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SENATE BILL NO. 436**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Joint Conference Committee
on March 9, 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.

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 available for use;

4. Have at least one floor guard on duty for every approximately 100 skaters when the rink is open for sessions. Floor guards shall be provided training in emergency first aid and the procedure for exiting the rink in times of emergency;

5. Maintain the skating surface in a reasonably safe condition and clean and inspect the skating surface before each session;

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

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

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

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

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

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

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

§ 59.1-522. *Skater responsibilities.*

Each skater shall:

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

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

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

60 4. Refrain from acting in a manner that may cause or contribute to the injury of himself or any
61 other person.
62 § 59.1-523. Enforcement; civil penalties.
63 A. Enforcement of the provisions of this chapter may be brought only as follows:
64 1. Any law-enforcement officer may issue a summons for a violation of this chapter; and
65 2. The attorney for the county, city or town in which the alleged violation occurred may bring an
66 action to recover the civil penalty authorized by subsection B.
67 B. Any person who violates the provisions of this chapter may be subject to a civil penalty in an
68 amount not to exceed \$500. Such penalty shall be paid into the local treasury.
69 § 59.1-524. Common law doctrines not affected.
70 Nothing in this chapter shall be construed to repeal or diminish in any respect common law
71 doctrines, which shall continue in full force and effect, nor shall a violation of this chapter constitute
72 negligence per se in any civil action.
73 **2. That the provisions of the first enactment of this act shall not become effective unless reenacted**
74 **by the 2003 Session of the General Assembly.**
75 **3. That the Board of Professional and Occupational Regulation shall examine the feasibility and**
76 **appropriateness of regulating roller skating rinks. The Board of Professional and Occupational**
77 **Regulation shall report its findings, including any recommendation for regulation and the terms of**
78 **any such regulation to the Chairs of the Committees on General Laws of the House of Delegates**
79 **and the Senate on or before December 1, 2002.**