

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 117

AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-6-2-60.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 60.4. "Ice skater", for purposes of IC 34-31-6.5, means a person, including an invitee, who wears ice skates while in an ice skating rink for the purpose of recreational or competitive ice skating, whether or not the person pays consideration for entrance to the skating rink.**

SECTION 2. IC 34-6-2-60.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 60.6. "Ice skating rink", for purposes of IC 34-31-6.5, means a building, facility, or other property where an area specifically designed for use for recreational or competitive ice skating is present.**

SECTION 3. IC 34-6-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 91. (a) "Operator", for purposes of IC 34-30-3, means a person who is an owner, a lessee, a tenant, or an occupant of land or premises that are used in the production of agricultural products.

(b) "Operator", for purposes of IC 34-31-6, means a person or an entity, other than a governmental entity or an employee of a governmental entity, that owns, manages, controls, directs, or has operational responsibility for a roller skating rink.

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(c) "Operator", for purposes of IC 34-31-6.5, means an approved postsecondary educational institution (as defined in IC 21-7-13-6) that owns, manages, controls, directs, or has operational responsibility for an ice skating rink.

SECTION 4. IC 34-31-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 6.5. Limited Liability for Ice Skating Rinks

Sec. 1. This chapter applies only to an ice skating rink that is operated by a postsecondary educational institution.

Sec. 2. An operator shall do all of the following with respect to an ice skating rink:

(1) Post the:

(A) duties of ice skaters; and

(B) duties, obligations, and liabilities of the operator;

as prescribed in this chapter in at least three (3) conspicuous locations in the ice skating rink.

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

(3) When the ice skating rink is open for a session, have at least one (1) floor supervisor on duty for every one hundred seventy-five (175) ice skaters. A floor supervisor:

(A) must have received appropriate training to carry out the floor supervisor's duties; and

(B) must use reasonable care in carrying out the floor supervisor's duties.

(4) Maintain the ice skating surface in proper and reasonably safe condition.

(5) Clean and inspect the ice skating surface before each skating session.

(6) Resurface the ice at appropriate intervals.

(7) Maintain in good and safe condition the railings, kickboards, risers, floors, areas open to ice skaters, and walls surrounding the ice skating surface.

(8) Maintain rental skates in good mechanical condition.

(9) Comply with all applicable state and local fire safety codes, building codes, and other safety codes applicable to an ice skating rink.

(10) Use reasonable care in supervising ice skaters to comply with the requirements of section 3 of this chapter.

Sec. 3. An ice skater must do all of the following:

(1) Maintain reasonable control of the ice skater's speed and

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course at all times.

(2) Heed all posted signs and warnings.

(3) Maintain a proper view to avoid other ice skaters and objects.

(4) Accept the responsibility for the following:

(A) Knowing the range of the ice skater's ability to negotiate the intended direction of travel while on ice skates.

(B) Skating within the limits of the ice skater's ability.

(5) Refrain from acting in a manner that may cause or contribute to the injury of the ice skater or any other person.

Sec. 4. (a) Ice skaters are considered to:

(1) have knowledge of; and

(2) assume;

the risks of ice skating.

(b) For purposes of this chapter, risks of ice skating include the following:

(1) Injuries that result from collisions or incidental contact with other ice skaters or other individuals who are properly on the skating surface.

(2) Injuries that result from falls caused by loss of balance.

(3) Injuries that involve objects or artificial structures that:
 (A) are properly within the intended path of travel of the ice skater; and
 (B) are not otherwise attributable to an operator's breach of the operator's duties or responsibilities under section 2 of this chapter.

Sec. 5. (a) Except as provided in subsection (b) and notwithstanding IC 34-51-2-6 concerning comparative fault, the assumption of risk under section 4 of this chapter is a complete defense to an action against an operator by an ice skater for injuries and property damage resulting from the assumed risks.

(b) The following applies if an operator has violated any one (1) of the operator's duties or responsibilities under section 2 of this chapter:

(1) The complete defense against an action against an operator under subsection (a) does not apply.

(2) The provisions of IC 34-51-2-6 apply.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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