SB 105 (Yee) – Public Safety: Snow Sport Helmets

Introduced January 13, 2011, Amended June 22, 2011

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or a snowboard, while participating in the sport of downhill skiing or snowboarding.

The bill would impose a $25 fine for a violation of this requirement. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would specify that nothing in those provisions shall be construed to increase or decrease duties imposed under existing law. The bill would also specify that those provisions shall not apply to Nordic skiing.

The bill would require a ski resort to post signs at the resort giving reasonable notice of the snow sport helmet requirement and the fine for a violation of that requirement. The bill also would require a ski resort to provide prominent written notice of the snow sport helmet requirement on all trail maps and resort Internet Web sites. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE APRIL 12, 2011

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL No. 105

Introduced by Senator Yee
(Coauthor: Senator Alquist)
(Coauthors: Assembly Members Dickinson ~~and~~, Ma, *and Williams*)

January 13, 2011

An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 105, as amended, Yee. Public safety: snow sport helmets.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or a snowboard, while participating in the sport of downhill skiing or snowboarding. The bill would impose a $25 fine for a violation of this requirement. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would specify that nothing in those provisions shall be construed to increase or decrease duties imposed under existing law.

The bill would also specify that those provisions shall not apply to Nordic skiing.

The bill would require a ski resort to post signs at the resort giving reasonable notice of the snow sport helmet requirement and the fine for a violation of that requirement. The bill also would require a ski resort to provide prominent written notice of the snow sport helmet requirement on all trail maps and resort Internet Web sites.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 115810) is
2 added to Chapter 4 of Part 10 of Division 104 of the Health and
3 Safety Code, to read:
4
5 Article 3. Snow Sports
6
7 115810. (a) A person under 18 years of age shall not operate
8 snow skis or a snowboard while participating in the sport of
9 downhill skiing or snowboarding unless that person is wearing a
10 properly fitted and fastened snow sport helmet that meets the
11 standards of the Central European Norm CE1077, the ASTM
12 International F 2040, the Snell Memorial Foundation RS-98, or
13 the United States Consumer Product Safety Commission (CPSC),
14 or standards subsequently established by those entities. This
15 requirement also applies to any person who rides upon a seat or
16 any other device that is attached to the snow skis or *a* snowboard
17 while participating in the sport of downhill skiing or snowboarding.
18 (b) (1) A violation of this section is an infraction punishable
19 by a fine of not more than twenty-five dollars ($25).
20 (2) The parent or legal guardian having control or custody of
21 an unemancipated minor whose conduct violates this section shall
22 be jointly and severally liable with the minor for the amount of
23 the fine imposed pursuant to this subdivision.

(c) This section shall not apply to Nordic skiing.

(d) Nothing in this section shall be construed to increase or decrease duties imposed under existing law.

115811. A ski resort shall comply with both of the following:

(a) Post signs at the resort giving reasonable notice that a person under 18 years of age shall not operate snow skis or a snowboard while participating in the sport of downhill skiing or snowboarding unless that person is wearing a properly fitted and fastened snow sport helmet, and that any person who fails to do so will be subject to a fine under Section 115810.

(b) Provide prominent written notice of the helmet requirement under Section 115810 on all trail maps and resort Internet Web sites.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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