

1.1 A bill for an act

1.2 relating to consumer protection; protecting customers from injuries resulting
1.3 from use of inflatable play equipment used for commercial purposes; requiring
1.4 the presence of trained supervisors and liability insurance; proposing coding for
1.5 new law in Minnesota Statutes, chapter 184B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [184B.20] INFLATABLE AMUSEMENT EQUIPMENT.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in
1.9 this subdivision have the meanings given.

1.10 (b) "Commercial use" means regular use of an inflatable for profit by an owner:

1.11 (1) at a facility to which the general public is invited; or

1.12 (2) that the owner makes available for private parties or other events.

1.13 (c) "Inflatable" means an amusement device, used to bounce or otherwise play on,
1.14 that incorporates a structural and mechanical system and employs a high-strength fabric or
1.15 film that achieves its strength, shape, and stability by tensioning from internal air pressure.

1.16 (d) "Owner" means a person who owns, leases as lessee, or controls the operation of
1.17 an inflatable for commercial use.

1.18 (e) "Person" has the meaning given in section 302A.011, subdivision 22.

1.19 (f) "Supervisor" means an individual stationed within close proximity to an inflatable
1.20 during its use, for the purpose of supervising its safe use.

1.21 (g) "Trained" means that an individual has received instruction in how to supervise
1.22 the safe use of inflatables.

1.23 Subd. 2. Prohibition. No owner shall provide an inflatable for commercial use in
1.24 this state by others unless the owner complies with this section.

2.1 Subd. 3. **Protection against injuries from falls.** An inflatable that is in commercial
2.2 use must be placed on a surface that complies with ASTM Standard F 2374.07, adopted
2.3 by the American Society for Testing and Materials, including any future updates to that
2.4 standard.

2.5 Subd. 4. **Supervision by trained person required.** No owner of an inflatable shall
2.6 allow commercial use of the inflatable unless a trained supervisor is present in close
2.7 proximity to the inflatable and is actively supervising its use. The ratio of supervisors to
2.8 inflatables must be no less than one.

2.9 Subd. 5. **Insurance required.** An owner of an inflatable that is subject to
2.10 subdivision 2 shall maintain liability insurance covering liability for a death or injury
2.11 resulting from commercial use of the inflatable with limits of no less than \$1,000,000 per
2.12 occurrence and \$2,000,000 aggregate per year. The insurance shall also include coverage
2.13 for no-fault medical payments of no less than \$5,000 per occurrence, which may be
2.14 limited to injuries incurred while using an inflatable, including getting on or off of the
2.15 inflatable. In the event of a claim against the no-fault medical payments coverage, a
2.16 waiver of liability signed by or on behalf of the injured person does not apply with respect
2.17 to that claim. The insurance must be issued by an insurance company authorized to issue
2.18 the coverage in this state by the commissioner of commerce.

2.19 Subd. 6. **Registration required.** An owner of an inflatable that is subject to
2.20 subdivision 2 must obtain and maintain a current registration with the commissioner of
2.21 labor and industry. The registration information must include the name, address, telephone
2.22 number, and e-mail address of the owner, and the street address of each facility at which
2.23 the owner regularly provides inflatables for commercial use in this state by others. The
2.24 commissioner shall issue and renew a certificate of registration only to owners who
2.25 comply with this section. The commissioner shall charge a registration fee designed to
2.26 cover the cost of registration and enforcement. The registration certificate shall be issued
2.27 and renewed for a three-year period.

2.28 Subd. 7. **Enforcement.** The commissioner of labor and industry shall enforce this
2.29 section and may use for that purpose any powers otherwise available to the commissioner
2.30 for enforcement purposes, including suspension or revocation of the person's registration
2.31 and assessment of fines.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2009.