

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 395

Short Title: Regulate Challenge Courses. (Public)

Sponsors: Representatives McGrady, B. Turner, Henson, and Russell (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Insurance, if favorable, Finance, if favorable, Rules,  
Calendar, and Operations of the House

March 21, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE OPERATION OF COMMERCIAL AND  
3 NONCOMMERCIAL CHALLENGE COURSES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 66 of the General Statutes is amended by adding a new Article  
6 to read:

7 "Article 47A.

8 "Challenge Courses.

9 "**§ 66-460. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) ACCT. – Association for Challenge Course Technology.  
12 (2) ANSI. – American National Standards Institute.  
13 (3) Aerial adventure trekking park. – A self-guided challenge course at height that  
14 is supervised and open to the public and access to the course is controlled.  
15 (4) CWA. – Climbing Wall Association.  
16 (5) Canopy tour. – A guided aerial exploration or transit of the forest canopy,  
17 most commonly by means of a series of zip lines or aerial walkways with  
18 platforms.  
19 (6) Challenge course. – A facility or facilities consisting of one or more high  
20 elements including zip line tours, canopy tours, or aerial adventure trekking  
21 parks.  
22 (7) Competent person. – A person possessing the skills, knowledge, experience,  
23 training, and judgment to perform assigned tasks or activities satisfactorily as  
24 determined by the employer, industry standards, or authority having  
25 jurisdiction, provided that the competent person acts under the supervision of  
26 a qualified person.  
27 (8) Commercial climbing structures. – A manufactured structure that has been  
28 engineered to meet CWA standards.  
29 (9) Department. – North Carolina Department of Labor.  
30 (10) Element. – An apparatus that provides for a unit of activity on a challenge  
31 course. Elements include, but are not limited to, items designed to simulate  
32 beams, bridges, cable traverses, nets, platforms, ropes, swings, towers, zip  
33 lines, or jump systems. Elements may be installed on or in trees, poles,  
34 portable structures, buildings, or be a part of a self-supporting structure.



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- 1           (11) High/aerial element. – An element installed at a height that requires a  
2 participant to be connected to a life safety system.
- 3           (12) Inspection. – A procedure conducted by an inspector to determine whether a  
4 challenge course has been constructed, assembled, maintained, tested,  
5 operated, and inspected in accordance with the standards adopted by these  
6 regulations and the manufacturer's recommendations, as applicable. All  
7 inspections shall be documented by a written inspection report to be filed with  
8 the operator. Types of inspections required include:
- 9           a. Acceptance inspection. – The inspection of a course performed upon  
10 completion of a new installation and/or major modifications to a  
11 challenge course. Acceptance inspections may only be performed by  
12 a professional inspector that is not employed by the owner.
- 13           b. Annual inspection. – An annual inspection of the challenge course  
14 conducted by an inspector. Annual inspection reports are valid for 12  
15 months from the date of inspection. Annual inspections may only be  
16 performed by a professional inspector that is not employed by the  
17 owner.
- 18           c. In-House inspection. – Periodic inspection of the physical and  
19 operational components of a course performed at an interval as  
20 specified by the designer, manufacturer, or other qualified person.
- 21           (13) Inspector. – Individual who has the skills, knowledge, and ability to identify  
22 standards, deficiencies, and hazards and to communicate them to the challenge  
23 course operator. Inspector qualifications include:
- 24           a. Professional inspector. – An inspector that is a qualified person who is  
25 currently Level 1 ICE certified by ACCT or higher.
- 26           b. In-House inspector. – An inspector that is a competent person who  
27 may be an employee of the owner and is able to perform, manage, and  
28 document an ongoing system of monitoring all challenge course  
29 components at an interval specified by the designer, manufacturer, or  
30 other qualified person.
- 31           (14) ICE. – The Inspector Certification Exam (ICE) program provided by ACCT.
- 32           (15) Low element. – An element designed to be operated without the use of a life  
33 safety system.
- 34           (16) Major modification. – Any change in either the structural or operational  
35 characteristics of the element that will alter its performance from that specified  
36 in the manufacturer's design criteria.
- 37           (17) Minor modification. – Any change that does not alter the structural or  
38 operational characteristics of the element or device nor change its  
39 performance from that specified in the manufacturer's design criteria.
- 40           (18) Operator. – A person or the agent of a person, corporation, or company who  
41 owns, controls, or has the duty to control the operation or maintenance of a  
42 challenge course.
- 43           (19) Operator staff. – Persons that are directly responsible for the safety of patrons  
44 using the challenge course. These persons must be trained in accordance with  
45 the standards adopted by these regulations and in accordance with an operator  
46 training program or specifications provided by the Challenge Course designer,  
47 installer, engineer, and/or manufacturer.
- 48           (20) Owner. – A person having ultimate responsibility for the operation and  
49 maintenance of the challenge course.
- 50           (21) Qualified person. – An individual who, by possession of a recognized degree,  
51 certificate, or professional standing; or who, by possession of extensive

1 knowledge, training, and/or experience in the subject field, has successfully  
2 demonstrated ability in design, analysis, evaluation, installation, inspection,  
3 specification, testing, or training in the subject work, project, or product, to  
4 the extent established by this standard.

5 (22) Registration. – The filing of a properly completed application with the State  
6 of North Carolina and approval of the application by the State of North  
7 Carolina.

8 (23) Zip line. – A lifeline suspended between support structures that enables a  
9 person attached to a pulley to traverse from one point to another propelled  
10 only by the force of gravity.

11 (24) Zip line tour. – A guided aerial exploration or transit of a landscape by means  
12 of a series of zip lines and platforms generally supported by man-made  
13 structures.

14 **"§ 66-461. Scope; applicable industry standard.**

15 (a) Scope. – This Article applies to the design, construction, operation, repair, and  
16 maintenance of both commercial and noncommercial operators and operations of challenge  
17 courses located in this State by any individual, corporation, company, firm, partnership,  
18 association, or State or local government entity. This Article does not apply to challenge courses  
19 that are exclusively comprised of low elements, or commercial climbing structures.

20 (b) Applicable Industry Standard. – All operators and operations of both commercial and  
21 noncommercial challenge courses, which includes ropes courses, challenge courses, adventure  
22 courses, adventure trekking parks, zip lines, zip line tours, canopy tours, and high element  
23 challenge courses shall adhere to the most current ACCT/ANSI Challenge Course and  
24 Canopy/Zip Line Tour Standards, which were developed by the Association for Challenge  
25 Course Technology (ACCT) and approved by the American National Standards Institute (ANSI).

26 **"§ 66-462. Liability insurance.**

27 (a) Liability Insurance. – The insurance requirements set forth in G.S. 66-456 apply to  
28 persons regulated under this Article, except as provided by subsection (b) of this section.

29 (b) This section does not apply to State agencies.

30 **"§ 66-463. New construction and major modifications of challenge courses.**

31 All new construction and major modifications of challenge courses shall be built by a  
32 qualified person or a competent person supervised by a qualified person and shall meet all  
33 applicable ACCT/ANSI standards.

34 **"§ 66-464. Inspection of new construction and major modifications.**

35 Prior to the commencement of operations of newly constructed challenge courses or major  
36 modification of challenge courses, the challenge course operator shall provide documentation in  
37 the form of an acceptance inspection verifying that the construction was performed by a  
38 competent person and that the improvements meet or exceeds current ACCT/ANSI standards.  
39 An acceptance inspection shall be performed by a professional inspector. The acceptance  
40 inspection report shall be submitted to the Department for approval. This requirement shall not  
41 apply to construction that was completed and operational prior to the date of the adoption of this  
42 law. Minor modifications do not require an acceptance inspection.

43 **"§ 66-465. Annual inspection of challenge courses.**

44 An annual inspection of all challenge course physical elements shall be conducted in  
45 accordance with the current version of the ACCT/ANSI standards. This shall be performed as  
46 often as circumstances require, but no less than once every 12 months. Any items identified from  
47 the annual inspection requiring immediate corrective measures must be resolved and verified by  
48 a professional inspector prior to submittal of the application for registration to the Department.

49 **"§ 66-466. Operator staff training and documentation.**

50 All operator staff who are directly responsible for participant safety must successfully  
51 complete training that meets current ACCT/ANSI standards and follows all applicable

1 manufacturer's specifications. Trainings must be performed by a qualified person or a competent  
2 person supervised by a qualified person. Operators must retain documentation verifying training  
3 of all applicable staff per ACCT/ANSI standards.

4 **"§ 66-467. Registration with the State.**

5 All commercial and noncommercial operators of challenge courses must register annually  
6 with the Department and are subject to an annual fee that compensates the Department for the  
7 cost of administering the law. No challenge course shall open to the public and operate until the  
8 owner or operator of the challenge course has first registered and obtained a permit for operation  
9 from the Department.

10 **"§ 66-468. Submission and processing of applications for registration.**

11 The challenge course application shall be submitted annually on the form prescribed by the  
12 Department and shall include the following registration requirements:

- 13 (1) The name and address of the owner.
- 14 (2) The name of all liability insurance carriers and the insurance policy numbers.
- 15 (3) An annual inspection report for the challenge course showing the inspector's  
16 name, the owner or operator's name, and other information as required by rules  
17 adopted under this Article.

18 Upon receipt of an application, the Department shall review the application, and upon  
19 determining that the provisions of this Article and the rules adopted hereunder have been met,  
20 shall approve the application, register the challenge course, and issue a permit to operate within  
21 five business days.

22 The submittal of a registration application does not guarantee the registration of any challenge  
23 course. The owner or operator must obtain a permit from the Department of Labor prior to  
24 opening any challenge course for use by participants.

25 **"§ 66-469. Records.**

26 All challenge course owners and operators shall maintain detailed records relating to the  
27 construction, repair, and maintenance of its operation, including safety, inspection, maintenance  
28 records, and training activities. Records shall be made available to the Department at reasonable  
29 times, including during an inspection upon the Department's request. All records must be  
30 maintained for a period of no less than three years.

31 **"§ 44-470. Advisory commission.**

32 An advisory commission composed of seven members, comprised of (i) three challenge  
33 course owners or operators, (ii) two designers, engineers, or installers with expertise in the  
34 design, installation, and operation of challenge courses, (iii) one trainer with expertise in the  
35 training of operator staff, and (iv) one at-large member with the aforementioned qualifications.  
36 The commission shall be created, and members voted on, by owners or operators that have  
37 received registration from the Department, and shall meet annually to provide recommendations  
38 to the Department.

39 **"§ 66-471. Rules.**

40 The Commissioner shall adopt rules to implement this Article."

41 **SECTION 2.** G.S. 95-4 is amended by adding a new subdivision to read:

42 "(7) To administer and enforce the provisions of Article 47A of Chapter 66 of the  
43 General Statutes."

44 **SECTION 3.** This act becomes effective July 1, 2019, with G.S. 66-464, as enacted  
45 by this act, not applying to construction that was completed and operational before that date.