

## CHAPTER 909

## S.B. No. 1023

## AN ACT

relating to duties and liabilities of operators of roller-skating centers, roller skaters, and spectators at roller-skating centers.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 757 to read as follows:

## CHAPTER 757. ROLLER-SKATING CENTERS

Sec. 757.001. *DEFINITIONS. In this chapter:*

(1) "Operator" means a person who owns, controls, or has operational responsibility for a roller-skating center.

(2) "Roller-skating center" means a facility or a portion of a facility that is specifically designed for roller skating by the public.

(3) "Spectator" means an individual who is present in a roller-skating center only to observe skating activity, regardless of whether the skating activity is recreational or competitive.

Sec. 757.002. *DUTIES OF OPERATOR. An operator shall:*

(1) provide at least one individual to act as a floor guard for approximately every 200 skaters;

(2) require each floor guard to:

(A) wear attire that identifies the individual as a floor guard;

(B) be on duty at all times while skating is allowed;

(C) direct and supervise skaters and spectators; and

(D) watch for foreign objects that may have fallen on the floor;

(3) inspect and maintain in good condition the roller-skating surface and the railings, kickboards, and walls surrounding the roller-skating surface;

(4) inspect and maintain in good mechanical condition roller-skating equipment that the operator leases or rents to roller skaters;

(5) comply with the Roller-Skating Rink Safety Standards, 1980 edition, published by the Roller Skating Rink Operators Association of America;

(6) post the duties of roller skaters and spectators prescribed by this chapter in conspicuous places in the roller-skating center; and

(7) maintain the stability and legibility of all required signs, symbols, and posted notices.

*Sec. 757.003. DUTIES OF ROLLER SKATERS. (a) A roller skater:*

*(1) shall comply with each posted sign or warning that relates to the behavior and responsibility of the roller skater in the roller-skating center;*

*(2) shall obey instructions given by the operator, floor guard, or other roller-skating center personnel;*

*(3) shall maintain reasonable control over the speed and direction of the roller skater's skating at all times;*

*(4) shall be reasonably aware of other roller skaters or objects in the roller-skating center to avoid colliding with other roller skaters or objects;*

*(5) shall know the roller skater's ability to control the intended direction of skating and shall skate within the limits of that ability; and*

*(6) may not act in a manner that may cause injury to others.*

*(b) The conduct of a child shall be evaluated based on the child's experience, intelligence, capacity, and age to determine if the child violated this section or Section 757.004.*

*Sec. 757.004. DUTY OF SPECTATOR. A spectator shall comply with each posted sign or warning that relates to the behavior of the spectator in the roller-skating center.*

*Sec. 757.005. LIABILITY. (a) The liability of an operator is limited to those injuries or damages proximately caused by a breach of the operator's duties prescribed by Section 757.002.*

*(b) The determination of the percentage of responsibility for an injury or damage shall be made according to Chapter 33, Civil Practice and Remedies Code.*

**SECTION 2.** This Act takes effect September 1, 1993, and applies only to a cause of action that accrues on or after that date. A cause of action that accrued before the effective date of this Act is governed by the law in effect at the time the cause of action accrued, and that law is continued in effect for that purpose.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 6, 1993, by a viva-voce vote; passed the House on May 26, 1993, by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.