

SENATE BILL No. 578

July 10, 2001, Introduced by Senator HART and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to provide for the inspection, licensing, and regulation of paintball facilities; to provide for the safety of the public at paintball facilities; to prescribe certain powers and duties of the carnival-amusement safety board; to provide for the disposition of revenues; and to provide penalties for violations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "paintball facility safety act".

3 Sec. 2. As used in this act:

4 (a) "Board" means the carnival-amusement safety board cre-
5 ated in section 3 of the carnival-amusement safety act of 1966,
6 1966 PA 225, MCL 408.653.

7 (b) "Customer" means any person at a paintball facility who
8 is not an employee or agent of the paintball facility.

1 (c) "Department" means the department of consumer and
2 industry services.

3 (d) "Director" means the director of the department of con-
4 sumer and industry services.

5 (e) "Operator" or "owner" means a person, including this
6 state or a political subdivision of this state, who owns or con-
7 trols or has the duty to control the operation of a paintball
8 facility.

9 (f) "Paintball facility" means a shooting range, structure,
10 building, or other real property, part or all of which is leased,
11 rented, licensed, or otherwise made available for a fee for 1 or
12 more customers to use paintball guns.

13 (g) "Paintball gun" means a device that propels small cart-
14 ridges filled with paint by compressed gas or air.

15 (h) "Sign" means any symbol or language reasonably calcu-
16 lated to communicate information to a customer of a paintball
17 facility or the customer's parent or guardian, including, but not
18 limited to, placards, prerecorded messages, live public address,
19 stickers, pictures, pictograms, video, verbal information, and
20 visual signals.

21 Sec. 3. The board shall promulgate rules for the safe oper-
22 ation and inspection of all paintball facilities as the board
23 finds necessary for the protection of the general public, that
24 shall include at least a requirement for the use of
25 vision-protecting safety goggles or headgear.

26 Sec. 4. The director shall administer and enforce this act
27 and all rules promulgated by the board.

1 Sec. 5. (1) The department shall charge the following fees
 2 for a permit to operate, an annual inspection, and a
 3 reinspection:

4

5 (a) Permit to operate..... \$ 10.00

6 (b) Annual inspection..... \$ 50.00

7 (c) Reinspection..... \$ 20.00

8 (2) If the fee prescribed by subsection (1) is not received
 9 by the department within 30 calendar days after notice of the
 10 amount due is given, the fee automatically shall be doubled.

11 Sec. 6. The department may hire inspectors to inspect pain-
 12 tball facilities.

13 Sec. 7. A person shall not operate a paintball facility
 14 without a permit issued by the director. On or before March 1 of
 15 each year an operator shall apply for a permit to the director on
 16 a form furnished by the director and containing the information
 17 the board requires. A paintball facility shall be inspected
 18 before it is originally put into operation for the public's use,
 19 and then inspected annually.

20 Sec. 8. If, after inspection, a paintball facility is found
 21 to comply with this act and the rules promulgated by the board,
 22 the director shall issue a permit to operate.

23 Sec. 9. The director or board may in writing order a tempo-
 24 rary cessation of operation of a paintball facility if it has
 25 been determined after inspection to be hazardous or unsafe. The
 26 paintball facility shall not resume operation until the hazardous

1 or unsafe conditions are corrected to the satisfaction of the
2 director and board.

3 Sec. 10. A person shall not operate a paintball facility
4 unless the operator has obtained security against the owner's or
5 operator's liability for injury suffered by customers by 1 of the
6 following methods:

7 (a) Obtaining a policy of insurance in an amount not less
8 than \$300,000.00 insuring the operator against liability for
9 injury suffered by customers.

10 (b) Obtaining a bond in an amount not less than \$300,000.00
11 with the aggregate amount of the surety on the bond not exceeding
12 the face amount of the bond.

13 (c) If the operator is a local unit of government, the
14 director may authorize a local unit of government to be a
15 self-insurer upon a reasonable showing by the local unit of gov-
16 ernment of its solvency and financial ability to pay liability
17 claims for injury suffered by customers, in an amount not less
18 than \$300,000.00. If the director determines it to be necessary,
19 the director shall require the furnishing of a bond or other
20 security in a reasonable amount.

21 Sec. 11. (1) The director may order a temporary cessation
22 of operations of a paintball facility if a person impedes,
23 obstructs, or interferes with an inspection of the paintball
24 facility. The order to cease operations shall remain in effect
25 until an inspection has been made and the paintball facility has
26 been found safe.

1 (2) Except for the late payment of fees as provided in
2 section 5(2) and except as provided in subsection (3), a person
3 who violates this act is guilty of a misdemeanor. Each day a
4 violation occurs is a separate offense.

5 (3) The penalty provided in subsection (2) does not apply to
6 the violation of this act by a customer or the customer's parent
7 or guardian.

8 Sec. 12. (1) A customer shall, at a minimum, do all of the
9 following:

10 (a) Obey the reasonable safety rules posted in accordance
11 with this act and oral instructions for the paintball facility
12 given by the operator or an employee or agent of the operator,
13 unless the safety rules or oral instructions are contrary to the
14 rules promulgated under this act.

15 (b) Refrain from acting in any manner that may cause or con-
16 tribute to the injury of the customer or others, including, but
17 not limited to, all of the following:

18 (i) Exceeding the limits of his or her ability.

19 (ii) Interfering with the use of safety goggles, headgear,
20 or other safety devices that are required by the operator or
21 rules promulgated under this act.

22 (iii) Failing to use safety goggles, headgear, or other
23 safety devices that are required by the operator or rules promul-
24 gated under this act.

25 (iv) Disconnecting or disabling a safety device except at
26 the express instruction of the operator or an employee or agent
27 of the operator.

1 (2) A customer shall not use or attempt to use a paintball
2 gun at a paintball facility unless the customer or the customer's
3 parent or guardian reasonably determines that, at a minimum, the
4 customer meets all of the following requirements:

5 (a) He or she has sufficient knowledge to use the paintball
6 gun safely without instruction or has requested and received suf-
7 ficient information to use the paintball gun safely.

8 (b) He or she is aware of, has read, and understands any
9 signs in the paintball facility and meets any posted height, med-
10 ical, or other requirements.

11 (c) He or she knows the range and limits of his or her abil-
12 ity and knows the requirements of the paintball gun or paintball
13 facility will not exceed those limits.

14 (d) He or she is not under the influence of alcohol or any
15 drug that affects his or her ability to safely use the paintball
16 gun or obey the posted rules or oral instructions.

17 (e) He or she is authorized by the operator or by an
18 employee or agent of the owner-operator to use the paintball gun
19 at the paintball facility.

20 Sec. 13. (1) An operator shall display signs indicating the
21 applicable customer safety responsibilities provided in section
22 12 and the location of stations to report injuries under section
23 14 in all of the following locations:

24 (a) Each station for reporting an injury.

25 (b) Each first aid station.

26 (c) In addition to the locations described in subdivisions
27 (a) and (b), the following locations:

1 (i) If there are not more than 4 entrances or exits for
2 customers, at least 2 locations in the paintball facility,
3 including any entrance or exit most commonly used by customers.

4 (ii) If there are more than 4 entrances and exits for cus-
5 tomers, at least 4 other locations in the paintball facility,
6 including the 4 entrances and exits most commonly used by
7 customers.

8 (2) In addition to the signs required under subsection (1),
9 an operator shall post a sign that is prominently displayed at a
10 conspicuous location, clearly visible to the public, and bold and
11 legible in design. The sign shall include all of the following
12 that apply:

13 (a) Operational instructions.

14 (b) Safety guidelines for customers.

15 (c) Restrictions on the use of a paintball gun or the pain-
16 tball facility.

17 (d) Behavior or activities that are prohibited.

18 (e) A legend that states: "State law requires customers to
19 obey all warnings and directions for paintball facilities and
20 behave in a manner that will not cause or contribute to the
21 injury of themselves or others. Customers must report injuries
22 before leaving the premises."

23 Sec. 14. (1) Before leaving the operator's premises, a cus-
24 tomer or his or her parent or guardian shall report in writing to
25 the operator or an employee or agent of the operator, on a form
26 provided by the operator or the employee or agent of the

1 operator, any injury sustained at the paintball facility. The
2 report shall include all of the following information:

3 (a) The name, address, and telephone number of the injured
4 person.

5 (b) A brief description of the incident, the injury claimed,
6 and the location, date, and time of the injury.

7 (c) The cause of the injury, if known.

8 (d) The name, address, and telephone number of any witness
9 to the incident.

10 (2) If the customer or his or her parent or guardian is
11 unable to file a report under subsection (1) because of the
12 severity of the customer's injuries, the customer or his or her
13 parent or guardian shall file the report as soon as reasonably
14 possible. The failure of a customer or his or her parent or
15 guardian to report an injury under this section does not affect
16 the customer's right to bring a civil action related to the
17 incident.