

AMENDED IN SENATE JULY 22, 1997
AMENDED IN ASSEMBLY MAY 13, 1997
CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 915

Introduced by Assembly Member Baugh

February 27, 1997

An act to ~~amend Section 831.7 of the Government Code~~ *add and repeal Section 115800.1 of the Health and Safety Code*, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 915, as amended, Baugh. Liability: recreational activities.

Existing law provides that neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, as specified. Existing law lists various activities as coming within the definition of hazardous recreational activities.

This bill would ~~include roller blading and~~ *provide that in-line skating by adults among these activities an adult shall be deemed a hazardous recreational activity for purposes of those provisions, under specified conditions.*

The bill would require the Legislative Analyst, with the cooperation of the Judicial Council, to collect information on lawsuits filed by persons injured while in-line skating on public property, and other related information, as specified. The bill would require the Legislative Analyst to issue a report

containing this information to the Legislature, on or before March 31, 2000.

The bill would provide for the repeal of these provisions on January 1, 2001.

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

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

1 ~~SECTION 1. Section 831.7 of the Government Code~~
2 SECTION 1. Section 115800.1 is added to the Health
3 and Safety Code, to read:
4 115800.1. (a) In-line skating by an adult shall be
5 deemed a hazardous recreational activity within the
6 meaning of Section 831.7 of the Government Code if all
7 of the following conditions are met:
8 (1) The local public agency has, by legislative action,
9 designated specific public property as a recreational area,
10 boardwalk, or park in which in-line skating is permitted.
11 (2) The designated area, boardwalk, or park is
12 adequately posted with notices advising the public that
13 in-line skating in the designated area by adults is deemed
14 to be a hazardous recreational activity and that the public
15 entity may not be liable for injuries incurred by persons
16 participating in the hazardous recreational activity in the
17 designated area, boardwalk, or park.
18 (b) Nothing in Section 831.7 of the Government Code
19 or this section shall be deemed to limit the duty of a public
20 entity to maintain public property or premises in a safe
21 manner.
22 (c) The Legislative Analyst's office, with the
23 cooperation of the Judicial Council, shall collect
24 information from the courts regarding lawsuits filed by
25 persons injured while in-line skating on public property,
26 including the results of those lawsuits. The Legislative
27 Analyst's office shall also collect information, to the extent
28 it is available, from local public agencies regarding
29 incidents and claims by in-line skaters injured on
30 designated public property for in-line skating. The
31 Legislative Analyst shall issue a report containing this



1 information to the Legislature on or before March 31,
2 2000.

3 (d) This section shall remain in effect only until
4 January 1, 2001, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 2001, deletes or extends that date.

7 is amended to read:

8 831.7. (a) Neither a public entity nor a public
9 employee is liable to any person who participates in a
10 hazardous recreational activity, including any person
11 who assists the participant, or to any spectator who knew
12 or reasonably should have known that the hazardous
13 recreational activity created a substantial risk of injury to
14 himself or herself and was voluntarily in the place of risk,
15 or having the ability to do so failed to leave, for any
16 damage or injury to property or persons arising out of that
17 hazardous recreational activity.

18 (b) As used in this section, "hazardous recreational
19 activity" means a recreational activity conducted on
20 property of a public entity which creates a substantial (as
21 distinguished from a minor, trivial, or insignificant) risk
22 of injury to a participant or a spectator.

23 "Hazardous recreational activity" also means:

24 (1) Water contact activities, except diving, in places
25 where or at a time when lifeguards are not provided and
26 reasonable warning thereof has been given or the injured
27 party should reasonably have known that there was no
28 lifeguard provided at the time.

29 (2) Any form of diving into water from other than a
30 diving board or diving platform, or at any place or from
31 any structure where diving is prohibited and reasonable
32 warning thereof has been given.

33 (3) Animal riding, including equestrian competition,
34 archery, bicycle racing or jumping, mountain bicycling,
35 boating, cross-country and downhill skiing, hang gliding,
36 kayaking, motorized vehicle racing, off-road
37 motoreycling or four-wheel driving of any kind,
38 orienteering, pistol and rifle shooting, rock climbing,
39 rocketeering, rodeo, roller-blading or in-line skating by
40 persons 18 years of age or older, spelunking, sky diving,



1 ~~sport parachuting, paragliding, body contact sports (i.e.,~~
2 ~~sports in which it is reasonably foreseeable that there will~~
3 ~~be rough bodily contact with one or more participants);~~
4 ~~surfing, trampolining, tree climbing, tree rope swinging,~~
5 ~~waterskiing, white water rafting, and windsurfing. For~~
6 ~~the purposes of this subdivision, “mountain bicycling”~~
7 ~~does not include riding a bicycle on paved pathways,~~
8 ~~roadways, or sidewalks.~~

9 ~~(c) Notwithstanding the provisions of subdivision (a),~~
10 ~~this section does not limit liability which would otherwise~~
11 ~~exist for any of the following:~~

12 ~~(1) Failure of the public entity or employee to guard~~
13 ~~or warn of a known dangerous condition or of another~~
14 ~~hazardous recreational activity known to the public~~
15 ~~entity or employee that is not reasonably assumed by the~~
16 ~~participant as inherently a part of the hazardous~~
17 ~~recreational activity out of which the damage or injury~~
18 ~~arose.~~

19 ~~(2) Damage or injury suffered in any case where~~
20 ~~permission to participate in the hazardous recreational~~
21 ~~activity was granted for a specific fee. For the purpose of~~
22 ~~this paragraph, a “specific fee” does not include a fee or~~
23 ~~consideration charged for a general purpose such as a~~
24 ~~general park admission charge, a vehicle entry or parking~~
25 ~~fee, or an administrative or group use application or~~
26 ~~permit fee, as distinguished from a specific fee charged~~
27 ~~for participation in the specific hazardous recreational~~
28 ~~activity out of which the damage or injury arose.~~

29 ~~(3) Injury suffered to the extent proximately caused~~
30 ~~by the negligent failure of the public entity or public~~
31 ~~employee to properly construct or maintain in good~~
32 ~~repair any structure, recreational equipment or~~
33 ~~machinery, or substantial work of improvement utilized~~
34 ~~in the hazardous recreational activity out of which the~~
35 ~~damage or injury arose.~~

36 ~~(4) Damage or injury suffered in any case where the~~
37 ~~public entity or employee recklessly or with gross~~
38 ~~negligence promoted the participation in or observance~~
39 ~~of a hazardous recreational activity. For purposes of this~~
40 ~~paragraph, promotional literature or a public~~



1 ~~announcement or advertisement which merely describes~~
2 ~~the available facilities and services on the property does~~
3 ~~not in itself constitute a reckless or grossly negligent~~
4 ~~promotion.~~

5 ~~(5) An act of gross negligence by a public entity or a~~
6 ~~public employee which is the proximate cause of the~~
7 ~~injury.~~

8 ~~Nothing in this subdivision creates a duty of care or~~
9 ~~basis of liability for personal injury or for damage to~~
10 ~~personal property.~~

11 ~~(d) Nothing in this section shall limit the liability of an~~
12 ~~independent concessionaire, or any person or~~
13 ~~organization other than the public entity, whether or not~~
14 ~~the person or organization has a contractual relationship~~
15 ~~with the public entity to use the public property, for~~
16 ~~injuries or damages suffered in any case as a result of the~~
17 ~~operation of a hazardous recreational activity on public~~
18 ~~property by the concessionaire, person, or organization.~~

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21 CORRECTIONS
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