

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2433
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred S.B. No. 2433, S.D. 2, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO CHALLENGE COURSE TECHNOLOGY,"

beg leave to report as follows:

The purpose of this measure is to establish standards and
regulations for operators of ziplines and canopy tours in Hawaii.
Specifically, this measure, among other things:

- (1) Requires that a zipline or canopy tour's insurance
provider or a qualified challenge course professional
inspector approved by the insurance provider verify at
least annually that the zipline or canopy tour is in
compliance with approved challenge course standards;
- (2) Requires operators to train employees in accordance with
challenge course standards;
- (3) Requires operators to procure and maintain commercial
general liability insurance against claims for personal
injury, death, and property damages occurring upon, in,
or about the zipline or canopy tour;



- (4) Requires operators to maintain records including certificate of insurance, inspection reports, maintenance records, and participant acknowledgment of risks and duties;
- (5) Specifies participants' responsibilities and prohibited acts during zipline or canopy tours;
- (6) Specifies that operators will be liable for any injury, loss, or damage caused by a failure to follow duties and standards of care pursuant to the chapter, but not for any injury, loss, or damage caused by the negligence of any person who is not an employee of the operator or for the failure of a participant to comply with the chapter;
- (7) Requires the certificate of insurance to appear in all publicity material, websites, and advertising by the operator;
- (8) Requires an operator to notify county or state officials of any fatality or accident that resulted in serious physical injury or illness that occurred during a person's use or operation of the zipline or canopy tour;
- (9) Allows a county to regulate ziplines and canopy tours, provided that such regulation shall not be related to installation, repair, maintenance, use, operation, or inspection of a zipline or canopy tour;
- (10) Requires operators to indemnify and hold harmless the State, the State's officers, agents, and employees excluding qualified challenge course professional inspectors, from and against any and all claims arising out of or resulting from activities carried out or undertaken pursuant to this measure; and
- (11) Requires that the Legislative Auditor conduct a sunrise study on the regulation of ziplines and canopy tours.

The Department of Labor and Industrial Relations and two concerned individuals supported the measure.

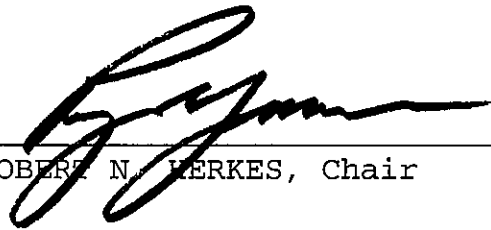


As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2433, S.D. 2, H.D. 1, and recommend that it be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,



GILBERT KEITH-AGARAN, Chair

for 

ROBERT N. HERKES, Chair



