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SB-1003 Skateboard parks: other wheeled recreational devices: safety and liability. (2019-2020)

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Senate Bill No. 1003

CHAPTER 236

An act to amend Section 115800 of the Health and Safety Code, relating to recreational safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1003, Jones. Skateboard parks: other wheeled recreational devices: safety and liability.

Existing law prohibits an operator of a skateboard park from permitting a person to ride a skateboard at the park, unless the person is wearing a helmet, elbow pads, and knee pads. Existing law provides that a skateboard facility owned or operated by a local public agency that is not supervised on a regular basis may satisfy the above requirement if it complies with certain things, including the adoption of an ordinance that requires a person riding a skateboard in the facility to wear a helmet, elbow pads, and knee pads, as provided. Existing law provides that a public entity is not liable to a person who participates in a hazardous recreational activity, and that skateboarding at a facility owned or operated by a public entity as a public skateboard park is a hazardous recreational activity, if certain conditions are met.

This bill would apply the above provisions, and others relating to skateboard safety and liability, to other wheeled recreational devices, as defined.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 115800 of the Health and Safety Code is amended to read:

115800. (a) An operator of a skateboard park shall not permit a person to ride a skateboard or other wheeled recreational device in the park, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to a facility, owned or operated by a local public agency, that is designed and maintained for the purpose of riding a recreational skateboard or other wheeled recreational device, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring a person riding a skateboard or other wheeled recreational device at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that a person riding a skateboard or other wheeled recreational device in the facility must wear a helmet, elbow pads, and knee pads, and that a person failing to do so will be subject to citation pursuant to the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) For purposes of this section, "other wheeled recreational device" means nonmotorized bicycles, scooters, inline skates, roller skates, or wheelchairs being used for recreational purposes.

(e) (1) Riding a skateboard or other wheeled recreational device, or any concurrent combination of these activities at a facility or park owned or operated by a public entity as a public skateboard park, as provided in paragraph (3), shall be deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code if all of the following conditions are met:

(A) The person riding the skateboard or other wheeled recreational device is 12 years of age or older.

(B) The riding of the skateboard or other wheeled recreational device that caused the injury was stunt, trick, or luge riding.

(C) The skateboard park is on public property that complies with subdivision (a) or (b).

(2) In addition to subdivision (c) of Section 831.7 of the Government Code, this section does not limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property pursuant to Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6 of Title 1 of the Government Code. However, this section does not abrogate or limit any other legal rights, defenses, or immunities that may otherwise be available at law.

(3) (A) Except as provided in subparagraph (B), for public skateboard parks that were constructed on or before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2001. For public skateboard parks that are constructed after January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998. For purposes of this subdivision, a skateboard facility that is a movable facility shall be deemed constructed on the first date it is initially made available for use at a location by the local public agency.

(B) For public skateboard parks that were constructed after January 1, 1996, and before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 2012.

(4) The appropriate local public agency shall maintain a record of all known or reported injuries incurred by a person riding a skateboard or other wheeled recreational device in a public skateboard park or facility. The local public agency shall also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency.

(5) (A) Except as provided in subparagraph (B), this subdivision shall not apply on or after January 1, 2001, to public skateboard parks that were constructed on or before January 1, 1998, but shall continue to apply to public skateboard parks that are constructed after January 1, 1998.

(B) On and after January 1, 2012, this subdivision shall apply to public skateboard parks that were constructed on or after January 1, 1996.

(6) For purposes of injuries that occur while operating one of the other wheeled recreational devices defined in subdivision (d) in a skateboard facility, this subdivision shall apply to any claim for injuries occurring on or after the effective date of the measure adding this paragraph.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Due to statutory language that became operative on January 1, 2020, a local public agency, who owns or operates a skateboard park, may be subject to new liability relating to the use of specified wheeled recreational devices in the skateboard park, which could ultimately prevent individuals from benefiting from the public good of a skateboard park. In order to prevent this, it is necessary that this act take effect immediately.