

SENATE BILL REPORT

SB 6380

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 4, 1994

Brief Description: Concerning skate center liability.

SPONSORS: Senators Vognild and McAuliffe

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Staff: Lidia Mori (786-7755)

Hearing Dates: February 3, 1994; February 4, 1994

BACKGROUND:

Operators of skating centers are aware of the inherent dangers involved in sports such as ice skating and roller skating. There is apprehension about the lack of parameters concerning liability as it applies to skating center operators, skaters, and spectators at skating centers.

SUMMARY:

A skating center operator is a person or entity that owns, manages, or controls an ice or roller skating center. A skating center is a building, facility, or premises that provides an area for ice or roller skating for the public. A skater is a person wearing ice or roller skates while in a skating center. A spectator is a person who is present in a skating center for the purpose of observing the skating activity. A floor supervisor is an employee of a skating center who supervises skating within the rink.

A skating center operator is required to post signs stating the duties of skaters and spectators and the inherent risks of skating in at least two conspicuous places and maintain the stability and legibility of all signs and notices required by law. A skating center is also required to have at least one floor supervisor for every approximately 200 skaters, maintain the skating surface in reasonably safe condition, and maintain the railings, kickboards, and wall surrounding the skating rink in reasonably good condition. Fire extinguishers must be installed and inspected at recommended intervals and rental skates must be checked on a regular basis.

A skater in a skating center must maintain control of his or her speed and course at all times, read and obey the posted signs, and maintain a proper lookout to avoid other skaters,

spectators, and objects. When attempting to overtake another skater, a skater must avoid collision with objects and other persons and a skater must know the range of his or her ability and skate within the limits of that ability. A skater must refrain from acting in a manner that may cause injury to himself, herself or another person.

A skater at a skating center is deemed to accept the inherent risks of skating which are obvious and necessary. Those risks include, but are not limited to, injuries that result from contact with other skaters, spectators, and other persons, injuries that result from ordinary loss of balance and falls, and injuries involving other objects or structures visibly within the intended path of travel.

Skating center operators are not liable to skaters or spectators for injuries that result from the inherent risks of skating. In an action against a skating center operator brought by a skater or spectator, it is a complete defense for the skating center operator that the injuries of the skater or spectator are a result of a violation of the responsibilities set out above or from the inherent risks of skating. Current comparative negligence laws do not apply unless the skating center operator has violated the responsibilities set out in this bill or committed any other act of negligence and the act was a proximate cause of the skater's or spectator's injuries.

EFFECT OF PROPOSED SUBSTITUTE:

In an action against a skating center operator brought by a skater or spectator, it is a rebuttable defense for the skating center, instead of a complete defense, that the injuries of the skater or spectator are a result of a violation of a skater's or spectator's responsibilities or from the inherent risks of skating. Current comparative negligence laws would apply in such a lawsuit.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

There is a recurring problem with people skating in skating centers in that they fall down and then expect the skating center to have insurance to cover their injuries. The skating center does not have insurance to cover them so they sue the skating center. There are signs up in numerous places at the skating center that people skate at their own risk. When a skating center is sued, their insurance rates increase. At least eight other states have a law similar to this bill.

TESTIMONY AGAINST:

We have concerns about the complete defense language in the bill. Also, restricting the applicability of current comparative negligence law means the bill eliminates the only way we have in law to allocate fault in these types of situations.

TESTIFIED: Rebecca Bogard (pro); Eric Englund, WA Roller Rink Operators (pro); Larry Pattison, WA Roller Rink Operators (pro); Larry Shannon, WA State Trial Lawyers (con)