
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:

"CHAPTER

ZIPLINES AND CANOPY TOURS

14
15
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
9 the department.

10 "Department" means the department of labor and industrial
11 relations.

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

16 "Operator" means any person, partnership, corporation, or
17 other entity who has operational responsibility for any zipline
18 or canopy tour.

19 "Participant" means any person who engages in activities on
20 a zipline or canopy tour individually or in a group activity
21 supervised by a zipline or canopy tour operator.



1 "Qualified challenge course professional inspector" means a
2 private inspector of canopy tours and ziplines who meets
3 challenge course standards and is certified by the department.

4 "Zipline" means a commercial recreational activity where
5 participants, by use of a permanent cable or rope line suspended
6 between support structures, enables a participant attached to a
7 pulley to traverse from one point to another, for the purpose of
8 giving the participant amusement, pleasure, thrills, or
9 excitement.

10 § -2 **Zipline and canopy tour operators.** Every operator
11 shall:

- 12 (1) Construct, install, maintain, and operate all ziplines
13 and canopy tours in accordance with challenge course
14 standards;
- 15 (2) Ensure that ziplines and canopy tours are inspected at
16 least annually by the department or a qualified
17 challenge course professional inspector;
- 18 (3) Train employees operating ziplines and canopy tours in
19 accordance with challenge course standards;
- 20 (4) Procure and maintain commercial general liability
21 insurance against claims for personal injury, death,
22 and property damages occurring upon, in, or about the



1 zipline or canopy tour that affords protection to the
2 limit of not less than \$1,000,000 for the injury or
3 death of a single person, to the limit of \$2,000,000
4 in the aggregate, and to the limit of not less than
5 \$50,000 for property damage; and

6 (5) Maintain the following records:

7 (A) Proof of insurance;

8 (B) Inspection reports;

9 (C) Maintenance records; and

10 (D) Participant acknowledgment of risks and duties.

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

13 **§ -3 Responsibilities of participants; prohibited acts.**

14 (a) Each participant shall have a duty to act as would a
15 reasonably prudent person when using a zipline or canopy tour
16 offered by an operator.

17 (b) A participant is prohibited from:

18 (1) Using a zipline or canopy tour without the authority,
19 supervision, and guidance of an operator or employee
20 acting within the scope of the employee's employment
21 or duties with the operator;



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

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

6 (4) Engaging in any harmful conduct, or wilfully or
7 negligently engaging in any type of conduct that
8 causes or contributes to the injury of any person.

9 § -4 **Operators; liability.** (a) An operator shall be
10 liable for any injury, loss, or damage caused by a failure to
11 follow duties and standards of care pursuant to section -2,
12 where the violation of duty is causally related to the injury,
13 loss, or damage suffered.

14 (b) An operator shall not be liable for any injury, loss,
15 or damage caused by the negligence of any person who is not an
16 employee of the operator or for the failure of a participant to
17 comply with section -3.

18 § -5 **Permits; application; annual inspection.** (a) No
19 operator may knowingly permit the operation of a zipline or
20 canopy tour without a permit issued by the department.



1 (b) An operator shall apply annually to the department for
2 a permit on a form and in a manner prescribed by the department.

3 The permit application shall be submitted:

4 (1) At least fifteen days prior to the first time the
5 zipline or canopy tour is made available for public
6 use, if the application is an initial application; and

7 (2) At least fifteen days prior to the expiration of a
8 permit, if the application is a subsequent
9 application.

10 (c) Each zipline or canopy tour shall be inspected on at
11 least an annual basis. The department shall perform an
12 inspection of the zipline or canopy tour:

13 (1) Within thirty days of the first time the zipline or
14 canopy tour is made available for public use; and

15 (2) Within thirty days of the expiration of the annual
16 permit if the operator is applying for a subsequent
17 permit;

18 provided that the department shall accept and may approve
19 inspection reports provided by the operator from a qualified
20 challenge course professional inspector in lieu of performing
21 its own inspection.



1 (d) The department may conduct additional inspections
2 during normal operating hours, without prior notice, in a manner
3 that does not interfere with the safe and efficient operation of
4 the zipline or canopy tour.

5 § -6 Issuance of permit; certificate of inspection;
6 availability to public. (a) If, upon inspection, a zipline or
7 canopy tour is found to comply with department requirements, the
8 department shall issue the permit in the form of a certificate
9 of inspection.

10 (b) Upon issuance, a copy of the current permit, showing
11 the last date of inspection, shall be affixed to the zipline or
12 canopy tour, or other location designated by the department.

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

17 (d) The department may order, in writing, a temporary
18 cessation of operation of a zipline or canopy tour if, and to
19 the extent, it has been determined through the inspection that
20 the zipline or canopy tour does not comply with challenge course
21 standards. Operation shall not resume until deficiencies are
22 corrected to the department's satisfaction.



1 § -7 **Inspection and permit fees.** (a) The department
2 shall charge an annual permit fee of \$100 per zipline or canopy
3 tour.

4 (b) The department shall charge an inspection fee of \$100
5 for each annual inspection conducted by the department, which
6 shall be due at the time of application for an annual permit.
7 The department shall waive the inspection fee for an operator
8 who provides proof that an inspection has been completed within
9 the last year by a qualified challenge course professional
10 inspector.

11 (c) The department shall charge additional inspection fees
12 of no more than \$100 for additional inspections required as a
13 result of the condemnation of a device for safety standards
14 violations and for inspections required as a result of accidents
15 involving serious or fatal injury.

16 § -8 **Notice of serious physical injury or fatality;
17 investigations; records.** (a) An operator shall notify the
18 department of any fatality or accident that results in death or
19 serious physical injury or illness in any person that occurred
20 during the person's use or operation of the zipline or canopy
21 tour.



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

7 (c) The department shall investigate each safety-related
8 complaint, accident, or fatality about which the department
9 receives notice.

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

14 **§ -9 Qualified challenge course professional inspectors.**

15 (a) The department shall certify qualified challenge course
16 professional inspectors for the purpose of inspecting ziplines
17 and canopy tours.

18 (b) The department may charge an annual certification fee
19 not to exceed \$50.

20 **§ -10 Permit, inspection, and certification fees.**

21 Permit, inspection, and certification fees established under
22 this chapter shall be expended by the director of labor and



1 industrial relations to carry out the purposes of this chapter
2 pursuant to rules adopted in accordance with chapter 91.

3 § -11 **Regulation by counties.** Nothing in this chapter
4 shall prevent any county from regulating a zipline or canopy
5 tour; provided that such regulations shall not be related to
6 installation, repair, maintenance, use, operation, or inspection
7 of a zipline or canopy tour. If any ordinance or rule of any
8 county conflicts or is inconsistent with this chapter or with
9 the rules adopted pursuant thereto, the ordinance or rule shall
10 be void to the extent that it conflicts with this chapter.

11 § -12 **Indemnification and hold harmless.** The operator
12 shall indemnify and hold harmless the department, State, and the
13 State's officers, agents excluding qualified challenge course
14 professional inspectors, and employees from and against any and
15 all claims arising out of or resulting from activities carried
16 out or undertaken pursuant to this chapter.

17 § -13 **Rules.** The department shall adopt rules in
18 accordance with chapter 91 that:

19 (1) Ensure the safe installation, repair, maintenance,
20 use, operation, and inspection of ziplines and canopy
21 tours; and



1 (2) Require that the issuance of a permit to an operator
2 subject to this chapter shall be contingent upon the
3 certification by a qualified engineer regarding the
4 structural integrity of the design, structures, and
5 anchoring systems of the zipline or canopy tour for
6 which the permit is sought.

7 Where applicable, the rules shall be consistent with the
8 challenge course standards."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. This Act shall take effect on July 1, 2050;
13 provided that an operator operating in the State on the
14 effective date of this Act shall obtain a permit within one
15 hundred eighty days of the effective date of this Act or such
16 greater time as the director of labor and industrial relations
17 may require to process the permit required under this Act.



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 permits from the Department of Labor and Industrial Relations. Effective 07/01/2050. (SD2)

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

