CHAPTER 21

Ice or Roller Skating Liability Immunity

Editor’s Note

At the direction of the Office of the South Carolina Legislative Council, this chapter, promulgated by 1996, Act No. 293 (R329, H3532) as Chapter 19, Sections 52‑19‑10 et seq., is codified as Chapter 21 of Title 52.

**SECTION 52‑21‑10.** Definitions.

 As used in this chapter:

 (1) “Inherent risk of skating” means those dangers or risks which are an integral part of ice or roller skating including, but not limited to, injuries which result from contact with other skaters or spectators, injuries which result from falls caused by loss of balance, and injuries which involve objects or artificial structures properly within the intended path of travel of the skater.

 (2) “Operator” means a person or entity who owns, manages, controls or directs, or who has operational responsibility for an ice or roller skating rink.

 (3) “Skater” means a person wearing ice skates while in an ice skating rink or roller skates in a roller skating rink for the purpose of recreational or competitive skating without regard to whether the person paid consideration.

 (4) “Skating rink” means a building, facility, or premises which provides an area specifically designed to be used by the public for recreational or competitive ice or roller skating.

 (5) “Spectator” means an invitee who is present in a skating rink but is not wearing ice or roller skates.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

**SECTION 2.** “This act applies only to causes of action arising on or after this act’s effective date.”

**SECTION 52‑21‑20.** Responsibilities and duties of rink operator.

 It is the responsibility and duty of the operator to the extent practicable to:

 (1) post in a conspicuous place the duties of skaters and spectators and the duties, obligations, and liabilities of the operator as prescribed in this chapter;

 (2) maintain the stability and legibility of all signs, symbols, and posted notices required by this chapter;

 (3) have at least one floor supervisor on duty for approximately every two hundred skaters when the skating rink is open for sessions. The floor supervisor is not required to wear skates, and an operator is considered to be a floor supervisor;

 (4) maintain the skating surface in a reasonably safe condition and clean and inspect the skating surface before each session;

 (5) maintain the railings, kickboards, and walls surrounding the skating surface in good condition;

 (6) make certain that in skating rinks with step‑up or step‑down skating surfaces that the covering on the riser and tread is securely fastened;

 (7) inspect emergency lighting units periodically and maintain the emergency lighting units in proper working order;

 (8) inspect rental skates on a regular basis and maintain the skates in good mechanical condition; and

 (9) comply with all applicable state and local fire and safety codes.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

**SECTION 2.** “This act applies only to causes of action arising on or after this act’s effective date.”

**SECTION 52‑21‑30.** Responsibilities and duties of skater.

 Each skater must:

 (1) maintain reasonable control of his speed and course at all times to the extent he is able;

 (2) comply with all properly posted signs and warnings and follow the reasonable instructions of the operator;

 (3) wear skates only in areas designated by the operator;

 (4) maintain a proper lookout to avoid other skaters and objects;

 (5) accept responsibility for knowing the range of his own ability to negotiate the intended direction of travel while on skates and to skate within the limits of that ability; and

 (6) refrain from acting in a manner which may cause or contribute to the injury of himself or any other person.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

**SECTION 2.** “This act applies only to causes of action arising on or after this act’s effective date.”

**SECTION 52‑21‑40.** Responsibilities and duties of spectator.

 Each spectator must:

 (1) comply with all properly posted signs and warnings and follow the reasonable instructions of the operator;

 (2) maintain a proper lookout to avoid skaters; and

 (3) refrain from acting in a manner which may cause or contribute to the injury of himself, any other spectator, or skater.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

“SECTION 2. This act applies only to causes of action arising on or after this act’s effective date.”

**SECTION 52‑21‑50.** Liability of rink operator.

 (A) Except as provided in subsection (B), an operator is not liable for an injury to or the death of a skater or spectator resulting from an inherent risk of skating, and no skater, skater’s representative, spectator, or spectator’s representative may make a claim against, maintain an action against, or recover from an operator, for injury, loss, damage, or death of the skater or spectator resulting from an inherent risk of skating.

 (B) Nothing in subsection (A) prevents or limits the liability of an operator to a skater, spectator, or their representative if the operator:

 (1) breached his duty as provided in Section 52‑21‑20 and the breach is the proximate cause of the injury or death;

 (2) committed an act or omission that constitutes wilful or wanton disregard for the safety of the skater or spectator and that act or omission caused the injury; or

 (3) intentionally injured the skater or spectator.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

**SECTION 2.** “This act applies only to causes of action arising on or after this act’s effective date.”

**SECTION 52‑21‑60.** Required warnings; posting and maintenance of signs.

 (A) An operator must post and maintain signs placed in clearly visible locations within the skating rink that contain the following warning notice:

WARNING

 Under South Carolina law, an operator is not liable for an injury to or the death of a skater or spectator resulting from an inherent risk of skating, pursuant to Chapter 21 of Title 52, Code of Laws of South Carolina, 1976. “Inherent risk of skating” means those dangers or risks which are an integral part of ice or roller skating including, but not limited to, injuries which result from incidental contact with other skaters or spectators, injuries which result from falls caused by loss of balance, and injuries which involve objects or artificial structures properly within the intended path of travel of the skater. In a skating facility, the decisions to wear a helmet or other safety equipment normally associated with outdoor skating is the responsibility of the skater and not the operator.

 (B) Failure to comply with the requirements concerning warning signs and notices provided in this section prevents an operator from invoking the privileges of immunity provided by this chapter.

HISTORY: 1996 Act No. 293, Section 1, eff upon approval (became law without the Governor’s signature on May 7, 1996).

Editor’s Note

1996 Act No. 293 Section 2, provides in part:

“SECTION 2. This act applies only to causes of action arising on or after this act’s effective date.”