

SENATE BILL No. 357

March 11, 2009, Introduced by Senators JACOBS, CLARKE, CHERRY, BRATER, CLARK-COLEMAN and SWITALSKI and referred to the Committee on Education.

A bill to amend 1997 PA 16, entitled
"The playground equipment safety act,"
by amending sections 2 and 6 (MCL 408.682 and 408.686).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Person" means an individual, partnership, corporation,
3 association, governmental entity, or other legal entity.

4 (b) "Public playground equipment" means apparatus, including
5 but not limited to slides, climbers, seesaws, **FLAGPOLES**, and
6 swings, designed for the recreational use of children and owned and
7 operated by a local unit of government, school district, or any
8 other governmental entity.

9 Sec. 6. (1) Except as otherwise provided in subsection (2),
10 the local unit of government, school district, or governmental

1 entity that owns and operates the public playground equipment shall
2 be responsible for the maintenance, repair, and upkeep of the
3 public playground equipment according to the standards identified
4 by this act. **IN THE CASE OF FLAGPOLES, ANY REPLACEMENT SHALL BE OF**
5 **FLAGPOLES MADE OF ALUMINUM OR MATERIAL THAT IS CONSIDERED BY THE**
6 **INDUSTRY TO BE HIGH STRENGTH AND LIGHTWEIGHT MATERIAL.**

7 (2) For the maintenance, repair, and upkeep of public
8 playground equipment that existed before the effective date of this
9 act, the standards required by section 4 shall apply only to the
10 extent that such application is possible without requiring
11 substantial alteration, removal, or replacement of the existing
12 equipment.