



Roller Skating Safety & Liability Statutes

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ALABAMA

Code of Ala. § 6-5-342 Skateboarding and Roller Skating

Found within TITLE 6 Civil Practice, Chapter 5 Actions, Article 18 Exemptions from Liability

Purpose: Encourages owner of property to make land available for such activities by recognition of certain risks and exposure to liability and prohibitive cost of insurance. Provides that participants, assistants, and observers of such activities assume known and unknown inherent risks and are legally responsible for all damages to themselves.

Sets out duties of operators of roller skating parks that would void immunities and responsibilities of participants.

States that any person who participates in or assists in roller skating or skateboarding in a park or a rink designated for that purpose, regardless of whether publically or privately owned, assumes the known and unknown inherent risks in roller skating and skateboarding activities and is legally responsible for all damages, injury, or death to self or other persons or property which result from these activities. The statute includes the risks assumed by observers of such activity

The statute requires operators of a skateboard or roller skating park or rink to maintain the stability and safety of skating surfaces and to comply with all state and local codes for park or rink conditions, such as lighting, railings, etc. They must post and maintain a warning sign in a clearly visible location at the entrance and any other conspicuous location, which shall serve as a warning to the participants and observers that the rink or park has limited civil liability. Failure to comply with the warning signs shall prevent the owner or operator from invoking the immunities in the section. The warning notice shall appear on the sign in black letters with each letter to be a minimum of one inch in height and to contain the following notice:

WARNING

“Under Alabama law, a skateboard or roller skating park or rink operator is not liable for injury, damages, or death of a participant, assistant, or spectator in skateboarding or roller skating activities in the park or rink resulting from the inherent risks of skateboarding or roller skating activities. If skateboarding is permitted in this facility, any person skateboarding in this facility must wear appropriate protective equipment including a helmet, elbow pads, and knee pads.”

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Participants are by law required to act within the limits of their ability and the purpose and design of the equipment, maintain control, and refrain from acting in any manner which may contribute to injury or deal of self or other person. Such persons are also deemed to have read and understood the posted warning signs.

FLORIDA

F.S.A. § 768.395 Roller Skating Rink Safety Act

Purpose: To afford rink owners more predictable liability exposure, defines roller skater broadly, and sets out duties of roller skaters, spectators and operators. Act also clarifies the responsibilities of operators and patrons by defining “Inherent Risk” as those dangers or conditions that are characteristic of, intrinsic to, or an integral part of the activity of roller skating.

Section (5) sets forth the conditions under which an operator is not liable to a roller skater or spectator for any damages or personal injury resulting from the inherent risks of roller skating. Section (5) also makes clear that these protections do not apply if there are specified failures of the operator, such as failure to post responsibilities of roller skaters and spectators in at least three areas on the premises, failure to have at least one supervisor or manager on duty for every 200 skaters, and failure to maintain the skating surface in a reasonably safe condition, which includes cleaning and inspecting the skating surface before each skating session.

Skaters must maintain reasonable control of speed and course, heed all posted signs and warnings, maintain a proper awareness to avoid other skaters and objects, accept responsibility for range of ability, and refrain from acting in manner that may contribute to injury.

Failure of an operator to take the actions described in subsection (5) or a roller skater to comply with paragraph (6)(b) constitutes negligence.

CASE LAW:

- This statute was just signed into law in Spring of 2023. There has been no case law to date to test its interpretation.

GEORGIA

O.C.G.A. § 51-1-43 Roller Skating Safety Act of 1993

Purpose: Defines operator, roller skater, spectator and their duties. Does not specifically reference Floor Guards, but does state that “operator” must comply with safety standards ordinarily accepted in the roller skating industry.

Each operator of a roller skating center is required to post the duties of skaters and spectators in conspicuous places, comply with safety standards ordinarily accepted in the roller skating rink industry, maintain equipment and surfaces according to safety standards, and maintain stability and legibility of all required signs and notices.

Roller skaters are responsible for maintaining control of speed and course, reading all signs and warnings, maintaining a proper lookout to avoid other skaters and objects, and refrain from action in manner which may cause injury to others, as well as accept responsibility for knowing range of own ability and intended direction of travel.

Roller skaters accept the risks inherent in that activity, and violators of the Code (whether a roller skater, spectator or operator) shall be liable in a civil action for damages resulting from the violation.

Nothing in the Code is to be construed as relieving an operator from exercising ordinary diligence in his or her operational responsibility.

CASE LAW

- Even if owners and operators of roller skating rink violated their duties under Roller Skating Safety Act, by failing to have an identifiable floor guard in the rink at time patron fell while attempting to exit skating surface, patron failed to show that such breach proximately caused his injuries. *Evans v. Sparkles Management LLC*, 2008, 290 Ga.App. 458, 659 S.E.2d 860.
- Patron of roller skating rink failed to establish that owners and operators of rink violated their duties under Roller Skating Safety Act by failing to have an identifiable floor guard in the rink at time patron fell while attempting to exit skating surface. Thus, owners and operators were not liable for injuries sustained by patron. The assistant manager of the rink asserted unequivocally that “there was a floor guard on the skating floor at the time of the incident,” and a report he prepared the day of the injury supported such assertion, indicating that the floor guard was in the middle of the skating floor when patron fell. *Evans v. Sparkles Management LLC*, 2008, 290 Ga.App. 458, 659 S.E.2d 860.

ILLINOIS

§ 745 ILCS 72/1 Roller Skating Rink Safety Act

Purpose: More predictability in liability to the owners of rinks and to encourage risk reduction techniques. Legislature particularly commented on need for Act due to difficulty in obtaining liability insurance coverage at an affordable cost. Defines operators, roller skaters and spectators, their responsibilities and assumption of risks as a complete defense for risks assumed, unless operator violated their duties.

CASE LAW

- Intent of Legislature in enacting Roller Skating Rink Safety Act was to encourage the operation of roller skating rinks and to make the imposition of liability predictable. *Tomczak v. Planetsphere, Inc.*, App. 1 Dist.2000, 249 Ill.Dec. 58, 315 Ill.App.3d 1033, 735 N.E.2d 662.
- Courts will not read anything into a statute which is in derogation of the common law by intendment or implication. *Tomczak v. Planetsphere, Inc.*, App. 1 Dist.2000, 249 Ill.Dec. 58, 315 Ill.App.3d 1033, 735 N.E.2d 662.

Operator must post duties of skaters, spectators and operators, comply with all standards published by the Roller Skating Rink Operators Association, including proper maintenance of equipment and surfaces, maintain stability and legibility of all signs, have at least one floor supervisor on duty for every 200 persons, maintain skating surface, railings, kickboards, walls, riser covers, install fire extinguishers at recommended intervals, inspect emergency exits, keep exit lights on, check rental skates on regular basis, and comply with all state and local codes.

CASE LAW

- Presence of roller rink employee who served as a “skating supervisor” was sufficient to satisfy requirement under Roller Skating Rink Safety Act that rink operator have “floor supervisor” on duty. *Tomczak v. Planetsphere, Inc.*, App. 1 Dist.2000, 249 Ill.Dec. 58, 315 Ill.App.3d 1033, 735 N.E.2d 662.

Skaters must maintain reasonable control of speed and course, heed all posted signs and warnings, maintain a proper outlook for skaters and objects, accept responsibility for range of ability, and refrain from acting in manner that may contribute to injury.

CASE LAW

- Patron of roller skating rink who was injured in fall allegedly caused by water on rink surface failed to show that rink operator should have known of presence of water, as required to recover for injuries sustained. Patron, who alleged that condition was caused by roof or skylight leakage, did not allege that operator had actual notice, testified that she did not know how long water had been on surface, and that she did not

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see it on her other turns around rink, and there was no evidence that anybody else knew how long water had been on surface. *Tomczak v. Planetsphere, Inc.*, App. 1 Dist.2000, 249 Ill.Dec. 58, 315 Ill.App.3d 1033, 735 N.E.2d 662.

- Adoption of Roller Skating Rink Safety Act, under which operator of roller skating rink must maintain skating surface in a reasonably safe condition and clean and inspect surface before each session, does not eliminate requirement that patron who is injured as result of danger or defect on premises must establish actual or constructive notice of condition on part of operator in order to recover. *Tomczak v. Planetsphere, Inc.*, App. 1 Dist.2000, 249 Ill.Dec. 58, 315 Ill.App.3d 1033, 735 N.E.2d 662.

Skaters and spectators are deemed to have knowledge of and assume inherent risks of roller skating. Assumption of risk is a complete bar from liability unless the operator violated its duties.

INDIANA

Burns Indiana Code Ann. § 34-31-6-1 Limited Liability for Operators of Roller Skating Rinks

Found within Title 34 Civil Law and Procedure, Article 31 Limited Liability, Chapter 6

Purpose: Sets out duties of operators, roller skaters, and assumption of risks as complete defenses unless operator violated a duty. The chapter is a complete defense to the operator, unless the operator violates its specified duties.

CASE LAW

- “If a skating rink owner or operator complies with the specific requirements enumerated in § 34-31-6-1, the operator is entitled to a complete defense against liability from roller skaters who experience falls, collisions, or other incidental contact that are risks inherent in roller skating. See § 34-31-6-4.” *L.W., a minor, Addie Wilkins v. U.S. of Am., Inc.*, 2019 WL 3946068 (S.D. Ind. 2019).

Operators must post duties of skaters and operator, maintain stability and legibility of signs, have at least one floor supervisor on duty for every 175 patrons when rink is open, and floor supervisor must have received appropriate training to carry out duties and use reasonable care in carrying out duties, maintain the skating surface, clean and inspect surface before each session, maintain railings, kickboards, risers and walls, maintain rental skates in good mechanical condition, comply with all state and local fire safety codes, and use reasonable care in supervising skaters.

Skaters must maintain reasonable control of speed and course, heed posted signs and warnings, maintain proper view of skaters and objects, accept responsibility for knowing the range of the roller skater’s ability to negotiate the intended direction, skate within the limits of ability, and refrain from acting in a matter that may cause or contribute to injury. Skaters are considered to have knowledge of and assume the risks of roller skating.

CASE LAW

- The defendant roller skating rink operator complied with the requirements of § 34-31-6-1 and has a complete defense from plaintiff’s claims when, despite defendant’s reasonable care in supervising the skaters, plaintiff either fell as a result of her own imbalance or incidental contact with another skater. This is the type of risk inherent in roller skating that the Indiana Legislature concluded skating rink operators would not be liable for so long as they comply with their duties as operators. *L.W., a minor, Addie Wilkins v. U.S. of Am., Inc.*, 2019 WL 3946068 (S.D. Ind. 2019).
- Plaintiff, St. Margaret, was negligent in failure to supervise skaters on the floor, which was the proximate cause of her injury. She failed to exercise reasonable care in supervising skaters on the floor, which

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- resulted in breaching her duty as a skater. *St. Margaret Mercy Healthcare Ctrs., Inc. v. Poland*, 828 N.E.2d 396, 408 (Ind. Ct. App. 2005).
- “[T]he operator is entitled to a complete defense against liability from roller skaters who experience falls due to collisions and incidental contact with other skaters while on the skating rink floor. However, if the evidence establishes that a roller skating rink operator is non-compliant with the statutorily imposed duties and responsibilities of an operator, as found in Section 1, the operator no longer is entitled to a complete defense under Section 4(a), against a skater who sustains an injury related to its non-compliance; but, pursuant to Section 4(b)(1)(2), the matter shifts to a comparative fault analysis under I.C. § 34-51-2-6.” *St. Margaret Mercy Healthcare Ctrs., Inc. v. Poland*, 828 N.E.2d 396, 408 (Ind. Ct. App. 2005).

MAINE

8 M.R.S.A § 603 Roller Skating Safety Act

Purpose: Defines duties of operators, skaters and inherent dangers.

Operators must post in conspicuous places the duties of skaters and inherent risks of roller skating, comply with safety standards adopted by a national roller skating rink operators association, maintain roller skating equipment and surfaces, maintain the stability and legibility of all signs.

Skaters must know range of ability to travel on skates and skate within that ability and maintain control of speed and course while observing skaters, spectators, and objects. A skater attempting to overtake another skater shall do so in a manner that avoids collision with objects and other skaters in field of vision.

Participants in skating accept the inherent risks of skating that are not attributable to a breach of the operators' common law duties. A skater or operator who violates the subchapter is liable to an injured person in a civil action for damages resulting from the violation.

Maine also has an Ice Skating Safety Act with similar purpose.

MICHIGAN

MCLS § 445.1722 Roller Skating Safety Act of 1988

Purpose: Sets out duties and liabilities of roller skating operators and persons who use roller skating centers and to set out acceptance of certain risks. Includes in-line skates.

CASE LAW

- Under the RSSA, a “roller skater” is defined as “a person wearing roller skates while that person is in a roller skating center for the purpose of roller skating.” MCL 445.1722(c). [Court] rejected plaintiff’s argument that she was not a “roller skater” for purposes of the RSSA. The evidence established that plaintiff fit the statutory definition. *Kline v. Skatemoore, Inc.*, No. 288141, 2009 WL 4985026 (Mich. Ct. App. Dec. 22, 2009).
- In resolving whether in-line skating is “roller skating” and whether in-line skates are “roller skates” for purposes of the Act, the court establishes that in-line skates are roller skates [and] a place where in-line skating occurs is a roller skating facility. *Weisman v. U.S. Blades, Inc.*, 217 Mich.App. 565, N.W.2d 484 (1996).

Operators must post the duties of skaters and spectators, comply with standards of a national roller skating rink operators association, maintain equipment and surfaces according to such safety standards, maintain the stability and legibility of all required signs.

CASE LAW

- Section (b) of MCL 445.1723 of the RSSA provides that the operator of a roller skating center must “comply with the safety standards specified in the roller skating rink safety standards published by the Roller Skating Rink Operators Association, (1980).” Under these standards, defendant was obligated to inspect skating surfaces and keep them clean and free from foreign objects. Statements and evidence support for a conclusion that defendant’s employees knew about a foreign substance present on the skating floor for a relatively lengthy period of time before the fall, and yet did not remedy the situation. *Vaughn v. Riverside Arena, Inc.*, 2006 WL 3734680 (Mich. App.).

Skaters must maintain reasonable control of speed and course, read all posted signs and warnings, maintain proper lookout for skaters and objects, and accept responsibility for the range of ability and act within that range.

CASE LAW

- “This Court held that [M.C.L.A. 445.1724(d)] of the Roller Skating Safety Act means that by participating in the sport of roller skating, a roller skater accepts the dangers of colliding with another roller skater.”

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Zeiman v. Skate World, 1996 WL 33362199 (Mich. Ct. App. Aug. 2, 1996).

Participants accept the danger that inheres in that activity insofar as the dangers are obvious and necessary and not attributable to the operator's breach of common law duties.

CASE LAW

- This court concluded that the legislature did not intend to provide absolute immunity to skating rink operators, and, therefore, although a roller skater assumes the risks of obvious and necessary dangers inherent in the sport of roller skating, a roller skater does not assume the risk of an operator violating its duties prescribed in MCL 445.1723. *Dale v. Beta-C, Inc.*, 227 Mich.App. 57, 574 N.W.2d 697 (1997) (*Dale II*).
- Court holds that plaintiff's injury was not directly caused by the congested area and instead was caused by a near collision with another skater and plaintiff's subsequent fall when plaintiff was injured when she fell after anticipating a potential collision with another skater who allegedly skated out in front of her. *Franzel v. Metro Skate, Inc.*, 2014 WL 265516 (Mich. Ct. App. Jan. 23, 2014).
- Court holds under the Act, the near collision with the other skater and the collision with the wall were obvious and necessary dangers of roller skating. *Weisman v. U.S. Blades, Inc.*, 217 Mich.App. 565, 570 N.W.2d 484 (1996).
- "Because a dining table in a dining area is 'properly present on or about the physical premises,' and was not, by virtue of its design or placement unreasonably dangerous, the risk of both the collision with the other skater and the fall against the table was assumed by plaintiff's decedent and thus defendants are not liable." *Lincoln ex rel. Estate of Ellsworth v. Skateland Arena*, 1999 WL 33454019, 2 (Mich. Ct. App. Feb. 23, 1999).

A skater, spectator, or operator who violates the Act shall be liable in a civil action for damages resulting from the violation.

NEW JERSEY

N.J. Stat § 5: 14-1 New Jersey Roller Skating Rink Safety and Fair Liability Act

Purpose: To afford rink owners more predictable liability exposure, defines roller skater broadly, sets out duties of roller skaters, spectators and operators, deemed knowledge and assumption of inherent risks.

CASE LAW

- The purpose of the Act was not to immunize rink owners, but to afford them more predictable liability exposure by fairly allocating risks and responsibilities among skaters and operators. *Calhanas v. South Amboy Roller Rink*, 292 N.J. Super. 513 (App. Div. 1996).
- The legislative history of the Act noted that between 1981 and 1991, the number of roller skating rinks in New Jersey dropped from 50 to 21. The legislature expressed concern that rink owners were having difficulty obtaining liability insurance and that the coverage they did obtain was often prohibitively expensive. This motivated the legislature to make it easier for skating rinks to obtain insurance by making the incidence of liability more predictable.
- The courts have given the term “roller skater” a broad definition. The Act applies regardless of whether the roller skater is wearing roller blades, in-line skates, or traditional quad roller skates. *Calhanas v. South Amboy Roller Rink*, 292 N.J. Super. 513 (App. Div. 1996).

Operators have the following responsibilities to the extent practicable: post the duties of skaters and spectators and the operator as prescribed in the Act in conspicuous places in at least three locations in the rink; maintain the stability and legality of all signs; have at least one floor guard on duty for every approximately 200 skaters; maintain the skating surface; inspect the skating surface before each session; maintain the railings, kickboards, and walls; ensure covering on risers is fastened in step-up or step-down surfaces; install and inspect fire extinguishers at recommended intervals; provide reasonable security in parking areas during operational hours; inspect emergency lights and keep exit lights on when skating surface lights are off during special numbers; check rental skates on regular basis; prohibit sale or use of alcoholic beverages; and comply with all state and local safety codes.

CASE LAW

- N.J.S.A. § 5:14–4(k) imposes an affirmative duty through public policy for the state of New Jersey that prohibits roller skating rink operators from disclaiming their liability for accidents caused by improperly maintained or negligently maintained skates. The statute has been construed by case law to require floor guards be “reasonably trained.” *Elliott v. Delsea Arena, Inc.*, 2005 WL 1389378 (D.N.J. Jun. 13, 2005).

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- N.J.S.A. § 5:14–4(a) requires posting the duties of roller skaters and spectators in at least three locations in the roller skating rink. There is no official approved signage, but almost all roller skating rinks in New Jersey use the signage that was developed due to the statute in 1992.
- N.J.S.A. § 5:14–4(c) requires at least one floor guard on duty for every approximately 200 skaters. New Jersey courts have ruled that just posting the required number of floor guards is not enough to avoid potential liability. Implicit in the duty to post floor guards is a duty to post adequately trained guards who take due care to render competent and watchful supervision. Although the Act does not explain what the required floor guards must do once posted, the statute must be construed to require trained and reasonably alert guards. *Calhanas v. South Amboy Roller Rink*, 292 N.J. Super. 513 (App. Div. 1996).
- N.J.S.A. § 5:14–4(m) requires roller skating rinks to comply with all applicable state and local safety codes. The Act’s sponsors’ statement clearly demonstrated that the operators’ responsibilities were not to end with those precisely enumerated in the Act. The sponsors’ statements explains that the operators’ “responsibilities . . . include complying with all roller skating rink safety standards published by the RSROA” even though this duty does not appear in the Act. Presumably, operators are required to comply with the roller skating rink safety standards adopted by the RSROA Risk Management Committee on February 7, 1980, and amended May 2, 1981. In addition, operators should follow the Roller Skating Risk Management Guidelines adopted by the RSA Board of Directors on June 2, 2003.
- A commercial landowner who incited others to come onto his premises is under a duty to exercise reasonable care for their protection. His duty extends to protection against the acts of third persons if he ought reasonably to have anticipated the occurrence. This applied to a roller skating rink and its duty to provide reasonable supervision for skaters on the rink floor. *Crammer v. Willston Operating Company*, 19 N.J. Super. 489 (App. Div. 1952).

Skaters shall maintain reasonable control of speed and course, heed all posted signs and warnings, maintain a proper outlook to avoid other roller skaters and objects, accept the responsibility of knowing the range ability to negotiate intended direction of travel and skate within that ability, and refrain from acting in a manner which may cause or contribute to the injury of himself or any other person.

CASE LAW

- N.J.S.A. § 5:14–5(b) requires roller skaters to accept responsibility for knowing the range of their own ability and to skate within the limits of that ability. “This duty has no applicability when a skater is acting under the direction and control of a skating instructor rather than skating on her own. In fact, one of the objectives of skating lessons should be to familiarize a novice skater with his or her physical and other limitations.

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Thus, in an instructional setting, the duty imposed by paragraph 5(d) does not arise until the instructor conveys the required knowledge to the student of his or her capabilities and the inherent risks of skating.” *Derricotte v. USA*, 350 N.J. Super. 227 (App. Div. 2002).

Skaters and spectators are deemed to have knowledge of and to assume the inherent risks of skating insofar as those risks are obvious and necessary. The assumption of risk is a complete bar of a suit and a complete defense to a suit against an operator by a roller skater or spectator for injuries resulting from assumed risks, unless an operator has violated duties under the Act. Failure to adhere to the duties set out for a skater and spectator shall act as a bar against suit by an operator where such failure is found to be a contributory factor in the resulting injury, unless the operator has violated duties under the Act.

CASE LAW

- “Incident contact” between skaters is not defined in the Act. However, one court defined incident contact to mean “likely to happen or naturally appertaining.” The court gave an example of what incidental contact may look like: When a skater is skating in a safe and unremarkable fashion and simply lost control and struck the plaintiff, knocking him to the floor. *Calhanas v. South Amboy Roller Rink*, 292 N.J. Super. 513 (App. Div. 1996).
- Under this paragraph, skaters do not assume the risk of any and all incidental contact with other skaters. Rather, a skater assumes the risk of incident contact with other skaters if and only if the incidental contact was “not otherwise attributable to a rink operator’s breach of his duties as set forth in the Act.” In other words, contact with another skater who is skating out of control due to inadequate supervision by the floor guards is not considered “incidental” contact and is not an inherent risk of roller skating. *Calhanas v. South Amboy Roller Rink*, 292 N.J. Super. 513 (App. Div. 1996).
- An adult novice roller skater’s fall as a result of skating instructor’s alleged negligence in teaching her how to skate was not a “fall caused by loss of balance” within the meaning of this section of the Act. *Derricotte v. USA*, 350 N.J. Super. 227 (App. Div. 2002).
- A rink operator’s failure to give adequate instruction to a person who has never skated before is not an “inherent,” “obvious” or “necessary” risk of skating. *Derricotte v. USA*, 350 N.J. Super. 227 (App. Div. 2002).
- Under the Act, a roller skater is only deemed to assume “inherent” risks of roller skating that are “obvious” and “necessary,” and rink operator’s failure to give adequate instruction to a person who has never skated before is not an “inherent,” “obvious” or “necessary” risk of skating. *Derricotte v. USA*, 350 N.J. Super. 227 (App. Div. 2002).
- What the legislature undoubtedly contemplated when it identified falls as an example of the “inherent risks of roller skating” was a person skating on his or her own who loses balance, rather than a person skating under

the direction and control of one of the rink's employees during a skating lesson. *Derricotte v. USA*, 350 N.J. Super. 227 (App. Div. 2002).

WAIVERS AND RELEASES.

- A parent's execution of a pre-injury release of a minor's future tort claim arising out of the use of a commercial recreational facility is unenforceable as a matter of law. *Hojnowski v. Vans Skate Park*, 187 N.J. 323.
- A parent's agreement to arbitrate a minor's future tort claim arising out of the use of a commercial recreational facility is enforceable. *Hojnowski v. Vans Skate Park*, 187 N.J. 323.
- Written pre-injury waivers involving adults over the age of 18 are generally enforceable in the absence of fraud, duress or unconscionability. However, pre-injury waivers and releases are disfavored in the law because they encourage negligent conduct by relieving businesses of their duty to exercise reasonable care.
- Pre-injury waivers and releases that violate public policy are not enforceable. Waivers that excuse non-performance of a statutory duty violate public policy, and releases used by roller skating rinks must be carefully drafted to avoid excusing non-performance of the duties and responsibilities of a roller skating rink set forth in N.J.S.A. 5:14-4. *Hojnowski v. Vans Skate Park*, 187 N.J. 323.

NORTH CAROLINA

N.C. Gen Stat. § 99E-10 Roller Skating Rink Safety and Liability

Found within Chapter 99E Special Liability Provisions, Article 2

Purpose: Defines operator, roller skater and spectator, sets out duties of each and assumption of risk of roller skaters and spectators. Assumption of risk is complete defense for injuries resulting from obvious and necessary inherent risks, unless operator has violated duties.

Operators, to the extent practicable, shall: post the duties of skaters and spectators and the duties, obligations, and liabilities of the operator as prescribed in conspicuous places in at least three locations in the rink; maintain stability and legibility of all signs and notices; comply with all roller skating rink safety standards published by the Roller Skating Rink Operators Association, including, but not limited to, the proper maintenance of roller skating equipment and roller skating surfaces, have at least one floor guard for approximately every 200 skaters, maintain the skating surface in reasonably safe condition, clean and inspect the skating surface before each session, maintain in good condition the railings, kickboards, and walls surrounding the skating surface and risers fastened on step-ups and step-downs, install and inspect fire extinguishers at regular intervals, provide reasonable security in parking areas during operational hours, inspect emergency lighting units periodically, keep exit lights on when skating surface lights are off during special numbers, check rental skates on a regular basis, prohibit sale or use of alcoholic beverages on the premises, comply with all applicable state and local safety codes, not engage willfully or negligently in any conduct that may proximately cause injury, damage, or death to a skater or spectator.

Roller skaters shall, to the extent commensurate with the person's age, maintain reasonable control of speed and course at all times, heed all posted signs and warnings, maintain a proper lookout to avoid other roller skaters and objects, accept the responsibility for knowing the range of his or her ability to negotiate the intended direction of travel and to skate within the limits of that ability, and to refrain from acting in a manner that may cause or contribute to the injury of self or others.

Roller skaters and spectators are deemed to have knowledge of and assume the inherent risks of roller skating, insofar as those risks are obvious and necessary. The obvious and necessary inherent risks include, but are not limited to, injury, damage, or death that results from incidental contact with other skaters or spectators, falls caused by loss of balance or objects or artificial structures properly within the intended path of travel and that is not otherwise attributable to an operator's breach of duties. Assumption of Risk is a complete defense to a suit against an operator by a roller skater or spectator for injuries resulting from any obvious and necessary inherent risks, unless the operator has violated duties.

OHIO

ORC Ann 4171.1 Roller Skating Rinks

Found within Title 41 Labor and Industry, Chapter 4171.

Purpose: Defines operator, roller skater, roller skating rink and spectator, sets out minimal safety standards as well as duties of operators, floor supervisors and roller skaters, and assumption of certain risks as a complete defense, unless attributable to an operator's breach of duties.

Requires operator to obtain a certificate of registration and to post the responsibilities of roller skaters and spectators in conspicuous places in at least three locations in the roller skating rink; maintain the stability and legibility of all signs, symbols and notices; maintain the skating surface and inspect the skating surface before each session; maintain the railings, kickboard risers and walls; install fire extinguishers and inspect at recommended intervals; inspect emergency lighting and keep exit lights on when skating lights are off during special numbers; check rental skates on regular basis; and comply with all applicable state and local safety codes.

CASE LAW

- Skating rink found not liable due to compliance with duties contained in R.C. 4171.07, and holding that skating rink did not and could not, in the exercise of ordinary care, know of the danger at issue when plaintiff was struck from behind by an unknown skater, causing plaintiff to fall and be injured. *Hey v. Skateworld, Inc., et al.*, 2nd Dist. Montgomery No. 16941, 1998 WL 698368 (Oct. 9, 1998).

It is specifically mandated that operators maintain at least one floor supervisor on duty for every 175 roller skaters when the rink is open for sessions. The floor supervisor shall be in a position to observe the skate floor and shall monitor activity on the skate floor and be available to assist skaters in understanding and adhering to responsibilities. They shall comply with duties as defined by Roller Skating Rink Operators of America or its successor organization, including directing traffic and assisting roller skaters who may fall or sustain injuries. The floor supervisor shall issue warnings, reprimands, or penalties to roller skaters in violation.

Roller skaters shall maintain reasonable control of speed and course, heed all posted signs and warnings, maintain a proper outlook to avoid other skaters and objects, accept responsibility for knowing the range of ability and skating within that ability, and refrain from acting in a manner that causes or contributes to the injury of self or another person.

CASE LAW

- Skater assumed risk of fall due to loss of balance due to alleged improperly fitted skates. *Gallihugh v. United Skates of America*, 10th Dist. Franklin No. 99AP-624, 2000 WL 423979 (April 20, 2000).

Roller skaters are deemed to have knowledge of and to expressly assume the risks of and legal responsibility for any losses, damages, or injuries that result from contact with other roller skaters or spectators, injuries that result from falls caused by loss of balance, and injuries which involve objects or artificial structures properly within the intended path of travel, which are not otherwise attributable to an operator's breach of duties. Assumption of risk is a complete defense in a civil action against a operator by a roller skater for injures from the assumed risks.

CASE LAW

- “Although contact with other skaters is an inherent risk of roller skating as set forth under R.C. 4171.09, and skaters assume the risk of contact, as mentioned, willful, or wanton conduct in reckless disregard of a skater's safety is not protected by assumption of the risk.” *Houston v. Brookpark Skateland Social Club, Inc.*, WL 1888899 (Ohio Ct. App. 2020).

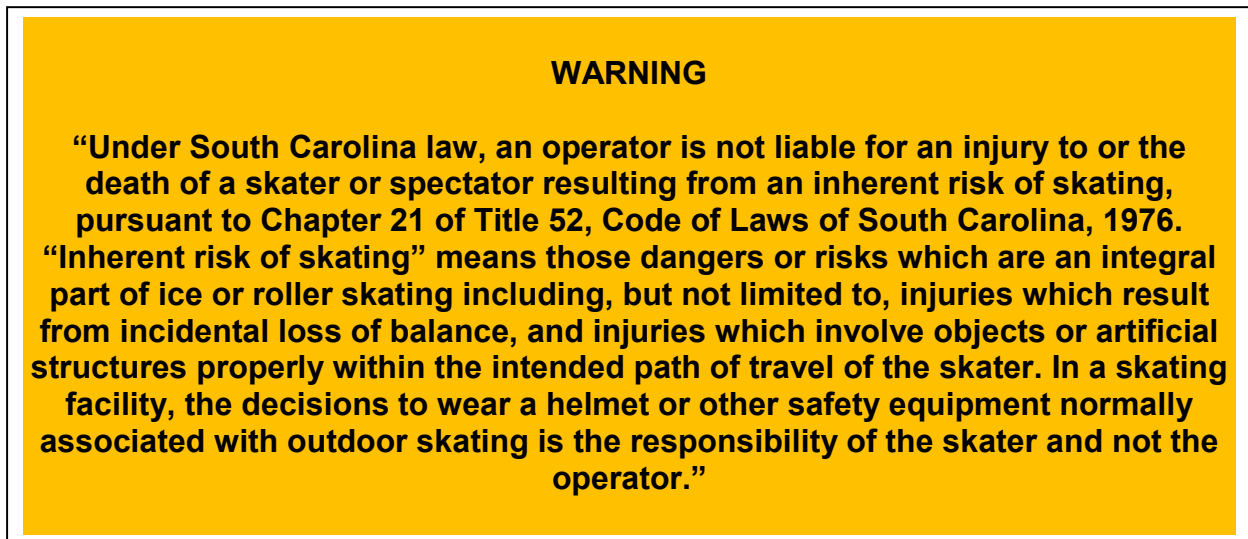
SOUTH CAROLINA

S.C. Code Ann § TITLE 52 Amusements and Athletic Contests, Chapter 21 Ice or Roller Skating Liability Immunity

Purpose: Sets out responsibilities of rink operator, skater, and spectator and limits liability of operator.

Operators have a responsibility and a duty to the extent practicable to post in a conspicuous place the duties of skaters and spectators and the duties, obligations, and liabilities of the operator, maintain the stability and legibility of all signs, and have at least one floor supervisor on duty for approximately every 200 skaters when the skating rink is open for sessions. The floor supervisor is not required to wear skates, and an operator is considered to be a floor supervisor, maintain the surface and clean and inspect before every session, maintain the railings, kickboards and walls, make certain that in rinks with step-up or step-down surfaces the covering on the riser and treat is secured, inspect emergency lighting and maintain lighting, inspect rental skates, comply with all applicable state and local fire and safety codes.

Operators must post and maintain signs placed in clearly visible locations within the skating rink that contain the following warning notice:



Failure to comply with the signage requirements prevents an operator from invoking the privileges of immunity provided by this chapter.

Each skater must maintain reasonable control of speed and course at all times, comply with all posted signs and warnings, wear skates only in areas designated by the operator, maintain a proper lookout to avoid other skaters and objects, accept responsibility for knowing the range of ability to negotiate the intended path of travel and skate within that

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ability, and refrain from acting in an manner which may cause or contribute to the injury self or others.

Spectators have their own specified duties to comply with all properly posted signs and warnings and follow the reasonable instructions of the operator, maintain a proper lookout to avoid skaters, and refrain from acting in a manner which may cause or contribute to the injury to self or others.

Operators are not liable for an injury to or death of a skater or spectator resulting from an inherent risk of skating, and no skater or spectator or their representative may make a claim against, maintain an action against, or recover from an operator for injury, loss, damage, or death resulting from an inherent risk, unless the operator breached a duty that was the proximate cause or committed an act or omission that constitutes willful or wanton disregard, or intentionally caused injury.

TEXAS

Texas Health and Safety Code § 759.001, Title 9 Safety, Subtitle a Public Safety, Chapter 739 Roller Skating Centers

Purpose: Defines operator, spectator, and roller-skating center and duties of operators, roller skaters, and spectators, and limits liability to injuries caused by a breach of operator's duties.

Operators shall provide at least one individual to act as a floor guard for approximately every 200 skaters, and floor guards are required to wear attire that identifies the individual as a floor guard, be on duty at all times while skating is allowed, direct and supervise skaters and spectators, and watch for foreign objects that may have fallen on the floor. Operators also shall inspect and maintain the roller skating surface and the railings, kickboards, and walls surrounding the surface, and inspect and maintain the leased equipment, as well as comply with the Roller Skating Rink Safety Standards published by the Roller Skating Rink Operators Association of America, post the duties of roller skaters and spectators in conspicuous places, and maintain the stability and legibility of all required signs and notices.

Roller skaters shall comply with each posted sign or warning that relates to the behavior and responsibility of the skater, shall obey instructions given by the operator, floor guard, or other roller skating center personnel, maintain reasonable control over the speed and direction of the roller skater's skating at all times, shall be reasonably aware of other roller skaters or objects in the roller skating center to avoid colliding with other roller skaters or objects, shall know the roller skater's ability to control the intended direction of skating, and shall skate within the limits of that ability, and may not act in a manner that may cause injury to others.

Statute specifies that the conduct of a child shall be evaluated based on the child's experience, intelligence, capacity, and age to determine if the child violated the above section.

Sets out that spectators shall comply with each posted sign or warning that relates to the behavior of the spectator in the roller skating center.

The liability of the operator is limited to those injuries or damages proximately caused by a breach of operator's duties. Texas also has similar laws pertaining to ice skating in Chapter 760.

