S T A T E O F N E W Y O R K

4179

2013-2014 Regular Sessions

I N S E N A T E

March 13, 2013

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring the operators of bowling centers to give certain notices to bowlers and to grant immunity from civil liability to operators of bowling centers from certain lawsuits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known, and may be cited as, the "bowling center act".

S 2. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. BOWLING CENTERS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "BOWLER" MEANS A PERSON IN A BOWLING CENTER FOR THE PURPOSE OF RECREATIONAL OR COMPETITIVE BOWLING.

(B) "BOWLING CENTER" MEANS A STRUCTURE THAT HAS AN AREA SPECIFICALLY DESIGNED TO BE USED BY THE PUBLIC FOR RECREATIONAL OR COMPETITIVE BOWLING.

(C) "BOWLING SHOES" MEANS SHOES THAT ARE SPECIFICALLY DESIGNED FOR THE PURPOSE OF RECREATIONAL OR COMPETITIVE BOWLING.

(D) "OPERATOR" MEANS A PERSON THAT OWNS, MANAGES, CONTROLS, DIRECTS, OR HAS THE RESPONSIBILITY OF OPERATING A BOWLING CENTER.

2. NOTICES. AN OPERATOR SHALL POST A CONSPICUOUS NOTICE IN A CONSPICUOUS PLACE NEAR EACH ENTRANCE TO AND EXIT FROM A BOWLING CENTER THAT READS AS FOLLOWS:

"DO NOT WEAR BOWLING SHOES OUTSIDE. BOWLING SHOES ARE SPECIALIZED FOOTWEAR FOR INDOOR USE ONLY. BOWLING SHOES WORN OUTSIDE MAY BE AFFECTED BY SUBSTANCES OR MATERIALS INCLUDING BUT NOT LIMITED TO SNOW, ICE, RAIN, MOISTURE, FOOD, OR DEBRIS THAT MAY CAUSE THE PERSON WEARING THE BOWLING SHOES TO SLIP, TRIP, STUMBLE, OR FALL ON THE FLOOR OR ALLEY SURFACES

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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INSIDE THE BOWLING CENTER. NEW YORK LAW MAKES A BOWLING CENTER POSTING THIS NOTICE IMMUNE FROM LIABILITY FOR SUCH AN INJURY."

3. LIABILITY. (A) IF AN OPERATOR POSTS A NOTICE AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION, THE OPERATOR IS NOT CIVILLY LIABLE FOR INJURIES TO A BOWLER RESULTING FROM A SLIP, TRIP, STUMBLE, OR FALL INSIDE THE BOWLING CENTER SUBSTANTIALLY CAUSED BY A SUBSTANCE OR MATERIAL ON THE BOWLER'S BOWLING SHOES THAT WAS ACQUIRED OUTSIDE THE BOWLING CENTER BEFORE THE BOWLER ENTERED OR REENTERED THE BOWLING CENTER.

(B) THE PROTECTION FROM LIABILITY UNDER THIS SECTION DOES NOT APPLY IF THE INJURY RESULTS FROM ACTS OR OMISSIONS AMOUNTING TO WILLFUL OR WANTON MISCONDUCT OR IF THE OPERATOR FAILS TO MAINTAIN THE PREMISES IN A REASONABLY SAFE CONDITION AND THE CONDITION SUBSTANTIALLY CAUSES THE INJURY TO THE BOWLER.

S 3. This act shall take effect immediately.