

**Introduced by Senator Morrow**

February 23, 2001

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An act to amend and repeal Section 115800 of the Health and Safety Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 994, as introduced, Morrow. Liability: public skateboard parks.

Existing law, in effect until January 1, 2003, provides that skateboarding at a public skateboard park that is constructed after January 1, 1998, is a hazardous recreational activity if the person skateboarding is 14 years of age or older, the skateboarding activity is stunt, trick, or luge skateboarding, and the skateboard park is on public property, as specified. That law, also in effect until January 1, 2003, requires local public agencies to maintain a record of all known or reported injuries incurred by skateboarders in a public skateboard park or facility, and other information regarding such incidents, as specified, and requires that copies of those records be filed annually with the Judicial Council.

This bill would extend, with certain exceptions, the operation of these provisions indefinitely and would make these provisions applicable to any public skateboard park whether supervised or unsupervised. The bill would lower the age of the person skateboarding from 14 to 7 years of age or older. The bill would provide that, if supervision is provided on a regular basis at a facility or park owned or operated by a public entity as a public skateboard park, neither a public entity nor a public employee is liable to any person riding a skateboard on public property as to any claim based on lack of supervision or inadequate supervision. The bill would also delete the annual reporting requirement to the Judicial Council. By imposing for an indefinite

period of time the recordkeeping duties on local public agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115800 of the Health and Safety Code,  
2 as added by Section 1 of Chapter 573 of the Statutes of 1997, is  
3 amended to read:

4 115800. (a) No operator of a skateboard park shall permit any  
5 person to ride a skateboard therein, unless that person is wearing  
6 a helmet, elbow pads, and knee pads.

7 (b) With respect to any facility, owned or operated by a local  
8 public agency, that is designed and maintained for the purpose of  
9 recreational skateboard use, ~~and that is not supervised~~ *whether it*  
10 *is supervised or unsupervised* on a regular basis, the requirements  
11 of subdivision (a) may be satisfied by compliance with the  
12 following:

13 (1) Adoption by the local public agency of an ordinance  
14 requiring any person riding a skateboard at the facility to wear a  
15 helmet, elbow pads, and knee pads.

16 (2) The posting of signs at the facility affording reasonable  
17 notice that any person riding a skateboard in the facility must wear  
18 a helmet, elbow pads, and knee pads, and that any person failing  
19 to do so will be subject to citation under the ordinance required by  
20 paragraph (1).

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



1 (d) (1) Skateboarding at any facility or park owned or operated  
2 by a public entity as a public skateboard park, ~~as provided in~~  
3 ~~paragraph (3)~~, shall be deemed a hazardous recreational activity  
4 within the meaning of Section 831.7 of the Government Code if  
5 all of the following conditions are met:

6 (A) The person skateboarding is ~~14~~ *seven* years of age or older.

7 (B) The skateboarding activity that caused the injury was stunt,  
8 trick, or luge skateboarding.

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

11 (2) In addition to the provisions of subdivision (c) of Section  
12 831.7 of the Government Code, nothing in this section is intended  
13 to limit the liability of a public entity with respect to any other duty  
14 imposed pursuant to existing law, including the duty to protect  
15 against dangerous conditions of public property pursuant to  
16 Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6  
17 of Title 1 of the Government Code.

18 (3) ~~For public skateboard parks that were constructed on or~~  
19 ~~before January 1, 1998, this subdivision shall apply to hazardous~~  
20 ~~recreational activity injuries incurred on or after January 1, 1998,~~  
21 ~~and before January 1, 2001. For public skateboard parks that are~~  
22 ~~constructed after January 1, 1998, this subdivision shall apply to~~  
23 ~~hazardous recreational activity injuries incurred on or after~~  
24 ~~January 1, 1998, and before January 1, 2003. For purposes of this~~  
25 *If supervision is provided on a regular basis at a facility or park*  
26 *owned or operated by a public entity as a public skateboard park,*  
27 *neither a public entity nor a public employee is liable to any person*  
28 *riding a skateboard on public property that complies with*  
29 *subdivision (a) or (b) as to any claim based on lack of supervision*  
30 *or inadequate supervision. The provision of supervision on a*  
31 *regular basis at a facility or park owned or operated by a public*  
32 *entity as a public skateboard park does not create a duty of care*  
33 *or basis of liability for personal injury or for damage to personal*  
34 *property caused by the act or omission of any person responsible*  
35 *for supervision at the park.*

36 (4) ~~This subdivision~~ *shall also apply to any skateboard facility*  
37 *that is a movable facility* ~~shall be deemed constructed on the first~~  
38 ~~date it~~ *and is initially* made available for use at any location by the  
39 local public agency.

40 ~~(4)~~



1 (5) The appropriate local public agency shall maintain a record  
2 of all known or reported injuries incurred by a skateboarder in a  
3 public skateboard park or facility. The local public agency shall  
4 also maintain a record of all claims, paid and not paid, including  
5 any lawsuits and their results, arising from those incidents that  
6 were filed against the public agency. ~~Beginning in 1999, copies of~~  
7 ~~these records shall be filed annually, no later than January 30 each~~  
8 ~~year, with the Judicial Council, which shall submit a report to the~~  
9 ~~Legislature on or before March 31, 2000, on the incidences of~~  
10 ~~injuries incurred, claims asserted, and the results of any lawsuit~~  
11 ~~filed, by persons injured while skateboarding in public skateboard~~  
12 ~~parks or facilities.~~

13 ~~(5) This subdivision shall not apply on or after January 1, 2001,~~  
14 ~~to public skateboard parks that were constructed on or before~~  
15 ~~January 1, 1998, but shall continue to apply to public skateboard~~  
16 ~~parks that are constructed after January 1, 1998.~~

17 ~~(e) This section shall remain in effect until January 1, 2003, and~~  
18 ~~as of that date is repealed, unless a later enacted statute, enacted~~  
19 ~~before January 1, 2003, deletes or extends that date.~~

20 SEC. 2. Section 115800 of the Health and Safety Code, as  
21 added by Section 2 of Chapter 573 of the Statutes of 1997, is  
22 repealed.

23 115800. ~~(a) No operator of a skateboard park shall permit any~~  
24 ~~person to ride a skateboard therein, unless that person is wearing~~  
25 ~~a helmet, elbow pads, and knee pads.~~

26 ~~(b) With respect to any facility, owned or operated by a local~~  
27 ~~public agency, that is designed and maintained for the purpose of~~  
28 ~~recreational skateboard use, and that is not supervised on a regular~~  
29 ~~basis, the requirements of subdivision (a) may be satisfied by~~  
30 ~~compliance with the following:~~

31 ~~(1) Adoption by the local public agency of an ordinance~~  
32 ~~requiring any person riding a skateboard at the facility to wear a~~  
33 ~~helmet, elbow pads, and knee pads.~~

34 ~~(2) The posting of signs at the facility affording reasonable~~  
35 ~~notice that any person riding a skateboard in the facility must wear~~  
36 ~~a helmet, elbow pads, and knee pads, and that any person failing~~  
37 ~~to do so will be subject to citation under the ordinance required by~~  
38 ~~paragraph (1).~~

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



1 ~~(d) This section shall become operative on January 1, 2003.~~

2 SEC. 3. Notwithstanding Section 17610 of the Government  
3 Code, if the Commission on State Mandates determines that this  
4 act contains costs mandated by the state, reimbursement to local  
5 agencies and school districts for those costs shall be made pursuant  
6 to Part 7 (commencing with Section 17500) of Division 4 of Title  
7 2 of the Government Code. If the statewide cost of the claim for  
8 reimbursement does not exceed one million dollars (\$1,000,000),  
9 reimbursement shall be made from the State Mandates Claims  
10 Fund.

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