

CS FOR HOUSE BILL NO. 291(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/28/95

Referred: Rules

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for skateboarding; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 05 is amended by adding a new chapter to read:

5 CHAPTER 50. SKATEBOARD LIABILITY AND RESPONSIBILITY.

6 Sec. 05.50.010. LIMITATION ON ACTIONS ARISING FROM
7 SKATEBOARDING. Notwithstanding any other provision of law, a person may not
8 bring an action against a municipality for an injury occurring at a municipal
9 skateboarding facility if the injury results from an inherent danger and risk of
10 skateboarding.

11 Sec. 05.50.020. EFFECT OF VIOLATIONS. (a) A municipality or other
12 person who violates a requirement of this chapter is negligent and civilly liable to the
13 extent the violation causes injury to a person or damage to property.

14 (b) Notwithstanding the provisions of AS 09.17.080,

1 (1) the limitation of liability described under AS 05.50.010 is a
2 complete defense in an action against a municipality for an injury if an inherent danger
3 or risk of skateboarding is determined to be a contributory factor in the resulting
4 injury, unless the municipality has violated a requirement of this chapter;

5 (2) a violation of the person's duties imposed under AS 05.50.030 is
6 a complete defense in an action against a municipality if the violation is determined
7 to be a contributory factor in the resulting injury, unless the municipality has violated
8 a requirement of this chapter.

9 (c) If the municipality is determined to have violated a requirement of this
10 chapter, the provisions of AS 09.17.080 apply in an action against a municipality for
11 an injury resulting from the violation.

12 Sec. 05.50.030. DUTIES OF MUNICIPAL SKATEBOARDING FACILITY
13 USERS. (a) A person may not use a municipal skateboarding facility if the person

14 (1) does not have sufficient physical dexterity or ability and knowledge
15 to negotiate or use the facility safely;

16 (2) is not wearing knee pads, elbow pads, shoes, and a helmet at all
17 times.

18 (b) A person using a municipal skateboarding facility may not

19 (1) enter or leave a municipal skateboarding facility except at a
20 designated area unless reasonably necessary to prevent injury to the person or others;

21 (2) intentionally throw or expel an object onto the facility;

22 (3) take food, drink, or glass containers on the facility;

23 (4) act while using the facility in a manner that may interfere with
24 proper or safe condition of the facility;

25 (5) engage in conduct that may contribute or cause injury to a person;

26 (6) enter the facility when the facility is marked as closed;

27 (7) disobey instructions posted in accordance with this chapter or any
28 other instructions required by local laws consistent with this chapter;

29 (8) use other items including but not limited to bicycles, unicycles,
30 coasters, roller skates, or roller blades at the facility unless otherwise allowed by the
31 municipality.

1 a person or object below the skateboarder;

2 (B) perform a visual inspection of the facility before each use;

3 (C) ensure that all areas of the facility the skateboarder intends
4 to use are free and clear of natural or manmade debris that would interfere with
5 the skateboarder's use of the facility;

6 (D) heed all posted information and other warnings and to
7 refrain from acting in a manner that may cause or contribute to the injury of
8 the skateboarder; evidence that signs as required by AS 05.50.040 or as
9 required by consistent local laws were present, visible, and readable at the
10 beginning of a given day creates the presumption that skateboarders using the
11 skateboarding facility on that day have seen and understood the sign; and

12 (4) may not

13 (A) skateboard in a facility or a portion of a facility that has
14 been posted as "closed"; or

15 (B) use a skateboarding facility while the skateboarder's ability
16 is impaired by the influence of alcohol or a controlled substance as defined in
17 AS 11.71.900 or other drugs.

18 Sec. 05.50.060. COMPETITION: IMMUNITY FOR MUNICIPALITY
19 OPERATING A SKATEBOARDING FACILITY. (a) A municipality shall, before
20 beginning skateboard competition at a municipal skateboarding facility, allow an
21 athlete who will skateboard in the competition a reasonable visual inspection of the
22 course or area where the competition is to be held.

23 (b) A person skateboarding in competition assumes the risk of all course or
24 area conditions, course construction or layout, and obstacles that a visual inspection
25 would have revealed. A municipality is not liable for injury to a person who
26 skateboarded in competition at a skateboarding facility operated by the municipality
27 and who is injured as a result of a risk described in this subsection.

28 Sec. 05.50.100. DEFINITIONS. In this chapter,

29 (1) "inherent danger and risk of skateboarding" means a danger or
30 condition that is an integral part of the sport of skateboarding including collisions with
31 man-made objects; impact with ramps, signs, posts, fences, or enclosures, or other

1 man-made structures and their components; variations in slope and steepness; collisions
2 with other skateboarders; and the failure of skateboarders to skateboard within their
3 own abilities; the term "inherent danger and risk of skateboarding" does not include
4 the negligence of a municipality that is responsible for a municipal skateboarding
5 facility;

6 (2) "injury" means property damage, personal injury, or death.

7 * **Sec. 2.** APPLICABILITY. This Act applies to a civil action that accrues on or after the
8 effective date of this Act.

9 * **Sec. 3.** This Act takes effect July 1, 1995.