

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 12 : Court Procedure

Chapter 027 : Pleading And Practice

Subchapter 002 : Pleadings Generally

§ 1037. Acceptance of inherent risks

Notwithstanding the provisions of section 1036 of this title, a person who takes part in any sport accepts as a matter of law the dangers that inhere therein insofar as they are obvious and necessary. (Added 1977, No. 119 (Adj. Sess.), § 2, eff. Feb. 7, 1978.)

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 12 : Court Procedure****Chapter 027 : Pleading And Practice****Subchapter 002 : Pleadings Generally****§ 1038. Skiing off designated ski trails; collision; duty to report; recovery for rescue expenses**

(a) Use of ski area facilities. No ski area, its owners, employees or agents shall be held responsible for ensuring the safety of or for damages, including injury or death, resulting to persons who utilize the facilities of a ski area to access terrain outside open and designated ski trails. Ski areas shall not be liable for damages, including injury or death, to persons who venture beyond such open and designated ski trails.

(b) Collision at a ski area.

(1) Any person who is involved in a collision with a skier at a ski area which results in bodily injury to any party to the collision has a duty to provide his or her name and local and permanent address to the other parties to the collision and shall proceed to the ski area first aid facility and provide that information to the ski area first aid personnel.

(2) No ski area, its employees or agents shall be held responsible for ensuring compliance with these duties by any person, nor shall it be liable in any way for a failure to obtain such person's name or address.

(c) Civil action to recover. A person who uses the facilities of a ski area to access terrain outside the open and designated ski trails, shall be liable in a civil action brought by any person, including a ski area, rescue organization, municipality or the state, to recover expenses incurred to provide rescue, medical or other services to such person for circumstances or injuries which resulted from such use. The entity seeking to recover may also recover reasonable attorney fees and court costs. No ski area, its owners, agents or employees, individual or entity, municipal or otherwise, shall be held liable for any acts or omissions taken in the course of such rescue operations unless such act or omission constitutes gross negligence. (Added 1993, No. 233 (Adj. Sess.), § 88, eff. June 21, 1994.)