

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Saldana

February 26, 2009

An act to amend Section 115800 of the Health and Safety Code, relating to recreational activities.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as introduced, Saldana. Recreational activities: skateboarding.

Existing law prohibits an operator of a skateboard park from permitting any person to ride a skateboard in the park unless that person is wearing a helmet, elbow pads, and knee pads. Existing law further describes how those requirements may be satisfied with respect to a recreational skateboard facility owned or operated by a local agency, as specified.

This bill would remove the requirement that any person riding a skateboard in the park must wear elbow pads and knee pads.

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

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

- 1 SECTION 1. Section 115800 of the Health and Safety Code,
- 2 as amended by Section 1 of Chapter 140 of the Statutes of 2006,
- 3 is 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.~~

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

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

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

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

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

(A) The person skateboarding is 12 years of age or older.

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

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

(2) In addition to the provisions of subdivision (c) of Section 831.7 of the Government Code, nothing in this section is intended to limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property pursuant to Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6 of Title 1 of the Government Code. However, nothing in this section is intended to abrogate or limit any other legal rights, defenses, or immunities that may otherwise be available at law.

(3) For public skateboard parks that were constructed on or before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2001. For public skateboard parks that are constructed after January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January

1 1, 1998, and before January 1, 2012. For purposes of this
2 subdivision, any skateboard facility that is a movable facility shall
3 be deemed constructed on the first date it is initially made available
4 for use at any location by the local public agency.

5 (4) The appropriate local public agency shall maintain a record
6 of all known or reported injuries incurred by a skateboarder in a
7 public skateboard park or facility. The local public agency shall
8 also maintain a record of all claims, paid and not paid, including
9 any lawsuits and their results, arising from those incidents that
10 were filed against the public agency. Beginning in 1999, copies
11 of these records shall be filed annually, no later than January 30
12 each year, with the Judicial Council, which shall submit a report
13 to the Legislature on or before March 31, 2011, on the incidences
14 of injuries incurred, claims asserted, and the results of any lawsuit
15 filed, by persons injured while skateboarding in public skateboard
16 parks or facilities.

17 (5) This subdivision shall not apply on or after January 1, 2001,
18 to public skateboard parks that were constructed on or before
19 January 1, 1998, but shall continue to apply to public skateboard
20 parks that are constructed after January 1, 1998.

21 (e) This section shall remain in effect until January 1, 2012, and
22 as of that date is repealed, unless a later enacted statute, enacted
23 before January 1, 2012, deletes or extends that date.

24 SEC. 2. Section 115800 of the Health and Safety Code, as
25 amended by Section 2 of Chapter 140 of the Statutes of 2006, is
26 amended to read:

27 115800. (a) No operator of a skateboard park shall permit any
28 person to ride a skateboard therein, unless that person is wearing
29 a helmet, ~~elbow pads, and knee pads.~~

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

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

38 (2) The posting of signs at the facility affording reasonable
39 notice that any person riding a skateboard in the facility must wear
40 a helmet, ~~elbow pads, and knee pads,~~ and that any person failing

- 1 to do so will be subject to citation under the ordinance required
- 2 by paragraph (1).
- 3 (c) “Local public agency” for purposes of this section includes,
- 4 but is not limited to, a city, county, or city and county.
- 5 (d) This section shall become operative on January 1, 2012.