

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1972**

**ENROLLED**

**SENATE BILL NO. 165**

(By Mr. HARMAN)

**PASSED MARCH 11 1972**

**In Effect 90 DAYS FROM Passage**

OFFICE OF STATE  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

MAR 29 11 34 PM '72

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-29-72

Veto-165

**ENROLLED**  
**Senate Bill No. 165**

(By MR. HARMAN)

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[Passed March 11, 1972; in effect ninety days from passage.]

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AN ACT to amend article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen, relating to natural resources, parks and recreation and the duties of skier.

*Be it enacted by the Legislature of West Virginia:*

That article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirteen, to read as follows:

**ARTICLE 4. PARKS AND RECREATION.**

**§20-4-13. Duties of skiers.**

1 Unless the context in which used clearly requires a  
2 different meaning, as used in this section:

3 A "passenger tramway" is a device used to transport  
4 passengers uphill on skis, or in cars on tracks or sus-  
5 pended in the air, by the use of steel cables, chains, belts  
6 or ropes, and usually supported by trestles or towers with  
7 one or more spans.

8 The word "Operator" may mean the state or any po-  
9 litical subdivision thereof.

10 It shall be the duty of each skier to use reasonable care  
11 to protect himself and others under all circumstances  
12 then and there present. No skier shall:

13 (a) Embark or disembark upon a passenger tramway  
14 except at a designated area;

15 (b) While riding in a two-car or multi-car passenger  
16 tramway, chairlift or skimobile or other similar device,  
17 throw or expel therefrom any object, nor while riding on  
18 said tramway shall the skier do any act or thing which  
19 shall interfere with the running of said tramway;

20 (c) While going uphill in a passenger tramway will-  
21 fully engage in any type of conduct which will contribute  
22 to cause injury to any other person nor shall he willfully  
23 place any object in the uphill ski track which will cause  
24 another to fall; or

25 (d) Except at locations designated by the operator,  
26 cross the uphill track of a platter-pull, T-bar, rope tow  
27 or other similar device.

28 The skier shall be the sole judge of his ability to ne-  
29 gotiate any uphill track. Any skier who boards a rope  
30 tow, T-bar, platterpull, chairlift or other similar device  
31 shall be presumed to have sufficient skiing ability to  
32 negotiate such device and no liability shall attach to any  
33 operator or attendant for failure to instruct the skier on  
34 the use thereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell G. Beale  
Chairman Senate Committee

Phyllis J. Rutledge  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Watson  
Clerk of the Senate

Ch. Blankenship  
Clerk of the House of Delegates

George Bond  
President of the Senate

Lucius N. M. Manna  
Speaker House of Delegates

The within disappeared this the 21<sup>th</sup>  
day of March, 1972.

Arch A. Phares Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/17/72

Time 1:00 p.m.