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**HOUSE BILL NO. 584****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice  
on February 13, 2004)

(Patron Prior to Substitute—Delegate Janis)

A BILL to amend the Code of Virginia by adding a section numbered 8.01-226.8, relating to immunity for skydiving operators and professionals.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-226.8 as follows:**

**§ 8.01-226.8. Liability limited; liability actions prohibited.**

A. Except as provided in subsection C, (i) a skydiving activity sponsor or a skydiving professional shall not be liable for an injury to or death of a participant resulting from the inherent dangers of skydiving activities and, (ii) no participant nor any participant's parent, guardian, or representative shall have or make any claim against or recover from any skydiving activity sponsor or skydiving professional for injury, loss, damage, or death of the participant resulting from any of the inherent dangers of skydiving activities.

B. Except as provided in subsection C, no participant who has knowingly agreed to assume all inherent dangers specifically enumerated in subsection D may maintain an action against or recover from a skydiving activity sponsor or a skydiving professional for an injury to or the death of a participant engaged in a skydiving activity. The waiver shall give notice to the participant of the inherent dangers of skydiving activities. The waiver shall remain valid unless expressly revoked in writing by the participant.

C. No provision of this section shall prevent or limit the liability of a skydiving activity sponsor or skydiving professional who: (i) intentionally injures the participant; (ii) commits an act or omission that constitutes negligence for the safety of the participant and such act or omission caused the injury; or (iii) knowingly provides faulty equipment and such equipment was faulty to the extent that it did cause the injury or death of the participant.

D. As used in this section, unless the context requires a different meaning:

"Engages in a skydiving activity" means (i) any person, whether amateur or professional, who trains, assists, equips, guides, and instructs anyone with the intent to skydive; (ii) any pilot or flight crew member or ground crew member of an aircraft engaged in skydiving activity, or any passenger aboard an aircraft engaged in skydiving activity; (iii) any person visiting, touring or utilizing a skydiving facility as part of an event or activity; or (iv) any person who assists a participant or skydiving activity sponsor or management in a skydiving activity. The term "engages in a skydiving activity" does not include being a spectator at a skydiving activity.

"Inherent dangers of skydiving activities" means those dangers or conditions that are an integral part of skydiving activities, including but not limited to, (i) certain hazards such as surface conditions; (ii) collisions with other natural or manmade obstacles; (iii) the potential of a participant acting in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the parachute or not acting within the participant's ability unless so directed by a skydiving professional; and (iv) the contingent and unpredictable nature of near ground weather conditions.

"Parachute" means a non-motorized device used, or intended to be used, for descent to the ground from an aircraft in flight.

"Participant" means any person, whether amateur or professional, who engages in a skydiving activity, whether or not a fee is paid to participate in the skydiving activity.

"Skydiving activity" means (i) the descent of one or more persons to the ground from an aircraft in flight when a parachute is intended to be used during all or part of that descent; (ii) skydiving training or teaching activities; and (iii) packing, closing, rigging, and inspecting, or evaluating parachute equipment belonging to another whether or not the owner has received some monetary consideration or other thing of value for the use of the equipment or is permitting a prospective purchaser of the equipment to use, inspect, or evaluate the equipment.

"Skydiving activity sponsor" means any person or his agent who, for profit or not for profit sponsors, organizes, or provides the facilities for skydiving activity, including but not limited to clubs, skydiving schools, school- and college-sponsored classes and programs, and operators, instructors, and promoters of skydiving facilities, including but not limited to locations, fields, airports, and airfields at which the activity is held.

"Skydiving professional" means a person or his agent engaged for compensation in (i) instructing a participant or renting to a participant parachute equipment for the purpose of skydiving or learning to skydive or (ii) renting equipment to a participant.