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FILED FEB 19 1998

NAT. RES. & ENVIRONMENT

SENATE FILE 2277

BY SZYMONIAK

^{p.768}
Passed Senate, Date 3-18-98

^(p.1403)
Passed House, Date 4-8-98

Vote: Ayes 47 Nays 1

Vote: Ayes 66 Nays 33

Approved May 5, 1998

*Amend 4/14/98
Vote 96-1*

A BILL FOR

1 An Act providing that persons who use skateboard parks on public
2 lands assume the risks associated with such activity.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2277

S-5106

1 Amend Senate File 2277 as follows:
2 1. Page 1, by striking lines 22 through 30 and
3 inserting the following: "available to the public
4 does not assume responsibility for or incur
5 liability".

By COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT
MERLIN E. BARTZ, Chairperson

o/order 3/18/98

S-5106 FILED MARCH 2, 1998

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SE. 2277

1 Section 1. Sections 2 and 3 of this Act are created as a
2 new subchapter of chapter 461A, entitled "Risk and Liabilities
3 of Skateboard Parks".

4 Sec. 2. NEW SECTION. 461A.90 DEFINITIONS.

5 As used in this subchapter:

6 1. "Public lands" means land areas purchased or supported
7 by the state or a political subdivision or instrumentality of
8 the state including a county, school corporation, special
9 district, drainage district, unincorporated town or township,
10 municipality, municipal corporation, or any agency, board, or
11 commission of the state or a political subdivision.

12 2. "Skateboard park" means a designated area on public
13 lands designed especially for the sport of skateboarding.

14 Sec. 3. NEW SECTION. 461A.91 ASSUMPTION OF RISK.

15 1. Every person entering upon and using a skateboard park
16 on public lands expressly assumes the risk of and legal
17 responsibility for any injury to person or property which
18 results from such activity, whether or not the person uses a
19 skateboard within the skateboard park.

20 2. A public entity that owns or is responsible for the
21 maintenance of a skateboard park on public lands that is
22 available to the public:

23 a. Owes no duty of care to keep the premises safe for
24 entry or use by others for skateboarding or other activities,
25 or to give any warning of a dangerous condition, use,
26 structure, or activity on such premises to persons entering
27 for such activities.

28 b. Does not extend any assurance that the premises are
29 safe for any purpose.

30 c. Does not assume responsibility for or incur liability
31 for any injury to person or property caused by an act or
32 omission of a person engaging in skateboarding or another
33 activity.

34 3. Nothing in this subchapter shall be construed to create
35 a duty of care, cause of action, or ground of liability for

1 injury to persons or property. Nothing in this subchapter
2 shall be construed to modify the immunity of the state or any
3 political subdivision from suit as provided under any other
4 statute or under common law.

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EXPLANATION

This bill creates a new subchapter in Code chapter 461A
regarding public lands. The bill provides that persons using
a skateboard park on public lands expressly assume the risks
associated with skateboarding. The bill defines both "public
lands" and "skateboard park".

The bill further provides that the entity that owns the
land owes no duty of care to the users, does not extend
assurances that the premises are safe for any purposes, and
does not accept liability for injury to person or property
resulting from an act or omission of users. The new Code
section expressly states that it does not create a cause of
action or modify immunities provided elsewhere under law.

SENATE FILE 2277

S-5273

1 Amend Senate File 2277 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 670.4, Code 1997, is amended
 5 by adding the following new subsections:
 6 NEW SUBSECTION. 14. Any claim based upon or
 7 arising out of a claim of negligent design or
 8 specification, negligent adoption of design or
 9 specification, or negligent construction or
 10 reconstruction of a public facility designed for
 11 purposes of skateboarding that was constructed or
 12 reconstructed in accordance with a generally
 13 recognized engineering or safety standard, criteria,
 14 or design theory in existence at the time of the
 15 construction or reconstruction.
 16 NEW SUBSECTION. 15. Any claim based upon or
 17 arising out of an act or omission of an officer or
 18 employee of the municipality or the municipality's
 19 governing body by a person participating in a
 20 hazardous recreational activity on public property
 21 when the person knew or reasonably should have known
 22 that the hazardous recreational activity created a
 23 substantial risk of injury to the person and was
 24 voluntarily in the place of risk. For purposes of
 25 this subsection, "hazardous recreational activity"
 26 includes skateboarding."
 27 2. Title page, by striking lines 1 and 2 and
 28 inserting the following: "An Act providing for
 29 exceptions to municipal tort liability for
 30 skateboarding and other hazardous recreational
 31 activity."

By MERLIN E. BARTZ
ELAINE SZYMONIAK

S-5273 FILED MARCH 17, 1998
DEFERRED

Adopted 3/18/98

SENATE FILE 2277

S-5274

1 Amend the amendment, S-5273, to Senate File 2277 as
 2 follows:
 3 1. Page 1, lines 19 and 20, by striking the words
 4 "participating in a hazardous recreational activity"
 5 and inserting the following: "skateboarding".
 6 2. Page 1, line 22, by striking the words "the
 7 hazardous recreational activity" and inserting the
 8 following: "skateboarding".
 9 3. Page 1, by striking lines 24 through 26 and
 10 inserting the following: "voluntarily in the place of
 11 risk."
 12 4. Page 1, by striking lines 30 and 31 and
 13 inserting the following: "skateboarding."

By MERLIN E. BARTZ
TOM VILSACK

S-5274 FILED MARCH 18, 1998
ADOPTED

(p. 768)

H. 3/18/98 Local Govt

H. 3/20/98 Do Pass

H-362/98 UNPAID BUREAU NUMBER
H. 4-1-98 Defense

SENATE FILE 2277

BY SZYMONIAK

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1998)

ALL New Language by the Senate

Passed Senate, Date	(p. 1226) 4/14/98	Passed House, Date	(p. 1403) 4-8-98
Vote: Ayes	48	Nays	0
Vote: Ayes	66	Nays	33
Approved	May 5, 1998	Passed	4/14/98
	(p. 1620)	Roll	96-1

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 skateboarding.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2277

H-8704

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "skateboarding" the following: "or in-line skating".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "skateboarding" and inserting the following: "or in-
- 7 line skating".
- 8 3. Page 1, line 15, by striking the word
- 9 "skateboarding" and inserting the following: "the
- 10 skateboarding or in-line skating".
- 11 4. Title page, line 2, by inserting after the
- 12 word "skateboarding" the following: "and in-line
- 13 skating".

By FALLON of Polk
VANDE HOEF of Osceola
VAN MAANEN of Marion

H-8704 FILED MARCH 25, 1998

Adopted 4-1-98 (p. 1139)

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S.F. 2277

1 Section 1. Section 670.4, Code 1997, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 14. Any claim based upon or arising out
4 of a claim of negligent design or specification, negligent
5 adoption of design or specification, or negligent construction
6 or reconstruction of a public facility designed for purposes
7 of skateboarding that was constructed or reconstructed in
8 accordance with a generally recognized engineering or safety
9 standard, criteria, or design theory in existence at the time
10 of the construction or reconstruction.

11 NEW SUBSECTION. 15. Any claim based upon or arising out
12 of an act or omission of an officer or employee of the
13 municipality or the municipality's governing body by a person
14 skateboarding on public property when the person knew or
15 reasonably should have known that skateboarding created a
16 substantial risk of injury to the person and was voluntarily
17 in the place of risk.

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SENATE FILE 2277

H-8886

1 Amend Senate File 2277, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 17, by inserting after the word
4 "risk." the following: "This subsection shall not
5 apply to claims based upon gross negligence."

By FALLON of Polk	REYNOLDS-KNIGHT of Van Buren
LAMBERTI of Polk	DOTZLER of Black Hawk
VANDE HOEF of Osceola	CORMACK of Webster
HUSER of Polk	

H-8886 FILED APRIL 2, 1998

WID 4/8/98 (p. 1400)

SENATE FILE 2277

H-8970

1 Amend Senate File 2277, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 11 through 17.

By SCHRADER of Marion

H-8970 FILED APRIL 7, 1998

Lost 4/8/98 (p. 1401)

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2277

H-9164

1 Amend the amendment, S-5592, to Senate File 2277,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 12 through 13 and
5 inserting the following: "risk." the following:
6 "The exemption from liability contained in this
7 subsection shall only apply to claims for injuries or
8 damage resulting from the risks inherent in the
9 activities of skateboarding or in-line skating."

RECEIVED FROM THE SENATE

H-9164 FILED APRIL 14, 1998

House Concurred
4-14-98 (p. 1619)

SENATE FILE 2277

H-9006

1 Amend Senate File 2277, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 11 through 17, and
4 inserting the following:

5 "NEW SUBSECTION. 15. Any claim to recover
6 compensation for injuries received by a skateboarding
7 or in-line skating participant in a skateboarding or
8 in-line skating accident which occurred at a publicly
9 designated skateboarding or in-line skating facility,
10 based upon or arising out of an act or omission of an
11 officer or employee of the municipality or the
12 municipality's governing board.

13 For the purposes of this section, a publicly
14 designated skateboarding or in-line skating facility
15 means a site that complies with all of the following:

16 a. The site has been designated by a municipality
17 as being open to skateboarding or in-line skating.

18 b. The site has signs posted by the municipality
19 that indicate in black letters a minimum of one inch
20 high, the following:

21 WARNING. Under Iowa law, a municipality is not
22 liable, except under very limited circumstances, for
23 injuries to, or the death of, a person participating
24 in skateboarding or in-line skating at a designated
25 skateboarding or in-line skating facility pursuant to
26 Iowa Code chapter 670.

27 c. Users of the site are required by ordinance to
28 wear helmets, elbow pads, and knee pads, and the site
29 has signs posted notifying users of the requirement,
30 and that any person failing to comply with the
31 ordinance will be subject to citation.

32 Nothing in this subsection is intended to limit the
33 liability of a public entity with respect to any other
34 duty imposed pursuant to existing law, including the
35 duty to protect against dangerous conditions of public
36 property."

By SHOULTZ of Black Hawk

H-9006 FILED APRIL 8, 1998

Lost 4/8/98 (p. 1402)

SENATE FILE 2277

H-9008

1 Amend Senate File 2277, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 17, by inserting after the word
4 "risk." the following: "This subsection shall not
5 apply to claims based upon gross negligence."

By LAMBERTI of Polk
HUSER of Polk

H-9008 FILED APRIL 8, 1998

*Adopted
4-8-98 (p. 1402)*

SENATE FILE 2277

S-5635

1 Amend the amendment, S-5592, to Senate File 2277,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 12 through 13 and
5 inserting the following: "risk." the following:
6 "The exemption from liability contained in this
7 subsection shall only apply to claims for injuries or
8 damage resulting from the risks inherent in the
9 activities of skateboarding or in-line skating."
By MERLIN E. BARTZ

S-5635 FILED APRIL 14, 1998

ADOPTED
(P. 1226)

HOUSE AMENDMENT TO
SENATE FILE 2277

S-5592

1 Amend Senate File 2277, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 7, by inserting after the word
4 "skateboarding" the following: "or in-line skating".
5 2. Page 1, line 14, by inserting after the word
6 "skateboarding" and inserting the following: "or in-
7 line skating".
8 3. Page 1, line 15, by striking the word
9 "skateboarding" and inserting the following: "the
10 skateboarding or in-line skating".
11 4. Page 1, line 17, by inserting after the word
12 "risk." the following: "This subsection shall not
13 apply to claims based upon gross negligence."
14 5. Title page, line 2, by inserting after the
15 word "skateboarding" the following: "and in-line
16 skating".
17 6. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.
RECEIVED FROM THE HOUSE

S-5592 FILED APRIL 8, 1998

Senate Concurred 4/14/98 (P. 1226)



shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding or in-line skating.

SENATE FILE 2277

AN ACT
PROVIDING FOR EXCEPTIONS TO MUNICIPAL TORT LIABILITY FOR
SKATEBOARDING AND IN-LINE SKATING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 670.4, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 14. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for purposes of skateboarding or in-line skating that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction.

NEW SUBSECTION. 15. Any claim based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person skateboarding or in-line skating on public property when the person knew or reasonably should have known that the skateboarding or in-line skating created a substantial risk of injury to the person and was voluntarily in the place of risk. The exemption from liability contained in this subsection

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2277, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved May 5, 1998

TERRY E. BRANSTAD
Governor