

**HB**

**291**

# Municipality of Anchorage



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*Rick Mystrom, Mayor*

OFFICE OF THE MAYOR

April 7, 1995

Representative Eldon Mulder  
Alaska State Legislature  
Juneau, Alaska 99801-1182

Re: House Bill No. 291

Dear Representative Mulder:

There is significant community interest in the construction of a municipal skateboarding park. Like alpine skiing, skateboarding is an active sport that includes numerous inherent risks of injury. Prior to construction of a municipal skateboarding park, the Municipality of Anchorage desires adoption of a statute that would insulate it from claims arising from Hazards inherent in skateboarding.

House Bill No. 291 fulfills that need.

Thank you for your assistance with this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Mystrom". The signature is fluid and cursive.

Rick Mystrom  
Mayor

HOUSE BILL NO. 291

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MULDER

Introduced: 4/5/95

Referred: Judiciary, Finance

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 skateboarding  
9 facility operated by a municipality if the injury results from an inherent danger and  
10 risk of 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,

*Apportionment*  
*D. Dangel* HB 291

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 that operates  
20 a skateboarding facility shall, before the beginning of a skateboard competition, allow  
21 an 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 the operation of a 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.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
TOLL (907) 465-2029  
111 Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 20, 1995

**SUBJECT:** Sectional Summary of HB 291.

**TO:** Representative Eldon Mulder  
Attn: Dennis DeWitt

**FROM:** Michael F. Ford   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1**

Sec. 05.50.010. - Prohibits a person from bringing a lawsuit against a municipality, for an injury resulting from an inherent danger and risk of skateboarding at a facility operated by a municipality.

Sec. 05.50.020. - Describes the effect of a violation of AS 05.50. A municipality or other person who violates AS 05.50 is negligent and civilly liable to the extent the violation causes injury or property damage. Provides that if an injury occurs and an inherent danger and risk of skateboarding was a contributory factor or the injured person violated a provision of AS 05.50, that a municipality is not liable unless the municipality also violated a provision of AS 05.50.

Sec. 05.50.030. - Sets out the duties of a person who uses a skateboarding facility operated by a municipality.

Sec. 05.50.040. - Requires that municipalities maintain a sign system for protection and instruction of skateboarders.

Sec. 05.50.050. - Sets out the duties and responsibilities of a skateboarder who uses a municipal skateboarding facility.

Representative Eldon Mulder

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Sec. 05.50.060. - Requires that a municipality must allow a person participating in a skateboard competition to visually inspect the course or area. Provides that a person participating in a skateboard competition assumes certain risks and cannot hold the municipality liable for the assumed risks.

Sec. 05.50.100. - Definitions.

Section 2. Applicability section.

Section 3. Effective date.

MFF:klb

95-279.klb



CHAIR,  
LEGISLATIVE COUNCIL

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MILITARY AFFAIRS FOR  
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ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES



REPRESENTATIVE ELDON MULDER  
DISTRICT 23 MULDOON-Ft. RICHARDSON

# MEMORANDUM

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DATE: April 26, 1995  
TO: Representative Porter  
FROM: Representative Mulder  
RE: Amendment to HB 291

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I have attached an amendment for HB 291 and request the Judiciary Committee adopt it when the bill is heard today.

The amendment was requested by the Fairbanks North Star Borough. Its intent is to clarify that the municipality does not need to have staff on site to "operate" a skateboard park. It was never our intent to have the municipality have "operators" at the park. We intended to offer liability protection if the proper signs were in place. This amendment makes that clear.