensure the safety of children and encourage skiers in general to wear
67 helmets.

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69 **Fiscal Implications**

70 There would be very little fiscal implications. On average helmets cost \$10-\$20 to
71 rent daily or \$40+ to purchase.

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73 **Environmental Implications** There are no environmental implications.

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75 **Effective Date** This bill will go into effect one year after passage.

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