

HOUSE BILL NO. 335
INTRODUCED BY H. RASER

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS ON PLAYGROUND EQUIPMENT AND PLAYGROUND SURFACING THAT DOES NOT COMPLY WITH THE GUIDELINES ADOPTED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, each year hundreds of thousands of children in this country are injured on playgrounds, according to the American Academy of Orthopedic Surgeons; and

WHEREAS, approximately 150,000 of those injuries are serious; and

WHEREAS, an average of 15 children die each year in playground accidents; and

WHEREAS, it is a matter of statewide interest and concern that playgrounds and playground equipment should be safe for both able-bodied and disabled children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Use of public funds for purchase and installation of playground equipment and surfacing -- definitions. (1) Except as provided in subsection (2), on or after July 1, 2003, public funds may not be used to:

(a) purchase playground equipment that does not substantially comply with the guidelines adopted by the United States consumer product safety commission and published in the Handbook for Public Playground Safety;

(b) purchase surfacing for the area under and around playground equipment that does not substantially comply with the guidelines adopted by the United States consumer product safety commission and published in the Handbook for Public Playground Safety; or

(c) install playground equipment or surfacing that does not substantially comply with the guidelines adopted by the United States consumer product safety commission and published in the Handbook for Public Playground Safety.

(2) Public funds may be used for the maintenance of playground equipment or surfacing installed before July 1, 2003, even if the playground equipment or surfacing does not substantially comply with the guidelines

adopted by the United States consumer product safety commission and published in the Handbook for Public Playground Safety.

(3) As used in this section the following definitions apply:

(a) (i) "Playground equipment" means a fabricated structure that is anchored to or built into the ground at a playground and intended primarily for use by children.

(ii) The term does not include home playground equipment, amusement park equipment, sports equipment, or fitness equipment.

(b) "Public funds" means funds spent by state government, a county, a city, a town, or a school district.

NEW SECTION. Section 2. Codification instruction. [Section1] is intended to be codified as an integral part of Title 50, chapter 30, and the provisions of Title 50, chapter 30, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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