

N.J. Stat. § 5:13-1

This section is current through New Jersey 218th First Annual Session, L. 2018, c. 70, and J.R. 6

LexisNexis® New Jersey Annotated Statutes > Title 5. Amusements, Public Exhibitions and Meetings (Chs. 1 — 20) > Chapter 13. Skiing (§§ 5:13-1 — 5:13-12)

§ 5:13-1. Legislative findings; purpose of law

a. The Legislature finds that the sport of skiing is practiced by a large number of citizens of this State and also attracts to this State large numbers of nonresidents, significantly contributing to the economy of this State and, therefore, the allocation of the risks and costs of skiing are an important matter of public policy.

b. The purpose of this law is to make explicit a policy of this State which clearly defines the responsibility of ski area operators and skiers, recognizing that the sport of skiing and other ski area activities involve risks which must be borne by those who engage in such activities and which are essentially impractical or impossible for the ski area operator to eliminate. It is, therefore, the purpose of this act to state those risks which the skier voluntarily assumes for which there can be no recovery.

History

L. 1979, c. 29, 1, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-2

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§ 5:13-2. Definitions

As used in this act

- a.**“Operator” means a person or entity who owns, manages, controls or directs the operation of an area where individuals come to ski, whether alpine, touring or otherwise, or operate skimobiles, toboggans, sleds or similar vehicles and pay money or tender other valuable consideration for the privilege of participating in said activities, and includes an agency of this State, political subdivisions thereof or instrumentality of said entities, or any individual or entity acting on behalf of an operator for all or part of such activities.
- b.**“Ski area” includes all of the real and personal property, under the control of the operator or on the premises of the operator which are being occupied, by license, lease, fee simple or otherwise, including but not limited to all passenger tramways, designated trails, slopes and other areas utilized for skiing, operating toboggans, sleds, or similar vehicles during the skiing season.
- c.**“Skier” means a person utilizing the ski area for recreational purposes such as skiing or operating toboggans, sleds or similar vehicles, and including anyone accompanying the person. Skier also includes any person in such ski area who is an invitee, whether or not said person pays consideration.
- d.**“Slopes and trails” means those areas designated as such by the operator.

History

L. 1979, c. 29, 2, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-3

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§ 5:13-3. Responsibility of operator

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

- (1)Establish and post a system generally identifying slopes and trails and designating relative degrees of difficulty thereof; and to make generally available to skiers information in the form of trail maps or trail reports.
- (2)Make generally available either by oral or written report or otherwise, information concerning the daily conditions of the slopes and trails.
- (3)Remove as soon as practicable obvious, man-made hazards.

b.No operator shall be responsible to any skier or other person because of its failure to comply with any provisions of subsection 3.a. if such failure was caused by:

- (1)Abrupt changes in weather conditions;
- (2)Hazards normally associated with the varying conditions of snow or undercover, including skier use; or
- (3)Subject to the provisions of subsection 3.a.(3), the location of man-made facilities and equipment necessary for the ordinary operation of the ski area, such as transportation or grooming vehicles, which are marked by flashing lights or other suitable sight or sound devices towers, fencing of any type, racing poles, or any other object or piece of equipment utilized in connection with the maintenance of trails, buildings or other facilities used in connection with skiing.

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

d.No operator shall be liable to any skier unless said operator has knowledge of the failure to comply with the duty imposed by this section or unless said operator should have reasonably known of such condition and having such knowledge has had a reasonable time in which to correct any condition or comply with any duty set forth in this section.

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

History

L. 1979, c. 29, 3, eff. Feb. 22, 1979.

N.J. Stat. § 5:13-4

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§ 5:13-4. Duties of skiers

a.Skiers shall conduct themselves within the limits of their individual ability and shall not act in a manner that may contribute to the injury of themselves or any other person.

b.No skier shall:

- (1)Board or dismount from a ski lift except at a designated area;
- (2)Throw or expel any object from any tramway, ski lift, commercial skimobile, or other similar device while riding on the device;
- (3)Act in any manner contrary to posted rules while riding on a rope tow, wire rope tow, j-bar, t-bar, ski lift, or similar device that may interfere with the proper or safe operation of the lift or tow;
- (4)Knowingly engage in any act or activity by his skiing or frolicking which injures other skiers while such other skiers are either descending any trail, or standing or congregating in a reasonable manner, and due diligence shall be exercised in order to avoid hitting, colliding with or injuring any other skier or invitee.
- (5)Knowingly engage in any type of conduct which may injure any person, or place any object in the uphill ski track which may cause another to fall, while traveling uphill on a ski lift;
- (6)Cross the uphill track of a j-bar, t-bar, rope tow, wire rope tow, or other similar device except at designated locations.

c.Every skier shall maintain control of his speed and course at all times, and shall stay clear of any snow grooming equipment, any vehicle, any lift tower, and any other equipment on the mountain.

d.A skier shall be the sole judge of his ability to negotiate any trail, slope, or uphill track and shall not attempt to ski or otherwise traverse any trail, slope or other area which is beyond the skier's ability to negotiate.

e.No skier shall board a rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device unless he has sufficient knowledge and ability to use the lift. If the skier does not have such knowledge or ability, he shall ask for and receive, or follow any posted, written or oral instructions prior to using such device.

f.No person shall ski on other than designated trails or slopes.

g.No person on foot or on any type of sliding device shall knowingly operate said device so as to cause injury to himself or others, whether such injury results from a collision with another person or with an object.

h.A person embarking on a lift or tow without authority, or failing to pay appropriate consideration for its use shall be considered to be a trespasser.

History

L. 1979, c. 29, 4, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-5

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§ 5:13-5. Assumption of risk of skier

A skier is deemed to have knowledge of and to assume the inherent risks of skiing, operating toboggans, sleds or similar vehicles created by weather conditions, conditions of snow, trails, slopes, other skiers, and all other inherent conditions. Each skier is assumed to know the range of his ability, and it shall be the duty of each skier to conduct himself within the limits of such ability, to maintain control of his speed and course at all times while skiing, to heed all posted warnings and to refrain from acting in a manner which may cause or contribute to the injury of himself or others.

History

L. 1979, c. 29, 5, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-6

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§ 5:13-6. Application of law on comparative negligence

The assumption of risk set forth in section 5 shall be a complete bar of suit and shall serve as a complete defense to a suit against an operator by a skier for injuries resulting from the assumed risks, notwithstanding the provisions of P.L.1973, c. 146 ([C. 2A:15-5.1](#) et seq.), relating to comparative negligence, unless an operator has violated his duties or responsibilities under this act, in which case the provisions of P.L.1973, c. 146 shall apply. Failure to adhere to the duties set out in sections 4 and 5 shall bar suit against an operator to compensate for injuries resulting from skiing activities, where such failure is found to be a contributory factor in the resulting injury, unless the operator has violated his duties or responsibilities under the act, in which case the provisions of P.L.1973, c. 146 shall apply.

History

L. 1979, c. 29, 6, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-7

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§ 5:13-7. Report of injury; precondition to suit; limitation on time

As a precondition to bringing any suit in connection with a skiing injury against an operator, a skier shall report in writing to the ski area operator all the details of any accident as soon as possible, but in no event longer than 90 days from the time of the incident giving rise to the suit.

The report shall include at least the following: name, address, brief description of incident, location, alleged cause, others involved and witnesses, if any. If it is not practicable to give the report because of severe physical disability resulting from a skiing accident or incident, the report shall be given as soon as practicable. This section is not applicable with respect to a ski area unless the operator conspicuously posts notice to skiers of the requirements of the section.

A skier who fails to give the report within 90 days from the time of the accident or incident may be permitted to give the report at any time within 1 year after the accident or incident, in the discretion of a judge of the superior court, if the ski area operator is not substantially prejudiced thereby. Application to the court for permission to give a late report shall be made upon motion based upon affidavits showing sufficient reasons for the skier's failure to give the report within 90 days from the time of the accident or incident.

History

L. 1979, c. 29, 7, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-8

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§ 5:13-8. Limitation of action

Sections 2, 3, 4 and 5, and any other law notwithstanding, an action for injury or death against a ski area operator, ski area or its employees or owner, whether based upon tort or breach of contract or otherwise arising out of skiing, operating toboggans, sleds or similar vehicles shall be commenced no later than 2 years after the occurrence of the incident or earliest of incidents giving rise to the cause of action.

History

L. 1979, c. 29, 8, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-9

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§ 5:13-9. Minors; tolling of limitations

If a skiing accident or incident, or an action based upon a skiing accident or incident, involves a minor, the time limits set forth in sections 7 and 8 shall not begin to run against the minor until he reaches the age of majority.

History

L. 1979, c. 29, 9, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-10

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§ 5:13-10. Provisions of act cumulative with defenses under Tort Claims Act

The provisions of this act are cumulative with the defenses available to a public entity or public employee under the New Jersey Tort Claims Act (P.L.1972, c. 45, [C. 59:1-1](#) et seq.).

History

L. 1979, c. 29, 10, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-11

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§ 5:13-11. Severability

The provisions of this act shall be deemed to be severable, and if any phrase, clause, sentence or provision of this act is declared to be unconstitutional or the applicability thereof to any person is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional or invalid.

History

L. 1979, c. 29, 11, eff. Feb. 22, 1979.

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N.J. Stat. § 5:13-12

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§ 5:13-12. Helmet required for downhill skiers, snowboarders; violations, penalties

a.A person under 18 years of age engaged in the activity of downhill skiing or operation of snowboards, including the use of ski tows, lifts and tramways, shall wear a securely fitted protective helmet. As used in this act, “helmet” means a type of molded headgear equipped with a neck or chin strap specifically designed by the manufacturer to be used while engaged in the activity of recreational downhill skiing.

b.The parent, legal guardian, or adult acting in a supervising position of a person under 18 years of age shall ensure that the person wears a protective helmet as required by subsection a. of this section. A parent, legal guardian or adult acting in a supervising position who does not comply with this requirement shall be fined a maximum of \$25 for the person’s first offense and a maximum of \$100 for a subsequent offense. Local law enforcement agencies shall have exclusive authority to enforce this section and the penalty imposed shall be collected and enforced by summary proceedings under the “Penalty Enforcement Law of 1999,” [P.L.1999, c.274 \(C.2A:58-10](#) et seq.).

c.Nothing in this act shall be construed to extend liability to the ski area operator.

History

L. [2011, c. 41](#), § 1, eff. Nov. 1, 2011.

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