

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 18, 2020

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  Council File No: 20-0002-S16
Chief Legislative Analyst Assignment No: 20-02-0139

SUBJECT: Immunity for Wheeled Recreational Devices.

CLA RECOMMENDATION: Adopt Resolution (Buscaino – Bonin) to include in the City’s 2019-2020 State Legislative Program SUPPORT of legislation that would provide public entities immunity for other wheeled recreational devices, including bicycles, scooters, in-line skates, roller skates, and wheelchairs, at public skateparks.

SUMMARY

On January 31, 2020, the Resolution (Buscaino – Bonin) was introduced in support of legislation that would provide public entities immunity for other wheeled recreational devices, including bicycles, scooters, in-line skates, roller skates, and wheelchairs, at public skateparks. The Resolution states that for years state law has provided that a public entity is not liable to a person who skateboards at a public skatepark, if certain conditions are met. In 2015, the State adopted a pilot program that broadened this scope of immunity to include other wheeled recreational devices, including bikes, scooters, in-line skates, roller skates, and wheelchairs in public skateparks. This pilot period ended on January 1, 2020.

The Resolution recommends support of legislation that would provide public entities immunity for other wheeled recreational devices, including bicycles, scooters, in-line skates, roller skates, and wheelchairs, at public skateparks.

BACKGROUND

In 1983, California codified a qualified immunity for public entities and employees for injuries suffered by individuals engaged in hazardous recreational activities. Over the years, attempts have been made to expand the list of hazardous recreational activities. In 1997, AB 1296 (Morrow) added skateboarding under certain conditions to the list of hazardous recreational activities. SB 994 (Morrow) extended the sunset date of that provision to January 1, 2008, and SB 1179 (Morrow) further extended the sunset to January 1, 2012, unless legislation was enacted to extend or repeal that sunset. Lastly, SB 264 (Correa) removed the sunset date.


Pursuant to those provisions, a public entity has immunity from liability for skateboarding injuries only when the participant is at least 12 years of age, and performing a trick, stunt, or luge skateboarding on public property meeting certain requirements. As a result of this immunity, communities began building skateboarding parks for the use of their residents. Skateboarding

parks, which may be publicly or privately operated, provide a dedicated location for individuals to skateboard.

In 2015, AB 1146 (Jones) was approved by the Governor to accommodate the use of other wheeled devices in public skateboard parks. This bill expanded local government immunity from liability for injuries to recreational users of public skateboard parks to include riders of wheeled recreational devices other than skateboards. The bill defined the term “other wheeled recreational devices” to mean nonmotorized bicycles, scooters, in-line skates, roller skates or wheelchairs.

Prior to AB 1146, immunity laws regarding public skateboard parks forced public park operators to restrict the use of such parks to only skateboarders, even though there was an increasing demand by riders of other wheeled recreational devices, such as bicycles, scooters, and roller skates, to also use the slopes, ramps, and curbs available at the parks. In order to support local governments' efforts to encourage more riders of other wheeled devices off the streets and into public skate parks, this bill expanded existing qualified immunity to include other groups of wheeled recreational riders. Proponents contended that this would help local governments that operate skate parks avoid having to limit their use to skateboarders only, and would protect public property and safety that might be jeopardized by riders who would otherwise be excluded from their local skate parks. Under this bill, the same conditions that qualify for the provision of immunity with respect to skateboarders applied to riders of other wheeled recreational devices.

In order to pilot these provisions and evaluate their impact on the usage of skateboard parks and rates of recreational injuries, AB 1146 established a four-year trial period for all provisions relating to other wheeled recreational devices. These provisions automatically expired on the sunset date of January 1, 2020.


Kochitl Ramirez
Analyst

SMT:xr

Attachment: 1. Resolution (Buscaino – Bonin)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, for years, state law has provided that a public entity is not liable to a person who skateboards at a public skatepark, if certain conditions are met; and

WHEREAS, in 2015, the state legislature adopted a pilot program that broadened this scope of immunity to include other wheeled recreational devices, including bicycles, scooters, in-line skates, roller skates, and wheelchairs in public skateparks; and

WHEREAS, the pilot period ended on January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT of legislation that would provide public entities immunity for other wheeled recreational devices, including bicycles, scooters, in-line skates, roller skates, and wheelchairs, at public skateparks.

PRESENTED BY: _____

JOE BUSCAINO
Councilmember, 15th District

SECONDED BY: _____

JAN 31 2020