
A BILL FOR AN ACT

RELATING TO CHALLENGE COURSE TECHNOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that ziplines and canopy
2 tours are used and enjoyed by a number of Hawaii residents and
3 attract a large number of tourists to the State, which
4 contributes significantly to Hawaii's economy. There are,
5 however, inherent risks in ziplines and canopy tours. These
6 risks are an inherent part of such activities and as a result,
7 require that the State be vigilant in its regulation to ensure
8 the safety and security of those who choose to participate.

9 The purpose of this Act, therefore, is to establish
10 standards and regulations for zipline and canopy tour operators.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **ZIPLINES AND CANOPY TOURS**

16 § -1 **Definitions.** As used in the chapter:

17 "Canopy tours" means a commercial facility not located in
18 an amusement park or carnival, that is a supervised or guided



1 educational or recreational activity, including beams, bridges,
2 cable traverses, climbing walls, nets, platforms, ropes, swings,
3 towers, ziplines, and other aerial adventure courses, which may
4 be installed on or in trees, poles, portable structures or
5 buildings, or be part of self-supporting structures.

6 "Challenge course standards" means the current edition of
7 Challenge Course Standards: Association for Challenge Course
8 Technology, or substantially equivalent standards approved by an
9 operator's insurance provider.

10 "Certificate of insurance" means the document issued to an
11 operator by the operator's insurance provider indicating that
12 the operator has insurance and has met the criteria set forth in
13 this chapter.

14 "Employee" means an officer, agent, employee, servant, or
15 volunteer, whether compensated or not, full time or not, who is
16 authorized to act and is acting within the scope of the
17 employee's employment or duties with an operator.

18 "Insurance provider" means any entity licensed to provide
19 insurance in the State of Hawaii who has provided the necessary
20 certificate of insurance to an operator.



1 "Operator" means any person, partnership, corporation, or
2 other entity who has operational responsibility for any zipline
3 or canopy tour.

4 "Participant" means any person who engages in activities on
5 a zipline or canopy tour individually or in a group activity
6 supervised by a zipline or canopy tour operator.

7 "Qualified challenge course professional inspector" means a
8 private inspector of canopy tours and ziplines who meets
9 challenge course standards and is certified by an operator's
10 insurance provider.

11 "Zipline" means a commercial recreational activity where a
12 participant attached to a pulley traverses from one point to
13 another, by use of a permanent cable or rope line suspended
14 between support structures, for the purpose of giving the
15 participant amusement, pleasure, thrills, or excitement.

16 **§ -2 Zipline and canopy tour operators.** Every operator
17 shall:

18 (1) Construct, install, maintain, and operate all ziplines
19 and canopy tours in accordance with challenge course
20 standards;

21 (2) Ensure that ziplines and canopy tours are inspected at
22 least annually by the insurance provider or a



- 1 qualified challenge course professional inspector
2 approved by the insurance provider;
- 3 (3) Train employees operating ziplines and canopy tours in
4 accordance with challenge course standards;
- 5 (4) Procure and maintain commercial general liability
6 insurance against claims for personal injury, death,
7 and property damages occurring upon, in, or about the
8 zipline or canopy tour that affords protection to the
9 limit of not less than \$1,000,000 for the injury or
10 death of a single person, to the limit of \$2,000,000
11 in the aggregate, and to the limit of not less than
12 \$50,000 for property damage; and
- 13 (5) Maintain the following records:
14 (A) Certificate of insurance;
15 (B) Inspection reports;
16 (C) Maintenance records; and
17 (D) Participant acknowledgment of risks and duties.

18 The records shall be retained for a period of at least five
19 years from the date of creation.

20 **§ -3 Responsibilities of participants; prohibited acts.**

- 21 (a) Each participant shall have a duty to act as would a



1 reasonably prudent person when using a zipline or canopy tour
2 offered by an operator.

3 (b) A participant is prohibited from:

4 (1) Using a zipline or canopy tour without the authority,
5 supervision, and guidance of an operator or employee
6 acting within the scope of the employee's employment
7 or duties with the operator;

8 (2) Dropping, throwing, or expelling any object from a
9 zipline or canopy tour except as authorized by an
10 operator;

11 (3) Performing any act that interferes with the running or
12 operation of a zipline or canopy tour; and

13 (4) Engaging in any harmful conduct, or wilfully or
14 negligently engaging in any type of conduct that
15 causes or contributes to the injury of any person.

16 **§ -4 Operators; liability.** (a) An operator shall be
17 liable for any injury, loss, or damage caused by a failure to
18 follow duties and standards of care pursuant to section -2,
19 where the violation of duty is causally related to the injury,
20 loss, or damage suffered.

21 (b) An operator shall not be liable for any injury, loss,
22 or damage caused by the negligence of any person who is not an



1 employee of the operator or for the failure of a participant to
2 comply with section -3.

3 **§ -5 Certificate of insurance; annual inspection. (a)**

4 No operator may knowingly permit the operation of a zipline or
5 canopy tour without a certificate of insurance.

6 (b) An operator shall conduct inspections at least
7 annually and as otherwise may be required by the insurance
8 provider.

9 **§ -6 Certificate of insurance; availability to public.**

10 (a) The insurance provider shall issue a certificate of
11 insurance to the operator verifying that the operator has met
12 the terms of this chapter.

13 (b) Upon issuance, a copy of the certificate of insurance,
14 showing the last date of inspection, shall be affixed to the
15 zipline or canopy tour, or other location designated by the
16 insurance provider.

17 (c) An operator shall retain each certificate of insurance
18 in the operator's records for five years in a form that is
19 readily accessible to the public for inspection at any
20 reasonable time with prior notice.

21 (d) The certificate of insurance shall appear in all
22 publicity material, websites, and advertising by the operator.



1 **§ -7 Notice of serious physical injury or fatality;**
2 **investigations; records.** (a) An operator shall notify county
3 and state officials of any fatality or accident that resulted in
4 serious physical injury or illness to any person that occurred
5 during the person's use or operation of the zipline or canopy
6 tour.

7 (b) Notification shall be made not later than twenty-four
8 hours following the incident and may be made by oral, written,
9 or electronic means; provided that such notification shall not
10 delay emergency responses to the incident or limit an operator's
11 responsibility to notify emergency or law enforcement personnel
12 as soon as is practicable.

13 (c) An operator shall retain a record of each
14 investigation in the operator's records for five years in a form
15 that is readily accessible to the public for inspection at any
16 reasonable time.

17 **§ -8 Regulation by counties.** Nothing in this chapter
18 shall prevent any county from regulating a zipline or canopy
19 tour; provided that such regulation shall not be related to
20 installation, repair, maintenance, use, operation, or inspection
21 of a zipline or canopy tour. If any ordinance or rule of any
22 county conflicts or is inconsistent with this chapter or with



1 the rules adopted pursuant thereto, the ordinance or rule shall
2 be void to the extent that it conflicts with this chapter.

3 **§ -9 Indemnification and hold harmless.** The operator
4 shall indemnify and hold harmless the State, and the State's
5 officers, agents excluding qualified challenge course
6 professional inspectors, and employees from and against any and
7 all claims arising out of or resulting from activities carried
8 out or undertaken pursuant to this chapter."

9 SECTION 3. The legislative auditor shall conduct a sunrise
10 study to determine the state's interest in further regulating
11 this industry. The analysis shall consider legislation enacted
12 in other jurisdictions to insure the public's health and safety.

13 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Ziplines; Canopy Tours; Regulations

Description:

Establishes standards and regulations for operators of ziplines and canopy tours. Requires operators to obtain annual inspections and a certificate of insurance from the operator's insurance provider. Effective July 1, 2112. (SB2433 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

