

Sport Safety Statutes and Inherent Risk: A Comparison Study of Sport Specific Legislation

JOHN O. SPENGLER,
&
BRIAN P. BURKET,
University of Florida

INTRODUCTION

Sport safety statutes exist in most states to protect sport and recreation providers from liability. The theme of these laws is to place responsibility on participants for risks that they voluntarily assume. These risks are referred to as inherent risks and are often listed in the statute. Defining inherent risks has become a key aspect of many sport specific legislative initiatives.

The most common types of sport safety statutes are those which provide legislative protection for snow skiing, roller skating and equestrian activities. The list of protected activities, however, has expanded to include limitations on liability for activities as diverse as hang gliding, snowmobiling, and whitewater boating. Additionally, some states have enacted legislative provisions that provide blanket protection to sport and or recreational activities. These provisions are referred to in this article as "omnibus clauses."

The justification for providing legislative protection for sport activities is primarily economic. For example, snow skiing is a popular recreational activity in many states which have the right combination of terrain and weather conditions for skiing. Ski resorts draw visitors from outside the region who often have a positive economic impact on the regional and state economy. Therefore, the purpose of legislative initiatives designed to protect ski operators is to decrease the costs associated with litigation and to keep ski operators in business. This protection from liability is designed with a focus on maintaining the proper balance between economics and skier safety.

Recent literature addressing sport safety statutes has primarily focused on legislation relevant to a particular jurisdiction or recreational activity. For example, Hansen-Stamp (1998) provides an in depth analysis of Wyoming's sport safety act. Additionally, Urban (1998) addressed Wisconsin's sport safety legislation. In relation to a specific activity, Centner (1998) provided a comprehensive analysis of the law as it per-

tained to equestrian activities and relevant legislation. One recent article addressed sport safety legislation from a broader perspective. Slank (1999) provided an overview of sport safety legislation from a variety of jurisdictions with illustrations of selected statutes. The literature, however, does not address sport safety legislation where statutory provisions pertaining to assumed inherent risks are described and compared across all jurisdictions. This article provides a comparison of sport safety statutes with emphasis placed on assumption of risk provisions where the inherent risks are mentioned.

The article is organized as follows. First, a table of sport safety statutes from each jurisdiction, along with a description of the inherent risks and the particular entity protected by the statute, is presented. Second, selected cases that addressed the assumption of risk provisions in the sport safety statutes are discussed. Third, the results of the research are presented by category of recreational activity with a comparison of statutory language across jurisdictions. Last, the results of the study are discussed in light of suggestions for future research and scholarly inquiry.

Sport Safety Statutes: Provisions Relevant to Types of Sport Activities,
Inherent Risks, and Responsible Parties

Table 1
Sport Safety Statutes

State	Statutory Provision
Alabama	<p>Equestrian: Inherent risks of equine activities. Those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> (a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (c) Certain hazards such as surface and subsurface conditions. (d) Collisions with other equines or objects. (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.¹
Alaska	<p>Snow Skiing: WARNING: The risk of an injury to person or property resulting from any of the inherent dangers and risks of skiing rests with the skier. Inherent dangers and risks of skiing include changing weather condition; existing and changing snow conditions;</p>

1. ALA. CODE § 6-5-337(b(6)) (2000).

State	Statutory Provision
	<p>bare spots, rocks, stumps and trees; collisions with natural objects, man-made objects, or other skiers; variations in terrain; and the failure of skiers to ski within their own abilities.²</p> <p>Also, "an athlete skiing in competition assumes the risk of all course or area conditions, including weather and snow conditions, course construction or layout, and obstacles that a visual inspection would have revealed."³</p>
Arizona	<p>Snow Skiing: At all times a skier has the sole responsibility to know the range of the skier's own ability to negotiate a ski slope or trail and to ski within the limits of that ability. A skier expressly accepts the total risk of and all legal responsibility for injury to person or property resulting from any of the inherent dangers and risks of skiing.⁴</p> <p>Equestrian: A. An equine owner or an agent of an equine owner who regardless of consideration allows another person to take control of an equine is not liable for an injury to or the death of the person if . . . (2) The person or the parent or legal guardian of the person if the person is under eighteen years of age has signed a release before taking control of the equine. . . E(2). 'Release' means a document that a person signs before taking control of an equine from the owner or owner's agent and that acknowledges that the person is aware of the inherent risks associated with equine activities, is willing and able to accept full responsibility for his own safety and welfare. . .⁵</p>
Arkansas	<p>Equestrian: "(a)(1) Except as provided in subdivision (a)(2) of this section, an equine activity sponsor or an employee of an equine activity sponsor shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities."⁶</p>
California	None
Colorado	<p>Snow Skiing: Inherent dangers and risks of skiing means those dangers or conditions which are an integral part of the sport skiing, including changing weather conditions; snow conditions as they exist or may change, such as ice, hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, and machine-made snow; surface or subsurface conditions such as bare spots, forest growth, rocks, stumps, streambeds, and trees, or other natural objects, and collisions with such natural objects; impact with lift towers, signs, posts, fences or enclosures, hydrants, water pipes, other man-made structures and their components; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but limited to roads and catwalks or other terrain modifications; collisions with other skiers; and the</p>

2. ALASKA STAT. § 05.45.060 (Michie 2001).

3. *Id.* § 05.45.110.

4. ARIZ. REV. STAT. § 5-705(1) (2000)

5. *Id.* at § 12-553.

6. ARK. CODE ANN. § 16-120-202 (Michie 2001).

State	Statutory Provision
	<p>failure of skiers to ski within their own abilities.⁷</p> <p>Equestrian: '[i]nherent risks of equine activities' and 'inherent risks of llama activities' means those dangers or conditions which are an integral part of equine activities or llama activities, as the case may be, including, but not limited to:</p> <p>(I) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them.</p> <p>(II) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals.</p> <p>(III) Certain hazards such as surface and subsurface conditions.</p> <p>(IV) Collisions with other equines or objects.</p> <p>(V) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁸</p> <p>Miscellaneous: "Any person who engages in sport shooting activities at a qualifying sport shooting range. . . assumes the risk of injury or damage associated with sport shooting activities. . ." ⁹</p>
Connecticut	<p>Snow Skiing: Each skier shall assume the risk of and legal responsibility for any injury to his person or property arising out of the hazards inherent in the sport of skiing, unless the injury was proximately caused by the negligent operation of the ski area by the ski operator, his agents or employees. Such hazards include, but are not limited to:</p> <p>(1) variations in the terrain of the trail or slope. . . or variations in surface or subsurface snow or ice conditions, except that no skier assumes the risk of variations which are caused by snow making, snow grooming or rescue operations;</p> <p>(2) bare spots which do not require the closing of the trail or slope;</p> <p>(3) conspicuously marked lift towers;</p> <p>(4) trees or other objects not within the confines of the trail or slope;</p> <p>(5) boarding a passenger tramway without prior knowledge of proper loading and unloading procedures or without reading instructions concerning loading and unloading posted at the base of such passenger tramway or without asking for such instructions; and</p> <p>(6) collisions with any other person by any skier while skiing.¹⁰</p> <p>Equestrian: Each person engaged in recreational equestrian activities shall assume the risk and legal responsibility for any injury to his person or property arising out of the hazards inherent in equestrian sports, unless the injury was proximately caused by the</p>

7. COLO. REV. STAT. § 33-44-103(3.5) (2000).

8. *Id.* § 13-21-119(2(f)).

9. *Id.* § 13-21-111.8(1).

10. CONN. GEN. STAT. § 29-212 (2000).

State	Statutory Provision
	negligence of the person providing the horse or horses to the individual engaged in recreational equestrian activities or the failure to guard or warn against a dangerous condition, use, structure or activity by the person providing the horse or horses or his agents or employees. ¹¹
Delaware	<p>Equestrian: (6) 'Inherent risks of equine activities' means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> a. The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them; b. The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons or other animals; c. Certain hazards such as surface and subsurface conditions; d. Collisions with other equines or objects; and e. The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability; . . . <p>(7)(b) Except as provided in subsection (c) of this section, an equine activity sponsor, an equine professional or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities. Except as provided in subsection (c) of this section, no participant or participant's representative shall make any claim against, maintain an action against or recover from an equine activity sponsor, an equine professional or any other person for injury, loss, damage or death of the participant resulting from any of the inherent risks of equine activities.¹²</p>
Florida	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> (a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (c) Certain hazards such as surface and subsurface conditions. (d) Collisions with other equines or objects. (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.¹³

11. *Id.* § 52-557p.

12. DEL. CODE ANN. tit. 10, § 8140 (2000).

13. FLA. STAT. § 773.01(6) (2000).

State	Statutory Provision
Georgia	<p>Equestrian: "WARNING: Under Georgia law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities. . ."¹⁴</p> <p>Roller Skating: "Each person who participates in a roller skating center accepts the risks that are inherent in that activity insofar as the risks are obvious and necessary."¹⁵</p>
Hawaii	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.¹⁶ <p>Omnibus Clause: ". . . owners and operators of recreational activities shall not be liable for damages for injuries to a patron resulting from inherent risks associated with the recreational activity if the patron participating in the recreational activity voluntarily signs a written release waiving the owner or operator's liability for damages for injuries resulting from the inherent risks."¹⁷</p>
Idaho	<p>Snow Skiing: Each skier expressly assumes the risk of and legal responsibility for any injury to person or property which results from participation in the sport of skiing including any injury caused by the following, all whether above or below snow surface: variations in terrain; surface or subsurface snow or ice conditions; bare spots, rocks, trees, other forms of forest growth or debris, lift towers and components thereof; utility poles, and snowmaking and snow grooming equipment which is plainly visible or plainly marked. . . Therefore, each skier shall have the sole individual responsibility for knowing the range of his own ability to negotiate any slope or trail, and it shall be the duty of each skier to ski within the limits of the skier's own ability, to maintain reasonable control of speed and course at all times while skiing, to heed all posted warnings, to ski only on a skiing area designated by the ski area operator and to refrain from acting in a manner which may cause or contribute to the injury of anyone. The responsibility for collisions by any skier while actually skiing, with any person, shall be solely</p>

14. GA. CODE ANN. § 4-12-4 (2000).

15. *Id.* § 51-1-43(e).

16. HAW. REV. STAT. ANN. § 663B-1 (Michie 2000).

17. *Id.* § 663-1.54.

State	Statutory Provision
	<p>that of the individual or individuals involved in such collisions and not that of the ski area operator.¹⁸</p> <p>Equestrian: . . .an equine activity sponsor or an equine professional shall not be liable for any injury to or the death of a participant or equine engaged in an equine activity and, except as provided in subsections (2) and (3) of this section, no participant nor participant's representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant or equine engaged in an equine activity.¹⁹</p> <p>Miscellaneous: "The legislature recognizes that there are inherent risks in the recreational activities provided by outfitters which should be understood by each participant. These risks are essentially impossible to eliminate by outfitters and guides."²⁰</p>
Illinois	<p>Equestrian: Each participant who engages in an equine activity expressly assumes the risk of and legal responsibility for injury, loss, or damage to the participant or the participant's property that results from participating in an equine activity. . .when the equine activity sponsor or equine professional may be held responsible. Each participant shall have sole individual responsibility for knowing the range of his or her own ability to manage, care for, and control a particular equine activity, and it shall be the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular horse or horses at all times while participating in an equine activity, to heed all posted warnings, to perform equine activities only in an area or in facilities designated by the horseman, and to refrain from acting in a manner that may cause or contribute to the injury of anyone.²¹</p> <p>Roller Skating: Roller skaters and spectators are deemed to have knowledge of and to assume the inherent risks of roller skating. Those risks not otherwise attributable to an operator's breach of his or her duties. . .include, but are not limited to, injuries that result from collisions or incidental contact with other roller skaters or spectators, injuries that result from falls caused by loss of balance, and injuries that involve structures such as support columns, walls, doors, lockers, benches, railings, and other properly placed structures within the building.²²</p> <p>Miscellaneous: The owner or operator of a hockey facility shall not be liable for any injury to the person or property of any person as a result of that person being hit by a hockey stick or puck unless: (1) the person is situated behind a screen, protective glass, or similar device at a hockey facility and the screen, protective glass, or similar device is defective (in a manner other than in width or height)</p>

18. IDAHO CODE § 6-1106 (Michie 2000).

19. *Id.* § 6-1802(1).

20. *Id.* § 6-1201.

21. 745 ILL. COMP. STAT. ANN. 47/15 (West Supp. 2001).

22. *Id.* 72/25.

State	Statutory Provision
	because of the negligence of the owner or operator of the hockey facility; or (2) the injury is caused by willful and wanton conduct, in connection with the game of hockey, of the owner or operator or any hockey player or coach employed by the owner or operator. ²³
Indiana	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.²⁴ <p>Roller Skating: Roller skaters accept the responsibility for "knowing the range of the roller skater's ability to negotiate the intended direction of travel while on roller skates" and "skating within the limits of the roller skater's ability".²⁵</p>
Iowa	None
Kansas	Equestrian: "There is no liability for an injury to or the death of a participant in domestic animal activities resulting from the inherent risks of domestic animal activities. . . You are assuming the risk of participating in this domestic animal activity." ²⁶
Kentucky	None
Louisiana	<p>Equestrian: A. As used in this Section, the following terms shall have the following meanings, unless the context requires otherwise:</p> <ol style="list-style-type: none"> (2) 'Farm animal' means one or more of the following domesticated animals: horse, pony, mule, donkey, hinny, cow, ox, sheep, pig, hog, goat, ratite (ostrich, rhea, emu), and chicken or other fowl. (3) 'Farm animal activity' includes any or all of the following: <ol style="list-style-type: none"> (a) A farm animal show, fair, competition, performance, or parade that involves any or all farm animals, including but not limited to any dressage, hunter and jumper horse show, grand prix jumping, three-day event, combined training, rodeo, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, and western game and hunting. (7) 'Inherent risks of farm animal activities' means those dangers or conditions which are an integral part of a farm animal activity, including but not limited to:

23. *Id.* 52/10.

24. IND. CODE ANN. § 34-6-2-69 (Michie 2000).

25. *Id.* § 34-31-6-2(4(A & B)).

26. KAN. STAT. ANN. § 60-4004 (2000).

State	Statutory Provision
	<p>(a) The propensity of a farm animal to behave in ways that may result in injury, harm, or death to persons on or around them.</p> <p>(b) The unpredictability of a farm animal's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals.</p> <p>(c) Certain hazards such as surface and subsurface conditions.</p> <p>(d) Collisions with other farm animals or objects.</p> <p>(e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the farm animal or not acting within his ability.²⁷</p>
Maine	<p>Snow Skiing: WARNING: Under Maine law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any of the inherent dangers and risks of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions, such as ice, hardpack, powder, packed powder, corn, crust and slush and cut-up, granular and machine-made snow; surface or subsurface conditions, such as dirt, grass, bare spots, rocks, stumps, trees, forest growth or other natural objects and collisions with such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosure, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including, but not limited to, ski jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.²⁸</p> <p>Equestrian: 1. LIABILITY. Except as provided in subsection 2, an equine activity sponsor, an equine professional or any other person engaged in an equine activity is not liable for any property damage or damages arising from the personal injury or death of a participant or spectator resulting from the inherent risks of equine activities.</p> <p>3. ASSUMPTION OF RISK. In a personal injury action against an equine professional, a defense or immunity described in subsection 1 may be asserted only if the person injured in the course of an equine activity:</p> <p>A. Had actual knowledge of the inherent risks of equine activities;</p> <p>B. Had professed to have sufficient knowledge or experience to be on notice of the inherent risks; or</p> <p>C. Had been notified of the inherent risks and the limitations of liability.²⁹</p>

27. LA. REV. STAT. ANN. § 9:2795.1 (West. 2000).

28. ME. REV. STAT. ANN. tit. 32, § 15217 (West 2000).

29. *Id.* tit. 7, § 4103-A.

State	Statutory Provision
	<p>Roller Skating: Insofar as the dangers inherent in roller skating are obvious, by participating in roller skating a person accepts those dangers. Those dangers include, but are not limited to, injuries that result from collisions with other skaters or spectators, injuries that result from falls and injuries that involve objects or artificial structures properly within the intended travel of the skater that are not otherwise attributable to a breach of the operator's common law duties.³⁰</p> <p>Miscellaneous: "Hang gliding is also recognized as a hazardous sport. Therefore, a person who is hang gliding is deemed to have assumed the risk and legal responsibility for any injury to the hang glider's person or property. . ."³¹ Also, "insofar as the dangers in ice-skating are obvious, by participating in ice-skating, a person accepts those dangers. Those dangers include, but are not limited to, injuries that result from collisions with other skaters, injuries that result from falls and injuries that involve objects or artificial structures properly within the intended travel of the skater that are not otherwise attributable to a breach of the operator's common law duties."³²</p>
Maryland	None
Massachusetts	<p>Snow Skiing: "A skier shall be presumed to know of the existence of certain unavoidable risks inherent in the sport of skiing, which shall include, but not be limited to, variations in terrain, surface or subsurface snow, ice conditions or bare spots, and shall assume the risk of injury or loss caused by such inherent risks."³³</p> <p>Equestrian: Inherent risks of equine activities, dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.³⁴
Michigan	<p>Snow Skiing: Each person who participates in the sport of skiing accepts the dangers that are inherent in that sport insofar as the dangers are obvious and necessary. Those dangers include, but are not limited to, injuries which can result from variations in terrain;</p>

30. *Id.* tit. 8, § 607.

31. *Id.* tit. 32, § 15219.

32. *Id.* tit. 8, § 625.

33. MASS. GEN. LAWS ch. 143, § 71O (1999).

34. *Id.* ch. 128, § 2D.

State	Statutory Provision
	<p>surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; collisions with ski lift towers and their components, with other skiers, or with properly marked or plainly visible snow-making or snow-grooming equipment.³⁵</p> <p>Equestrian: “. . .an equine activity sponsor, an equine professional, or another person is not liable for an injury to or the death of a participant or property damage resulting from an inherent risk of an equine activity.”³⁶</p> <p>Roller Skating: Each person who participates in roller skating accepts the danger that inheres in that activity insofar as the dangers are obvious and necessary. Those dangers include, but are not limited to, injuries that result from collisions with other roller skaters or other spectators, injuries that result from falls, and injuries which involve objects or artificial structures properly within the intended travel of the roller skater which are not otherwise attributable to the operator’s breach of his or her common law duties.³⁷</p> <p>Miscellaneous: “Each person who participates in the sport of snowmobiling accepts the risks associated with that sport insofar as the dangers are obvious and inherent.”³⁸ Also, “[e]ach person who participates in sport shooting at a sports shooting range that conforms to generally accepted operation practices accepts the risks associated with the sport to the extent the risks are obvious and inherent. Those risks include, but are not limited to, injuries that may result from noise, discharge of a projectile of shot, malfunction of sport shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.”³⁹</p>
Minnesota	<p>Equestrian: Inherent risks of livestock activities means dangers or conditions that are an integral part of livestock activities, including:</p> <ol style="list-style-type: none"> (1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, or bucking; (2) the unpredictability of livestock’s reaction to things like sound, sudden movement, unfamiliar objects, persons, or other animals; (3) natural hazards such as surface or subsurface conditions; or (4) collisions with other livestock or objects.⁴⁰
Mississippi	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p>

35. MICH. STAT. ANN. § 13A.82126 (Michie 2000).

36. MICH. COMP. LAWS § 691.1663 (2000).

37. *Id.* § 445.1725.

38. *Id.* § 342.82126.

39. *Id.* § 691.1544.

40. MINN. STAT. § 604A.12 (2000).

State	Statutory Provision
	<p>(i) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them.</p> <p>(ii) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals.</p> <p>(iii) Certain hazards such as surface and subsurface conditions.</p> <p>(iv) Collisions with other equines or objects.</p> <p>(v) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁴¹</p> <p>Miscellaneous: . . . a landowner: (a) shall owe no duty of care to keep land or premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, hiking or sightseeing; and (b) shall not be required to give any warning to any person entering on land or premises for hunting, fishing, trapping, camping, water sports, hiking or sightseeing as to any hazardous conditions or uses of, or hazardous structures or activities on such land or premises.⁴²</p>
Missouri	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <p>(a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them.</p> <p>(b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals.</p> <p>(c) Certain hazards such as surface and subsurface conditions.</p> <p>(d) Collisions with other equines or objects.</p> <p>(e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁴³</p>
Montana	<p>Snow Skiing: A skier: (a) must know the range of the skier's ability and safely ski within the limits of that ability and the skier's equipment so as to negotiate any section of terrain or ski trail safely and without injury or damage. A skier must know that the skier's ability may vary because of trail changes caused by weather, grooming changes, or skier use.⁴⁴</p> <p>Equestrian: ". . . an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant engaged in an equine activity resulting from risks inherent in equine activities."⁴⁵</p> <p>Miscellaneous: A snowmobiler shall accept all legal responsibility</p>

41. MISS. CODE ANN. § 95-11-3 (2001).

42. *Id.* § 89-2-23.

43. MO. REV. STAT. § 537.325 (2001).

44. MONT. CODE ANN. § 23-2-736 (2000).

45. *Id.* § 27-1-727.

State	Statutory Provision
	for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of snowmobiling and has the duty to regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of snowmobiling is avoided. The risks inherent in the sport of snowmobiling include variations in terrain, surface or subsurface snow or ice conditions, cornices, avalanches, poor visibility, bare spots, rocks, trees, other forms of forest growth or debris, and plainly marked trail maintenance equipment. ⁴⁶
Nebraska	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> (a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (c) Certain hazards such as surface and subsurface conditions. (d) Collisions with other equines or objects. (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁴⁷
Nevada	<p>Snow Skiing: Inherent risks are not listed. The statute describes the general duties of operators and skiers.⁴⁸</p> <p>Miscellaneous: "A passenger who has attained the age of 13 years shall be deemed to have knowledge of and assume the inherent risks of an amusement ride to the extent that as those risks are open and obvious to the reasonable person."⁴⁹</p>
New Hampshire	<p>Snow Skiing: Each person who participates in the sport of skiing accepts as a matter of law, the dangers inherent in the sport, and to that extent may not maintain an action against the operator for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards or dangers which the skier or passenger assumes as a matter of law include but are not limited to the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks; trees, stumps and other forms of forest growth or debris; lift towers and components thereof (all of the foregoing whether above or below snow surface); pole lines and plainly marked or visible snow making equipment; collisions with other skiers or other persons or with any of the categories included in this paragraph.⁵⁰</p> <p>Equestrian: Inherent risks of equine activities means those dangers</p>

46. *Id.* § 23-2-654.

47. NEB. REV. STAT. ANN. § 25-21,250 (Michie 2001).

48. NEV. REV. STAT. ANN. § 455A.110 (Michie 2001).

49. *Id.* § 455B.070.

50. N.H. STAT. ANN. § 225-A:24 (2000)

State	Statutory Provision
	<p>or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> (a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (c) Certain hazards such as surface and subsurface conditions. (d) Collisions with other equines or objects. (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁵¹
New Jersey	<p>Snow Skiing: 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 to a manner which may cause or contribute to the injury of himself or others.⁵²</p> <p>Equestrian: A participant and spectator are deemed to assume the inherent risks of equine animal activities created by equine animals, weather conditions, conditions of trails, riding rings, training tracks, equestrians, and all other inherent conditions. Each participant is assumed to know the range of his ability and it shall be the duty of each participant to conduct himself within the limits of such ability to maintain control of his equine animal and to refrain from acting in a manner which may cause or contribute to the injury of himself or others, loss or damage to person or property, or death which results from participation in an equine animal activity.⁵³</p> <p>Roller Skating: Roller skaters and spectators are deemed to have knowledge of and to assume the inherent risks of roller skating, insofar as those risks are obvious and necessary. These risks include, but are not limited to, injuries which result from incidental contact with other roller skaters or spectators, injuries which result from falls cause by loss of balance, and injuries which involve objects or artificial structures properly within the intended path of travel of the roller skater, which are not otherwise attributable to a rink operator's breach of his duties.⁵⁴</p>
New Mexico	<p>Snow Skiing: A person who takes part in the sport of skiing accepts as a matter of law the dangers inherent in that sport insofar as they</p>

51. *Id.* § 508:19.

52. N.J. STAT. § 5:13-5 (2001).

53. *Id.* § 5:15-3.

54. *Id.* § 5:14-6.

State	Statutory Provision
	<p>are obvious and necessary. Each skier expressly assumes the risk of and legal responsibility for any injury to person or property which results from participation in the sport of skiing, in the skiing area, including any injury caused by the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks; trees, stumps and other forms of forest growth or debris; lift towers and components thereof, pole lines and plainly marked or visible snow making equipment which are plainly visible or are plainly marked. . . except for any injuries to persons or property resulting from any breach of duty imposed upon ski area operators. . . Therefore, each skier shall have the sole individual responsibility for knowing the range of his own ability to negotiate any slope or trail, and it shall be the duty of each skier to ski within the limits of skier's own ability, to maintain reasonable control of speed and course as all times while skiing, to heed all posted warnings, to ski only on a skiing area designated by the ski area operator and refrain from acting in a manner which may cause or contribute to the injury of anyone.⁵⁵</p> <p>Equestrian: The legislature recognizes that persons who participate in or observe equine activities may incur injuries as a result of the numerous inherent risks involved in such activities. It is the purpose of the legislature to encourage owners, trainers, operators and promoters to sponsor or engage in equine activities by providing that no person shall recover for injuries resulting from the risks related to the behavior of equine animals while engaged in any equine activities.⁵⁶</p>
New York	<p>Snow Skiing: The legislature further finds: (1) that downhill skiing, like many other sports, contain inherent risks including, but not limited to, the risks of personal injury or death or property damage, which may be caused by variations in terrain or weather conditions; surface or subsurface snow, ice, bare spots or areas of thin cover, moguls, ruts, bumps; other persons using the facilities; and rocks, forest growth, debris, branches, trees, roots, stumps or other natural objects or man-made objects that are incidental to the provision or maintenance of a ski facility in New York state. . .⁵⁷</p>
North Carolina	<p>Snow Skiing: A skier and/or passenger is responsible "to know the range of his own abilities to negotiate any ski slope or trail and to ski within the limits of such ability."⁵⁸</p> <p>Equestrian: "[a]n equine activity sponsor, an equine professional, or any other person engaged in an equine activity, including a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities. . ."⁵⁹</p>

55. N.M. STAT. ANN. § 24-15-10 (Michie 2000).

56. *Id.* § 42-13-2.

57. N.Y. GEN. OBLIG. LAW § 18-101 (McKinney 2001).

58. N.C. GEN. STAT. § 99C-2 (2000).

59. *Id.* § 99E-2.

State	Statutory Provision
	<p>Roller Skating: Roller skaters and spectators are deemed to have knowledge of and to assume the inherent risks of roller skating, insofar as those risks are obvious and necessary. The obvious and necessary inherent risks include, but are not limited to, injury, damage, or death that: (1) results from incidental contact with other roller skaters or spectators, (2) results from falls cause by loss of balance, or (3) involves objects or artificial structures properly within the intended path of travel of the roller skater, and that is not otherwise attributable to a rink operator's breach of his duties. . .⁶⁰</p>
North Dakota	<p>Snow Skiing: It is recognized that skiing as a recreational sport is hazardous to skiers, regardless of all feasible safety measures which can be taken. Each skier expressly assumes the risk of and legal responsibility for any injury to person or property which results from participation in the sport of skiing, in the skiing area, including any injury caused by the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks; trees, stumps and other forms of forest growth or debris; lift towers and components thereof, pole lines and plainly marked or visible snow making equipment which are plainly visible or are plainly marked. . . Therefore, each skier shall have the sole individual responsibility for knowing the range of his own ability to negotiate any slope or trail, and it shall be the duty of each skier to ski within the limits of skier's own ability, to maintain reasonable control of speed and course as all times while skiing, to heed all posted warnings, to ski only on a skiing area designated by the ski area operator and refrain from acting in a manner which may cause or contribute to the injury of anyone. The responsibility for collisions by any skier while actually skiing, with any person or object, is solely that of the individual or individuals involved in such collision and not that of the ski area operator.⁶¹</p> <p>Equestrian: The statue reads, ". . .an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant engaged in an equine activity. . ." ⁶² however, it does not refer to the "assumption of risks" inherent in equine activities.</p>
Ohio	<p>Snow Skiing: The general assembly recognizes that skiing as a recreational sport is hazardous to skiers regardless of all feasible safety measures that can be taken. It further recognizes that a skier expressly assumes the risk of and legal responsibility for any losses or damages that result from the inherent risks of skiing, which include, but are not limited to, losses or damages caused by variations in terrain; surface or subsurface snow or ice conditions; bare spots, rocks, trees, stumps, and other forms of forest growth or debris; lift towers or other forms of towers and their components, either above or below the snow surface; any other objects and structures,</p>

60. *Id.* § 99E-13.

61. N.D. CENT. CODE § 53-09-06 (2000)

62. *Id.* § 53-10-02.

State	Statutory Provision
	<p>including, but not limited to, utility poles, fences, posts, ski equipment, slalom poles, ropes, out-of-bounds barriers and their supports, signs, ski racks, walls, buildings, and sheds; and equipment, snow-mobiles, snow cats, and over-snow vehicles.⁶³</p> <p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ul style="list-style-type: none"> (a) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (b) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (c) Certain hazards such as surface and subsurface conditions. (d) Collisions with other equines or objects. (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁶⁴ <p>Roller Skating: The general assembly recognizes that roller skating as a recreational sport can be hazardous to roller skaters regardless of all feasible safety measures that can be taken. Therefore, roller skaters are deemed to have knowledge of and to expressly assume the risk of and legal responsibility for any losses, damages, or injuries that result from contact with other roller skaters or spectators, injuries that result from falls caused by loss of balance, and injuries that involve objects or artificial structures properly within the intended path of travel of the roller skater, which are not otherwise attributable to an operator's breach of his duties. . . .⁶⁵</p>
Oklahoma	None
Oregon	<p>Snow Skiing: Inherent risks of skiing includes, but is not limited to, those dangers or conditions which are an integral part of the sport, such as changing weather conditions, variations or steepness in terrain, snow or ice conditions, surface or subsurface conditions, bare spots, creeks and gullies, forest growth, rocks, stumps, lift towers and other structures and their components, collisions with other skiers and a skier's failure to ski within the skier's own ability.⁶⁶</p> <p>Equestrian: "It is the policy of the State of Oregon that no person shall be liable for damages sustained by another solely as a result of risks inherent in equine activity, insofar as those risks are, or should be, reasonably obvious, expected or necessary to the person injured."⁶⁷</p>
Pennsylvania	Snow Skiing: It is recognized that, as in some other sports, there are inherent risks in the sport of downhill skiing. The law of this

63. OHIO REV. CODE ANN. § 4169.08 (Anderson 2001).

64. *Id.* § 2305.321.65. *Id.* § 4171.09.

66. OR. REV. STAT. § 30.970 (1999).

67. *Id.* § 30.689.

State	Statutory Provision
	Commonwealth being unclear with regard to the insurability against punitive damages, the operators of downhill skiing areas face uncertainty in securing insurance to indemnify against downhill skiing accidents. ⁶⁸
Rhode Island	<p>Snow Skiing: The statute reads, "It shall be the duty of each skier to conduct himself or herself within the limitation of his or her ability, and to do no act or thing which can contribute to the injury of him or herself or others,"⁶⁹ however, it does not specifically mention "the assumption of risks" inherent in skiing.</p> <p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁷⁰ <p>Miscellaneous: . . .an operator or passenger of (1) a recreational vehicle. . .or (2) a snowmobile. . .or (3) an all terrain vehicle (A.T.V.), or (4) a motor vehicle primarily designed for use off public roads, shall while on state property assume as a matter of law the risks inherent in such operation insofar as they are obvious and necessary.⁷¹</p>
South Carolina	<p>Equestrian: . . .an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant resulting from an inherent risk of equine activity, and no participant or participant's representative may make a claim against, maintain an action against, or recover from an equine activity sponsor, or an equine professional, for injury, loss, damage, or death of the participant resulting from an inherent risk of equine activity.⁷²</p> <p>Roller Skating: . . .an operator is not liable for an injury to or the death of a skater or spectator resulting from an inherent risk of skating, and no skater, skater's representative, spectator, or spectator's representative may make a claim against, maintain an action against, or recover from an operator, for injury, loss, damage, or death of the skater or spectator resulting from an inherent</p>

68. 40 PENN. STAT. ANN. § 2051 (West 2000).

69. R.I. GEN. LAWS § 41-8-2 (2001).

70. *Id.* § 4-21-1.

71. *Id.* § 9-20-5.

72. S.C. CODE ANN. § 47-9-720 (Law. Co-op 2000).

State	Statutory Provision
	<p>risk of skating.⁷³</p> <p>Miscellaneous: 'Inherent risk' of skating means those dangers or risks which are an integral part of ice or roller skating including, but not limited to, injuries which result from contact with other skaters or spectators, injuries which result from falls caused by loss of balance, and injuries which involve objects or artificial structures properly within the intended path of travel of the skater.⁷⁴</p>
South Dakota	<p>Equestrian: "No equine activity sponsor, equine professional, doctor of veterinary medicine, or any other person, is liable for an injury to or the death of a participant resulting from the inherent risks of equine activities."⁷⁵</p> <p>Miscellaneous: "A snowmobiler assumes the risks inherent in the sport of snowmobiling."⁷⁶</p>
Tennessee	<p>Snow Skiing: It is hereby recognized that Alpine or downhill skiing as a recreational sport and the use of passenger tramways associated therewith may be hazardous to skiers or passengers, regardless of all feasible safety measures which can be taken. Therefore, each skier and each passenger has the sole responsibility for knowing the range of such skier's or passenger's own ability to negotiate any slope, ski trail or associated passenger tramway, and it is the duty of each skier and passenger to conduct such skier or passenger within the limits of such skier's or passenger's own ability, to maintain control of such skier's or passenger's 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 such skier or passenger or others. Except as otherwise specifically provided in this chapter, each skier or passenger is deemed to have assumed the risk of and legal responsibility for any injury to such skier's or passenger's person or property arising out of such skier's or passenger's participation in Alpine or downhill skiing or the use of any passenger tramways associated therewith. The responsibility for collisions by any skier while actually skiing, with any person or object, shall be solely that of the skier or skiers involved in such collision and not that of the ski area operator.⁷⁷</p> <p>Equestrian: . . .an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not liable for an injury to or the death of a participant resulting from the inherent risks of equine activities. . .no participant or participant's representative may make a claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage,</p>

73. *Id.* § 52-21-50.74. *Id.* § 52-21-10.

75. S.D. CODIFIED LAWS § 42-11-2 (Michie 2001).

76. *Id.* § 32-20A-21.

77. TENN. CODE ANN. § 68-114-103 (1998).

State	Statutory Provision
	or death of the participant resulting from the inherent risks of equine activities. ⁷⁸
Texas	<p>Equestrian: [a]ny person, including an equine activity sponsor or an equine professional, is not liable for property damage or damages arising from the personal injury or a death of a participant if the property damage, injury, or death results from the dangers or conditions that are an inherent risk of equine activity, including:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁷⁹ <p>Roller Skating: The statute reads, "The liability of an operator (of a roller-skating center) is limited to those injuries or damages proximately caused by a breach of the operator's duties. . ." ⁸⁰ however, it does not mention the "assumption of risk" inherent in roller skating.</p> <p>Miscellaneous: "Except for actions against an operator (of ice skating centers) for gross negligence, malice, or intentional conduct, an operator is not liable in negligence for damages for personal injury, property damage, or death unless the personal injury, property damage, or death is caused by a breach of a duty. . ." ⁸¹</p>
Utah	<p>Snow Skiing: Inherent risks of skiing means those dangers or conditions which are an integral part of the sports of skiing, snowboarding, and ski jumping, including, but not limited to: changing weather conditions, variations or steepness in terrain; snow or ice conditions; surface or subsurface conditions such as bare spots, forest growth, rocks, stumps, impact with lift towers and other structures and their components; collisions with other skiers; and a skier's failure to ski or jump within the skier's own ability.⁸²</p> <p>Equestrian: See omnibus clause.</p> <p>Roller Skating: See omnibus clause.</p> <p>Miscellaneous: The actions of any rider of sufficient age and knowledge to assume the inherent risks of an amusement ride who violates the provisions of Subsection (3), (4), or (5) may be considered by the court in a civil action brought by a rider against the</p>

78. *Id.* § 44-20-103.

79. TEX. CIV. PRAC. & REM. CODE ANN. § 87.003 (Vernon 2000).

80. TEX. HEALTH & SAFETY CODE § 759.005 (Vernon 2000).

81. *Id.* § 760.006.

82. UTAH CODE ANN. § 78-27-52 (2000).

State	Statutory Provision
	<p>amusement park operator for injuries sustained while at the amusement park for the purpose of allocating fault between the parties.⁸³</p> <p>Also, “[t]he owner or operator of a hockey facility is not liable for any injury to the person or property of any person as a result of that person being hit by a hockey puck or stick unless: (a) the person is situated completely behind a board, glass, or similar barrier and the board, glass, or barrier is defective; or (b) the injury is caused by the negligent or willful and wanton conduct in connection with the game of hockey by the owner or operator or any hockey player, coach, or manager employed by the owner or operator.”⁸⁴</p> <p>Omnibus Clause: “‘Inherent risks’ means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity. . . ‘Recreational activity’ means a rodeo, an equestrian activity, skateboarding, roller skating, hiking, bike riding, or in-line skating. . .”⁸⁵</p>
Vermont	<p>Snow Skiing: The statute reads, “No ski area, its owner, 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.”⁸⁶ However, it does not mention the “assumption of risk” inherent in skiing.</p> <p>Equestrian: “No person shall be liable for an injury to, or the death of, a participant resulting from the inherent risks of equine activities, insofar as those risks are necessary to the equine activity and obvious to the person injured.”⁸⁷</p> <p>Omnibus Clause: “. . . 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.”⁸⁸</p>
Virginia	<p>Equestrian: . . . no participant or parent or guardian of a participant who has knowingly executed a waiver of his rights to sue or agrees to assume all risks specifically enumerated under this subsection may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity. The waiver shall give notice to the participant of the risks inherent in equine activities, including (i) the propensity of an equine to behave in dangerous ways which may result in injury to the participant; (ii) the inability to predict an equine’s reaction to sound, movements, objects,</p>

83. *Id.* § 78-27-61.84. *Id.* § 78-27-62.85. *Id.* § 78-27-63.

86. VT. STAT. ANN. tit. 12, § 1038 (2001).

87. *Id.* tit. 12, § 1039.88. *Id.* tit. 12, § 1037.

State	Statutory Provision
	<p>persons, or animals; and (iii) hazards of surface or subsurface conditions. The waiver shall remain valid unless expressly revoked by the participant or parent or guardian of a minor. In the case of school and college sponsored classes and programs, waivers executed by a participant or parent or guardian of a participant shall apply to all equine activities in which the participant is involved in the next succeeding twelve month period unless earlier expressly revoked in writing.⁸⁹</p>
Washington	<p>Snow Skiing: The statute reads, "all 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,"⁹⁰ however, it does not mention the "assumption of risk" inherent in skiing.</p> <p>Equestrian: . . .an equine activity sponsor or an equine professional shall not be liable for an injury to or the death of a participant engaged in an equine activity, and, . . .no participant nor participant's representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity.⁹¹</p>
West Virginia	<p>Snow Skiing: Since it is recognized that there are inherent risks in the sport of skiing which should be understood by each skier and which are essentially impossible to eliminate by the ski area operator, it is the purpose of this article to define those areas of responsibility and affirmative acts for which ski area operators shall be liable for loss, damage or injury and those risks which the skier expressly assumes for which there can be no recovery.⁹²</p> <p>Equestrian: Since it is recognized that there are inherent risks in equestrian activities which should be understood by participants therein and which are essentially impossible for the operators of equestrian businesses to eliminate, it is the purpose of this article to define those areas of responsibility and those affirmative acts for which the operators of equestrian businesses shall be liable for loss, damage or injury suffered by participants, and to further define those risks which the participants expressly assume and for which there can be no recovery.⁹³</p> <p>Miscellaneous: The Legislature recognizes that there are inherent risks in the recreational activities provided by commercial whitewater outfitters and commercial whitewater guides which should be understood by each participant. It is essentially impossible for commercial whitewater outfitters and commercial whitewater guides to eliminate these risks.⁹⁴</p>

89. VA. CODE ANN. § 3.1-796.132 (Michie 2000).

90. WASH. REV. CODE § 79A.45.030 (2001).

91. *Id.* § 4.24.540.

92. W.VA. CODE § 20-3A-1 (2001).

93. *Id.* § 20-4-1.

94. *Id.* § 20-3B-1.

State	Statutory Provision
Wisconsin	<p>Equestrian: Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:</p> <ol style="list-style-type: none"> (1) The propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them. (2) The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals. (3) Certain hazards such as surface and subsurface conditions. (4) Collisions with other equines or objects. (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.⁹⁵ <p>Omnibus Clause: '[r]ecreational activity' means any activity undertaken for the purpose of exercise, relaxation or pleasure, including practice or instruction in any such activity. . . A participant in a recreational activity engaged in on premises owned or leased by a person who offers facilities to the general public for participation in recreational activities accepts the risks inherent in the recreational activity of which the ordinary prudent person is or should be aware.⁹⁶</p>
Wyoming	<p>Snow Skiing: (a) As used in this act:</p> <ol style="list-style-type: none"> (i) "Inherent risk" with regard to any sport or recreational opportunity means those dangers or conditions which are characteristic of, intrinsic to, or an integral part of any sport or recreational opportunity; (ii) "Provider" means any person or governmental entity which for profit or otherwise, offers or conducts a sport or recreational opportunity. This act does not apply to a cause of action based upon the design or manufacture of sport or recreational equipment or products or safety equipment used incidental to or required by the sport or recreational opportunity; (iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, dude ranching, nordic or alpine skiing, mountain climbing, river floating, hunting, fishing, backcountry trips, horseback riding and any other equine activity, snowmobiling and similar recreational opportunities. . .⁹⁷ <p>Equestrian: See omnibus clause.</p> <p>Omnibus Clause: Any person who take part in any sport or recreational opportunity assumes the inherent risks in that sport or recreational opportunity, whether those risks are known or unknown, and is legally responsible for any and all damage, injury or death to</p>

95. WIS. STAT. § 895.481 (1998).

96. *Id.* § 895.525.

97. WYO. STAT. ANN. § 6-9-301 (Michie 2001).

State	Statutory Provision
	himself or other persons or property that results from the inherent risks in that sport or recreational opportunity. ⁹⁸

CHALLENGES TO LEGISLATION

Challenges to sport safety legislation often come in the form of lawsuits where the primary issue is whether a particular risk is a statutorily defined inherent risk or one that might be inferred from the language of the sport safety statute. A review of the recent case law found the primary challenges coming from those who were injured while snow skiing. The following cases provide examples of challenges to sport safety legislation. Several of the cases involved conditions that were listed in the statute as inherent risks, such as where a skier collided with a lift tower, or hit a bare spot on the slope. Other cases required the court to determine whether a condition was an inherent risk given general statutory language.

The first case involves a ski injury occurring at a ski area in Maine. In *Finnern v. Sunday River Skiway Corp.* (1993), a skier was injured after colliding with a tree on the boundary of a slope. The tree was a few feet nearer the trail than trees bordering the slope. The injury occurred while the plaintiff was skiing down an intermediate level slope. The intermediate slope merged with a beginner trail of which the plaintiff was unaware. As he came upon other skiers as the trail merged, the plaintiff steered away from them and encountered a mogul, causing him to become airborne and lose control. While out of control, he collided with a tree on the edge of the trail. He subsequently brought suit against the ski resort for the negligent maintenance or operation of its premises due to the location of the tree. The ski resort claimed a statute that listed collisions with trees as a risk inherent in skiing protected them. The court ruled in favor of the defendant ski resort reasoning that the placement of trees was a design issue, one that offered statutory protection, and not a maintenance issue. (*Finnern*, p. 533-534). Further, the court held that the defendant was under no duty to remove the tree given the difficulty in deciding which trees to remove from the boundary of a ski slope. (p. 534).

In another ski injury case occurring in Maine, *Gilbert v. Sunday River Skiway Corp.* (1997), a novice skier was injured when her instructor took her to a slope, which she considered too steep for her ability level. On

98. *Id.* § 1-1-122.

her first turn as she tried to negotiate the slope, she fell and injured her knee. She sued the ski area for negligence. The court found for the defendant. The court addressed the skier responsibility statute that stated that skiers assumed the risks inherent in the sport of skiing unless the skier's injuries were caused by the negligent operation of the ski area. (*Gilbert*, p. *2). The court did not find that the ski instructor or ski resort operator had caused the injury to the plaintiff.

In a case applying the law of Idaho, *Collins v. Schweitzer, Inc., et al* (1994), a ski racer suffered severe injury in a collision with a lift tower. The lift tower was located in the vicinity of the ski racecourse finish line. Nylon netting was in place to prevent skiers who might lose control from travelling beyond the race area. The plaintiff had finished the race close behind another racer. In an attempt to avoid the other racer after they had passed the finish line, he lost control, slid through the netting and collided further down the hill with the lift tower. The lift tower was padded but this was not enough to prevent the plaintiff from breaking his neck in the collision. A lawsuit was brought claiming that the resort and ski race sponsor were negligent in setting the location of the racecourse and failing to inspect for hazards. The Idaho code lists injuries caused by lift towers as an inherent risk that is assumed by skiers. The court held for the defendant ski resort given the language of the statute and a finding that the risk of colliding with the lift tower was not increased by the defendant's placement of the racecourse. (*Collins*, p. 1493-1494).

Two ski injury cases applied the law of Vermont. The first was *Passero v. Killington, Ltd.* (1994) where a skier was seriously injured as a result of skiing over a mound of snow set up as a jump on a beginner trail. The skier was travelling down a trail commonly used by beginner skiers when he noticed tracks leading off the groomed portion of the trail toward a mound of snow on the edge of the trail. He followed the tracks and skied over the mound, losing his balance and landing on his head. This resulted in permanent paralysis. The plaintiff sued the ski resort claiming they were negligent in allowing a mound of snow to exist on a beginner trail. A jury found in favor of the plaintiff, Killington subsequently appealed. The Vermont Sports Injury Statute did not list specific inherent risks in snow skiing. Instead, the omnibus clause refers to inherent risks as those which are obvious and necessary. The court held that the testimony at trial was sufficient to create a jury question about whether the mound of snow was a "necessary" danger "inherent" to the sport of skiing. Therefore, Killington's motion for summary judgment on his appeal was denied. (*Passero*, p. *18).

In the second case, *Nelson v. Snowridge, Inc.* (1993), the Vermont Sports Injury Statute was again at issue. In this case, a skier was injured due to the icy condition of a trail. The plaintiff claimed that the ski resort was negligent in failing to properly maintain the trail or warn of the icy conditions. The court held for the defendant stating, "no reasonable mind could fail to immediately conclude that ice is a necessary and obvious danger of skiing in Vermont" (*Nelson*, p. 83).

An equestrian activity was at issue in a case applying the law of Wyoming. In the case of *Halpern v. Wheeldon* (1995), a man was injured when thrown from a horse. The plaintiff was a novice, having limited experiences with horses. He was visiting a ranch and preparing for a trail ride. The ranch employee had helped the plaintiff mount the horse when it began to buck. The reins were pulled from his hands when the horse bucked and threw the plaintiff to the ground. The plaintiff suffered a broken ankle and subsequently sued the ranch for negligence in failing to provide him with a safe horse or to warn him of his horse's erratic behavior, and for not securing the horse while he mounted. The court consulted the Wyoming Recreation Safety Act that does not specifically address equestrian activities. The Act does, however, state that sport and recreation participants assume the inherent risks in the activity. The court held that whether the risk of being thrown from a horse was an inherent risk under the circumstances was for the jury to decide. (*Halpern*, p. 566). The case was therefore remanded for a jury to make this determination.

The final case involved a ski injury in Massachusetts. In the case of *McHerron v. Jiminy Peak, Inc.* (1996), a woman was injured when she skied over a bare spot at the defendant's ski area. She sued the resort claiming that the bare spot resulted from the placement of a snowmaking machine, which was behind a tree, and therefore, could not blow snow onto the area where she fell. The Massachusetts sport safety statute listed a bare spot as an inherent risk, which the skier assumes in the sport of skiing. The court agreed with the reasoning of the legislature that it is not reasonable or practical to expect a ski area operator to provide cover for bare spots on open trails. (*McHerron*, p. 680). Judgment was entered for the defendant ski operator.

RESULTS

The results of the study are provided below. The majority of statutes addressed the activities snow skiing, roller skating and horseback riding. A category for miscellaneous activities is included that illustrates activities other than those in the three primary categories. An additional cate-

gory, titled "omnibus clauses," pertains to statutory provisions that encompass an open-ended range of recreational activities.

Snow Skiing

Twenty-six states have statutory provisions which address inherent risks which participants assume when snow skiing. The majority of these states have statutory language that lists at least some inherent risks. The states which list inherent risks are: Alaska, Colorado, Connecticut, Idaho, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Tennessee, and Utah. Each of these states lists similar inherent risks. These risks include, but are not limited to, changing weather conditions; existing and changing snow conditions; surface or subsurface conditions of both natural objects and man-made structures; variations in steepness or terrain; collisions with other skiers; and failure of skiers to ski within their own abilities.

Other states contain provisions with variations to their statutory language. For example, Arizona and North Carolina state that it is the sole responsibility of the skier to negotiate a ski slope or trail within the limits of his/her ability. Montana adds that a skier must also ski within the limits of his/her equipment. Utah includes snowboarding and ski jumping in their statute in addition to snow skiing. Rhode Island and Washington require skiers to conduct themselves within the limits of their ability; however, there is no mention of inherent risks. Vermont states that no ski area is liable for skiers outside open and designated ski trails, but again there is no mention of inherent risks. West Virginia recognizes that each skier should understand the inherent risks of skiing. Where the statute fails to list the inherent risks, there is often language contained in the omnibus clause that allows for an open interpretation of what constitutes an inherent risk. Vermont, for example, states that inherent risks are those, which are "obvious and necessary."

Equestrian

Forty-one states have statutory provisions that address inherent risks which participants assume when riding horses. Eleven of the 41 states, which have equine risk statutes are worded exactly the same. These states are: Florida, Hawaii, Indiana, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, Ohio, Rhode Island, and Wisconsin. These state laws list the risks inherent in equine activities as: (1) the propensity of an equine to behave in ways that may result in injury, harm or death to persons on or around them; (2) the unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar ob-

jects, persons, or other animals; (3) certain hazards such as surface and subsurface conditions; (4) collisions with other equines or objects; and (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

Other states have similar statutes with differences in who the responsible party is and which inherent risks are listed. Alabama states that equine activity sponsors or equine professionals are not liable, Delaware only claims equine professionals as not liable, North Carolina includes corporations and partnerships as not liable, and Texas and Oregon say no person is liable. Colorado includes llama activities in the equine risk statute. Kansas includes equine activities under an inherent risk statute for domestic animal activities. Maine and Virginia require written contracts to be signed acknowledging the expressed inherent risks of equine activities. Illinois states that each participant has the sole responsibility to know the range of his/her abilities to manage, care for, and control a particular equine activity.

New Jersey equine participants are deemed to assume the inherent risks of equine activities created by equine animals, weather conditions, conditions of trails, riding rings, training tracks, equestrians, and other inherent conditions. The New Mexico legislature encourages owners, trainers, operators, and promoters to sponsor or engage in equine activities by providing that no person shall recover for injuries resulting in inherent risks of equine activities. South Carolina, South Dakota, Tennessee, Vermont, and Washington simply state that inherent risks exist in equine activities but do not attempt to list the risks. North Dakota does not use the terms "assumption of risks" or "inherent risks" in their equine statute. West Virginia defines the risks which participants assume and for which there can be no recovery. Utah refers to equine activities in their omnibus clause but has no separate provision.

Roller Skating

Eleven states have statutory provisions that address inherent risks which participants assume when roller-skating. Seven of these states list the same inherent risks in their statutes. These states are: Illinois, Maine, Michigan, New Jersey, North Carolina, and Ohio. The inherent risks of roller skating listed in these statutes are: a) injuries resulting from collisions with other roller skaters or other spectators; b) injuries which result in falls from loss of balance; and c) injuries which involve objects or artificial structures properly within the intended path of travel of the roller skater. Georgia states that participants accept the risks that are

inherent insofar as they are obvious and necessary. Indiana holds skaters responsible for knowing the range of their own ability to negotiate the intended direction of travel while on roller skates and to skate within that limit. South Carolina simply states that an operator is not liable for injuries or deaths resulting from inherent risks of skating. Texas says liability is limited to injuries and damages caused by a breach in operator's duties. Utah refers to equine activities in their omnibus clause but has no separate provision.

Miscellaneous Activities

The activities protected from liability under the sport safety statutes are not limited to snow skiing, horseback riding and roller-skating. For example, Michigan, Montana, South Dakota and Rhode Island have sport safety statutes that provide protection for those who provide opportunities to engage in recreational snowmobiling. Legislative protection is also provided for sport shooting in Colorado and Michigan. Sport safety statutes in Maine, South Carolina and Texas list ice-skating as a protected activity. Other states with miscellaneous provisions are: Idaho (protects outfitters and guides who provide recreational activities), Illinois and Utah (hockey fans assume certain risks), Maine (inherent risks in hang gliding), Mississippi (inherent risks in hunting, fishing, trapping, camping, water sports, hiking, or sightseeing), Nevada and Utah (amusement rides), Rhode Island (the operator or passenger of recreational vehicles, or all terrain vehicles), and West Virginia (legislative protection for whitewater outfitters and guides).

Omnibus Clauses

Five states have an omnibus clause that covers the assumption of risks inherent in all recreational activities. Hawaii's omnibus clause refers to all "recreational activities." Utah's sport safety statute refers to recreational activities and includes a list of other activities; rodeo, equine activity, skateboarding, roller-skating, hiking, biking, and in-line skating. Vermont's statute refers to "any sport" and Wyoming's refers to all "recreational opportunities". Wisconsin's statute refers to recreational activities undertaken for exercise, relaxation, or pleasure, including practice or instruction.

DISCUSSION

The results of this study provide an understanding of the scope and substance of sport safety statutes.⁹⁹ Several key findings are of special interest. First, the results show that the majority of jurisdictions have some form of sport safety legislation. Our research revealed only five jurisdictions that lack sport specific legislation. Thus, most states recognize the importance of protecting sport and recreation providers from the negative consequences of excessive litigation. Additionally, a wide variety of activities were covered under the sport safety statutes of various states. Some of these, such as snowboarding and in-line skating, were included in the statutory language recently given the relatively new arrival of these activities to the sports scene. Technological innovations and new sport activities will require the revision of activities covered by statute and the inherent risks involved.

Although there exists a wide variety of activities other than snow skiing, roller-skating and equestrian activities, there is little uniformity among states for these miscellaneous activities. This would be expected for cold weather activities such as snowmobiling; however, the reason is less clear for activities such as guided outdoor activities or certain spectator sports. The inclusion of other activities outside of the main three and the reasons for inclusion would be of interest in future research.

In addition to the lack of uniformity in activities outside the main three, there is little uniformity of inherent risks listed in the statutes addressing skiing, roller-skating and equestrian activities. Approximately half of the statutes addressing skiing and one-third addressing equestrian activities list inherent risks which are substantially similar among the states. This lack of uniformity raises the issue as to whether a uniform act would better serve the interests of the states with these statutory provisions.

An additional issue is whether an omnibus clause such as the sport safety provision in the Vermont law is preferable to a listing of inherent risks. Vermont simply provides that the participant assumes inherent risks that are "obvious and necessary." Whether this would influence the amount of litigation is a debatable point. Research, which compared the amount of litigation between those states which listed inherent risks, and those with general language such as that provided in the Vermont statute, would be of interest.

99. See Appendix A for an illustration of jurisdictions and the types of sport safety legislation they have enacted.

SUMMARY

Sport safety legislation appears to be a viable source of protection for certain sport and recreation providers. The great majority of states have some form of sport safety legislation with the implicit purpose of maintaining a balance between the economic health of local, state and regional economies, and the safety of participants. The primary activities covered by this type of legislation are snow skiing, roller-skating and equestrian activities. However, there is little uniformity in the inherent risks listed by statute. Additionally, activities outside the main three are quite diverse. Given the importance of sport safety statutes to sport and recreation providers and the positive economic impacts sport and recreation activities provide, further research addressing the issues raised by this study would be of great benefit to both decision makers and members of the scholarly community.

ABOUT THE AUTHORS

BRIAN P. BURKET is a student at the University of Florida pursuing a master's degree in recreation with an emphasis in natural resource recreational management. Brian also earned his bachelor's degree from the same school from the Department of Zoology. His research interests include recreational impacts, crowding concerns, and legal issues in outdoor recreation.

JOHN O. SPENGLER is currently an Assistant Professor in the Department of Recreation, Parks and Tourism at the University of Florida. He received a B.A. in Exercise Science from Wake Forest University, a Masters Degree in Recreation, Parks and Tourism from Clemson University, a law degree (J.D.) from the University of Toledo, and a Ph.D. from Indiana University in Human Performance. He has managed recreational sport programs and coached various recreational sports. At the University of Florida, Dr. Spengler teaches classes in the areas of programming and leadership, and sport and recreation law.

REFERENCES

- ALA. CODE § 6-5-337(b(6)) (2000).
ALASKA STAT. §§ 05.45.060 & 05.45.110 (Michie 2001).
ARIZ. REV. STAT. § 5-705(1) & § 12-553 (2000).
ARK. CODE ANN. § 16-120-202 (Michie 2001).

- Centner, T.J. (1998). Modifying negligence law for equine activities in Arkansas: A new Good Samaritan paradigm for equine activity sponsors. *Ark. L. Rev.*, 50(4), 637.
- Collins v. Schweitzer, Inc., et al, 21 F.3d 1491 (9th Cir.1994).
- COLO. REV. STAT. § 33-44-103(3.5) (2000), 13-21-119(2(f)) & 13-21-111.8(1) (2000).
- CONN. GEN. STAT. §§ 29-212 & 52-557p (2001).
- DEL. CODE ANN. tit. 10, § 8140 (2000).
- FLA. STAT. ANN. § 773.01(6) (2000).
- Finnern v. Sunday River Skiway Corp., 984 F.2d 530 (1st Cir.1993).
- 40 PENN. STAT. ANN. § 2051 (West 2000).
- GA. CODE ANN. §§ 4-12-4 & 51-1-43(e) (2000).
- Gilbert v. Sunday River Skiway Corp., 129 F.3d 1252, 1997 U.S. App. LEXIS 29059 (1st Cir.1997).
- Halpern v. Wheeldon, 890 P.2d 562 (Wyo. 1995).
- Hansen-Stamp, C. (1998). Recreational injuries and inherent risks: Wyoming's Recreational Safety Act. *Land & Water L. Rev.*, 33(1), 249.
- HAW. REV. STAT. ANN. §§ 663B-1 & 663-1.54 (Michie 2000).
- IDAHO CODE §§ 6-1106, 6-1802(1) & 6-1201 (Michie 2000).
- 745 ILL. COMP. STAT. ANN. 47/15, 52/10 & 72/25 (West 2001).
- IND. CODE ANN. §§ 34-6-2-69 & 34-31-6-2(4(A & B)) (Michie 2000).
- KAN. STAT. ANN. § 60-4004 (2000).
- LA. REV. STAT. ANN. § 9:2795.1 (West 2000).
- ME. REV. STAT. ANN. tit. 32, § 15217, tit. 7, § 4103-A, tit. 8, § 607, tit. 32, § 15219 & tit. 8, § 625 (West 2000).
- MASS. GEN. LAWS ch. 128, § 2D & ch. 143, § 71O (2001).
- McHerron v. Jiminy Peak, Inc., 665 N.E.2d 26 (Mass.1996).
- MICH. STAT. ANN. § 13A.82126 (Michie 2000).
- MICH. COMP. LAWS §§ 408.342(2), 691.1663, 445.1725, & 691.1544 (2000).
- MINN. STAT. § 604A.12 (2000).
- MISS. CODE ANN. §§ 89-2-23 & 95-11-3 (2001).
- MO. REV. STAT. § 537.325 (2001).

- MONT. CODE ANN. §§ 23-2-736, 27-1-727 & 23-2-654 (2000).
- NEB. REV. STAT. ANN. § 25-21,250 (Michie 2001).
- Nelson v. Snowridge, Inc., 818 F. Supp. 80 (D.Vt. 1993).
- NEV. REV. STAT. ANN. §§ 455A.110 & 455B.070 (Michie 2001).
- N.H. STAT. ANN. §§ 225-A:24 & 508:19 (2000)
- N.J. STAT. §§ 5:13-5, 5:14-6 & 5:15-3 (2001).
- N.M. STAT. ANN. §§ 24-15-10 & 42-13-2 (Michie 2000).
- N.Y. GEN. OBLIG. LAW § 18-101 (McKinney 2000).
- N.C. GEN. STAT. §§ 99C-2, 99E-2 & 99E-13 (2000).
- N.D. CENT. CODE §§ 53-09-06 & 53-10-02 (2000)
- OHIO REV. CODE. ANN. §§ 2305.321, 4169.08 & 4171.09 (Anderson 2001).
- OR. REV. STAT. §§ 30.689 & 30.970 (1999).
- Passero v. Killington, Ltd., 1994 U.S. Dist. LEXIS 8984 (E.D. PA 1994).
- R.I. GEN. LAWS §§ 4-21-1, 9-20-5 & 41-8-2 (2001).
- S.C. CODE ANN. §§ 47-9-720, 52-21-10 & 52-21-50 (Law. Co-op 2000).
- S.D. CODIFIED LAWS §§ 32-20A-21 & 42-11-2 (Michie 2001).
- Slank, N.L. (1999). A symposium on sport and tort: Leveling the playing field. *Washburn L.J.*, 38(3), 847.
- TENN. CODE ANN. §§ 44-20-103 & 68-114-103 (2001).
- TEX. CIV. PRAC. & REM. CODE ANN. § 87.003 (Vernon 2000).
- TEX. HEALTH & SAFETY CODE §§ 759.005 & 760.006 (Vernon 2000).
- Urban, J.A. (1998). Sports torts in Wisconsin. *Marq. Sports. L.J.*, 8(2), 365.
- UTAH CODE ANN. §§ 78-27-52, 78-27-61, 78-27-62 & 78-27-63 (2000).
- VT. STAT. ANN. tit. 12, § 1037, § 1038 & § 1039 (2001).
- VA. CODE ANN. § 3.1-796.132 (Michie 2000).
- WASH. REV. CODE §§ 4.24.540 & 79A.45.030 (2001).
- W.VA. CODE §§ 20-3A-1, 20-3B-1 & 20-4-1 (2001).
- WIS. STAT. §§ 895.481 & 895.525 (2000).
- WYO. STAT. ANN. §§ 1-1-122 & 6-9-301 (Michie 2001).

APPENDIX A

State	Traditional Activities			Other Activities	
	Snow Ski	Roller Skate	Equestrian	Miscellaneous ¹⁰⁰	Omnibus ¹⁰¹
Alabama			X		
Alaska	X				
Arizona	X		X		
Arkansas			X		
California					
Colorado	X		X	X	
Connecticut	X		X		
Delaware			X		
Florida			X		
Georgia		X	X		
Hawaii			X		X
Idaho	X		X	X	
Illinois		X	X	X	
Indiana		X	X		
Iowa					
Kansas			X		
Kentucky					
Louisiana			X		
Maine	X	X	X	X	
Maryland					
Massachusetts	X		X		
Michigan	X	X	X	X	
Minnesota			X		
Mississippi			X	X	
Missouri			X		
Montana	X		X	X	
Nebraska			X		
Nevada	X			X	
New Hampshire	X		X		
New Jersey	X	X	X		
New Mexico	X		X		
New York	X				
North Carolina	X	X	X		
North Dakota	X		X		
Ohio	X	X	X		
Oklahoma					
Oregon	X		X		
Pennsylvania	X				
Rhode Island	X		X	X	
South Carolina		X	X	X	
South Dakota			X	X	
Tennessee	X		X		
Texas		X	X	X	
Utah	X	X	X	X	X
Vermont	X		X		X
Virginia			X		
Washington	X		X		
West Virginia	X		X	X	
Wisconsin			X		X
Wyoming	X		X		X
Totals	26	11	41	14	5

100. Note: "Miscellaneous" refers to specific activities other than snow skiing, roller skating, and equestrian.

101. Note: "Omnibus" refers to statutory provisions, which encompass a broad range of activities.