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"Helmets for NJ's kids who ski and s'board," the Trentonian, 4-10-11

LAW/KR

P.L.2011, CHAPTER 41, *approved April 6, 2011*
Senate Committee Substitute for
Senate, No. 130

1 **AN ACT** concerning the activity of downhill skiing and
2 supplementing Title 5 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person under 18 years of age engaged in the activity of
8 downhill skiing or operation of snowboards, including the use of ski
9 tows, lifts and tramways, shall wear a securely fitted protective
10 helmet. As used in this act, "helmet" means a type of molded
11 headgear equipped with a neck or chin strap specifically designed
12 by the manufacturer to be used while engaged in the activity of
13 recreational downhill skiing.

14 b. The parent, legal guardian, or adult acting in a supervising
15 position of a person under 18 years of age shall ensure that the
16 person wears a protective helmet as required by subsection a. of this
17 section. A parent, legal guardian or adult acting in a supervising
18 position who does not comply with this requirement shall be fined a
19 maximum of \$25 for the person's first offense and a maximum of
20 \$100 for a subsequent offense. Local law enforcement agencies
21 shall have exclusive authority to enforce this section and the penalty
22 imposed shall be collected and enforced by summary proceedings
23 under the "Penalty Enforcement Law of 1999" P.L.1999, c.274
24 (C.2A:58-10 et seq.).

25 c. Nothing in this act shall be construed to extend liability to
26 the ski area operator.

27

28 2. This act shall take effect on the first day of the seventh
29 month after enactment.

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34 _____
Makes certain requirements concerning downhill skiing.

SENATE, No. 130

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

SYNOPSIS

Makes certain requirements concerning downhill skiing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the activity of downhill skiing and
2 supplementing chapter 13 of Title 5 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person under 14 years of age engaged in the activity of
8 downhill skiing shall wear a securely fitted protective helmet. As
9 used in this act, "helmet" means a type of molded headgear
10 equipped with a neck or chin strap specifically designed by the
11 manufacturer to be used while engaged in the activity of downhill
12 skiing. A helmet shall be issued by the operator of a ski area as that
13 term is defined in section 2 of P.L.1979, c.29 (C.5:13-2) to a skier
14 under the age of 14 years and the operator may charge a rental fee
15 for its use. A person under 14 years of age who owns a helmet
16 specifically designed by the manufacturer to be used while engaged
17 in the activity of downhill skiing may use it and shall not be
18 required to use a helmet issued by the ski operator. For the
19 purposes of this act, "downhill skiing" includes the operation of
20 toboggans, sleds, snowboards and similar vehicles.

21 b. If a ski operator fails to issue a protective helmet to a person
22 under 14 years of age, the operator shall be subject to a penalty of
23 \$100 for each failure to issue a helmet. The penalty shall be
24 collected and enforced by summary proceedings under the "Penalty
25 Enforcement Law of 1999" P.L.1999, c.274 (C.2A:58-10 et seq.).

26 c. The parent or legal guardian of a person under 14 years of
27 age shall ensure that the person wears a protective helmet as
28 required by subsection a. of this section. A parent or legal guardian
29 who does not comply with this requirement shall be fined a
30 maximum of \$25 for the person's first offense and a maximum of
31 \$100 for a subsequent offense. The penalty shall be collected and
32 enforced by summary proceedings under the "Penalty Enforcement
33 Law of 1999" P.L.1999, c.274 (C.2A:58-10 et seq.).

34 d. A ski operator shall issue to and require persons under 14
35 years of age to attach a distinctive colored-tag to the person's ski
36 lift ticket to identify that person as one required to wear a protective
37 helmet as specified in subsection a. of this section.

38

39 2. An operator of a ski area shall establish in writing the
40 procedures to be followed by the employees or volunteers at the ski
41 area for the provision of medical care to an injured skier. These
42 written procedures shall be distributed to all employees and
43 volunteers who work at the ski area. The procedures shall be
44 reviewed annually and revised as necessary by the operator. Prior
45 to establishing these procedures or reviewing and revising them, the
46 operator shall first consult with the appropriate first aid, rescue, or
47 ambulance squads and medical facilities which will be

1 providing medical services for that ski area on the proper treatment
2 and transportation of injured skiers.

3

4 3. This act shall take effect on the first day of the seventh
5 month after enactment.

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STATEMENT

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10 This bill creates certain requirements concerning downhill
11 skiing. The bill requires any skier under the age of 14 years to wear
12 a securely fitted protective helmet specifically designed by the
13 manufacturer to be used while engaged in the activity of downhill
14 skiing. Under the bill's provisions, "downhill skiing" includes the
15 operation of toboggans, sleds, snowboards and similar vehicles.

16 A ski area operator would be required to provide the helmets for
17 a rental fee and be subject to a \$100 fine for failing to provide one.
18 Parents or guardians would be required by the bill to ensure that
19 these skiers wear a protective helmet. A parent who fails to comply
20 would be fined \$25 for a first offense and \$100 for a subsequent
21 offense. For enforcement purposes, the bill requires ski area
22 operators to issue skiers under 14 years of age a distinctive
23 "colored-tag" to be attached to the skier's lift ticket.

24 The bill also requires a ski area operator to establish written
25 procedures for the provision of medical care to an injured skier
26 which are to be followed by the employees or volunteers working at
27 the ski area. The procedures are to be reviewed annually and
28 revised as necessary.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 130

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 130.

This committee substitute would require a person under 18 years of age who engages in downhill skiing to wear a securely fitted protective helmet. The substitute also requires parents and guardians to ensure that persons under 18 wear protective helmets when engaged in downhill skiing.

Under the substitute, a parent or guardian that fails to comply with the requirements of the bill will be fined a maximum of \$25 for a first offense and a maximum of \$100 for a subsequent offense. Local law enforcement agencies would have exclusive authority to enforce the provisions of the substitute.

ASSEMBLY TOURISM AND THE ARTS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 130**

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Assembly Tourism and the Arts Committee reports favorably Senate Bill No. 130 (SCS).

This bill would require a person under 18 years of age who engages in downhill skiing to wear a securely fitted protective helmet. The bill also requires parents and guardians to ensure that persons under 18 wear protective helmets when engaged in downhill skiing.

Under the bill, a parent or guardian that fails to comply with the requirements of the bill would be fined a maximum of \$25 for a first offense and a maximum of \$100 for a subsequent offense. Local law enforcement agencies would have exclusive authority to enforce the provisions of the bill.

This bill is identical to Assembly Bill No. 3320, as also reported by the committee.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 130

STATE OF NEW JERSEY
214th LEGISLATURE

ADOPTED MAY 13, 2010

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex and Passaic)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

**Assemblyman Conners, Assemblywomen N.Munoz, Wagner,
Assemblymen Giblin, Milam and Assemblywoman Jasey**

SYNOPSIS

Makes certain requirements concerning downhill skiing.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate State Government, Wagering, Tourism
& Historic Preservation Committee.

(Sponsorship Updated As Of: 2/18/2011)

1 AN ACT concerning the activity of downhill skiing and
2 supplementing Title 5 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person under 18 years of age engaged in the activity of
8 downhill skiing or operation of snowboards, including the use of ski
9 tows, lifts and tramways, shall wear a securely fitted protective
10 helmet. As used in this act, "helmet" means a type of molded
11 headgear equipped with a neck or chin strap specifically designed
12 by the manufacturer to be used while engaged in the activity of
13 recreational downhill skiing.

14 b. The parent, legal guardian, or adult acting in a supervising
15 position of a person under 18 years of age shall ensure that the
16 person wears a protective helmet as required by subsection a. of this
17 section. A parent, legal guardian or adult acting in a supervising
18 position who does not comply with this requirement shall be fined a
19 maximum of \$25 for the person's first offense and a maximum of
20 \$100 for a subsequent offense. Local law enforcement agencies
21 shall have exclusive authority to enforce this section and the penalty
22 imposed shall be collected and enforced by summary proceedings
23 under the "Penalty Enforcement Law of 1999" P.L.1999, c.274
24 (C.2A:58-10 et seq.).

25 c. Nothing in this act shall be construed to extend liability to
26 the ski area operator.

27

28 2. This act shall take effect on the first day of the seventh
29 month after enactment.

ASSEMBLY, No. 3320

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED OCTOBER 7, 2010

Sponsored by:

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex and Passaic)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Connors, Assemblywomen N.Munoz, Wagner,

Assemblymen Giblin, Milam and Assemblywoman Jasey

SYNOPSIS

Makes certain requirements concerning downhill skiing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/18/2011)

1 AN ACT concerning the activity of downhill skiing and
2 supplementing Title 5 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person under 18 years of age engaged in the activity of
8 downhill skiing or operation of snowboards, including the use of ski
9 tows, lifts and tramways, shall wear a securely fitted protective
10 helmet. As used in this act, "helmet" means a type of molded
11 headgear equipped with a neck or chin strap specifically designed
12 by the manufacturer to be used while engaged in the activity of
13 recreational downhill skiing.

14 b. The parent, legal guardian, or adult acting in a supervising
15 position of a person under 18 years of age shall ensure that the
16 person wears a protective helmet as required by subsection a. of this
17 section. A parent, legal guardian or adult acting in a supervising
18 position who does not comply with this requirement shall be fined a
19 maximum of \$25 for the person's first offense and a maximum of
20 \$100 for a subsequent offense. Local law enforcement agencies
21 shall have exclusive authority to enforce this section and the penalty
22 imposed shall be collected and enforced by summary proceedings
23 under the "Penalty Enforcement Law of 1999" P.L.1999, c.274
24 (C.2A:58-10 et seq.).

25 c. Nothing in this act shall be construed to extend liability to
26 the ski area operator.

27

28 2. This act shall take effect on the first day of the seventh
29 month after enactment.

30

31

32

STATEMENT

33

34 This bill would require a person under 18 years of age who
35 engages in downhill skiing to wear a securely fitted protective
36 helmet. The bill also requires parents and guardians to ensure that
37 persons under 18 wear protective helmets when engaged in
38 downhill skiing.

39 Under the bill, a parent or guardian that fails to comply with the
40 requirements of the bill will be fined a maximum of \$25 for a first
41 offense and a maximum of \$100 for a subsequent offense. Local
42 law enforcement agencies would have exclusive authority to
43 enforce the provisions of the bill.

ASSEMBLY TOURISM AND THE ARTS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3320

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Assembly Tourism and the Arts Committee reports favorably Assembly Bill No. 3320.

This bill would require a person under 18 years of age who engages in downhill skiing to wear a securely fitted protective helmet. The bill also requires parents and guardians to ensure that persons under 18 wear protective helmets when engaged in downhill skiing.

Under the bill, a parent or guardian that fails to comply with the requirements of the bill would be fined a maximum of \$25 for a first offense and a maximum of \$100 for a subsequent offense. Local law enforcement agencies would have exclusive authority to enforce the provisions of the bill.

This bill is identical to Senate Bill No.130 (SCS), as also reported by the committee.