

Senate Bill No. 880

CHAPTER 278

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.

[Approved by Governor September 23, 2010. Filed with
Secretary of State September 24, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 880, 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 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.

The bill would also provide that it shall become operative only if AB 1652 is also enacted.

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

SECTION 1. Article 3 (commencing with Section 115810) is added to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 3. Snow Sports

115810. (a) 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 that meets the standards of either the Central European Norm CE1077, the ASTM International F 2040, or the Snell Memorial Foundation RS-98, or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This requirement also applies to any person who rides upon a seat or any other device that is attached to the snow skis or snowboard while participating in the sport of downhill skiing or snowboarding.

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

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

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

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

(e) 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.

SEC. 3. This act shall become operative only if Assembly Bill 1652 of the 2009–10 Regular Session is also enacted.

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