

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes requirements for the operation and use of amusement rides, including the reporting and certification of insurance coverage and inspections. It also establishes requirements for record-keeping related to injuries and illnesses of riders, requires safety notices to be posted in certain locations on the ride and on the premises where the ride is located, and repeals a section of law imposing a civil penalty for violations.

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- 1 Certified Amusement Ride Inspector.** Establishes a definition of "certified amusement ride inspector." An individual meets this definition by holding at least one of the certifications, specified in the bill, issued by the National Association of Amusement Ride Safety Officials or the Amusement Industry Manufacturers and Suppliers International.
- 2 Operator.** Defines "operator" as the individual with direct control of starting, stopping, or the speed of an amusement ride. This eliminates the definition of "operator" currently established in law, which defines the operator as a person who owns an amusement ride. Ownership is now covered under a new definition in section 3 of the bill.
- 3 Owner.** Establishes a definition of "owner" to mean a person who owns, leases, or manages the operation of an amusement ride.
- 4 Rider.** Establishes a definition of "rider" to mean an individual in the immediate vicinity of an amusement ride, including those approaching a ride, waiting, getting on, currently on the ride, getting off the ride, or leaving the area. A rider does not include an operator while operating the ride, owner, or any employees, agents, or servants of the operator or owner

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while engaged in their duties of employment.

- 5 Insurance Requirements.** Prohibits the operation of an amusement ride unless it carries insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate for liabilities related to rider-injury.

Before operation of a ride, an owner must file with each sponsor, lessor, landowner, or other person who has contracted for the ride a certificate stating that the required insurance is in effect. The certificate or attached schedule must identify each ride included in the coverage by name, manufacturer, and serial number.

An owner must also file a certificate with the commissioner of labor and industry indicating that the required insurance is in effect. If the ride is not operated year-round, the owner must file the certificate at least 30 days before the first operation of the ride in Minnesota in any calendar year. If the ride is operated continually, the certificate must be filed no later than 10 days after the effective date of the insurance.

- 6 Inspection.** Establishes requirements for annual and daily inspections.

Subd. 1. Annual Inspections. Requires amusement rides to be inspected annually by a certified amusement ride inspector, who must be either an employee of the insurance company that insures the ride, or an independent inspection service provider with whom either the insurance company or owner has contracted. An independent inspection service provider must provide proof of liability insurance of at least \$1,000,000.

Amusement rides not operated in Minnesota on a year-round basis must be inspected in the same calendar year, prior to first operation in the state.

If an inspection reveals non-compliance with the American Society for Testing and Materials Standards on Amusement Rides and Devices, the owner must be notified of all defects.

An amusement ride must not be operated unless it has passed its most recent annual inspection, or all defects identified during the annual inspection have been corrected and the ride has passed a re-inspection.

Before operation of an amusement ride, the owner must file an affidavit attesting that the ride has passed the most recent inspection or re-inspection, including specific information relating to the ride, inspection, and inspector. The affidavit must be filed with each sponsor, lessor, landowner, or other person contracting for the ride, and must also be filed with the commissioner of labor and industry no later than 10 days after completion of each successful inspection.

Subd. 2. Daily Inspections. Requires the owner or operator to perform an inspection of the ride before operation begins each day, which must be recorded in a daily logbook for each ride. The logbook records must be maintained for at least three years, and be made available to the commissioner of labor and industry upon request. An owner or operator may not knowingly operate, or permit to be operated, a ride that has not passed its most recent daily inspection.

- 7 Recording and Reporting.** Requires an owner to maintain a first-aid incident report log for

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all rider injuries or illnesses resulting from amusement ride operation. The log must include: (1) the date; (2) identifying information for the rider receiving treatment; (3) the ride manufacturer's name and serial number of the ride involved; (4) a description of the injury or illness and the treatment administered; and (5) any other pertinent information.

The first-aid incident report log must be kept for a period of at least three years. An owner must provide a report to the commissioner of labor and industry of any accident or incident resulting in serious rider injury or illness. A "serious injury or illness" is defined in the text of the bill.

8 Commissioner Information Requests. Requires amusement ride owners to cooperate with the commissioner of labor and industry and, upon request, provide information to the commissioner regarding the operation of the ride. When making a request for information, the commissioner must identify a reasonable time for response.

9 Injunctions. Eliminates the ability of the attorney general to obtain an injunction against actual or threatened violation of the laws governing amusement rides, if the commissioner of labor and industry makes such a request. A county attorney in a county where a ride is operated may still seek an injunction.

10 Rider Injury Reports. Requires a rider, or a rider's parent or guardian, to report to the operator any injury sustained on an amusement ride before leaving the premises, or as soon as reasonably practicable. If a rider reports an injury, the operator must make a record of 1) the injured person's contact information, 2) a brief description of the incident, including injuries, date, time, and location; 3) cause of the injury; and 4) names and contact information for any witnesses to the incident.

Failure to report an injury does not affect the injured rider's right to commence a civil action.

11 Safety Rules. Requires riders to obey reasonable posted safety rules and oral instructions issued by the owner, operator, employee or agent. The rules must include a statement instructing the rider to not 1) get on or off the ride except at the designated time and in the designated area unless otherwise instructed; 2) disconnect any safety device, except as otherwise instructed; 3) ride under the influence of alcohol or other drugs that would affect the rider's ability to safely use the ride; 4) interfere with safe ride operation; and 5) behave in an unsafe manner.

The rules must also state that a rider must use all provided safety devices, read all safety signs and follow warnings and restrictions, and report any injury to the operator before leaving the premises.

12 Remedies. Provides that a violation of the section does not preclude a rider's cause of action for damages, and a failure to comply with this section is not punishable as a crime under section 609.03, but violations of this section that are not governed under 609.03 may be prosecuted.

13 Notice to Riders.

Subd. 1. General Signs. Requires an operator to display signs indicating the safety responsibilities of riders and the location of stations to report injuries at each location where tickets or passes for the use of any ride are sold or provided.

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Subd. 2. Individual ride signs. Requires the posting of a sign at each individual ride that includes operating instructions, safety rules, restrictions on use of the ride, prohibited behavior or activities, and a notice that riders must report injuries before leaving the premises on which the ride is located.

14 Repealer. Repeals section 184B.06. This section is a repeal of existing law that establishes a civil penalty of up to \$2,000 per day for each violation of the laws governing amusement rides.