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## SENATE BILL NO. 436

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 28, 2002)

(Patron Prior to Substitute—Senator Williams)

*A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 45, consisting of sections numbered 59.1-519 through 59.1-524, relating to the Roller Skating Safety Act; Clark's Law; penalty.*

Whereas, roller skating is an activity enjoyed by thousands of Virginians every year; and

Whereas, roller skating rinks are facilities that are specifically designed to be used by the public for recreational or competitive roller skating; and

Whereas, roller skating rinks are frequently used by families and other groups for a variety of activities including birthday parties, membership outings and fund raisers; and

Whereas, despite the fact that roller skating rinks are designed specifically for roller skating, there are nonetheless many dangers associated with roller skating in such facilities including the possibility of serious injury or death; and

Whereas, these dangers are intensified when small children are involved as in the case of Clark Andrew Guye (Clark); and

Whereas, Clark was a five-year old child who died tragically after injuring his head in an accident with another skater at a skating rink in Newport News, Virginia; and

Whereas, Clark's parents, Gary and Dawn Guye, in the midst of dealing with their family tragedy also came to realize that the safety of thousands of Virginians who enjoy roller skating and the many skating rinks in the Commonwealth would be greatly enhanced if duties and responsibilities of both the operators of roller skating rinks and roller skaters were clearly set out; and

Whereas, such duties and responsibilities would include the requirement that rink operators have safety helmets available for use by roller skaters and maintain safe, well-lit facilities and that roller skaters refrain from acting in a manner that may cause or contribute to the injury of themselves or any other person; and

Whereas, Clark's tragic death has helped to focus on the need for this clear statement of responsibilities that will help to prevent future similar tragedies; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 45, consisting of sections numbered 59.1-519 through 59.1-524, as follows:**

## CHAPTER 45.

## ROLLER SKATING SAFETY ACT.

§ 59.1-519. *Short title.*

*This chapter may be cited as the "Roller Skating Safety Act" or "Clark's Law."*

§ 59.1-520. *Definitions.*

*As used in this chapter:*

"Floor guard" means a person employed by the operator to oversee the skating session and maintain order in the roller skating rink.

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

"Roller skater" means a person wearing roller skates while in a roller skating rink for the purpose of recreational or competitive roller skating. Roller skater also includes any person in such roller skating rink who is an invitee, whether or not said person pays consideration.

"Roller skating rink" means a for profit private or commercial structure or facility containing an area specifically designed for roller skating that is regularly used or offered for use to the public for recreational or competitive roller skating.

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

§ 59.1- 521. *Operator duties and responsibilities.*

*An operator shall:*

1. Post conspicuously in at least three locations in the roller skating rink the duties and responsibilities of the operator as prescribed in this chapter ;

2. Maintain the stability and legibility of all signs, symbols, and posted notices required by this chapter;

3. Have a number of safety helmets available for use by roller skaters in an amount equal to ten percent of the rink's maximum capacity and in sizes appropriate to the incremental skate sizes made

60 available for use;

61 4. Have at least one floor guard on duty for every approximately 100 skaters when the rink is open

62 for sessions. Floor guards shall be provided training in emergency first aid and the procedure for

63 exiting the rink in times of emergency;

64 5. Maintain the skating surface in a reasonably safe condition and clean and inspect the skating

65 surface before each session;

66 6. Maintain the railings, kickboards and walls surrounding the skating surface in good condition;

67 7. Ensure that the covering on the riser is securely fastened in rinks with step-up or step-down

68 skating surfaces;

69 8. Install fire extinguishers and inspect fire extinguishers at recommended intervals;

70 9. Inspect emergency lighting units periodically to ensure the lights are in proper order;

71 10. Keep exit lights in service areas on when skating surface lights are turned off during special

72 numbers;

73 11. Check rental skates on a regular basis to ensure the skates are in good mechanical condition;

74 and

75 12. Comply with all applicable state and local safety codes.

76 § 59.1-522. Skater responsibilities.

77 Each skater shall:

78 1. Maintain reasonable control of his speed and course at all times to the extent he is able;

79 2. Comply with all properly posted signs and warnings and follow the reasonable instructions of the

80 operator;

81 3. Wear skates only in areas designated by the operator; and

82 4. Refrain from acting in a manner that may cause or contribute to the injury of himself or any

83 other person.

84 § 59.1-523. Enforcement; civil penalties.

85 A. Enforcement of the provisions of this chapter may be brought only as follows:

86 1. Any law-enforcement officer may issue a summons for a violation of this chapter; and

87 2. The attorney for the county, city or town in which the alleged violation occurred may bring an

88 action to recover the civil penalty authorized by subsection B.

89 B. Any person who violates the provisions of this chapter may be subject to a civil penalty in an

90 amount not to exceed \$500. Such penalty shall be paid into the local treasury.

91 § 59.1-524. Common law doctrines not affected.

92 Nothing in this chapter shall be construed to repeal or diminish in any respect common law

93 doctrines, which shall continue in full force and effect.