

FREQUENTLY ASKED QUESTIONS

Isn't it in the resorts best interest to prevent as many accidents and injuries as possible?

One would certainly think so. However, **preserving their liability protections appears to have a higher priority than improving patron safety.**

Improving patron safety would require the development of detailed [safety plans](#) and the adoption of [standards](#). The ski areas have aggressively fought legislation that would require disclosure of safety plans and acknowledgement of safety standards. They appear to be concerned that the existence and acknowledgement of safety plans and standards would create a reasonable patron expectation of the resorts' compliance with them and could lead to the challenge and erosion of the California case law doctrines of "inherent" and "primary assumption of risk". These doctrines are premised on the skier assuming primary responsibility for his or her own safety. By Acknowledging or suggesting any responsibility for patron safety the resorts fear they could undermine their strong [case law](#) liability protections.

Don't the resorts' insurers inspect the resorts and require them to meet established safety standards and practices ?

Apparently not!

The resorts do not appear to have detailed safety plans and do not acknowledge safety standards on their slopes and trails. There is also documented significant inadequacy and variance within and between resorts in their use of known accident prevention and injury reduction practices. These facts strongly suggest that their liability insurance companies do not do very rigorous resort safety inspections or impose significant safety requirements on the resorts,

Insurers are financial businesses. They are not primarily concerned with the number of accidents or injuries. They are only concerned with any costs for those accidents and injuries for which the resort may be responsible. Because of the strong legal liability protections the resorts enjoy, the liability costs for which the resorts may be held responsible appear to be relatively low. Neither the resorts nor the insurance companies disclose their actual liability costs. It is therefore reasonable to assume that the insurers do not want to put the resorts' very favorable legal liability protections at risk. Therefore, it appears they do not impose rigorous safety and accident prevention standards or practices for which their resort customers might then be held responsible.

Why do the resorts refuse to disclose their safety plans and accident / injury statistics

It appears that the resorts do not want to disclose their safety plans and accident / injury statistics for several reasons.

The very existence of a well done detailed safety plan would set an expectation of compliance with industry or self-imposed standards in those plans. Disclosure of the absence of a plan or a poor plan would in and of itself raise safety concerns amongst their customers.

Well done safety plans with documented compliance would certainly reassure their patrons. However, such plans and requisite standards would support legal challenges to resort assertions that skiers are solely responsible for their own safety.

Given the variability in terrain and safety practices from resort to resort, it is very likely that the actual fatality and injury risks vary significantly as well. Therefore the resorts do not want their customers to be aware of the actual accident, fatality and injury statistics specific to their resort. This awareness might influence the resort selection by more safety conscious customers (e.g. families and less experienced skiers— only 5% of skiers are on the slopes more than 20 days per season and the average skier only 5 days per season). Disclosure of accident and injury statistics would also likely lead to safety competition between resorts. Such competition would create pressure for improved safety plans and the adoption of standards—both perceived by the resorts as potential threats to their current case law liability protections.