Colo. court weighs avalanche risk in ski-area wrongful-death case

By Jason Blevins, Denver Post

Colorado's Supreme Court on Tuesday heard oral arguments in a wrongful-death case that could shake the foundation of the law that shields ski areas from liability for on-slope injuries and deaths.

Lawyers were grilled by the justices weighing this question: Are avalanches an inherent risk of skiing or should resorts be liable for injuries caused by sliding snow within their boundaries.

It depends, they said, on how you interpret dangers listed in the Colorado Ski Safety Act – which doesn't specifically name avalanches, but does include the conditions that create them.

The Ski Safety Act, created in 1979 and amended in 1990 and 2004, was created to protect Colorado ski areas from excessive litigation, allowing them to operate without onerous liability insurance premiums. It cites changing weather, nine different types of snow conditions, terrain variations and more than two dozen other dangers that are inherent risks of skiing. A skier injured under those risks cannot sue the ski area.

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