

5:14-1 to 5:14-7

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 5:14-1 to 5:14-7

(Roller skating
rinks--responsibilities)

LAWS OF: 1991

CHAPTER: 28

Bill No: A3118

Sponsor(s): Roberts

Date Introduced: March 1, 1990

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 14, 1990

Senate: December 6, 1990

Date of Approval: February 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[THIRD REPRINT]
ASSEMBLY, No. 3118

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1990

By Assemblywomen FORD, Mullen, Assemblyman Roberts,
Assemblywoman Randall, Assemblymen Russo, Collins,
Assemblywoman Cooper, Assemblymen Rooney, Schluter,
Shinn, Otlowski, Foy, Patero, Cimino, Girgenti, Marsella,
Stuhltrager, Pelly and Assemblywoman Kalik

1 AN ACT defining the responsibilities and liabilities of roller
2 skating rink operators and persons who utilize roller skating
3 rinks and supplementing Title 5 of the Revised Statutes.

4

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

7 1. This act shall be known and may be cited as the "New
8 Jersey Roller Skating Rink Safety and Fair Liability Act."

9 2. a. The Legislature finds and declares that the recreational
10 sport of roller skating is practiced by a large number of citizens
11 of this State; provides a wholesome and healthy family activity
12 which should be encouraged, and attracts to this State a large
13 number of nonresidents, significantly contributing to the economy
14 of this State. Therefore, the allocation of the risks and costs of
15 roller skating is an important matter of public policy.

16 b. The Legislature finds and declares that roller skating rink
17 owners face great difficulty in obtaining liability insurance
18 coverage, and that when such insurance coverage is available,
19 drastic increases in the cost of the insurance have taken place
20 and many roller skating rink owners are no longer able to afford
21 it.

22 This lack of insurance coverage adversely affects not only the
23 roller skating rink owners themselves, but also patrons who may
24 suffer personal injury and property damage as a result of
25 accidents which occur on the premises of the roller skating rink.

26 In order to make it economically feasible for insurance
27 companies to provide coverage to roller skating rinks, the
28 incidence of liability should be more predictable. That
29 predictability may be achieved by defining the limits of the
30 liabilities of roller skating rink operators in order to encourage
31 the development and implementation of risk reduction techniques.

32 3. As used in this act:

33 a. "Operator" means a person or entity who owns, manages,
34 controls or directs or who has operational responsibility for a
35 roller skating rink.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJL committee amendments adopted June 7, 1990.

² Senate SJU committee amendments adopted October 15, 1990.

³ Senate floor amendments adopted November 19, 1990.

1 b. "Roller skater" means a person wearing roller skates while
2 in a roller skating rink for the purpose of recreational or
3 competitive roller skating.

4 Roller skater also includes any person in such roller skating
5 rink who is an invitee, whether or not said person pays
6 consideration.

7 c. "Roller skating rink" means a building, facility or premises
8 which provides an area specifically designed to be used by the
9 public for recreational or competitive roller skating.

10 d. "Spectator" means a person who is present in a roller
11 skating rink only for the purpose of observing recreational or
12 competitive roller skating.

13 4. It shall be the responsibility of the operator to the extent
14 practicable to:

15 a. Post the duties of roller skaters and spectators and the
16 duties, obligations and liabilities of the operator as prescribed in
17 this act, in conspicuous places in at least three locations in the
18 roller skating rink;

19 ¹[b. Comply with all roller skating rink safety standards
20 published by the Roller Skating Rink Operators Association,
21 including but not limited to the proper maintenance of roller
22 skating equipment and roller skating surfaces, and

23 c.] ¹b. ¹Maintain the stability and legibility of all signs, symbols
24 and posted notices required by this act¹;

25 c. When the rink is open for sessions, have at least one floor
26 guard on duty for every approximately 200 skaters;

27 d. Maintain the skating surface in ³[proper] reasonably safe³
28 condition and clean and inspect the skating surface before each
29 session;

30 e. Maintain the railings, kickboards and wall surrounding the
31 skating surface in good condition;

32 f. In rinks with step-up or step-down skating surfaces, insure
33 that the covering on the riser is securely fastened.

34 g. Install fire extinguishers and inspect fire extinguishers at
35 recommended intervals;

36 h. ³[Be responsible for conduct] Provide reasonable security³
37 in parking areas ³during operational hours³;

38 i. Inspect emergency lighting units periodically to insure the
39 lights are in proper order;

40 j. Keep exit lights and lights in service areas on when skating
41 surface lights are turned off during special numbers;

42 k. Check rental skates on a regular basis to insure the skates
43 are in good mechanical condition;

44 l. Prohibit the sale or use of alcoholic beverages on the
45 premises; and

46 m. Comply with all applicable State and local safety codes.¹

47 5. Each roller skater shall:

48 a. Maintain reasonable control of his speed and course at all
49 times;

50 b. Heed all posted signs and warnings;

1 c. Maintain a proper outlook to avoid other roller skaters and
2 objects;

3 d. Accept the responsibility for knowing the range of his own
4 ability to negotiate the intended direction of travel while on
5 roller skates and to skate within the limits of that ability; and

6 e. Refrain from acting in a manner which may cause or
7 contribute to the injury of himself or any other person.

8 6. Roller skaters and spectators are deemed to have knowledge
9 of and to assume the inherent risks of roller skating, insofar as
10 those risks are obvious and necessary. These risks include, but
11 are not limited to, injuries which result from ²[collisions]
12 incidental contact² with other roller skaters or spectators,
13 injuries which result from falls ²caused by loss of balance², and
14 injuries which involve objects or artificial structures properly
15 within the intended path of travel of the roller skater ²,which are
16 not otherwise attributable to a rink operator's breach of his
17 duties as set forth in section 4 of this act².

18 7. The assumption of risk set forth in section 6 of this act shall
19 be a complete bar of suit and shall serve as a complete defense to
20 a suit against an operator by a roller skater or spectator for
21 injuries resulting from the assumed risks, notwithstanding the
22 provisions of P.L.1973, c.146 (C.2A:15-5.1 et seq.), relating to
23 comparative negligence, unless an operator has violated his duties
24 or responsibilities under this act, in which case the provisions of
25 P.L.1973, c.146 shall apply. Failure to adhere to the duties set
26 out in sections 5 and 6 of this act shall bar suit against an
27 operator to compensate for injuries resulting from roller skating
28 activities, where such failure is found to be a contributory factor
29 in the resulting injury, unless the operator has violated his duties
30 or responsibilities under the act, in which case the provisions of
31 P.L.1973, c.146 shall apply.

32 8. This act shall take effect immediately.

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CIVIL JUSTICE

36

37 Defines responsibilities and liabilities of roller skating rink
38 operators and roller skaters.

1 or responsibilities under the act, in which case the provisions of
2 P.L.1973, c. 146 shall apply.

3 8. This act shall take effect immediately.
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Sponsor STATEMENT

This bill would define the responsibilities and liabilities of roller skating rink operators and roller skaters. The bill is modeled on P.L. 1979, c.29 (C.5:13-1 et seq.), which sets out the responsibilities and liabilities of ski area operators and skiers.

The bill provides that a roller skating rink operator would not be liable to a skater for a skating injury unless the operator violates his responsibilities, which include complying with all roller skating rink safety standards published by the Roller Skating Rink Operators Association and posting appropriate signs.

In addition, the bill bars a roller skater from suing a rink operator if the skater contributed to his own injury by violating the skater's responsibilities. Skaters' responsibilities would include: maintaining reasonable control over their speed and course; heeding all posted signs and warnings; maintaining a proper outlook to avoid other roller skaters and objects; accepting responsibility for knowing the range of their skating ability and to skate within the limits of that ability, and refraining from acting in a manner which may cause or contribute to injury.

Roller skaters and spectators would be deemed to have knowledge of and to assume the risks of roller skating, insofar as those risks are obvious and necessary. The risks include injuries which result from collisions with other roller skaters or spectators, injuries which result from falls, and injuries which involve objects or artificial structures properly within the intended path of travel of the roller skater.

A roller skater or spectator would not be barred from suing an operator based upon assumed risks or for injuries to which the skater or spectator contributed if the operator violated his duties or responsibilities under the bill. In this case, the provisions of the comparative negligence law would apply.

CIVIL JUSTICE

Defines responsibilities and liabilities of roller skating rink operators and roller skaters.

A3118 (1991)

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3118

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3118.

This bill would define the responsibilities and liabilities of roller skating rink operators and roller skaters. The bill is modeled on P.L.1979, c.29 (C.5:13-1 et seq.), which sets out the responsibilities and liabilities of ski area operators and skiers.

The bill provides that a roller skating rink operator would not be liable to a skater for a skating injury unless the operator violates his responsibilities, which include complying with all roller skating rink safety standards published by the Roller Skating Rink Operators Association and posting appropriate signs.

In addition, the bill bars a roller skater from suing a rink operator if the skater contributed to his own injury by violating the skater's responsibilities. Skaters' responsibilities would include: maintaining reasonable control over their speed and course; heeding all posted signs and warnings; maintaining a proper outlook to avoid other roller skaters and objects; accepting responsibility for knowing the range of their skating ability and to skate within the limits of that ability, and refraining from acting in a manner which may cause or contribute to injury.

Roller skaters and spectators would be deemed to have knowledge of and to assume the risks of roller skating, insofar as those risks are obvious and necessary. The risks include injuries which result from collisions with other roller skaters or spectators, injuries which result from falls, and injuries which involve objects or artificial structures properly within the intended path of travel of the roller skater.

A roller skater or spectator would not be barred from suing an operator based upon assumed risks or for injuries to which the skater or spectator contributed if the operator violated his duties or responsibilities under the bill. In this case, the provisions of the comparative negligence law would apply.

The committee amended the bill to list the safety standards in section 4 of the bill with more specificity.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3118

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3118 [1R].

The bill would define the responsibilities and liabilities of roller skating rink operators and roller skaters. The bill is modeled on P.L.1979, c.29 (C.5:13-1 et seq.), which sets out the responsibilities and liabilities of ski area operators and skiers.

The bill provides that a roller skating rink operator would not be liable to a skater for skating injury unless the operator violates a list of responsibilities set forth in the bill. Those responsibilities include maintaining the rink in proper condition; posting appropriate warning signs; checking rental equipment; prohibiting the use of alcohol and complying with all applicable State and local safety codes.

In addition, the bill bars a roller skater from suing a rink operator if the skater contributed to his own injury by violating the skater's responsibilities. Skater's responsibilities would include: maintaining reasonable control over their speed and course; heeding all posted signs and warnings; maintaining a proper outlook to avoid other roller skaters and objects; accepting responsibility for knowing the range of their skating ability and to skate within the limits of that ability; and refraining from acting in a manner which may cause or contribute to injury.

Roller skaters and spectators would be deemed to have knowledge of and to assume the risks of roller skating insofar as those risks are obvious and necessary. As amended by the committee, those risks include injuries which result from incidental contact with other skaters; injuries which result from falls caused by loss of balance and injuries which involve objects or structures properly within the path of the skater provided that the injury is not attributable to a breach of duty by the rink operator.

A roller skater or spectator would not be barred from suing an operator based upon assumed risks or for injuries to which the skater or spectator contributed if the operator violated his duties or responsibilities under the bill. In this case, the provisions of the comparative negligence law would apply.

DATE: FEB 25 1991

Asbury Park Press

Philadelphia Inquirer

Courier-Post

The Press

Star-Ledger

Trenton Times

Pinelands Development

The Trentonian

bank extended for 2 more years

By JOSEPH DONOHUE
Trenton Bureau

TRENTON — A unique state bank formed six years ago to bolster pinelands protection efforts in southern New Jersey has been renewed for another two years under legislation signed into law by Gov. Jim Florio.

The Pinelands Development Credit Bank would keep operating through Dec. 31, 1992, under the bill (S-2462/A-305).

The bank was created in 1985 to facilitate a regional master plan adopted in 1980 by the state Pinelands Commission. As a congressman, the governor was a co-sponsor of the 1978 federal law

that originally authorized pinelands protection.

Under the master plan, development in 52 southern New Jersey municipalities that threatens environmentally sensitive areas can be vetoed by the commission.

Some people with land in low growth areas can sell off their development rights to developers who can use them to build extra housing units in growth areas.

The credit bank was formed to stimulate a market by serving as a "buyer of last resort" for development rights.

While it started slowly, it now has transacted enough development rights to permanently preserve 3,000 acres of pinelands

forests, farms and wetlands, according to its latest annual report.

The bank, which started with a \$5 million appropriation in 1985, currently has a reserve of \$4.3 million, according to state banking officials.

Law may get rinks rolling

By GREG GROELLER
For The Press

TRENTON — Legislation signed by Gov. Jim Florio should bring about the rebirth of the roller skating industry, according to an Atlantic County rink owner.

A bill signed by the governor last week is intended to protect the 21 remaining rinks from irresponsible liability lawsuits, said Ed Young, owner of Young's Skating Center in Mays Landing and another rink in Pennsylvania.

Effective immediately, roller rinks will not be liable for skating injuries unless the operator is grossly negligent.

Young said insurance costs have had a devastating impact on the skating industry. In the past 10 years, the number of rinks in the state has dropped from 50 to 21. Since 1975, membership in the Roller Skating Rink Operators of America has dropped from 2,400 to a 1,150 members, he said.

Young said many rinks have been forced to take out policies with "B-rated" insurance companies because the top-rated companies were too expensive. Many owners operated rinks with inadequate coverage and some had no coverage, he said.

"Now owners who aren't happy with their current policies can go with the A-rated carriers for less money," Young said.

Young said he was paying \$15,000 per rink annually for \$1 million of liability coverage. This rate, he said, has already dropped since the bill passed into law Wednesday.

Young said that he would have stayed in business if the bill had not passed, but other rinks would "definitely have closed down."

Operators are required to post the responsibilities of roller skaters in three visible places around the rink; must maintain skating equipment and all facilities, as well as fire and safety equipment; and must have at least one floor supervisor on duty for every 200 skaters.

Young said he was not as hard hit as other New Jersey operators because of the revenue from the amusement park he operates adjacent to his Mays Landing rink.

However, he said, amusement parks are another industry plagued by liability lawsuits. Young, a board member of the New Jersey Amusement Park Association, said that association intends to lobby for a similar law for amusement parks.