



March 30, 2009

CIVIL JUSTICE ASSOCIATION OF CALIFORNIA

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TO: The Honorable Mike Feuer, Chair, Assembly Judiciary Committee
The Honorable Van Tran, Vice Chair, Assembly Judiciary Committee
Members, Assembly Judiciary Committee

FROM: Kim Stone, Vice President-Legislation
John H. Sullivan, President

RE: AB 874 (Saldana)
Committee Hearing Date: April 14, 2009

CJAC POSITION: SUPPORT

The Civil Justice Association of California supports Assembly Bill 874 (Saldana), a bill that removes the requirement that city and county owned or operated skateboard parks require users to wear elbow pads and knee pads.

Under California Health and Safety Code Section 115800, skateboard parks owned or operated by a local government receive civil immunity from lawsuits because skateboarding is a hazardous recreational activity under Section 831.7 of the Government code. In order to receive that immunity, the local government must comply with a list of safety rules and regulations. These regulations include that skateboarders be 12 years or older, that a park be maintained for recreational skateboard use, that the government operation records injuries occurring at the park.

This bill simply removes the requirement that skateboarders must use elbow and knee pads. Removing this requirement will encourage more skateboarders to use safer city or county parks, without the dangers of collisions cars or pedestrians.

California courts have followed a course consistent with this bill. Courts have agreed that skateboarding is a hazardous activity and have declined to find liability when skateboarders are injured in the course of their sport. In fact, the risk associated with the sport is part of the attraction. In Knight v. Jewett, 3 Cal.4th 296 (1992), the California Supreme Court explained the doctrine of "assumption of risk" as it applies to individuals playing potentially dangerous sports. The case of Calhoon v. Lewis applied that doctrine to skateboarding, holding that skateboarding is an inherently dangerous activity. Calhoon v. Lewis 81 Cal.App.4th 108, 96 Cal.App. 4 Dist.,2000.

Therefore, we support Assembly Bill 847 and urge your "Aye" vote.

cc: Drew Liebert, Chief Consultant, Assembly Judiciary Committee  
Mark Redmond, Chief Consultant, Assembly Republican Caucus  
Chris Ryan, Deputy Legislative Secretary, Office of  
Governor Schwarzenegger  
Katherine Pettibone, Legislative Analyst, Governor's Office of  
Planning and Research