

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:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 civil procedure.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 34-6-2-60.4 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 8 **[EFFECTIVE JULY 1, 2013]: Sec. 60.4. "Ice skater", for purposes**
- 9 **of IC 34-31-6.5, means a person, including an invitee, who wears**
- 10 **ice skates while in an ice skating rink for the purpose of**
- 11 **recreational or competitive ice skating, whether or not the person**
- 12 **pays consideration for entrance to the skating rink.**
- 13 SECTION 2. IC 34-6-2-60.6 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 15 **[EFFECTIVE JULY 1, 2013]: Sec. 60.6. "Ice skating rink", for**
- 16 **purposes of IC 34-31-6.5, means a building, facility, or other**
- 17 **property where an area specifically designed for use for**
- 18 **recreational or competitive ice skating is present.**
- 19 SECTION 3. IC 34-6-2-91 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 91. (a) "Operator", for
- 21 purposes of IC 34-30-3, means a person who is an owner, a lessee, a
- 22 tenant, or an occupant of land or premises that are used in the
- 23 production of agricultural products.
- 24 (b) "Operator", for purposes of IC 34-31-6, means a person or an
- 25 entity, other than a governmental entity or an employee of a
- 26 governmental entity, that owns, manages, controls, directs, or has

1 operational responsibility for a roller skating rink.

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

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

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

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

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

14 (1) Post the:

15 (A) duties of ice skaters; and

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

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

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

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

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

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

28 (4) Maintain the ice skating surface in proper and reasonably
29 safe condition.

30 (5) Clean and inspect the ice skating surface before each
31 skating session.

32 (6) Resurface the ice at appropriate intervals.

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

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

37 (9) Comply with all applicable state and local fire safety
38 codes, building codes, and other safety codes applicable to an
39 ice skating rink.

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

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

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

45 (2) Heed all posted signs and warnings.

46 (3) Maintain a proper view to avoid other ice skaters and
47 objects.

48 (4) Accept the responsibility for the following:

49 (A) Knowing the range of the ice skater's ability to
50 negotiate the intended direction of travel while on ice

- 1 skates.
- 2 **(B) Skating within the limits of the ice skater's ability.**
- 3 **(5) Refrain from acting in a manner that may cause or**
- 4 **contribute to the injury of the ice skater or any other person.**
- 5 **Sec. 4. (a) Ice skaters are considered to:**
- 6 **(1) have knowledge of; and**
- 7 **(2) assume;**
- 8 **the risks of ice skating.**
- 9 **(b) For purposes of this chapter, risks of ice skating include the**
- 10 **following:**
- 11 **(1) Injuries that result from collisions or incidental contact**
- 12 **with other ice skaters or other individuals who are properly**
- 13 **on the skating surface.**
- 14 **(2) Injuries that result from falls caused by loss of balance.**
- 15 **(3) Injuries that involve objects or artificial structures that:**
- 16 **(A) are properly within the intended path of travel of**
- 17 **the ice skater; and**
- 18 **(B) are not otherwise attributable to an operator's**
- 19 **breach of the operator's duties under section 2 of this**
- 20 **chapter.**
- 21 **Sec. 5. (a) Except as provided in subsection (b) and**
- 22 **notwithstanding IC 34-51-2-6 concerning comparative fault, the**
- 23 **assumption of risk under section 4 of this chapter is a complete**
- 24 **defense to an action against an operator by an ice skater for**
- 25 **injuries and property damage resulting from the assumed risks.**
- 26 **(b) The following applies if an operator has violated any one**
- 27 **(1) of the operator's duties or responsibilities under section 2 of**
- 28 **this chapter:**
- 29 **(1) The complete defense against an action against an**
- 30 **operator under subsection (a) does not apply.**
- 31 **(2) The provisions of IC 34-51-2-6 apply.**
- (Reference is to SB 117 as introduced.)

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

LONG, Chairperson