

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 789
Second Edition Engrossed 5/9/95

Short Title: Roller Skating Rink Liability.

(Public)

Sponsors: Representative Baker.

Referred to: Judiciary I.

April 10, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOCATE THE DUTIES OF ROLLER SKATING RINK OPERATORS
3 AND THE DUTIES OF ROLLER SKATERS AT ROLLER SKATING RINKS AS
4 THESE DUTIES RELATE TO SAFETY AND LIABILITY FOR PERSONAL
5 INJURY.

6 The General Assembly of North Carolina enacts:

7 Section 1. The General Statutes are amended by adding a new Chapter to read:

8 **"CHAPTER 99D.**

9 **"ROLLER SKATING RINK SAFETY AND LIABILITY.**

10 **"§ 99D-1. Findings.**

11 The General Assembly finds:

- 12 (1) Roller skating is a sport that is enjoyed on a regular basis by thousands
13 of North Carolina families. It is an affordable sport and a form of
14 exercise for young and old alike.
- 15 (2) The stable and efficient operation of roller skating rinks is essential in
16 order to provide a safe and supervised area for roller skaters to practice
17 their sport.
- 18 (3) Liability insurance for roller skating rink operators is difficult to find
19 and expensive to maintain.

- 1 (4) The number of insurance providers who are willing to issue liability
2 insurance is shrinking, causing a rise in premiums on the insurance that
3 is available.
- 4 (5) Roller skating rinks in North Carolina primarily are operated by small,
5 independent businessmen who simply do not have the financial means
6 to pay increasing liability premiums.
- 7 (6) Lack of insurance coverage adversely affects the roller skating rink
8 owners as well as patrons who may suffer personal injury due to
9 accidents on the premises of the roller skating rink.
- 10 (7) The wholesome and healthy family activity of roller skating should be
11 encouraged.

12 **"§ 99D-2. Definitions.**

13 As used in this Chapter:

- 14 (1) 'Operator' means a person or entity who owns, manages, controls or
15 directs, or who has operational responsibility for a roller skating rink.
- 16 (2) 'Roller skater' means an individual wearing roller skates while in a roller
17 skating rink for the purpose of recreational or competitive roller skating.
18 'Roller skater' includes any individual in the roller skating rink who is an
19 invitee, whether or not this individual pays consideration.
- 20 (3) 'Roller skating rink' means a building, facility, or premises that provides
21 an area specifically designed to be used by the public for recreational or
22 competitive roller skating.
- 23 (4) 'Spectator' means an individual who is present in a roller skating rink
24 only for the purpose of observing recreational or competitive roller
25 skating.

26 **"§ 99D-3. Duties of an operator.**

27 The operator, to the extent practicable, shall:

- 28 (1) Post the duties of roller skaters and spectators and the duties,
29 obligations, and liabilities of the operator as prescribed in this Chapter,
30 in conspicuous places in at least three locations in the roller skating rink.
- 31 (2) Maintain the stability and legibility of all signs, symbols, and posted
32 notices required under subdivision (1) of this section.
- 33 (3) Comply with all roller skating rink safety standards published by the
34 Roller Skating Rink Operators Association, including, but not limited
35 to, the proper maintenance of roller skating equipment and roller skating
36 surfaces.
- 37 (4) When the rink is open for sessions, have at least one floor guard on duty
38 for, approximately, every 200 skaters.
- 39 (5) Maintain the skating surface in reasonably safe condition and clean and
40 inspect the skating surface before each session.
- 41 (6) Maintain in good condition the railings, kickboards, and wall
42 surrounding the skating surface.

- 1 (7) In rinks with step-up or step-down skating surfaces, ensure that the
2 covering on the riser is securely fastened.
- 3 (8) Install fire extinguishers and inspect fire extinguishers at recommended
4 intervals.
- 5 (9) Provide reasonable security in parking areas during operational hours.
- 6 (10) Inspect emergency lighting units periodically to ensure the lights are in
7 proper order.
- 8 (11) Keep exit lights and lights in service areas on when skating surface
9 lights are turned off during special numbers.
- 10 (12) Check rental skates on a regular basis to ensure the skates are in good
11 mechanical condition.
- 12 (13) Prohibit the sale or use of alcoholic beverages on the premises.
- 13 (14) Comply with all applicable State and local safety codes.

14 **"§ 99D-4. Duties of a roller skater.**

15 Each roller skater shall:

- 16 (1) Maintain reasonable control of his or her speed and course at all times.
- 17 (2) Heed all posted signs and warnings.
- 18 (3) Maintain a proper lookout to avoid other roller skaters and objects.
- 19 (4) Accept the responsibility for knowing the range of his or her ability to
20 negotiate the intended direction of travel while on roller skates and to
21 skate within the limits of that ability.
- 22 (5) Refrain from acting in a manner that may cause or contribute to the
23 injury of himself, herself, or any other person.

24 **"§ 99D-5. Assumption of risk.**

25 Roller skaters and spectators are deemed to have knowledge of and to assume the
26 inherent risks of roller skating with regard to liability of an operator, insofar as those risks
27 are obvious and necessary. The obvious and necessary inherent risks include, but are not
28 limited to, injuries that:

- 29 (1) Result from incidental contact with other roller skaters or spectators,
- 30 (2) Result from falls caused by loss of balance, and
- 31 (3) Involve objects or artificial structures properly within the intended path
32 of travel of the roller skater,

33 and that are not otherwise attributable to a rink operator's breach of the operator's duties
34 as set forth in G.S. 99D-3.

35 **"§ 99D-6. Defense to suit.**

36 Assumption of risk pursuant to G.S. 99D-5 is a complete defense to a suit against an
37 operator by a roller skater or a spectator for injuries resulting from any obvious and
38 necessary inherent risks, unless the operator has violated the operator's duties under G.S.
39 99D-3."

40 Sec. 2. This act shall become effective October 1, 1995 and applies to civil
41 actions arising on or after that date.