

SENATE, No. 475

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator GIRGENTI

1 AN ACT concerning the safety of certain persons when roller skating,
2 and supplementing chapter 14 of Title 5 of the Revised Statutes.

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

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7 1. a. As used in this act:

8 "Director" means the Director of Consumer Affairs in the
9 Department of Law and Public Safety.

10 "Person" means a person less than 14 years of age.

11 "Roller skate" means an in-line skate or any other shoe with a set
12 of wheels attached, or frame with wheels that is designed to be
13 attached to a shoe, regardless of the number or placement of those
14 wheels.

15 b. A person shall not roller-skate unless that person is wearing a
16 properly fitted and fastened helmet which meets the standards of the
17 American National Standards Institute (ANSI Z90.4 bicycle helmet
18 standard), the Snell Memorial Foundation's 1990 Standard for
19 Protective Headgear for Use in Bicycling, the American Society for
20 Testing and Materials (ASTM) standard, or other such standard as the
21 director may deem appropriate.

22 c. The requirement in subsection b. of this section shall apply at all
23 times while a person subject to the provisions of this act is
24 roller-skating on any property open to the public or used by the public
25 for roller skating.

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27 2. a. A person who violates the provisions of this act by failing to
28 wear an approved helmet shall be warned of the violation by the
29 enforcing official. The parent or legal guardian of the violator may be
30 fined a maximum of \$25 for a first offense and a maximum of \$50 for
31 a subsequent offense. The penalties provided under the provisions of
32 this subsection for failing to wear an approved helmet may be waived
33 if the parent or legal guardian of the violator presents suitable proof
34 that an approved helmet or appropriate personal protection equipment
35 has been purchased since the violation occurred.

36 b. All moneys collected as fines under subsection a. of this section
37 shall be deposited in a non-lapsing revolving fund to be known as the

1 "Skating Safety Fund." Interest earned on money deposited in the
2 fund shall accrue to the fund. Money in the fund shall be utilized by
3 the director to provide educational programs devoted to roller skating
4 safety. If the director determines that sufficient money is available in
5 the fund, he also may use the money, in a manner prescribed by rule
6 and regulation, to assist low income families in purchasing approved
7 helmets. For the purposes of this subsection, "low income family"
8 means a family which qualifies for low income housing under the
9 standards promulgated by the Council on Affordable Housing pursuant
10 to the provisions of P.L.1985, c.222 (C.52:27D-301 et seq.).
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12 3. a. A person regularly engaged in the business of selling or
13 renting roller skates shall post a sign at the point where the sale or
14 rental transaction is completed stating: "STATE LAW REQUIRES A
15 PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET
16 WHEN ROLLER-SKATING." The size of the sign shall be at a
17 minimum 15 inches in length and 8 inches in width. This notification
18 requirement shall not apply to a seller when roller skates are sold
19 through the use of a catalog or brochure and the purchase and
20 payment are made by mail, telephone or another telecommunications
21 or electronic method.

22 A person who fails to post a sign required by this subsection shall
23 be subject to a penalty not to exceed \$25 a day for each day the
24 business is open to the public and the sign is not posted. The
25 enforcement of this subsection shall be vested in the director, the
26 inspectors appointed under his authority, and the police or peace
27 officers of, or inspectors duly appointed for this purpose by, any
28 municipality or county or by the State. Jurisdiction of proceedings to
29 collect the penalties prescribed by this act is vested in the Superior
30 Court and the municipal court in any municipality where the defendant
31 may be apprehended or where he may reside. Process shall be either
32 a summons or warrant and shall be executed in a summary manner
33 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

34 b. A person regularly engaged in the business of renting roller
35 skates shall provide a helmet to a person under 14 years of age who
36 will use the roller skates in an area where a helmet is required, if the
37 person does not already have a helmet in his possession. A fee may be
38 charged for the helmet rental.

39 c. A person regularly engaged in the business of selling or renting
40 roller skates who complies with the applicable requirements of this
41 section shall not be liable in a civil action for damages for any physical
42 injury sustained by a roller skater who is under the age of 14 years as
43 a result of that person's failure to wear a helmet in accordance with the
44 provisions of this act.

45 d. Sixty days before the effective date of this act, the Division of
46 Consumer Affairs in the Department of Law and Public Safety shall

1 make a reasonable effort to notify any person who is regularly engaged
2 in the business of selling or renting roller skates of the requirements of
3 this section. The responsibility of a person under this section shall not
4 be abrogated or diminished in any manner if the person fails to receive
5 or become aware of a notice from the division.

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7 4. The provisions of this act shall not apply to the operators of and
8 roller skaters skating in roller skating rinks governed by the provisions
9 of the "New Jersey Roller Skating Rink Safety and Fair Liability Act,"
10 P.L.1991, c.28 (C.5:14-1 et seq.).

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12 5. The director, in accordance with the provisions of the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.), shall promulgate rules and regulations to effectuate the purposes
15 of this act.

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17 6. This act shall take effect on the first day of the seventh month
18 following enactment, except that section 5 shall take effect
19 immediately.

20 21 22 STATEMENT

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24 This act requires that all persons under the age of 14 must wear an
25 approved safety helmet when roller-skating on public property.

26 Roller-skating is defined in the bill to include in-line skating, or as
27 it is more commonly known, roller blading.

28 The bill specifies that the helmets worn must meet the American
29 National Standards Institute's standards for bicycle helmets, the Snell
30 Memorial Foundation's 1990 Standard for Protective Headgear for
31 Use in Bicycling, the American Society for Testing and Materials'
32 standards, or a similar standard selected by the Director of the
33 Division of Consumer Affairs in the Department of Law and Public
34 Safety.

35 Under the provisions of the bill, the parent or legal guardian of the
36 violator may be fined up to \$25 for a first offense and up to \$50 for
37 any subsequent offense. The penalty may be waived, however, if the
38 parent or guardian, can prove that an approved helmet or appropriate
39 personal protection equipment has been purchased since the violation
40 occurred. Any moneys collected as fines are to be deposited in a
41 special fund, known as the "Skating Safety Fund." These fund moneys
42 are to be used by the director to provide educational programs
43 promoting roller skating safety. If there are sufficient funds, the
44 director may use the moneys to assist low income families purchase
45 helmets.

46 This bill requires a person regularly engaged in the business of

1 selling or renting roller skates to post a sign stating: "STATE LAW
2 REQUIRES A PERSON UNDER 14 YEARS OF AGE TO WEAR A
3 HELMET WHEN ROLLER-SKATING." The size of the sign is to be
4 at a minimum 15 inches in length and 8 inches in width. The bill's
5 requirements would not be applicable to sales of roller skates by means
6 of a catalog or brochure.

7 Under the provisions of the bill, a person who fails to post a sign
8 would be subject to a penalty of up to \$25 per day for each day the
9 business is open to the public and the sign is not posted.

10 The bill requires the Division of Consumer Affairs to make a
11 reasonable effort to notify all persons regularly engaged in the business
12 of selling or renting roller skates of the requirement to post a sign.

13 The bill requires persons who sell and rent roller skates and
14 skateboards to advise their customers of the bill's provisions
15 concerning the wearing of approved helmets and appropriate personal
16 protection equipment. Businesses complying with this requirement are
17 declared not to be liable in a civil action for damages for any physical
18 injury sustained by a roller skater who fails to wear a helmet.

19 The operators and patrons of roller skating rinks governed by the
20 provisions of the "New Jersey Roller Skating Rink Safety and Fair
21 Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.) are specifically
22 exempted from the provisions of the bill.

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27 Requires roller skaters under age 14 to wear helmets.