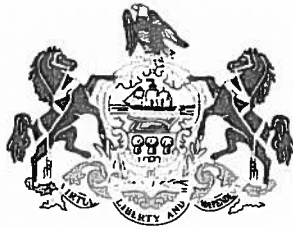


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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES
JUDICIARY,
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RULES
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September 28, 2011

MEMORANDUM

SUBJECT: Bowling Center Liability Legislation
TO: All House Members
FROM: Representative Ron Marsico 

Along with the health benefits resulting from the Commonwealth's ban on smoking in most public places, the bowling center industry has been experiencing a peculiar side-affect. Bowlers who go outside to smoke sometimes pick up moisture or other foreign substances on the bottoms of their bowling shoes, particularly if it has rained or snowed. This is problematic since bowling shoes are specialty footwear designed to slide on the bowling lane. They cannot do that properly with moisture or other substances on the soles.

There have been incidents where bowlers have sought to hold a bowling center liable after picking up moisture outside the building on a smoking break and experiencing a sudden stop while rolling the ball. Others have claimed damages for slipping, tripping, falling or sliding from foreign material deposited during an excursion out of the building to smoke a cigarette. As a result, bowling centers can face lawsuits over something that is a direct consequence of the bowler's own conduct.

I plan to introduce legislation to correct this unfair situation. My bill will require bowling centers to conspicuously post notices at entrances and exits warning of the danger of moisture and other foreign material on a bowling shoe. It will establish immunity from suit for a bowling center which posts a notice using the language in the bill, if the moisture or other matter is acquired outside the facility and a claimed injury is solely caused by it. This bill will not affect liability for damages which result from a bowler suffering a slip and fall from moisture or a foreign material on the floor of the facility. Existing rules applicable to slip and fall tort cases will apply to that situation.

If you are interested in joining me by cosponsoring this legislation, please feel free to contact Michelle or Anna, at 3-2014, or through GroupWise (Michelle Moore).