

SPORTS AND AMUSEMENTS

CHAPTER 531

HOUSE BILL NO. 1215
(Representatives Gerl, Conmy, Kretschmar)
(Senators Tallackson, Wright)

GAMES OF CHANCE

AN ACT to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo, raffles, pull tabs, jars, punchboards, and sports pools; and to provide for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games, bookkeeping requirements, expense requirements, a tax based on adjusted gross proceeds, examination of books and records, licensure of distributors, form and display of licensure, and rules and regulations; to provide a criminal penalty for the violation of this Act; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.)

1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandise prizes.
2. "Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.
3. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years.
4. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, which shall have

existed in this state for two years. "Civic and service club" also means a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.

5. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this Act, to an organization licensed or authorized to conduct such games of chance under this Act. "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization.
6. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are uses benefiting a number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint; fraternal uses specified by an organization's constitution, charter, or bylaws, not of direct benefit to the eligible organization or any member thereof; uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof; the erection or maintenance of public buildings or works; or uses otherwise lessening the burden of government. Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the stated uses. Uses shall not include any activities consisting of attempts to influence legislation or participation in any political campaign on behalf of any elected official or person who is or has been a candidate for public office. "Charitable uses" include uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

7. "Educational organization" means any nonprofit public or private elementary or secondary school in this state which has been in existence for two years.
8. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and other public-spirited organizations as defined by this Act, which may be licensed by the attorney general or authorized by the governing body of a city or county to conduct games of chance under this Act.
9. "Entire net proceeds" or "net proceeds" means the adjusted gross proceeds less such expenses, charges, fees, and deductions as are specifically authorized under this Act.
10. "Fraternal organization" means a nonprofit organization within this state, except college and high school fraternities, which is a branch, lodge or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such organization shall have existed within this state for two years.
11. "Gross proceeds" means all moneys collected or received from games of chance and admissions thereto.
12. "Licensee" means an eligible organization licensed under the provisions of this Act.
13. "Licensing authority" means the attorney general.
14. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.
15. "Other public-spirited organization" means a nonprofit organization recognized by the governing body of a city or county by resolution as public-spirited and eligible to conduct games of chance under this Act.
16. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances which has been so gathered or united in this state for two years.
17. "Veterans organization" means any congressionally chartered organization within this state, or any branch or

lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organizations shall have been in existence in this state for two years.

SECTION 2. ORGANIZATIONS ELIGIBLE UNDER ACT - USE OF NET PROCEEDS.) Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those terms are defined by this Act, are eligible to conduct games of chance under the conditions of this Act. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act. Notwithstanding any other provision of this Act, an eligible organization, which has not been licensed by the attorney general, may use the net proceeds of such games of chance to directly benefit the eligible organization; however, none of the proceeds may be used for capital improvements or the purchase of furnishings. For purposes of this section, a capital improvement is defined as the construction, renovation, remodeling or repair of a building which tends to enhance its value, beauty or utility or to adapt it for further purposes. For purposes of this section, a furnishing is defined as furniture, draperies, or equipment.

SECTION 3. LICENSURE - FEES - APPLICATION - SUSPENSION - REVOCATION.) An eligible organization desiring to conduct games of chance, which maintains a building for the use of its members and guests, and which offers meals or liquor or both as part of its operation, shall annually apply for a license to conduct games of chance from the attorney general before the first day of April in each year. Application shall be made upon forms prescribed by the attorney general along with submission of a fifty dollar license fee.

The application shall be signed and sworn to by the applicant and shall contain the following:

1. The name and post-office address of the applicant.
2. The location at which the organization will conduct the games of chance, whether the organization owns or leases the premises, and a copy of the rental agreement if it leases the premises.
3. A statement of the applicant's previous history and association sufficient to establish that the applicant is an eligible organization.
4. A statement of the educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the net proceeds of a game of chance will be devoted.

5. Such other necessary and reasonable information as the attorney general may require.

The attorney general shall license such organizations which conform to the requirements of this Act to conduct games of chance. In addition, the attorney general shall have the power, on his own motion based on reasonable grounds or on written complaint, to suspend or revoke a license in accordance with chapter 28-32 for violation, by the licensee or any officer, director, agent, member, or employee of such licensee, of this Act or any rule or regulation promulgated hereunder.

SECTION 4. CITY AND COUNTY APPROVAL FOR OTHER THAN LICENSED GAMES OF CHANCE.) Any other eligible organization, not regulated under section 3, shall apply in writing to the governing body of the city in which it conducts its principal activities for permission to conduct games of chance in such city at least thirty days prior to commencement of the gaming activity stating the particular games of chance, time, place, and educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the net proceeds will be devoted. The governing body may at its own discretion and upon application by an eligible organization grant permission for such games for specifically designated times, places, and uses. Such licenses may, at the discretion of the governing body, be effective for the conduct of games of chance during a one-year period. Where games of chance are proposed to be conducted within a county but outside the limits of a city, such eligible organization shall apply in writing to the board of county commissioners in the same manner as above. The governing body may by ordinance or resolution establish authorization fees not to exceed ten dollars for an authorization for one occasion and not to exceed twenty-five dollars for an authorization covering more than one occasion. If the governing body, at its own discretion, chooses to authorize games of chance, the governing body shall authorize the organization which conforms to the requirements of this Act to conduct such games. A copy of each resolution or permit granted by a city or county under this Act shall be sent to the attorney general not later than thirty days after issuance.

The governing body shall have the power, on its own motion based on reasonable grounds or on written complaint, to suspend or revoke an authorization after a hearing for violation, by the authorized organization or any officer, director, agent, member, or employee of such organization, of this Act or any rule promulgated hereunder.

SECTION 5. COLLEGE FRATERNITIES AND SORORITIES ALLOWED TO CONDUCT RAFFLES - USE OF PROCEEDS.) A college fraternity or sorority recognized by the administration of a North Dakota college or university shall be eligible to conduct raffles and bingo under the provisions of this Act. The entire net proceeds of such raffles shall be devoted to educational, charitable, patriotic, or other public-spirited uses as defined by this Act.

SECTION 6. CITY APPROVAL FOR RAFFLES.) A college fraternity or sorority shall apply in writing to the governing body of the city in which it is located for permission to conduct a raffle at least thirty days prior to each occasion stating the time, place, and educational, charitable, patriotic or other public-spirited uses to which the proceeds will be devoted. The applicant fraternity or sorority shall include a signed acknowledgment by the administration of the college or university that the applicant is a recognized fraternity or sorority. The governing body may at its own discretion, and upon application by a fraternity or sorority, grant permission for raffles and bingo to be held at specifically designated times and places for specific uses covering a one-year period. The governing body may by ordinance or resolution establish authorization fees not to exceed ten dollars for an authorization for one occasion and not to exceed twenty-five dollars for an authorization covering more than one occasion. If the governing body, at its own discretion, chooses to authorize raffles or bingo pursuant to this Act, the governing body may do so by resolution.

SECTION 7. PERSONS PERMITTED TO CONDUCT GAMES OF CHANCE - PREMISES - EQUIPMENT - EXPENSES - COMPENSATION.)

1. No person, except a member of an eligible organization, may hold, operate, or conduct any game of chance under this Act.
2. No person, except a member of an eligible organization or a member of an organization auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this Act.
3. No item of expense incurred in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses in reasonable amounts as provided under section 11. No games of chance shall be conducted with any equipment other than equipment owned by or rented at a reasonable rate from an eligible organization.
4. The governing board of an eligible organization shall be primarily responsible for the proper determination and distribution of the entire net proceeds of any game of chance held in accordance with this Act.
5. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by the licensing authority, its agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.

6. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.
7. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.
8. The entire net proceeds derived from the holding of games of chance must be devoted within three months from the date such proceeds were earned to the uses permitted by this Act. Any organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.
9. Only the members of an organization licensed by the attorney general under this Act and their spouses and bona fide guests may participate in playing games of chance conducted by such licensed organization.
10. No person, firm, corporation, association, or organization convicted of a felony or a class A misdemeanor, or determined by the attorney general to have participated in organized crime or unlawful gambling, shall be permitted to sell, distribute, conduct, or assist in games of chance under this Act.

SECTION 8. GAMES OF CHANCE ALLOWED.) Eligible organizations shall be permitted to conduct the following games of chance:

1. Eligible organizations licensed by the attorney general shall be permitted to conduct bingo, raffles, pull tabs, jars, punchboards, and sports pools for professional sports only.
2. Eligible organizations authorized by the governing body of a city or county may conduct bingo, raffles, pull tabs, jars, punchboards, and sports pools for professional sports only.
3. College fraternities or sororities may conduct raffles and bingo.

SECTION 9. PUNCHBOARDS AND JARS - SALE OF CHANCES.) No person or organization engaged in the selling of chances from jars or punchboards under this Act shall discard the chances from any jar or punchboard once the contents of such jar or punchboard are offered for sale to eligible participants, unless all of the highest denomination of winners have been sold.

SECTION 10. SPORTS POOLS - CONTROL BY LICENSEE - RULES POSTED.) Any licensee or other eligible organization may allow the playing of sports pools on the premises. Sports pools shall be allowed for professional sports only. If sports pools are allowed, they shall be conducted and controlled by the licensee or other eligible organization. Any rules affecting the conduct of sports pools or requirements of participants shall be clearly posted. The maximum wager on any sports pool shall not exceed five dollars. The amounts paid to sports pool participants in prizes shall not exceed two-thirds of the gross proceeds.

SECTION 11. STATEMENT OF RECEIPTS - EXPENSES.)

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of less than one hundred dollars paid immediately, shall be deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.
2. No part of the net proceeds after they have been given over to another organization shall be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.
3. No item of expense incurred in connection with holding, operating, or conducting any game of chance pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance. Bona fide expenses shall not include overhead, capital costs, and general maintenance. Total expenses for games of chance shall not exceed one-third of the total adjusted gross proceeds from each such occasion. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act without any reduction for taxes.
4. Expense payments for games of chance deductible from adjusted gross proceeds shall be made only for the following purposes:
 - a. The purchase of necessary goods, wares, and merchandise.

- b. The securing of services reasonably necessary for repair of equipment, and for operating or conducting games of chance.
- c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
- d. For accountant's fees.
- e. For license fees.
- f. For utility expenses.

SECTION 12. TAX BASED ON ADJUSTED GROSS PROCEEDS.) A tax of five percent of the total adjusted gross proceeds received by a licensed eligible organization shall be paid to the licensing authority for deposit in the general fund on a quarterly basis in such manner and upon such forms as shall be prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act without any reduction for expenses.

SECTION 13. EXAMINATION OF BOOKS AND RECORDS.) The licensing authority and its agents, and representatives of the governing body of a city or county with respect to eligible organizations authorized by that governing body, shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this Act to the extent that such books and records relate to any transaction connected with holding, operating, or conducting any game of chance.

SECTION 14. DISTRIBUTORS - LICENSURE.) Every distributor shall annually apply for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit a one thousand dollar license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require.

Every nonresident manufacturer or distributor of raffle tickets or equipment for games of chance doing business in this state shall appoint a North Dakota agent who shall be licensed as a distributor. No distributor shall sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to eligible organizations.

Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this Act, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. At no time shall any eligible organization

print, manufacture or construct any raffle tickets or equipment for games of chance for sale to any other eligible organization.

No licensed or authorized eligible organization shall be a distributor. No distributor may be a wholesaler of liquor or alcoholic beverages.

The attorney general shall have the power, on his own motion based on reasonable grounds or on written complaint, to suspend or revoke a license in accordance with chapter 28-32 for violation, by the licensee or any officer, director, agent, member or employee of the licensee, of this chapter or any rule or regulation promulgated hereunder.

SECTION 15. FORM AND DISPLAY OF LICENSE.) Each license or authorization required under this Act shall contain a statement of the name and address of the licensee or authorized eligible organization and such other information as the licensing or authorizing authority may designate.

Each license or resolution issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during any game of chance and for at least thirty minutes thereafter. The sale of a raffle ticket shall not require the display of the license or authorizing resolution.

SECTION 16. VIOLATION OF ACT - MISDEMEANOR - FORFEITURE OF LICENSE - INELIGIBILITY FOR YEAR.) Any person who knowingly makes a false statement in any application for a license or authorizing resolution or in any statement annexed thereto, or who fails to keep sufficient books and records to substantiate the receipts, expenses, or uses resulting from games of chance conducted under this Act, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance, or who violates any of the provisions of this Act, any rule promulgated hereunder, or of any term of a license shall be guilty of a class A misdemeanor. If convicted, such organization or person shall forfeit any license or authorizing resolution issued to it pursuant to this Act and shall be ineligible to reapply for a license or authorization for two years thereafter.

SECTION 17. RULES.) The licensing authority shall promulgate rules in accordance with chapter 28-32, relating to but not limited to methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle tickets, bingo equipment, jars, pull tabs, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purposes of this Act; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other

public-spirited uses as defined by this Act; to define capital improvements and furnishings; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; and to seek to prevent or detect unlawful gambling activity.

SECTION 18. EXPIRATION DATE.) The provisions of this Act shall expire at twelve midnight on June 30, 1981.

Not approved or disapproved by the Governor

Filed April 13, 1979

CHAPTER 532

HOUSE BILL NO. 1536
(Dick, Berger)

SKIING RESPONSIBILITY

AN ACT establishing the responsibilities and liabilities of skiers and ski area operators.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. SHORT TITLE.) This Act shall be known and may be cited as the "North Dakota Skiing Responsibility Act".

SECTION 2. LEGISLATIVE PURPOSE.) The legislative assembly finds that the sport of skiing is practiced in this state by a growing number of North Dakota citizens and nonresidents. 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 Act 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 and for which there can be no recovery.

SECTION 3. DEFINITIONS.) The following words and phrases when used in this Act have, unless the context clearly indicates otherwise, the meaning given to them in this section:

1. "Aerial passenger tramway" means any device operated by a ski area operator used to transport passengers, by single or double reversible tramway; chairlift or gondola lift; t-bar lift, j-bar lift, platter lift, or similar device; or a fiber rope tow.
2. "Passenger" means any person who is lawfully using an aerial passenger tramway, or is waiting to embark or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.
3. "Ski area" means property owned or leased and under the control of the ski area operator and administered as a single enterprise within the state of North Dakota.

4. "Ski area operator" means any person, partnership, corporation or other commercial entity and their agents, officers, employees or representatives, who has operational responsibility for any ski area or aerial passenger tramway.
5. "Ski slopes and trails" mean those areas designed by the ski area operator to be used by skiers for the purpose of participating in the sport of skiing.
6. "Skier" means any person present at a skiing area under the control of the ski operator for the purpose of engaging in the sport of skiing by utilizing the ski slopes and trails and does not include the use of an aerial passenger tramway.
7. "Skiing area" means all slopes and trails not including any aerial passenger tramway.

SECTION 4. DUTIES OF SKI OPERATORS WITH RESPECT TO SKI AREAS.) Every ski operator shall have the following duties with respect to their operation of a skiing area:

1. To mark all trail maintenance vehicles and to furnish such vehicles with flashing or rotating lights which shall be in operation whenever the vehicles are working or are in movement in the skiing area.
2. To mark with a visible sign or other warning implement the location of any hydrant or similar equipment used in snowmaking operations and located on ski slopes and trails.
3. To mark conspicuously the top or entrance to each slope or trail, or area with the appropriate symbol for its relative degree of difficulty and those slopes, trails, or areas which are closed, or portions of which present an unusual obstacle, shall be marked at the top or entrance with appropriate symbols.
4. To maintain one or more trail boards at prominent locations at each ski area displaying that area's network of ski trails and slopes with each trail and slope rated thereon in accordance with the symbols provided for in subsection 3.
5. To designate by trail board or other means which trails or slopes are open or closed.
6. To place, or cause to be placed, whenever snow grooming or snowmaking operations are being undertaken upon any trail or slope while such trail or slope is open to the public a conspicuous notice to that effect at or near the top of such trail or slope.

7. To post notice, at or near the boarding area for each aerial passenger tramway designed to transport passengers with skis attached to boots, of the requirements of this Act concerning the use of ski retention devices. This obligation shall be the sole requirement imposed upon the ski area operator regarding the requirement for or use of ski retention devices.

SECTION 5. DUTIES OF SKI AREA OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS.) Every ski area operator shall have the duty to construct, operate, maintain, and repair any aerial passenger tramway in a safe and responsible manner.

SECTION 6. DUTIES OF PASSENGERS.) Every passenger shall have the duty not to:

1. Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose.
2. Intentionally drop, throw, or expel any object from an aerial passenger tramway.
3. Do any act which shall interfere with the running or operation of an aerial passenger tramway.
4. Use any aerial passenger tramway unless the passenger has the ability to use it safely without any instruction on its use by the ski area operator or requests and receives instructions before entering the boarding area of the aerial passenger tramway.
5. Engage in any harmful conduct, or willfully or negligently engage in any type of conduct which contributes to or causes injury to another person.
6. Embark on an aerial passenger tramway without the authority of the ski area operator.
7. Use any aerial passenger tramway without engaging such safety or restraining devices as may be provided.
8. Wear skis without properly securing ski retention straps.

SECTION 7. DUTIES OF SKIERS.) 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 including any injury caused by the following: variations in terrain; surface or subsurface snow or ice conditions; bare spots, rocks, trees, or other forms of forest growth or debris, lift towers and components thereof; pole lines; and snowmaking equipment which are plainly visible or are plainly marked in accordance with the provisions of section 4. Therefore, each skier shall have the sole

individual responsibility for knowing the range of his own ability to negotiate any slope, trail, or aerial passenger tramway, and it shall be the duty of each skier to ski within the limits of the skier's own ability, to make 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 or object, shall be solely that of the individual or individuals involved in such collision and not that of the ski area operator. No person shall:

1. Unless authorized by the ski area operator, place any object in the skiing area or on the uphill track of any aerial passenger tramway which may cause a passenger or skier to fall.
2. Cross the track of a t-bar lift, j-bar lift, platter lift or similar device, or a fiber rope tow except at a designated location.
3. Fail to wear retention straps or other devices to help prevent runaway skis.

SECTION 8. LIABILITY OF SKI AREA OPERATORS.) Any ski area operator shall be liable for loss or damages caused by its failure to follow the duties set forth in sections 4 and 5 where the violation of duty is causally related to loss or damage suffered. A ski area operator shall not be liable to any passenger or skier acting in violation of his duties as set forth in sections 6 and 7, where the violation of duty by the passenger or skier is causally related to the loss or damage suffered; nor shall a ski area operator be liable for any loss or damage caused by any object dropped, thrown, or expelled by a passenger from an aerial passenger tramway.

SECTION 9. LIABILITY OF PASSENGERS.) Any passenger shall be liable for loss or damages resulting from violation of the duties set forth in section 6, and shall not be able to recover from the ski area operator for any losses or damages where a violation of the duties set forth in section 6 is causally related to the loss or damage suffered by the passenger.

SECTION 10. LIABILITY OF SKIERS.) Any skier shall be liable for loss or damages resulting from violation of the duties set forth in section 7, and shall not be able to recover from the ski area operator for losses or damages where the violation of the skier's duty is causally related to the loss or damage suffered by the skier.

SECTION 11. EFFECT OF COMPARATIVE NEGLIGENCE.) Notwithstanding section 9-10-07, any person shall, consistent with the provisions of this Act, be barred from recovery for loss or damage resulting from a risk inherent in the sport of skiing, and

likewise shall be so barred where it is established that a person has knowingly exposed himself or herself to the real or potential hazards of a situation.

SECTION 12. WARNING TO USERS.) Before any owner or operator may claim any provision of this Act as a defense to any claim or action brought against him, he must establish that he has conspicuously placed on the premises a warning as follows: WARNING TO USERS North Dakota law severely limits your right to compensation for injuries caused by the negligence of the owner or operator.

Approved March 3, 1979