

No. 1985-97

AN ACT

SB 1052

Providing for the insurability of downhill ski area operators for punitive damages for unintentional tortious conduct.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Punitive damages for downhill skiing accidents.

(a) **Legislative statement.**—The General Assembly finds that the sport of downhill skiing is practiced by a large number of citizens of this Commonwealth and also attracts to this Commonwealth large numbers of nonresidents significantly contributing to the economy of this Commonwealth. It is recognized that, as in some other sports, there are inherent risks in the sport of downhill skiing. The law of this 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.

(b) **Insurability.**—It is not against the public policy of this Commonwealth for an insurance company to insure the operator of a downhill skiing area against punitive damages, other than those punitive damages arising from an intentional tort committed by such operator.

(c) **Other cases.**—Nothing herein contained shall be construed to change or amend the public policy of this Commonwealth with respect to the insurability against punitive damages in cases arising other than from downhill skiing.

Section 2. Applicability.

This act shall apply to all contracts of insurance entered into, reissued or reaffirmed after the effective date of this act.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1985.

DICK THORNBURGH