

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2930

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2930.

The amended bill which shall be known and may be cited as the "New Jersey Baseball Spectator Safety Act of 2006," establishes the scope of liability for professional baseball owners. Further, the bill identifies the protections afforded spectators of professional baseball games.

Under the bill as amended by the committee, notwithstanding any other provision of law, spectators of professional baseball games are presumed to have knowledge of and to assume the inherent risks of observing professional baseball games. These risks are defined as injuries which result from being struck by a baseball or baseball bat anywhere on the premises during a baseball game. The immunity from liability established under the bill does not prevent or limit the liability of an owner who fails to post and maintain the warning signs required under the act or who fails to provide protection for spectators in the most dangerous sections of the stands. Moreover, the bill provides that nothing in the act would preclude a spectator from bringing an action against another spectator for an injury to person or property resulting from such other spectator's acts or omissions.

The bill is in response to the recent New Jersey Supreme Court ruling in Maisonave v. The Newark Bears Professional Baseball Club, Inc., 185 N.J. 70 (2005) in which the New Jersey Supreme Court held that while "the limited duty rule," which restricts the tort liability of owners, applies in situations where an injury occurs in the stands, traditional negligence principles apply in all other areas of the stadium. This bill provides that the assumption of risk shall be a complete bar to suit and serve as a complete defense to a suit against an owner by a spectator with certain stated exceptions.

The committee amended the bill to specify that the inherent risks of observing a professional baseball game are defined as injuries that result from being struck by a baseball or baseball bat while anywhere on the premises during a professional baseball game. The committee also amended the bill to provide that the immunity from liability

established under the bill does not prevent or limit the liability of an owner who fails to provide protection for spectators in the most dangerous sections of the stands and that this duty may be satisfied by having a net behind home plate. Finally, the committee amendments update the name of the bill to the “New Jersey Baseball Spectator Safety Act of 2006.”