STATE OF MICHIGAN

COURT OF APPEALS

CAROL GOGGINS,

Plaintiff-Appellant,

v

DETROIT ROLLER WHEELS, INC.,

Defendant-Appellee,

and

JAMES HOSEYNI,

Defendant.

UNPUBLISHED
May 3, 1996

No. 173357
LC No. 93-304145-NO

Before: Taylor, P.J., and Fitzgerald and P. D. Houk,* JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

Plaintiff filed a negligence action against defendant Detroit Roller Wheels, Inc. She alleged that she was severely injured after she collided with another skater while skating at defendant's roller rink. She asserted that defendant was negligent in failing to provide a reasonably safe place in which to engage in roller skating activity and failed to exercise due care in the maintenance, supervision, and control of the premises. Defendant moved for summary disposition pursuant to MCR 2.116(C)(10), arguing that plaintiff assumed the risk of injury under the Roller Skating Safety Act (RSSA), MCL 445.1721 *et seq.;* MSA 18.485(2) *et seq.* The trial court agreed and granted defendant's motion.[1]

Plaintiff argues that the RSSA violates the equal protection clause of the United States Constitution, US Const, Am XIV, and the Michigan Constitution, Const 1963, art 1, §2. In particular,

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* Circuit judge, sitting on the Court of Appeals by assignment.

it is asserted that both constitutions are violated because the act is not rationally related to a legitimate state purpose.

The Michigan Constitution secures the same right of equal protection as does its counterpart in the United States Constitution. *Doe v Dep't of Social* Services, 439 Mich 650, 661-662; 487 NW2d 166 (1992); *Fox v Employment Security Comm,* 379 Mich 579, 588; 153 NW2d 644 (1967).

Enactments of the Legislature are presumed valid; the burden of rebutting the presumption is on the person challenging the statute. *Shavers v Attorney General,* 402 Mich 554, 614; 267 NW2d 72 (1978). With social or economic legislation, the courts examine the constitutionality of the enactment based of a rational basis test. *Manistee Bank & Trust Co v McGowan,* 394 Mich 655, 668-669; 232 NW2d 636 (1975). Under this level of scrutiny, the legislative classification will only be found invalid where persons are treated differently on the basis of criteria wholly unrelated in a rational way to the objective of the statute. *Id.* This Court's inquiry is limited to whether any stated facts, either known or which could be reasonably assumed, afford support for the statute. *Eastway v Eisenga,* 420 Mich 410, 420; 362 NW2d 684 (1984); *Manistee Bank & Trust, supra* at 668. This statute treats people differently on a rational basis, and thus, passes constitutional muster.

In the recent case of *Skene v Fileccia,* 213 Mich App 1; 539 NW2d 531 (1995), this Court reviewed the RSSA and concluded that the intent of the Legislature was to prescribe the duties and liabilities of operators of roller-skating centers and persons who patronize the skating centers. Further, the Court opined that the Legislature was responding to rink operators who claimed that many injuries were caused by the skaters' own inability or carelessness and not by the owners' negligence, and that, because these types of cases resulted in expensive lawsuits, insurance rates had increased significantly creating difficulties, for some operators, in obtaining insurance. *Skene, supra* at 5. Accordingly, the court concluded that the RSSA was designed, even as the statute upon which it was modeled, the Ski Area Safety Act, MCL 408.342 *et seq.;* MSA 18.483(22)(2) *et seq.*, to cut down on the liability of owners and operators for injuries that result from the inherent dangers of the sport. *Skene, supra* at 6. While the *Skene* Court did not directly address whether this statutory scheme is rationally related to a legitimate state interest, by implication it is clear that it felt, as we do, that the RSSA is rationally related to the state's legitimate interest in promoting safety, reducing litigation, and bringing economic stabilization to an interest in the state. Accordingly, we find that the RSSA is not repugnant to the equal protection clauses of the state and federal constitutions, and that plaintiff's argument is without merit.

Plaintiff next argues that the RSSA does not abrogate the rink operator's common-law duties. We disagree. This issue was dispositively handled in *Skene, supra*. There, the Court held that the RSSA should be read to provide that "the assumption of risk clause of the roller skating act renders the reasonableness of the roller skaters' or the roller skating rink operators' behavior

irrelevant." *Skene, supra* at 7. Thus, the duties imposed by common law, in this regard, have been abrogated by the statute.

Affirmed.

/s/ Clifford W. Taylor
/s/ E. Thomas Fitzgerald
/s/ Peter D. Houk

[1] Section 5 of the act provides:

> Each person who participates in roller skating accepts the danger that inheres in that activity insofar as the dangers are obvious and necessary. Those dangers include, but are not limited to, injuries that result from collisions with other roller skaters. . . .