

SENATE BILL No. 387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-28.

Synopsis: Skydiving. Requires that skydiving businesses must be certified by the department of transportation. Sets standards and allows fees for the certification process. Creates the skydiving fund and continually appropriates money in the fund to the department of transportation.

Effective: July 1, 2011.

Waltz

January 11, 2011, read first time and referred to Committee on Commerce & Economic Development.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 387



A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-28 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 28. Skydiving**

5 **Sec. 1. As used in this chapter, "association" means the United**
6 **States Parachute Association or its successor organization.**

7 **Sec. 2. As used in this chapter, "fund" means the skydiving fund**
8 **established by section 11 of this chapter.**

9 **Sec. 3. As used in this chapter, "skydiving business" means a**
10 **business that receives compensation for providing a person with:**

11 (1) **the opportunity to jump with a parachute from an**
12 **airplane, a balloon, or any other vehicle used for navigation**
13 **through the air; or**

14 (2) **training on how to jump safely from an airplane, a**
15 **balloon, or any other vehicle used for navigation through the**
16 **air;**

17 **including how to land safely using a parachute.**



1 **Sec. 4. As used in this chapter, "student skydiver" means a**
2 **person who received training to skydive but has not been cleared**
3 **to self-jumpmaster status in accordance with standards established**
4 **by the association. The term includes a person who has not jumped**
5 **previously with a skydiving business unless the person produces**
6 **documented proof to the skydiving business that the person has**
7 **previously skydived.**

8 **Sec. 5. As used in this chapter, "tandem skydiver" means a**
9 **person who is attached to another person who is equipped with a**
10 **parachute.**

11 **Sec. 6. The department shall certify skydiving businesses in**
12 **Indiana. The department has the following duties:**

- 13 **(1) Review the basic safety requirements and training options**
14 **for skydiving businesses.**
- 15 **(2) Review amendments to the safety requirements and**
16 **training options in the skydiver's information manual and**
17 **approve or disapprove each amendment for use in Indiana. If**
18 **the commissioner does not post a notice of disapproval within**
19 **thirty (30) days after an amendment is published, the**
20 **amendment shall be considered approved for use in Indiana.**
- 21 **(3) Ensure that skydiving businesses comply with the**
22 **regulations of the Federal Aviation Administration governing**
23 **skydiving.**
- 24 **(4) Inspect each skydiving business to ensure the business**
25 **meets the requirements in section 7 of this chapter.**
- 26 **(5) Receive and review all accident reports required under**
27 **section 8 of this chapter.**
- 28 **(6) Adopt rules under IC 4-22-2 to administer this chapter.**

29 **Sec. 7. Beginning July 1, 2012, a skydiving business must be**
30 **certified by the department. In order to be certified, a skydiving**
31 **business must meet the following requirements:**

- 32 **(1) Comply with Federal Aviation Administration guidelines**
33 **and rules governing skydiving.**
- 34 **(2) Comply with safety requirements that are at least as**
35 **stringent as the safety requirements of the association as set**
36 **forth in the most recently published skydiver's information**
37 **manual, unless the director posts a notice of disapproval of**
38 **any amendment to the requirements under section 6(2) of this**
39 **chapter.**
- 40 **(3) Provide training to a student skydiver using one (1) of the**
41 **training options adopted by the association.**
- 42 **(4) Maintain a list of all persons who have provided tandem**

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- skydiving services at the skydiving business.
- (5) Maintain on the premises of the skydiving business a skydiver's information manual containing the requirements the skydiving business must comply with in conducting the skydiving business.
- (6) Agree to provide a customer with a copy of the safety requirements of the association and the regulations of the Federal Aviation Administration governing skydiving.
- (7) Comply with the regulations of the Federal Aviation Administration governing skydiving and safety requirements that are at least as stringent as the safety requirements of the association.
- (8) Maintain a list of the equipment required to be provided to a student skydiver.
- (9) Provide a customer with a statement that reports any alleged violations of this chapter.

Sec. 8. A skydiving business must report to the department and to the association any accident that results in serious injury or death to a customer of the skydiving business. The report must be submitted to the department and the association not later than the next business day following the accident. The report must include the:

- (1) time;
- (2) place;
- (3) circumstances; and
- (4) outcome;

of the accident.

Sec. 9. The department shall adopt rules under IC 4-22-2 to establish fees for certification of skydiving businesses. The fees must be sufficient to meet all costs associated with administering this chapter. Fees shall be deposited into the fund.

Sec. 10. (a) The operator of a skydiving business who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

(b) The department may revoke the certification of the skydiving business of an operator who is convicted of violating this chapter. Revocation of a certification of a skydiving business under this section may include a provision that the operator may not conduct a skydiving business in Indiana for five (5) years after the revocation of the license.

Sec. 11. (a) The skydiving fund is established for the administration of this chapter. The fund shall be administered by

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1 the department.
2 (b) The fund consists of:
3 (1) appropriations made by the general assembly; and
4 (2) fees collected under this chapter.
5 (c) The treasurer of state shall invest the money in the fund not
6 currently needed to meet the obligations of the fund in the same
7 manner as other public money may be invested. Interest that
8 accrues from these investments shall be deposited in the fund.
9 (d) Money in the fund at the end of a state fiscal year does not
10 revert to the state general fund.
11 (e) Money in the fund is continually appropriated to the
12 department for the administration of this chapter.

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