

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2056

By: Lamb

4  
5  
6 AS INTRODUCED

7 An Act relating to torts; defining terms; limiting  
8 liability of certain organizations or corporations  
9 for allowing certain activities; requiring posting of  
10 certain information; stating exceptions; providing  
for assumption of certain risk; construing  
provisions; providing for codification; and providing  
an effective date.

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 10.2 of Title 76, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Charitable organization" means any benevolent,  
19 philanthropic, patriotic, eleemosynary, educational, social, civic,  
20 recreational, religious group or association or any other person  
21 performing or purporting to perform acts beneficial to the public;

22 2. "Inherent risk" means those dangers or conditions that are  
23 characteristic of, intrinsic to, or an integral part of  
24

1 skateboard, inline skating, paintball, and freestyle or mountain  
2 and off-road bicycling; and

3 3. "Nonprofit corporation" means a corporation formed for a  
4 purpose not involving pecuniary gain to its shareholders or members,  
5 paying no dividends or other pecuniary remuneration, directly or  
6 indirectly, to its shareholders or members as such, and having no  
7 capital stock.

8 B. A charitable organization or nonprofit corporation or an  
9 employee of such organization or corporation shall not be liable to  
10 any person who voluntarily participates in skateboarding, inline  
11 skating, paintball, or freestyle or mountain and off-road bicycling  
12 for any damage or injury to the person or his or her property which  
13 arises out of the participation of such person in such activity or  
14 observance of such activity, and which takes place in an area  
15 designated pursuant to subsection C of this section by the  
16 organization or corporation for such activity. This section does  
17 not grant authority or permission for a person to engage in  
18 skateboarding, inline skating, paintball, or freestyle or mountain  
19 and off-road bicycling on property owned or controlled by a  
20 charitable organization or nonprofit corporation unless such  
21 organization or corporation has specifically designated pursuant to  
22 subsection C of this section such area for skateboarding, inline  
23 skating, paintball, or freestyle or mountain and off-road bicycling.

24

1 C. A charitable organization or nonprofit corporation who  
2 provides an area designated for skateboarding, inline skating,  
3 paintball, and freestyle or mountain and off-road bicycling shall  
4 post a sign in each specifically designated area that identifies all  
5 authorized activities for such area. Such organization or  
6 corporation shall post a sign indicating that no child under  
7 eighteen (18) years of age may participate in any of the listed  
8 activities unless the organization or corporation has obtained  
9 written consent from the parents or legal guardians of the child.

10 D. This section shall not be construed to limit liability for  
11 the failure of the charitable organization or nonprofit corporation  
12 or an employee of such organization or corporation to provide  
13 warning of a dangerous condition of which a participant does not and  
14 cannot reasonably be expected to have notice, or for an act of gross  
15 negligence by the organization or corporation or an employee of such  
16 organization or corporation that is the proximate cause of the  
17 injury.

18 E. Nothing in this section shall limit the liability of an  
19 independent concessionaire or its employees, whether or not the  
20 concessionaire has a contractual relationship with a charitable  
21 organization or nonprofit corporation to use the property, for  
22 injuries or damages suffered as a result of the operation of  
23 skateboards, inline skates, paintball equipment, or freestyle or  
24

1 mountain and off-road bicycles on the property by the concessionaire  
2 or its employees.

3 F. Any person, including a minor, who participates in, assists  
4 in, or observes skateboarding, inline skating, paintball, or  
5 freestyle or mountain and off-road bicycling assumes the known and  
6 unknown inherent risks in these activities irrespective of age. A  
7 charitable organization or nonprofit corporation that sponsors,  
8 allows, or permits skateboarding, inline skating, paintball, or  
9 freestyle or mountain or off-road bicycling on its property is not  
10 required to eliminate, alter, or control the inherent risks in these  
11 activities.

12 G. The fact that a charitable organization or nonprofit  
13 corporation carries insurance which covers any act described in this  
14 section shall not constitute a waiver of the protections set forth  
15 in this section, regardless of the existence or limits of such  
16 coverage. Nothing in this section shall be deemed to be a waiver of  
17 sovereign immunity.

18 H. This section shall not be construed to create a duty of care  
19 or basis of liability for death, personal injury, or damage to  
20 personal property.

21 SECTION 2. This act shall become effective November 1, 2008.

22

23 51-2-3025 TEK 1/22/2008 6:00:21 PM

24