

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, Nos. 537 and 475

STATE OF NEW JERSEY

ADOPTED MARCH 14, 1996

Sponsored by Senators BASSANO and GIRGENTI

1 AN ACT concerning the safety of certain persons when roller skating  
2 or skateboarding, and supplementing chapter 4 of Title 39 of the  
3 Revised Statutes and amending P.L.1991, c.465.

4

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

7

8 1. a. As used in this act:

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

11 "Roller skates" means a pair of devices worn on the feet with a set  
12 of wheels attached, regardless of the number or placement of those  
13 wheels, and used to glide or propel the user over the ground.

14 b. A person under 14 years of age shall not operate any roller  
15 skates or skateboard unless that person is wearing a properly fitted and  
16 fastened helmet which meets the standards of the American National  
17 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell  
18 Memorial Foundation's 1990 Standard for Protective Headgear for  
19 Use in Bicycling, the American Society for Testing and Materials  
20 (ASTM) standard, or other such standard as appropriate.

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

25

26 2. a. A person who violates the provisions of section 1 of this act  
27 by failing to wear an approved helmet shall be warned of the violation  
28 by the enforcing official. The parent or legal guardian of the violator  
29 may be fined a maximum of \$25 for a first offense and a maximum of  
30 \$50 for a subsequent offense. The penalties provided under the  
31 provisions of this subsection for failing to wear an approved helmet  
32 may be waived if the parent or legal guardian of the violator presents

**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 suitable proof that an approved helmet or appropriate personal  
2 protection equipment has been purchased since the violation occurred.

3 b. All moneys collected as fines under subsection a. of this section  
4 shall be deposited in the "Bicycle and Skating Safety Fund" pursuant  
5 to section 2 of P.L.1991, c.465 (C.39:4-10.2).

6

7 3. The failure of any person to comply with the provisions of  
8 section 1 of this act shall not constitute negligence per se, contributory  
9 negligence, or assumption of risk, and shall not in any way bar,  
10 preclude or foreclose an action for personal injury or wrongful death  
11 by or on behalf of such person.

12

13 4. a. It shall be unlawful to manufacture, assemble, sell, offer to  
14 sell, or distribute roller skates or skateboards unless such roller skates  
15 or skateboards contain a warning notice consistent with the  
16 requirements of this section.

17 b. The warning notice required by subsection a. of this section  
18 shall be placed in at least one of the following locations and shall be  
19 clearly visible to the consumer: (1) on one roller skate in each pair of  
20 roller skates or on the skateboard; (2) on the outside of the box or  
21 other container in which the roller skates or the skateboard are offered  
22 for sale at retail; or (3) on any user's guide or instruction manual  
23 provided with the roller skates or the skateboard.

24 c. The warning notice required by subsection a. of this section  
25 must be printed in clear and conspicuous type and be substantially  
26 similar to the following notice: **WARNING! REDUCE THE RISK  
27 OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL  
28 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW  
29 PADS AND KNEE PADS.**"

30 d. A person, firm, corporation, or other legal entity regularly  
31 engaged in the business of manufacturing or assembling roller skates  
32 or skateboards who complies with the requirements of this section  
33 shall not be liable in a civil action for damages for any physical injury  
34 sustained by a user of roller skates or a skateboard as a result of that  
35 user's failure to wear a helmet in accordance with the provisions of this  
36 act.

37

38 5. a. A person, firm, corporation or other legal entity regularly  
39 engaged in the business of selling or renting roller skates or  
40 skateboards shall post a sign at the point where the sale or rental  
41 transaction is completed stating: **"STATE LAW REQUIRES A  
42 PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET  
43 WHEN ROLLER SKATING OR SKATEBOARDING."** The size of  
44 the sign shall be at a minimum 15 inches in length and 8 inches in  
45 width. This notification requirement shall not apply to a seller when  
46 roller skates are sold through the use of a mail order catalog or

1 brochure where the purchase and payment are made by mail, telephone  
2 or another telecommunications or electronic method.

3 b. A person, firm, corporation or other legal entity who fails to  
4 post the sign required by subsection a. of this section shall be subject  
5 to a penalty not to exceed \$25 a day for each day the business is open  
6 to the public and the sign is not posted. The enforcement of this  
7 subsection shall be vested in the director, the inspectors appointed  
8 under his authority, and the police or peace officers of, or inspectors  
9 duly appointed for this purpose by, any municipality or county or by  
10 the State. Jurisdiction of proceedings to collect the penalties  
11 prescribed by this act is vested in the Superior Court and the municipal  
12 court in any municipality where the defendant resides. Process shall  
13 be either a summons or warrant and shall be executed in a summary  
14 manner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et  
15 seq.).

16 c. A person, firm, corporation or other legal entity regularly  
17 engaged in the business of renting roller skates or skateboards shall  
18 make available an approved helmet to a person under 14 years of age  
19 who rents the roller skates or skateboards for use in an area where a  
20 helmet is required, if the person does not already have a helmet in his  
21 possession. A fee may be charged for the helmet rental.

22 d. A person, firm, corporation or other legal entity regularly  
23 engaged in the business of selling or renting roller skates or  
24 skateboards who complies with the applicable requirements of this  
25 section shall not be liable in a civil action for damages for any physical  
26 injury sustained by a user of roller skates or a skateboard who is under  
27 the age of 14 years as a result of that person's failure to wear a helmet  
28 in accordance with the provisions of this act.

29 e. Sixty days before the effective date of this act, the Division of  
30 Consumer Affairs in the Department of Law and Public Safety shall  
31 make a reasonable effort to notify any person, firm, corporation or  
32 other legal entity who is regularly engaged in the business of selling or  
33 renting roller skates or skateboards of the requirements of this section.  
34 The responsibility of a person, firm, corporation or other legal entity  
35 under this section shall not be abrogated or diminished in any manner  
36 if the person fails to receive or become aware of a notice from the  
37 division.

38  
39 6. The provisions of this act shall not apply to the operators of and  
40 patrons of roller skating rinks governed by the provisions of the "New  
41 Jersey Roller Skating Rink Safety and Fair Liability Act," P.L.1991,  
42 c.28 (C.5:14-1 et seq.).

43  
44 7. The director, in accordance with the provisions of the  
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
46 seq.), may promulgate rules and regulations to effectuate the purposes

1 of this act.

2

3 8. Section 2 of P.L.1991, c.465 (C.39:4-10.2) is amended to read  
4 as follows:

5 2. a. A person who violates a requirement of this act shall be  
6 warned of the violation by the enforcing official. The parent or legal  
7 guardian of that person also may be fined a maximum of \$25 for the  
8 person's first offense and a maximum of \$100 for a subsequent offense  
9 if it can be shown that the parent or guardian failed to exercise  
10 reasonable supervision or control over the person's conduct. Penalties  
11 provided in this section for a failure to wear a helmet may be waived  
12 if an offender or his parent or legal guardian presents suitable proof  
13 that an approved helmet was owned at the time of the violation or has  
14 been purchased since the violation occurred.

15 b. All money collected as fines under subsection a. of this section  
16 and subsection a. of Section 2 of P.L. c. (C. ) (now pending  
17 before the Legislature as this bill) shall be deposited in a nonlapsing  
18 revolving fund to be known as the "Bicycle and Skating Safety Fund."  
19 Interest earned on money deposited in the fund shall accrue to the  
20 fund. Money in the fund shall be utilized by the director to provide  
21 educational programs devoted to bicycle, roller skating and  
22 skateboarding safety. If the director determines that sufficient money  
23 is available in the fund, he also may use, in a manner prescribed by rule  
24 and regulation, the money to assist low income families in purchasing  
25 approved bicycle helmets. For the purposes of this subsection, "low  
26 income family" means a family which qualifies for low income housing  
27 under the standards promulgated by the Council on Affordable  
28 Housing pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301  
29 et seq.).

30 (cf: P.L.1991, c.465, s.2)

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32 9. This act shall take effect on the first day of the seventh month  
33 following enactment, except that section 7 shall take effect  
34 immediately.

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38

39 Requires roller skaters and skateboarders under age 14 to wear  
40 helmets.