

Basics of Ski Law

Skiing Risks and the Law - the Basics of Ski Law was presented by Council V.P. Richard Rizk at NWSCC's February meeting. Main points of his presentation are set out below.

1. The "Inherent Risk Rule": (ORS) 30.975

Under Oregon law "... an individual who engages in the sport of skiing, alpine or nordic, accepts and assumes the inherent risks of skiing insofar as they are reasonably obvious, expected or necessary." ORS 30.970.

- *Inherent risks* include...
- conditions which are an integral part of the sport;
- changing weather;
- variations in terrain; and,
- failure to ski within ability ORS 30.970

2. Inherent Risk rule protects defendant ski areas from suit, not bad skiers / riders or bad manufacturers

- Stiles v. Nidecker Enterprises Or App (2002): Snowboarder sued board manufacturer
- *Court disallowed use of inherent risk rule as defense*

3. Give Notice to Ski Area after ski accident

- *If injured*
- *before leaving the ski area if reasonably possible.*

AND

- Notify by certified mail w/ 180 days (or claim against ski area may be disallowed)
- *Suit within 2 years ORS 30.985*

4. Skiers / Riders Must Act Reasonably

- Ski riders assume risks of out of bound skiing
- Reasonable "*control of speed and course*"
- Judge of own skill
- Abide by ski area operator directions
- Familiarize with posted information
- Not cross the uphill track (unless marked)
- Yield to downhill skier & as entering slope
- Use ski runaway prevent devices

Failure to ride / act reasonably could result in civil liability.

5. Duty to Rescue?

- No duty to rescue *unless...*

SPECIAL RELATIONSHIP

Thus, ski areas as land possessors have a duty to invitees to rescue injured or ill while on premises.

6. If Rescue, Rescue Reasonably

- Even though no duty to rescue in the first place exists, *once the rescue begins...* it must be done reasonably

Richard Rizk may be reached at rich@rizklaw.com or (503) 642-2114. For more information on him go to www.rizklaw.com.