

ASSEMBLY, No. 485

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK

1 AN ACT concerning the responsibilities and liabilities of ice skating
2 rink operators and persons who utilize ice skating rinks and
3 amending P.L.1991, c.28.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Section 1 of P.L.1991, c.28 (C.5:14-1) is amended to read as
9 follows:

10 1. This act shall be known and may be cited as the "New Jersey
11 Roller Skating and Ice Skating Rink Safety and Fair Liability Act."
12 (cf:P.L. 1991,c.28,s.1)

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14 2. Section 2 of P.L.1991, c.28 (C.5:14-2) is amended to read as
15 follows:

16 2. a. The Legislature finds and declares that the recreational
17 [sport] sports of roller skating and ice skating [is] are practiced by a
18 large number of citizens of this State; [provides] provide [a]
19 wholesome and healthy family activity which should be encouraged,
20 and [attracts] attract to this State a large number of nonresidents,
21 significantly contributing to the economy of this State. Therefore, the
22 allocation of the risks and costs of roller skating and ice skating is an
23 important matter of public policy.

24 b. The Legislature finds and declares that roller skating and ice
25 skating rink owners face great difficulty in obtaining liability insurance
26 coverage, and that when such insurance coverage is available, drastic
27 increases in the cost of the insurance have taken place and many roller
28 skating and ice skating rink owners are no longer able to afford it.

29 This lack of insurance coverage adversely affects not only the roller
30 skating and ice skating rink owners themselves, but also patrons who
31 may suffer personal injury and property damage as a result of accidents
32 which occur on the premises of the roller skating or ice skating rink.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 In order to make it economically feasible for insurance companies
2 to provide coverage to roller skating and ice skating rinks, the
3 incidence of liability should be more predictable. That predictability
4 may be achieved by defining the limits of the liabilities of roller skating
5 and ice skating rink operators in order to encourage the development
6 and implementation of risk reduction techniques.

7 (cf: P.L.1991, c.28,s.2)

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9 3. Section 3 of P.L.1991, c.28 (C.5:14-3) is amended to read as
10 follows:

11 3. As used in this act:

12 a. "Operator" means a person or entity who owns, manages,
13 controls or directs or who has operational responsibility for a roller
14 skating or ice skating rink.

15 b. "Roller skater" means a person wearing roller skates while in a
16 roller skating rink for the purpose of recreational or competitive roller
17 skating.

18 Roller skater also includes any person in such roller skating rink
19 who is an invitee, whether or not said person pays consideration.

20 c. "Roller skating rink" means a building, facility or premises which
21 provides an area specifically designed to be used by the public for
22 recreational or competitive roller skating.

23 d. "Spectator" means a person who is present in a roller skating or
24 ice skating rink only for the purpose of observing recreational or
25 competitive roller skating or ice skating.

26 e. "Ice skater" means a person wearing ice skates while in an ice
27 skating rink for the purpose of recreational or competitive ice skating.

28 Ice skater also includes any person in such ice skating rink who is
29 an invitee, whether or not said person pays consideration.

30 f. "Ice skating rink" means a building, facility or premises which
31 provides an area specifically designed to be used by the public for
32 recreational or competitive ice skating.

33 (cf: P.L.1991, c.28,s.3)

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35 4. Section 4 of P.L.1991, c.28 (C.5:14-4) is amended to read as
36 follows:

37 4. It shall be the responsibility of the operator of a roller skating
38 rink or an ice skating rink to the extent practicable to:

39 a. Post the duties of [roller] skaters and spectators and the duties,
40 obligations and liabilities of the operator as prescribed in this act, in
41 conspicuous places in at least three locations in the [roller] skating
42 rink;

43 b. Maintain the stability and legibility of all signs, symbols and
44 posted notices required by this act;

45 c. When the rink is open for sessions, have at least one floor guard
46 on duty for every approximately 200 skaters;

- 1 d. Maintain the skating surface in reasonably safe condition and
2 clean and inspect the skating surface before each session;
- 3 e. Maintain the railings, kickboards and wall surrounding the
4 skating surface in good condition;
- 5 f. In rinks with step-up or step-down skating surfaces, insure that
6 the covering on the riser is securely fastened;
- 7 g. Install fire extinguishers and inspect fire extinguishers at
8 recommended intervals;
- 9 h. Provide reasonable security in parking areas during operational
10 hours;
- 11 i. Inspect emergency lighting units periodically to insure the lights
12 are in proper order;
- 13 j. Keep exit lights and lights in service areas on when skating
14 surface lights are turned off during special numbers;
- 15 k. Check rental skates on a regular basis to insure the skates are in
16 good mechanical condition;
- 17 l. Prohibit the sale or use of alcoholic beverages on the premises;
18 and
- 19 m. Comply with all applicable State and local safety codes.

20 (cf: P.L.1991, c.28,s.4)

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22 5. Section 5 of P.L.1991, c.28 (C.5:14-5) is amended to read as
23 follows:

24 5. Each skater shall:

- 25 a. Maintain reasonable control of his speed and course at all times;
- 26 b. Heed all posted signs and warnings;
- 27 c. Maintain a proper outlook to avoid other [roller] skaters and
28 objects;
- 29 d. Accept the responsibility for knowing the range of his own
30 ability to negotiate the intended direction of travel while on [roller]
31 skates and to skate within the limits of that ability; and
- 32 e. Refrain from acting in a manner which may cause or contribute
33 to the injury of himself or any other person.

34 (cf: P.L.1991, c.28,s.5)

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36 6. Section 6 of P.L.1991, c.28 (C.5:14-6) is amended to read as
37 follows:

38 6. a. Roller skaters and spectators are deemed to have knowledge
39 of and to assume the inherent risks of roller skating, insofar as those
40 risks are obvious and necessary. These risks include, but are not
41 limited to, injuries which result from incidental contact with other
42 roller skaters or spectators, injuries which result from falls caused by
43 loss of balance, and injuries which involve objects or artificial
44 structures properly within the intended path of travel of the roller
45 skater, which are not otherwise attributable to a rink operator's breach
46 of his duties as set forth in section 4 of [this act] P.L.1991, c.28

1 (C.5:14-4).

2 b. Ice skaters and spectators are deemed to have knowledge of and
3 to assume the inherent risks of ice skating, insofar as those risks are
4 obvious and necessary. These risks include, but are not limited to,
5 injuries which result from incidental contact with other ice skaters or
6 spectators, injuries which result from falls caused by loss of balance,
7 and injuries which involve objects or artificial structures properly
8 within the intended path of travel of the ice skater, which are not
9 otherwise attributable to a rink operator's breach of his duties as set
10 forth in section 4 of P.L.1991, c.28 (C.5:14-4).

11 (cf: P.L.1991,c.28,s.6)

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13 7. Section 7 of P.L.1991, c.28 (C.5:14-7) is amended to read as
14 follows:

15 7. The assumption of risk set forth in section 6 of [this act]
16 P.L.1991,c.28 (C.5:14-6) shall be a complete bar of suit and shall
17 serve as a complete defense to a suit against an operator by a roller
18 skater, an ice skater or spectator for injuries resulting from the
19 assumed risks, notwithstanding the provisions of P.L.1973, c.146
20 (C.2A:15-5.1 et seq.), relating to comparative negligence, unless an
21 operator has violated his duties or responsibilities under this act, in
22 which case the provisions of P.L.1973, c.146 (C.2A:15-5.1 et seq.)
23 shall apply. Failure to adhere to the duties set out in sections 5 and 6
24 of [this act] P.L. 1991, c.28 (C.5:14-5 and C.5:14-6) shall bar suit
25 against an operator to compensate for injuries resulting from roller
26 skating or ice skating activities, where such failure is found to be a
27 contributory factor in the resulting injury, unless the operator has
28 violated his duties or responsibilities under the act, in which case the
29 provisions of P.L.1973, c.146 (C.2A:15-5.1 et seq.) shall apply.

30 (cf: P.L.1991, c.28,s.7)

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32 8. This act shall take effect immediately.

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STATEMENT

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37 This bill would amend P.L.1991, c.28, the "New Jersey Roller
38 Skating Rink Safety and Fair Liability Act," to extend the provisions
39 of that act to recreational ice skating. Under the bill, an operator of
40 an ice skating rink will not be liable to an ice skater for a skating injury
41 unless the operator violates the responsibilities set forth in the act.
42 Those responsibilities include maintaining the rink in proper condition;
43 posting appropriate warning signs; checking rental equipment;
44 prohibiting the use of alcohol and complying with applicable State and
45 local safety codes.

46 In addition, under the bill an ice skater would be barred from suing

1 a rink operator if the skater contributes to his own injury by violating
2 the skater's responsibilities. A skater's responsibilities include
3 maintaining reasonable control of his speed and course at all times;
4 heeding all posted signs and warnings; maintaining a proper outlook
5 to avoid other skaters and objects; accepting the responsibility for
6 knowing the range of his own ability and to skate within the limits of
7 that ability; and refraining from acting in a manner which may cause or
8 contribute to the injury of himself or any other person.

9 Ice skaters and spectators would be deemed to have knowledge of
10 and to assume the risks of ice skating insofar as those risks are
11 obvious and necessary. Those risks include injuries which result from
12 incidental contact with other skaters; injuries which result from falls
13 caused by loss of balance and injuries which involve objects or
14 artificial structures properly within the intended path of travel of the
15 ice skater, which are not otherwise attributable to a breach of duty by
16 the rink operator.

17 An ice skater or spectator will not be barred from suing an operator
18 based upon the defense of assumed risk or for injuries for which the
19 skater or spectator contributed if the operator violated his duties or
20 responsibilities. In that case, the provisions of the comparative
21 negligence law apply.

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26 Includes ice skating rink operators and ice skaters within the liability
27 and responsibility provisions applicable to recreational roller skating.

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