



The
UNIVERSITY
of VERMONT

Vermont Legislative Research Service

<http://www.uvm.edu/~vlrs/>



State Zip Line and Bungee Jumping Regulations

This report analyzes the regulations around the United States for zip lines and bungee jumping. The report begins by describing Vermont's current regulations and state practices. It then describes the different standards state governments use for zip line and bungee jumping safety and inspection. The report concludes with an analysis of how six states approach state regulation of zip lines and bungee jumping.

Definitions of Zip Line and Bungee Jumping

This report uses the following definition of zip line as written by the Professional Ropes Course Association:

a self-belayed cable (wire rope) action/activity system where a suspended user traverses a cable (wire rope) usually under gravity acceleration or a passive method of controlled acceleration.¹

The report uses the following definition written by the South Carolina state legislature for bungee jumping:

the sport, activity, or practice of jumping, stepping out, dropping, or otherwise being released into the air while attached or fastened to a cord made of rubber, latex, or other elastic-type material, whether natural or synthetic, whereby the cord, stops the fall, lengthens and shortens, allows the person to bounce up and down, and is intended to finally bring the person to a stop at a point above the surface.²

Privatized Standards for Zip Line and Bungee Jumping Safety

According to a report published by the North Carolina Department of Labor there are three main standards used for zip line safety around the United States.³ Those three standards are the American Society for Testing and Materials (ASTM), the Association for Challenge Course Technology (ACCT), and the Professional Ropes Course Association (PRCA).⁴ These standards include guidelines pertaining to the design, manufacturing, installation, inspection, and training for aerial adventure

¹ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*, February 2016, https://thencaadotorg.files.wordpress.com/2016/02/zip_line_report_ncdol_2016_02_01.pdf.

² S.C. Code, § 52-19-20, <https://www.scstatehouse.gov/code/t52c019.php>.

³ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

⁴ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

courses and their operators.⁵ Individuals can access these standards in full by purchasing them from the organizations directly.⁶

The ASTM standards also apply to bungee jumping.⁷ Furthermore, according to the United States Occupational Safety and Health Administration (OSHA), “many states now have either banned bungee jumping or are regulating bungee jumping through their amusement licensing activities, using as a guide the ‘New Zealand Standard for the Operation of Bungee Jumping Sites.’”⁸ This New Zealand standard includes guidelines for establishing bungee jumping sites, testing, and safe operation of bungee jumping equipment.⁹

Zip Line and Bungee Jumping in Vermont

Vermont currently has no regulatory statutes concerning zip line and bungee jumping regulations.¹⁰ There are currently no licensed bungee jumping operations in the state of Vermont.¹¹ There are, however, seven privately-operated zip line tour operations in the state.¹² They are located in Essex Junction, Jeffersonville, Londonderry, Ludlow, Peru, Stowe, and Warren.¹³

Regulations in Other States

As of 2016, seventeen states have regulations for zip line safety.¹⁴ Of the states for which we were able to find information, four have codified the ACCT standard in their statutes, three have codified the ASTM standard, and one has codified the PRCA standard.¹⁵ As of 2017, twenty-four states include provisions for bungee jumping safety in their state regulations.¹⁶ There are no federal laws requiring safety regulations for zip lines or bungee jumping.¹⁷

State laws surrounding zip line inspections typically either mandate proof of a third-party inspection or require an inspection by a state government agent.¹⁸ Ten states including California, Colorado, New York, and Pennsylvania use a third-party inspection service.¹⁹ The same companies that install the zip lines and challenge courses typically perform the third party inspections, which has lead the

⁵ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

⁶ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

⁷ N.H Admin. R., Chapter Saf-C 14000.

⁸ John B. Miles, “Standard Interpretations,” *Occupational Safety and Health Administration*, December 22, 2004, <https://www.osha.gov/laws-regs/standardinterpretations/1995-05-25>.

⁹ Australian/New Zealand Standard, Joint Technical Committee SF/44, Bungee Jumping, *Code of practice for bungee jumping*, (2000), 2.

¹⁰ Kurt Horcher (Director, Experiential Systems Inc.), email with authors, April 29, 2019.

¹¹ “Bungee Jumping in Vermont,” Bungee Jumping Adventures, accessed May 6, 2019, <http://bungeejumpingadventures.com/bungee-jumping-in-the-united-states-of-america/bungee-jumping-in-vermont/>.

¹² “Vermont Zip Lines,” Zip Line Rider, accessed May 8, 2019, https://www.ziplinerider.com/Vermont_Ziplines.html.

¹³ Zip Line Rider, “Vermont Zip Lines.”

¹⁴ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

¹⁵ North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

¹⁶ “U.S. Federal and State Amusement Ride Regulation,” Saferparks, last updated April 2017, <https://saferparks.org/regulation/agencies>.

¹⁷ Kurt Horcher, email with authors, April 29, 2019.

¹⁸ Saferparks, “U.S. Federal and State Amusement Ride Regulation,” Accessed May 6, 2019, <https://saferparks.org/regulation/agencies>.

¹⁹ Saferparks, “U.S. Federal and State Amusement Ride Regulation.”

North Carolina Department of Labor to raise concerns over a possible conflict of interest.²⁰ Four states—Florida, Maine, Maryland, and Missouri—use governmental inspection services.²¹ West Virginia allows the use of either a third party or state inspector, and two states have unclear standards.²²

New Hampshire

New Hampshire’s zip line and bungee jumping safety regulations reflect the standards in the ACCT and ASTM regulatory schemes.²³ New Hampshire’s Title XXX regulates a broad range of amusement park operations, including zip lines and bungee jumping.²⁴ Title XXX includes challenge courses, zip lines, and bungee jumps as well as inspection standards, expenses, and required decal.²⁵ It also includes appeals, penalties, and suspension rules regarding the zip line and bungee jumping industries. The Commissioner of Public Health can issue suspensions in any circumstance in which an “amusement device” is deemed hazardous or unsafe for operation. Furthermore, Title XXX mandates that any “device” under its jurisdiction must register with the Commissioner of New Hampshire’s Department of Safety. Registration includes applying the appropriate serial number to each amusement device available for use and mandates that operators of either zip line or bungee jumping devices provide a certificate of insurance with a minimum of \$1,000,000 in liabilities.²⁶

New York

New York partially regulates zip lines and bungee jumping in its statutes.²⁷ Under 12 NYCRR Part 45, the New York State Department of Health has inspection and oversight responsibilities for zip lines and bungee jumping sites located on children’s camps. This regulatory scheme combines design and inspection standards set in both ACCT and PRCA. Furthermore, New York’s regulations on amusement devices require an annual inspection by an accredited official from either PRCA or ACCT. Similar to New Hampshire’s regulatory scheme, New York has a minimum of \$1,000,000 insurance liability.²⁸

West Virginia

Similar to New Hampshire and New York, West Virginia’s Zip Line and Canopy Tour Responsibility Act references the ACCT standard. The statute also outlines protocols for zip line operators, inspections, and permitting procedures. The Statute designates the West Virginia Division of Labor as the regulatory body for zip line operations.

The West Virginia Commercial Bungee Jumping Safety Act also designates the West Virginia Division of Labor as the rulemaking body for bungee jumping safety. The Act mandates that every bungee

²⁰ Saferparks, “U.S. Federal and State Amusement Ride Regulation.”

²¹ Saferparks, “U.S. Federal and State Amusement Ride Regulation.”

²² North Carolina Department of Labor, *North Carolina Department of Labor Report on Zip Line Operations*.

²³ N.H. Rev. Stat. Ann. Title XXX §321-A, <http://www.gencourt.state.nh.us/rsa/html/XXX/321-A/321-A-mrg.htm>.

²⁴ N.H. Rev. Stat. Ann. Title XXX §321-A.

²⁵ N.H. Rev. Stat. Ann. Title XXX §321-A; N.H. Admin. R., SAF-C 1400.

²⁶ N.H. Rev. Stat. Ann. Title XXX §321-A.

²⁷ Office of the Secretary of State of New York, email message to authors, April 26th, 2019.

²⁸ New York Department of Health, “Fact Sheet: Amusement Devices and Similar Equipment at Children’s Camps,” July 2015, <https://www.health.ny.gov/environmental/outdoors/camps/amuse.htm>.

jumping operation be insured and regularly inspected. The act establishes a criminal penalty for violating any part of the bungee jumping safety provisions.²⁹

South Carolina

In their statutes pertaining to “Amusement and Athletic Contests,” South Carolina references the ASTM standard. Title 52, Chapter 19 presents stringent regulations of bungee jumping regarding insurance, permits, landing zones, jump points, and jumpmaster requirements.³⁰

Wyoming and Montana

For this report, we also reached out to the Secretary of State’s offices of Wyoming and Montana. Similar to Vermont, these states do not have state regulations for bungee jumping and zip lines.³¹

Conclusion

In conclusion, states adopt a range of regulations for zip lines and bungee jumping. States have implemented a mixture of three standards for zip lines: American Society for Testing and Materials (ASTM), Association for Challenge Course Technology (ACCT), and Professional Ropes Course Association standard (PRCA). States have also adopted the ASTM standard as well as the ‘New Zealand Standard for the Operation of Bungee Jumping Sites’ for bungee jumping safety regulations. Vermont could look to these models should it wish to implement bungee jumping or zip line regulations.

This report was completed on May 13, 2019, by Katherine McManus, Liam O’Sullivan, and Catie Michael under the supervision of VLRS Research Assistant Emily Klofft and VLRS Director, Professor Anthony “Jack” Gierzynski in response to a request from Representative Carolyn Partridge and Senator Robert Starr.

Contact: Professor Anthony “Jack” Gierzynski, 534 Old Mill, The University of Vermont, Burlington, VT 05405, phone 802-656-7973, email agierzyn@uvm.edu.

Disclaimer: The material contained in the report does not reflect the official policy of the University of Vermont.

²⁹ W. Va. Code, § 21-15-2, <http://www.wvlegislature.gov/wvcode/code.cfm?chap=21&art=15#01>.

³⁰ S.C. Code, § 52-19-20.

³¹ Joe DeFilippis (Business Services Director for Office of the Secretary of State of Montana), email with authors, April 26, 2019.; Cynthia Valdez (Executive Assistant to the Deputy Secretary of State of Wyoming) email with authors, April 26, 2019.