

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 33
RESPONSIBILITIES AND LIABILITIES OF BICYCLISTS AND MOUNTAIN OPERATORS

6-3301. LEGISLATIVE PURPOSE. The legislature finds that the sport of bicycling is practiced by a large number of citizens of this state at mountain areas and also attracts a large number of nonresidents, significantly contributing to the economy of Idaho. Since it is recognized that there are inherent risks in the sport of bicycling that should be understood by each bicyclist and that are essentially impossible to eliminate by the mountain operators, it is the purpose of this chapter to define those areas of responsibility and affirmative acts for which mountain operators shall be liable for loss, damage, or injury and to define those risks that the bicyclist expressly assumes and for which there can be no recovery. Nothing in this chapter shall impact other defenses that may be raised by mountain operators against claims asserted by bicyclist.

[6-3301, added 2020, ch. 329, sec. 1, p. 949.]

6-3302. DEFINITIONS. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Aerial passenger tramway" means any device operated by a mountain 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; a fiber rope or wire rope tow, or a conveyor that is subject to regulations adopted by the proper authority.

(2) "Bicyclist" means any person present at a mountain area under the control of a mountain operator for the purpose of engaging in activities, including but not limited to bicycling downhill or uphill, jumping on a bicycle or any other cycling device, or who is using any mountain area. "Bicyclist" does not include a person using an aerial passenger tramway.

(3) "Mountain area" means the property owned, leased, or authorized under a special use permit and under the control of the mountain operator within the state of Idaho.

(4) "Mountain operator" means any person, partnership, corporation, or other commercial entity, and its agents, officers, employees, or representatives, who has operational responsibility for nonwinter activities at any mountain area and the use of an aerial passenger tramway during spring, summer, and fall.

(5) "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.

[6-3302, added 2020, ch. 329, sec. 1, p. 949.]

6-3303. DUTIES OF MOUNTAIN OPERATORS WITH RESPECT TO MOUNTAIN AREAS. Every mountain operator shall have the following duties with respect to operation of a mountain area:

(1) To maintain one (1) or more trail boards at prominent locations at each mountain area displaying that area's network of trails;

(2) To post a sign at the bottom of all aerial passenger tramways that advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(3) To not intentionally or negligently cause injury to any person; provided, that except for the duties of the operator set forth in this section and in section [6-3304](#), Idaho Code, the mountain operator shall have no duty to eliminate, alter, control, or lessen the risks inherent in the sport of bicycling that include but are not limited to those described in section [6-3306](#), Idaho Code.

[6-3303, added 2020, ch. 329, sec. 1, p. 950.]

6-3304. DUTIES OF MOUNTAIN OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS. Every mountain operator shall have the duty to construct, operate, maintain, and repair any aerial passenger tramway in accordance with the American national standards safety requirements for aerial passenger tramways.

[6-3304, added 2020, ch. 329, sec. 1, p. 950.]

6-3305. DUTIES OF PASSENGERS. Every passenger shall have the duty to not:

(1) Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose;

(2) Drop, throw, or expel any object from an aerial passenger tramway;

(3) Perform any act that interferes with the running or operation of an aerial passenger tramway;

(4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction, until the passenger has requested and received sufficient instruction to permit safe usage;

(5) Embark on an aerial passenger tramway without the authority of the mountain operator; or

(6) Use any aerial passenger tramway without engaging such safety or restraining devices as may be provided.

[6-3305, added 2020, ch. 329, sec. 1, p. 950.]

6-3306. DUTIES OF BICYCLISTS. (1) It is recognized that bicycling as a recreational sport is hazardous, regardless of all feasible safety measures that can be taken.

(2) Each bicyclist expressly assumes the risk of and legal responsibility for any injury to person or property that results from participation in the sport of bicycling, including any injury caused by but not limited to the following: uneven or slippery trail and feature conditions, varying slopes and terrain, bumps, stumps, trees, roots, forest growth, cliffs, rock and rock drops, loose gravel and dirt, wet surfaces, holes and potholes, downed timber, debris, depressions, other bicycles, dark tunnels, jumps, dirt and wood features and other constructed features, lift loading and unloading, padded and nonpadded barriers, paved surfaces, collisions with vehicles owned or operated by individuals or entities other than the mountain operator, other bicyclists, pedestrians, wildlife, objects or heavy equipment, and mechanical or other failure of rental or personal equipment not including equipment rented out by the mountain operator.

(3) Each bicyclist shall have the sole individual responsibility for knowing the range of his own ability to negotiate any trail, and it shall be the duty of each bicyclist to bicycle within the limits of the bicyclist's own ability, to maintain reasonable control of speed and course at all times while bicycling, to heed all posted warnings and safety requirements, to bicycle only on a bicycling area designated by the mountain operator, and to refrain from acting in a manner that may cause or contribute to the injury of anyone. The responsibility for collisions by any bicyclist while actually bicycling, with any person, shall be solely that of the individual or individuals involved in such collision and not that of the mountain operator.

(4) No person shall place any object in the mountain area or on the uphill track of any aerial passenger tramway that may cause a passenger or bicyclist to fall; cross the track of any T-bar lift, J-bar lift, platter lift or similar device, a fiber rope or wire rope tow, and a conveyor, except at a designated location; or depart when involved in a bicycling accident from the scene of the accident without leaving personal identification, including name and address, before notifying the proper authorities or obtaining assistance when that person knows that any other person involved in the accident is in need of medical or other assistance.

[6-3306, added 2020, ch. 329, sec. 1, p. 950.]

6-3307. LIABILITY OF MOUNTAIN OPERATORS. Any mountain operator shall be liable for loss or damages caused by its failure to follow the duties set forth in sections [6-3303](#) and [6-3304](#), Idaho Code, where the violation of duty is causally related to the loss or damage suffered. The mountain operator shall not be liable to any passenger or bicyclist acting in violation of its duties as set forth in sections [6-3305](#) and [6-3306](#), Idaho Code, where the violation of duty is causally related to the loss or damage suffered; nor shall a mountain operator be liable for any injury or damage to a person who is not legally entitled to be in the mountain area, or for any loss or damages caused by any object dropped, thrown, or expelled by a passenger from an aerial passenger tramway.

[6-3307, added 2020, ch. 329, sec. 1, p. 951.]

6-3308. LIABILITY OF PASSENGERS. Any passenger shall be liable for loss or damages resulting from violations of the duties set forth in section [6-3305](#), Idaho Code, and shall not be able to recover from the mountain operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

[6-3308, added 2020, ch. 329, sec. 1, p. 951.]

6-3309. LIABILITY OF BICYCLISTS. Any bicyclist shall be liable for loss or damages resulting from violations of the duties set forth in section [6-3306](#), Idaho Code, and shall not be able to recover from the mountain operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

[6-3309, added 2020, ch. 329, sec. 1, p. 951.]