

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL

No. 105

Introduced by Senator Yee

(Coauthors: Assembly Members Dickinson and Ma)

January 13, 2011

An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 105, as amended, Yee. Public safety: snow sport helmets.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard ~~while participating in the sport of downhill skiing or snowboarding~~, or while riding upon a seat or other device that is attached to the snow skis or a snowboard, while participating in the sport of downhill skiing or snowboarding. The bill would impose a \$25 fine for a violation of this requirement. The bill would, however, ~~provide that the~~ *require that a first time* charge against a person be dismissed if it is the first charge against that person for a violation of this requirement *under certain conditions*, as specified. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would specify that nothing in those provisions shall be construed to increase or decrease duties imposed under existing law.

The bill would also specify that those provisions shall not apply to Nordic skiing.

The bill would require a ski resort to post signs at the resort giving reasonable notice of the snow sport helmet requirement and the fine for a violation of that requirement. The bill also would require a ski resort to provide prominent written notice of the snow sport helmet requirement on all trail maps and resort Internet Web sites.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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. Article 3 (commencing with Section 115810) is
2 added to Chapter 4 of Part 10 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 3. Snow Sports
6

7 115810. (a) A person under 18 years of age shall not operate
8 snow skis or a snowboard while participating in the sport of
9 downhill skiing or snowboarding unless that person is wearing a
10 properly fitted and fastened snow sport helmet that meets the
11 standards of either the Central European Norm CE1077, the ASTM
12 International F 2040, or the Snell Memorial Foundation RS-98, or
13 the United States Consumer Product Safety Commission (CPSC),
14 or standards subsequently established by those entities. This
15 requirement also applies to any person who rides upon a seat or
16 any other device that is attached to the snow skis or snowboard
17 while participating in the sport of downhill skiing or snowboarding.

18 (b) Any charge under this section shall be dismissed when the
19 person charged alleges in court, under oath, that ~~the charge against~~
20 ~~the person is the first charge against that person under this section,~~
21 *it is the first time that he or she has been charged with violating*
22 *a provision of this section,* unless it is otherwise established in
23 court that ~~the charge is not the first charge against the person.~~

1 (c) (1) Except as provided in subdivision (b), a violation of this
2 section is an infraction punishable by a fine of not more than
3 twenty-five dollars (\$25).

4 (2) The parent or legal guardian having control or custody of
5 an unemancipated minor whose conduct violates this section shall
6 be jointly and severally liable with the minor for the amount of
7 the fine imposed pursuant to this subdivision.

8 (d) This section shall not apply to Nordic skiing.

9 (e) Nothing in this section shall be construed to increase or
10 decrease duties imposed under existing law.

11 115811. A ski resort shall comply with both of the following:

12 (a) Post signs at the resort giving reasonable notice that a person
13 under 18 years of age shall not operate snow skis or a snowboard
14 while participating in the sport of downhill skiing or snowboarding
15 unless that person is wearing a properly fitted and fastened snow
16 sport helmet, and that any person who fails to do so will be subject
17 to a fine under Section 115810.

18 (b) Provide prominent written notice of the helmet requirement
19 under Section 115810 on all trail maps and resort Internet Web
20 sites.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.