



February 13, 2013

SENATE BILL No. 117

DIGEST OF SB 117 (Updated February 11, 2013 1:20 pm - DI 106)

Citations Affected: IC 34-6; IC 34-31.

Synopsis: Ice skating rink liability. Specifies the duties and responsibilities of ice skaters and a postsecondary educational institution that operates an ice skating rink. Specifies that the operator of an ice skating rink who fulfills the operator's duties and responsibilities has a complete defense to a civil action. Makes conforming amendments.

Effective: July 1, 2013.

Zakas, Broden, Arnold J, Mishler

January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

January 10, 2013, amended; reassigned to Committee on Civil Law.

February 12, 2013, reported favorably — Do Pass.

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SB 117—LS 6034/DI 13+



February 13, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE BILL No. 117

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-60.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 60.4. "Ice skater", for purposes of IC 34-31-6.5,**
4 **means a person, including an invitee, who wears ice skates while in**
5 **an ice skating rink for the purpose of recreational or competitive**
6 **ice skating, whether or not the person pays consideration for**
7 **entrance to the skating rink.**

8 SECTION 2. IC 34-6-2-60.6 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2013]: **Sec. 60.6. "Ice skating rink", for purposes of IC 34-31-6.5,**
11 **means a building, facility, or other property where an area**
12 **specifically designed for use for recreational or competitive ice**
13 **skating is present.**

14 SECTION 3. IC 34-6-2-91 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 91. (a) "Operator", for
16 purposes of IC 34-30-3, means a person who is an owner, a lessee, a
17 tenant, or an occupant of land or premises that are used in the

SB 117—LS 6034/DI 13+



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1 production of agricultural products.

2 (b) "Operator", for purposes of IC 34-31-6, means a person or an
3 entity, other than a governmental entity or an employee of a
4 governmental entity, that owns, manages, controls, directs, or has
5 operational responsibility for a roller skating rink.

6 (c) "Operator", for purposes of IC 34-31-6.5, means an
7 approved postsecondary educational institution (as defined in
8 IC 21-7-13-6) that owns, manages, controls, directs, or has
9 operational responsibility for an ice skating rink.

10 SECTION 4. IC 34-31-6.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]:

13 **Chapter 6.5. Limited Liability for Ice Skating Rinks**

14 **Sec. 1. This chapter applies only to an ice skating rink that is
15 operated by a postsecondary educational institution.**

16 **Sec. 2. An operator shall do all of the following with respect to
17 an ice skating rink:**

18 (1) Post the:

19 (A) duties of ice skaters; and

20 (B) duties, obligations, and liabilities of the operator;

21 as prescribed in this chapter in at least three (3) conspicuous
22 locations in the ice skating rink.

23 (2) Maintain the stability and legibility of all signs, symbols,
24 and posted notices required by this chapter.

25 (3) When the ice skating rink is open for a session, have at
26 least one (1) floor supervisor on duty for every one hundred
27 seventy-five (175) ice skaters. A floor supervisor:

28 (A) must have received appropriate training to carry out
29 the floor supervisor's duties; and

30 (B) must use reasonable care in carrying out the floor
31 supervisor's duties.

32 (4) Maintain the ice skating surface in proper and reasonably
33 safe condition.

34 (5) Clean and inspect the ice skating surface before each
35 skating session.

36 (6) Resurface the ice at appropriate intervals.

37 (7) Maintain in good and safe condition the railings,
38 kickboards, risers, floors, areas open to ice skaters, and walls
39 surrounding the ice skating surface.

40 (8) Maintain rental skates in good mechanical condition.

41 (9) Comply with all applicable state and local fire safety
42 codes, building codes, and other safety codes applicable to an

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1 ice skating rink.

2 (10) Use reasonable care in supervising ice skaters to comply
3 with the requirements of section 3 of this chapter.

4 **Sec. 3. An ice skater must do all of the following:**

5 (1) Maintain reasonable control of the ice skater's speed and
6 course at all times.

7 (2) Heed all posted signs and warnings.

8 (3) Maintain a proper view to avoid other ice skaters and
9 objects.

10 (4) Accept the responsibility for the following:

11 (A) Knowing the range of the ice skater's ability to
12 negotiate the intended direction of travel while on ice
13 skates.

14 (B) Skating within the limits of the ice skater's ability.

15 (5) Refrain from acting in a manner that may cause or
16 contribute to the injury of the ice skater or any other person.

17 **Sec. 4. (a) Ice skaters are considered to:**

18 (1) have knowledge of; and

19 (2) assume;

20 the risks of ice skating.

21 (b) For purposes of this chapter, risks of ice skating include the
22 following:

23 (1) Injuries that result from collisions or incidental contact
24 with other ice skaters or other individuals who are properly
25 on the skating surface.

26 (2) Injuries that result from falls caused by loss of balance.

27 (3) Injuries that involve objects or artificial structures that:
28 (A) are properly within the intended path of travel of the
29 ice skater; and

30 (B) are not otherwise attributable to an operator's breach
31 of the operator's duties under section 2 of this chapter.

32 **Sec. 5. (a) Except as provided in subsection (b) and**
33 **notwithstanding IC 34-51-2-6 concerning comparative fault, the**
34 **assumption of risk under section 4 of this chapter is a complete**
35 **defense to an action against an operator by an ice skater for**
36 **injuries and property damage resulting from the assumed risks.**

37 (b) The following applies if an operator has violated any one (1)
38 of the operator's duties or responsibilities under section 2 of this
39 chapter:

40 (1) The complete defense against an action against an
41 operator under subsection (a) does not apply.

42 (2) The provisions of IC 34-51-2-6 apply.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Civil Law.

(Reference is to SB 117 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 117 as printed January 11, 2013.)

ZAKAS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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