

Reporter

2014 Bill Text NJ A.B. 1437

Notice

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THE STATE OF NEW JERSEY BILL TEXT > NEW JERSEY 216TH LEGISLATURE > ASSEMBLY BILL 1437

Synopsis

An Act concerning helmet requirements while operating ice skates, roller skates, and skateboards and amending P.L.1997, c.411.

Digest

STATEMENT

This bill would increase the age for requiring a person to wear a helmet when roller skating or skateboarding to 17 years of age and younger. Current law requires persons 16 years of age and younger to wear a helmet when roller skating or skateboarding.

The bill also extends this helmet requirement to ice skaters. The bill exempts figure skaters involved in organized competitions from the helmet requirement.

Due to a high proportion of head injuries among ice skaters, some researchers have concluded that children should wear protective helmets during recreational ice skating.

Text

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1997, c.411 (C.39:4-10.5) *is amended* to read as follows:

1. a. As used in this act:

"Director" means the Director of Consumer Affairs in the Department of Law and Public Safety.

"ICE SKATES" MEANS A PAIR OF SHOES OR LIGHT BOOTS WITH PERMANENTLY FIXED RUNNERS FOR SKATING ON ICE.

"Roller skates" means a pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels, and used to glide or propel the user over the ground.

- b. A person under ~~17~~18 years of age shall not operate any ICE SKATES, roller skates, or skateboard unless that person is wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and

Materials (ASTM) standard or other such standard, as appropriate.

- c. The requirement in subsection b. of this section shall apply at all times while a person subject to the provisions of this act is operating ICE SKATES, roller skates, or skateboarding on any property open to the public or used by the public for ICE SKATING, roller skating, or skateboarding.

D. A PERSON UNDER 18 YEARS OF AGE SHALL NOT BE REQUIRED TO WEAR A HELMET WHILE OPERATING ICE SKATES AS REQUIRED IN SUBSECTION B. OF THIS SECTION IF THE PERSON IS UNDER THE SUPERVISION OF A COACH AND IS PRACTICING FOR, OR PARTICIPATING IN, AN ORGANIZED FIGURE SKATING COMPETITION.

(cf: P.L.2005, c.208, s.3)

- 2. Section 2 of P.L.1997, c.411 (C.39:4-10.6) is amended to read as follows:

- 2. a. A person who violates the provisions of section 1 of ~~this act~~ P.L.1997, C.411 (C.39:4-10.5) by failing to wear an approved helmet shall be warned of the violation by the enforcing official. The parent or legal guardian of the violator may be fined a maximum of \$ 25 for a first offense and a maximum of \$ 100 for a subsequent offense. The penalties provided under the provisions of this subsection for failing to wear an approved helmet may be waived if the parent or legal guardian of the violator presents suitable proof that an approved helmet or appropriate personal protection equipment has been purchased since the violation occurred.
- b. All moneys collected as fines under subsection a. of this section shall be deposited in the "Bicycle and Skating Safety Fund" pursuant to section 2 of P.L.1991, c.465 (C.39:4-10.2).

(cf: P.L.1997, c.411, s.2)

- 3. Section 3 of P.L.1997, c.411 (C.39:4-10.7) is amended to read as follows:

- 3. The failure of any person to comply with the provisions of section 1 of ~~this act~~ P.L.1997, C.411 (C.39:4-10.5) shall not constitute negligence per se, contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person.

(cf: P.L.1997, c.411, s.3)

- 4. Section 4 of P.L.1997, c.411 (C.39:4-10.8) is amended to read as follows:

- 4. a. It shall be unlawful to manufacture, assemble, sell, offer to sell or distribute ICE SKATES, roller skates, skateboards, or electric personal assistive mobility devices unless ~~such~~ THE ICE SKATES, roller skates, skateboards, or electric personal assistive mobility devices contain a warning notice consistent with the requirements of this section.
- b. The warning notice required by subsection a. of this section shall be placed in at least one of the following locations and shall be clearly visible to the consumer: (1) on one ICE SKATE OR roller skate in each pair of ICE SKATES, roller skates or on the skateboard; (2) on the outside of the box or other container in which the ICE SKATES, roller skates, skateboard, or electric personal assistive mobility device are offered for sale at retail; or (3) on any user's guide or instruction manual provided with the ICE SKATES, roller skates, skateboard, or electric personal assistive mobility device.
- c. The warning notice required by subsection a. of this section must be

printed in clear and conspicuous type and be substantially similar to the following notice: "WARNING! REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS."
- d. A person, firm, corporation or other legal entity regularly engaged in the business of manufacturing or

assembling ICE SKATES, roller skates, skateboards, or electric personal assistive mobility devices who complies with the requirements of this section shall not be liable in a civil action for damages for any physical injury sustained by a user of ICE SKATES, roller skates, a skateboard, or an electric personal assistive mobility device as a result of that user's failure to wear a helmet in accordance with the provisions of this act.

(cf: P.L.2001, c.430, s.2)

5. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to read as follows:

5. a. A person, firm, corporation or other legal entity regularly engaged in the business of selling or renting ICE SKATES, roller skates, or skateboards shall post a sign at the point where the sale or rental transaction is completed stating: "STATE LAW REQUIRES A PERSON UNDER 17-18 YEARS OF AGE TO WEAR A HELMET WHEN ICE SKATING, ROLLER SKATING, OR SKATEBOARDING." The size of the sign shall be at a minimum 15 inches in length and 8 inches in width. This notification requirement shall not apply to a seller when ICE SKATES, roller skates, OR A SKATEBOARD are sold through the use of a mail order catalog or brochure where the purchase and payment are made by mail, telephone or another telecommunications or electronic method.
- b. A person, firm, corporation or other legal entity who fails to post the sign required by subsection a. of this section shall be subject to a penalty not to exceed \$ 25 a day for each day the business is open to the public and the sign is not posted. The enforcement of this subsection shall be vested in the director, the inspectors appointed under his authority and the police or peace officers of, or inspectors duly appointed for this purpose by, any municipality or county or the State. Jurisdiction of proceedings to collect the penalties prescribed by this act is vested in the Superior Court and the municipal court in any municipality where the defendant resides. Process shall be either a summons or warrant and shall be executed in a summary manner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
- c. A person, firm, corporation or other legal entity regularly engaged in the business of renting ICE SKATES, roller skates, or skateboards shall make available an approved helmet to a person under 17-18 years of age who rents the ICE SKATES, roller skates, or skateboards for use in an area where a helmet is required, if the person does not already have a helmet in his possession. A fee may be charged for the helmet rental.
- d. A person, firm, corporation or other legal entity regularly engaged in the business of selling or renting ICE SKATES, roller skates or skateboards who complies with the applicable requirements of this section shall not be liable in a civil action for damages for any physical injury sustained by a user of ICE SKATES, roller skates, or a skateboard who is under the age of 17 18 years as a result of that person's failure to wear a helmet in accordance with the provisions of ~~this act~~ P.L.1997, C.411.
- e. Sixty days before the effective date of ~~this act~~ P.L.1997, C.411, the Division of Consumer Affairs in the Department of Law and Public Safety shall make a reasonable effort to notify any person, firm, corporation or other legal entity who is regularly engaged in the business of selling or renting roller skates, or skateboards of the requirements of this section. SIXTY DAYS BEFORE THE EFFECTIVE DATE OF P.L. , C. (PENDING BEFORE THE LEGISLATURE AS THIS BILL), THE DIVISION SHALL MAKE A REASONABLE EFFORT TO NOTIFY ANY PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY WHO IS REGULARLY ENGAGED IN THE BUSINESS OF SELLING OR RENTING ICE SKATES OF THE REQUIREMENTS OF THIS SECTION. The responsibility of a person, firm, corporation or other legal entity under this section shall not be abrogated or diminished in any manner if the person fails to receive or become aware of a notice from the division.

(cf: P.L.2005, c.208, s.4)

6. This act shall take effect on the first day of the seventh month following enactment.

History

ASSEMBLY, NO. 1437

STATE OF NEW JERSEY

216TH LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

SPONSORED BY:

ASSEMBLYWOMAN MARLENE CARIDE

DISTRICT 36 (BERGEN AND PASSAIC)

SYNOPSIS

INCREASES AGE FOR HELMET REQUIREMENT FOR ROLLER SKATING AND SKATEBOARDING

TO 17 AND YOUNGER; EXTENDS HELMET REQUIREMENT TO ICE SKATERS.

CURRENT VERSION OF TEXT

INTRODUCED PENDING TECHNICAL REVIEW BY LEGISLATIVE COUNSEL

Sponsor(s)

Caride

Classification

Subject: WHEELCHAIRS & MOBILITY AIDS (63%); FINES & PENALTIES (63%); CHILDREN (62%); LEGISLATION (62%); NEGLIGENCE (62%); LEGISLATORS (62%)