

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 7, 2010

AMENDED IN SENATE FEBRUARY 12, 2010

**SENATE BILL**

**No. 880**

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**Introduced by Senator Yee  
(Coauthor: Senator Alquist)**

(Coauthors: Assembly Members Buchanan, *Swanson*, and Torlakson)

January 12, 2010

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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 880, 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 while participating in the sport of downhill skiing or snowboarding, 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. The bill would, however, provide that the charge against a person be dismissed if it is the first charge against that person for a violation of this requirement, *as specified*.

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 ~~prominently in writing~~ of the snow sport helmet requirement on all lift tickets, 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:

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Article 3. Snow Sports

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 either the Central European Norm CE1077, the ASTM  
12 International F 2040, or 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 a person who rides upon a seat or any  
16 other device that is attached to the snow skis or snowboard while  
17 participating in the sport of downhill skiing or snowboarding.

1 (b) Any charge under this section shall be dismissed when the  
2 person charged alleges in court, under oath, that the charge against  
3 the person is the first charge against that person under this section,  
4 unless it is otherwise established in court that the charge is not the  
5 first charge against the person.

6 (c) (1) Except as provided in subdivision (b), a violation of this  
7 section is an infraction punishable by a fine of not more than  
8 twenty-five dollars (\$25).

9 (2) The parent or legal guardian having control or custody of  
10 an unemancipated minor whose conduct violates this section shall  
11 be jointly and severally liable with the minor for the amount of  
12 the fine imposed pursuant to this subdivision.

13 (d) This section shall not apply to Nordic skiing.

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

16 115811. A ski resort shall comply with both of the following:

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

23 (b) Provide ~~notice prominently in writing~~ *prominent written*  
24 *notice* of the helmet requirement under Section 115810 on all ~~lift~~  
25 ~~tickets, trail maps, trail maps~~ and resort Internet Web sites.

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