

H. B. 2309

(By Delegate Iaquina)

[Introduced January 12, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §17C-11B-1, §17C-11B-
2, §17C-11B-3, §17C-11B-4, §17C-11B-5 and §17C-11B-6, all
relating to requiring the use of helmets by skateboarders.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §17C-11B-1, §17C-11B-2,
§17C-11B-3, §17C-11B-4, §17C-11B-5 and §17C-11B-6, all to read as
follows:

ARTICLE 11B. SKATEBOARD SAFETY ACT.

§17C-11B-1. Short title.

This article shall be known and may be cited as the
"Skateboard Safety Act."

§17C-11B-2. Legislative findings and purpose.

(a) The Legislature finds and declares that:

1 (1) Disabilities and deaths of children resulting from
2 skateboarding accident injuries are a serious threat to public
3 health, welfare and safety of the people of this state. Therefore,
4 the prevention of these disabilities and deaths is a goal of the
5 people of this state.

6 (2) Head injuries from skateboarding accidents are, for the
7 most part, preventable by simply requiring skateboarders to wear
8 protective helmets.

9 (3) By minimizing head injuries from skateboarding accidents,
10 the state can experience a reduction in medical and rehabilitative
11 services costs.

12 (b) The purpose of this article is to reduce the incidence of
13 these disabilities and deaths by requiring all skateboarders wear
14 approved protective skateboard helmets while using skateboards on
15 public roads, public skateboard paths and other public rights-of-
16 way of this state.

17 **§17C-11B-3. Definitions.**

18 As used in this article:

19 (a) "Skateboard" means a short board mounted on small wheels
20 used for coasting and often for performing athletic stunts.

21 (b) "Public roadway" means a right-of-way under the
22 jurisdiction of this state or local political subdivision for
23 primary motor vehicle use.

24 (c) "Public skateboard path" means a right-of-way under the

1 jurisdiction of this state or a local political subdivision for
2 pedestrian and skateboard use.

3 (d) "Other public right-of-way" means any right-of-way other
4 than a public roadway or public skateboard path that is under the
5 jurisdiction of this state or a local political subdivision and
6 designed for use and used by vehicular or pedestrian traffic.

7 (e) "Protective helmet" means a piece of headgear which meets
8 or exceeds the impact standards for protective helmets for use in
9 skateboarding set by:

10 (1) The American National Standards Institute; or

11 (2) The Snell Memorial Foundation's Standards for Protective
12 Headgear; or

13 (3) American Society for Testing and Materials.

14 **§17C-11B-4. Requirements for helmet use.**

15 (a) It is unlawful for any person to skateboard on a public
16 roadway, public skateboard path or other public right-of-way unless
17 at all times the person wears a protective helmet of good fit,
18 fastened securely upon the head with the straps of the helmet.

19 (b) It is unlawful for any parent or legal guardian of a
20 person under sixteen years of age to knowingly permit such person
21 to skateboard on a public roadway, public skateboard path or other
22 public right-of-way unless at all times the person wears a
23 protective helmet of good fit, fastened securely upon the head with
24 the straps of the helmet.

1 **§17C-11B-5. Sale of skateboard helmets.**

2 Any helmet sold or offered for sale for use by skateboarders
3 shall be conspicuously labeled in accordance with the standard
4 described in subsection (e), section three of this article, which
5 constitutes the manufacturer's certification that the helmet
6 conforms to the applicable safety standards.

7 **§17C-11B-6. Penalties.**

8 (a) Any parent or legal guardian violating any requirement set
9 forth in section four of this article shall be fined \$25.

10 (b) Any person eighteen years or older who, while
11 skateboarding, violates any requirement set forth in section four
12 of this article, shall be fined \$25.

NOTE: The purpose of this article is to require the use of helmets when skating on skateboards.

This article is new; therefore, it has been completely underscored.