

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 94

Short Title: Trampoline Park Regulation/Study/Funds. (Public)

Sponsors: Senator Nickel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 16, 2021

A BILL TO BE ENTITLED

AN ACT REGULATING TRAMPOLINE PARKS IN THIS STATE IN THE SAME MANNER AS ZIP LINES AND CHALLENGE COURSES BY REQUIRING THE OPERATOR TO OBTAIN LIABILITY INSURANCE AND DIRECTING THE DEPARTMENT OF LABOR TO STUDY TRAMPOLINE PARK FINANCIAL RESPONSIBILITY AND APPROPRIATING FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Regulations. – Article 47 of Chapter 66 of the General Statutes reads as rewritten:

"Article 47.

~~"Zip Line Trampoline Park, Zip Line, and Challenge Course Financial Responsibility.~~

"§ 66-455. Definitions.

The following definitions apply in this Article:

- (1) Aerial adventure/trekking park. – A self-guided challenge course that is supervised and open to the public, where access is controlled.
- (2) Canopy tour. – An aerial exploration or transit of the forest canopy, most commonly by means of a series of zip lines or aerial walkways with platforms.
- (3) Challenge course. – A facility or facilities consisting of one or more devices that challenge participants. Examples of a challenge course include an aerial adventure/trekking park, a canopy tour, and a zip line tour.
- (4) Commissioner. – The Commissioner of Insurance.
- (5) Device. – An apparatus provided for a unit of activity on a challenge course. Examples of a device include items designed to simulate rock climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, zip lines, and jump systems. Devices may be installed on or in trees, poles, portable structures, or buildings, or as part of a self-supporting structure.
- (6) Person. – An individual, association, partnership, limited liability company, firm, corporation, or private organization.
- (6a) Trampoline park. – A facility or facilities containing one or more trampolines that is open to the public and for which a fee is charged.
- (7) Zip line. – A lifeline suspended between support structures that enables a person attached to a pulley to traverse from one point to another propelled by the force of gravity or a passive method of controlled acceleration.
- (8) Zip line tour. – An aerial exploration or transit of a landscape by means of a series of zip lines and platforms generally supported by man-made structures.



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1 **"§ 66-456. Liability insurance.**

2 (a) Insurance Required. – A person cannot own or operate a trampoline park or a
3 challenge course, zip line, or other similar device unless the person carries insurance coverage
4 provided by an accepted insurer of at least one million dollars (\$1,000,000) per occurrence and
5 two million dollars (\$2,000,000) in the aggregate against liability for injury to persons or property
6 arising out of the operation of ~~such~~the facility or use of such device. The insurance contract
7 cannot include per person sublimits to liability. A person required to be insured under this section
8 must immediately notify the Commissioner upon receipt of notice of cancellation, suspension, or
9 nonrenewal of the policy.

10 (b) Proof of Insurance. – A person operating a trampoline park, or a challenge course, zip
11 line, or other similar device must provide proof of insurance coverage upon request by the
12 Commissioner. Upon failure of the person to provide proof of insurance, the Commissioner must
13 prevent or stop operation of the facility or other similar device until the person provides proof of
14 the required insurance coverage.

15 (c) Acceptable Insurer. – The insurance contract must be provided by an insurer or surety
16 that is acceptable to the Commissioner and authorized to transact business in this State. The
17 Commissioner cannot accept any commercial general liability insurance policy unless it obligates
18 the insurer to give written notice to the person at least 30 days before any proposed cancellation,
19 suspension, or nonrenewal of the policy.

20 **"§ 66-457. Exceptions.**

21 This Article does not apply to any one or more of the following:

- 22 (1) A challenge course or zip line installed at a private residence that is not open
23 to the public and for which no fee is charged.
- 24 (2) A challenge course or zip line owned or operated by the State, a unit of local
25 government, or any political subdivision thereof.
- 26 (3) A trampoline installed at a private residence that is not open to the public and
27 for which no fee is charged.

28 **"§ 66-458. Rule-making authority.**

29 The Commissioner must adopt rules to implement this Article."

30 **SECTION 2.(a)** The Department of Labor (DOL) shall study the financial liability
31 of trampoline parks operating in this State. The DOL shall report its findings, recommendations,
32 and any legislative proposals to the 2021 General Assembly by April 30, 2022.

33 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of
34 Labor the sum of fifty thousand dollars (\$50,000) for the 2021-2022 fiscal year and the sum of
35 fifty thousand dollars (\$50,000) in the 2022-2023 fiscal year to conduct the study authorized by
36 this section.

37 **SECTION 3.** Section 2 of this act becomes effective July 1, 2021. The remainder of
38 this act is effective when it becomes law.