

Massachusetts Requirements for Challenge Course & Climbing Wall Facility Licensure

Line of Business: General Liability

Risk Control Strategy/Key Issues: To establish a program for permitting and licensing of climbing wall and challenge course facilities.

Introduction:

A challenge course is a facility (or facilities), that is not located in an amusement park or carnival, consisting of one or more elements that challenge participants as part of a supervised educational or recreational curriculum. Elements may include, but not be limited to, equipment designed to simulate rock climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, and zip wires. Elements may be installed on or in trees, poles, portable structures, buildings, or be part of a self-supporting structure.

A climbing wall facility as defined by the Massachusetts Department of Public Safety CMR codes as “ a facility not located in an amusement park or carnival that is designed and built to stimulate the sport of rock climbing, including ascending, descending, and traversing over simulated rock surfaces that use belay systems in their normal operation. The regulation applies to climbing wall facilities that utilize belay systems for fall protection in their normal operation.

Massachusetts Requirements:

Effective September 1, 2007, the Commonwealth of Massachusetts established administrative provisions including license and permit issuance, fees, and inspections for business entities operating Climbing Wall Facilities. In order to be approved for licensure, a facility must submit the following:

- A completed application form to operate a climbing wall facility. These are available through the Massachusetts Department of Public Safety.
- An inspection report by a certified third-party inspector. A Certified Instructor is a person who has obtained a Massachusetts Certificate of Competency to inspect amusement devices, including climbing wall facilities, and who is not an employee of the Massachusetts Department of Public Safety. In order to obtain a Certificate of Competency, Certified inspectors must pass an oral and written exam administered by the Massachusetts Department of Public Safety-Amusement Division.
- Proof of financial responsibility, to satisfy claims for damages on account of any physical injury or property damage suffered by any person. Proof of financial responsibility shall be furnished by way of commercial general liability insurance, or, in the case of self-insured entities, the pecuniary equivalent as approved by the Commission. Owners shall indicate coverage, in the minimum amount of \$1,000,000 per occurrence limit with a \$2,000,000 general aggregate limit, or the statutory limit, written on an occurrence form, a bond, or other substantially equivalent proof approved by the Commissioner.
- The name(s) of the Climbing Wall Facility Manager(s).
- A list of the Climbing Wall Facility Staff, trained in compliance with the specifications of the original equipment manufacturer.
- A Completed Criminal Offender Record Information Request form completed by the owner.

- A pre-employment criminal history inquiry procedure for all employees 18 years or older who are currently employed or seeking employment with the facility.
- The name and qualifications of the Qualified Manufacturer Representative.
- A Site Plan. A site plan is a document that includes sufficiently clear graphic representation(s) of all individual artificial climbing structures included in a climbing wall facility. The site plan should include the corresponding element number and the approximate location of the element(s) within a specified climbing wall facility.
- An annual attestation of personnel training.
- A \$25.00 fee per climbing wall facility.

Additional information on the specifics of the new regulations is available through the Massachusetts Department of Public Safety, www.mass.gov/dps

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