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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1824

March 7, 2007
Authored by Faust and Simpson
March 22, 2007
Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Public Safety and Civil Justice
March 27, 2007
Committee Recommendation and Adoption of Report:
To Pass
Read Second Time

1.1 A bill for an act
1.2 relating to amusement rides; modifying provisions regulating amusement
1.3 rides; defining terms; amending Minnesota Statutes 2006, sections 184B.01,
1.4 subdivision 4, by adding subdivisions; 184B.02; 184B.03; 184B.05; 184B.07;
1.5 proposing coding for new law in Minnesota Statutes, chapter 184B; repealing
1.6 Minnesota Statutes 2006, section 184B.06.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 184B.01, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 2a. Certified amusement ride inspector. "Certified amusement ride
1.11 inspector" means an individual who holds one or more of the following current
1.12 certifications:

1.13 (1) a Level II Amusement Ride and Device Inspector certification issued by the
1.14 National Association of Amusement Ride Safety Officials (NAARSO);

1.15 (2) a Level III Amusement Ride and Device Inspector certification issued by the
1.16 National Association of Amusement Ride Safety Officials (NAARSO);

1.17 (3) a Level II Certified Maintenance Technician certification issued by the
1.18 Amusement Industry Manufacturers and Suppliers (AIMS) International;

1.19 (4) a Level III Certified Maintenance Professional certification issued by the
1.20 Amusement Industry Manufacturers and Suppliers (AIMS) International;

1.21 (5) a Level II Certified Operations Technician certification issued by the Amusement
1.22 Industry Manufacturers and Suppliers (AIMS) International; or

1.23 (6) a Level III Certified Operations Professional certification issued by the
1.24 Amusement Industry Manufacturers and Suppliers (AIMS) International.

2.1 Sec. 2. Minnesota Statutes 2006, section 184B.01, subdivision 4, is amended to read:

2.2 Subd. 4. **Operator.** "Operator" means ~~a person who owns an amusement ride~~
2.3 the individual having direct control of the starting, stopping, or speed control of an
2.4 amusement ride.

2.5 Sec. 3. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 5. **Owner.** "Owner" means a person who owns, leases, or manages the
2.8 operation of an amusement ride.

2.9 Sec. 4. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision
2.10 to read:

2.11 Subd. 6. **Rider.** (a) "Rider" means an individual who is in the immediate vicinity of
2.12 an amusement ride, including an individual:

2.13 (1) waiting in the immediate vicinity of an amusement ride;

2.14 (2) getting on an amusement ride;

2.15 (3) on an amusement ride before, during, and after its operation;

2.16 (4) getting off an amusement ride; or

2.17 (5) leaving or approaching an amusement ride and in its immediate vicinity.

2.18 (b) Rider does not include:

2.19 (1) any operator while operating the amusement ride or any employees, agents, or
2.20 servants of an operator while engaged in the duties of employment; or

2.21 (2) any owner or any employees, agents, or servants of an owner while engaged in
2.22 the duties of employment.

2.23 Sec. 5. Minnesota Statutes 2006, section 184B.02, is amended to read:

2.24 **184B.02 INSURANCE REQUIREMENTS.**

2.25 ~~An operator must have an insurance policy in force written by an insurance company~~
2.26 ~~authorized to do business in this state, in an amount of not less than \$1,000,000 per~~
2.27 ~~occurrence, insuring the operator against liability for injury to persons arising out of the~~
2.28 ~~use of an amusement ride. No person shall operate an amusement ride unless there is an~~
2.29 insurance policy in force, written by an insurance company authorized to do business
2.30 in this state, with limits of not less than \$1,000,000 per occurrence and \$2,000,000
2.31 aggregate, insuring all owners against liability for injury to a rider in connection with the
2.32 amusement ride. Before an amusement ride is operated, an owner of the amusement ride
2.33 must file with each sponsor, lessor, landowner, or other person who has contracted for

3.1 the amusement ride to be offered to any riders a certificate stating that the insurance
3.2 required by this section is in effect.

3.3 The insurance certificate or attached schedule shall identify each amusement ride
3.4 included in the coverage by name, manufacturer, and serial number.

3.5 An owner of the amusement ride must file with the commissioner a certificate
3.6 stating the insurance required by this section is in effect. If the amusement ride is not
3.7 operated on a continual year-round basis, an owner must file the insurance certificate
3.8 with the commissioner not later than 30 days before the first operation of the amusement
3.9 ride in Minnesota in any calendar year. If the amusement ride is operated on a continual
3.10 year-round basis, an owner must file the insurance certificate with the commissioner not
3.11 later than ten days after the effective date of the insurance.

3.12 Sec. 6. Minnesota Statutes 2006, section 184B.03, is amended to read:

3.13 **184B.03 INSPECTION.**

3.14 Subdivision. 1. **Annual inspections.** (a) An amusement ride must be inspected at
3.15 least once annually by an insurer or a person with whom the insurer has contracted. If
3.16 an inspection reveals that an amusement ride does not meet the insurer's underwriting
3.17 standards, the insurer must notify the operator. An operator must not operate an
3.18 amusement ride until the ride passes an insurer's inspection for all items related to safe
3.19 operation of the amusement ride.

3.20 (b) The inspection required under this section must include testing consistent with
3.21 current American Society for Testing and Material standards and specifications for
3.22 amusement rides and devices. The inspection required by this section is in addition to any
3.23 other inspection required or permitted by law.

3.24 (c) An operator must permit reasonable inspection of an amusement ride by the
3.25 insurance company that insures the ride.

3.26 (d) Paragraphs (a) and (b) do not apply to amusement rides permanently located in an
3.27 amusement park where the owner has a rehabilitative and preventative ride maintenance
3.28 program that includes daily ride inspections for the protection of the general public and a
3.29 full-time, permanent maintenance staff and has an insurance policy in force written by
3.30 an insurance company authorized to do business in this state, in an amount of not less
3.31 than \$50,000,000, insuring the operator against liability for injury to persons arising out
3.32 of the use of an amusement ride.

3.33 (a) An amusement ride must be inspected at least once annually by a certified
3.34 amusement ride inspector. The certified amusement ride inspector must be either:

3.35 (1) an employee of the insurance company that insures the amusement ride; or

4.1 (2) an independent inspection service provider that the insurance company or owner
4.2 has contracted with, or an employee of the independent inspection service provider. If
4.3 the certified amusement ride inspector is not an employee of the insurance company
4.4 that insures the amusement ride, then the independent inspection service provider must,
4.5 before performing the inspection, provide proof of liability insurance in the amount of
4.6 \$1,000,000 to the insurance company or owner with whom the independent service
4.7 provider has contracted.

4.8 (b) Amusement rides that are not operated in Minnesota on a continual year-round
4.9 basis must be inspected in the same calendar year and prior to the first operation in
4.10 Minnesota.

4.11 (c) If an inspection reveals that an amusement ride does not meet the current
4.12 American Society for Testing and Materials (ASTM) Standards on Amusement Rides and
4.13 Devices, F 846-92 and F 893-04, the insurer or independent inspection service provider
4.14 must notify the owner of all defects.

4.15 (d) No person shall operate an amusement ride unless: (1) the amusement ride
4.16 passed the most recent annual inspection required by this section; or (2) all defects
4.17 identified during the most recent annual inspection have been corrected and the amusement
4.18 ride passed a reinspection.

4.19 (e) All inspections and reinspections required by this section must include evaluation
4.20 consistent with the current ASTM Standards on Amusement Rides and Devices, F
4.21 846-92 and F 893-04. All owners and operators must permit reasonable inspection of
4.22 an amusement ride by the certified amusement ride inspector selected by the insurer or
4.23 independent inspection service provider.

4.24 (f) The inspections required by this section are in addition to any other inspections
4.25 required or permitted by law.

4.26 (g) Before the amusement ride is operated, an owner of an amusement ride must
4.27 file with each sponsor, lessor, landowner, or other person who has contracted for the
4.28 amusement ride to be offered to any riders an inspection affidavit attesting that the
4.29 amusement ride passed the most recent inspection or reinspection required by this
4.30 section. The inspection affidavit shall identify the amusement ride by name, manufacturer
4.31 and serial number, the date inspection was performed, and the inspector's name and
4.32 certification number.

4.33 (h) An owner of an amusement ride must also file the affidavit of inspection with the
4.34 commissioner not later than ten days after the completion of each inspection, required by
4.35 this section, that the amusement ride passes.

5.1 Subd. 2. **Daily inspections.** No person shall operate an amusement ride unless a
5.2 daily inspection has been performed according to this section on the day of operation. An
5.3 owner or operator of the amusement ride shall perform the daily inspection before the ride
5.4 is put into operation that day. The daily inspection shall be consistent with the current
5.5 ASTM Standards on Amusement Rides and Devices, F 770-93. Each daily inspection
5.6 shall be recorded in a daily logbook kept for each amusement ride. An owner of the
5.7 amusement ride shall maintain the record of daily inspections for a period of not less than
5.8 three years, and shall make the record of daily inspections available to the commissioner
5.9 upon request. An owner or operator shall not knowingly operate, or permit to be operated,
5.10 an amusement ride that has not passed the most recent daily inspection.

5.11 **Sec. 7. [184B.045] RECORDING AND REPORTING.**

5.12 (a) An owner shall maintain a first-aid incident report log for all rider injuries or
5.13 illnesses resulting from the operation of an amusement ride, other than minor injuries or
5.14 illnesses. The recorded information shall include the following:

5.15 (1) date the injury or illness occurred;

5.16 (2) name, address, and telephone number of the rider receiving emergency health
5.17 care service or treatment;

5.18 (3) age of the rider;

5.19 (4) manufacturer's name and serial number of the amusement ride involved in the
5.20 incident or illness;

5.21 (5) description of the injury or illness;

5.22 (6) description of the first-aid service or treatment administered; and

5.23 (7) any other pertinent information.

5.24 (b) An owner shall maintain the first-aid incident report log for a period of not
5.25 less than three years, and shall make the first-aid incident report log available to the
5.26 commissioner upon request. An owner of an amusement ride shall provide a report to
5.27 the commissioner of any accident or incident arising from the use or operation of an
5.28 amusement ride resulting in serious rider injury or illness. A serious injury or illness is an
5.29 injury or illness that results in death, dismemberment, disfigurement, compound fracture,
5.30 or permanent loss of the use of a body organ, member, function, or system, or that requires
5.31 hospital admission within 24 hours of the accident or incident.

5.32 **Sec. 8. Minnesota Statutes 2006, section 184B.05, is amended to read:**

5.33 **184B.05 COMMISSIONER INFORMATION REQUESTS.**

6.1 ~~The commissioner may request from the sponsor, lessor, landowner, or other person~~
 6.2 ~~responsible for an amusement ride being offered for use by the public, whether or not the~~
 6.3 ~~person is the operator, information concerning whether the insurance required by section~~
 6.4 ~~184B.02 is in effect on the amusement ride, and whether the inspection required by section~~
 6.5 ~~184B.03 has occurred. The person to whom the information request is made must respond~~
 6.6 ~~to the commissioner within 15 days after the request is made. Each owner of an amusement~~
 6.7 ~~ride shall cooperate with the commissioner and shall, upon the commissioner's request,~~
 6.8 ~~provide information to the commissioner regarding the operation of the amusement ride.~~
 6.9 ~~When the commissioner requests information about the operation of an amusement ride,~~
 6.10 ~~the commissioner shall identify a reasonable time limit for a response to the request.~~

6.11 Sec. 9. Minnesota Statutes 2006, section 184B.07, is amended to read:

6.12 **184B.07 INJUNCTIONS.**

6.13 A county attorney in a county in which an amusement ride is operated ~~or, on request~~
 6.14 ~~of the commissioner, the attorney general,~~ may obtain an injunction or other equitable
 6.15 relief against an actual or threatened violation of this chapter.

6.16 Sec. 10. **[184B.08] RIDER INJURY REPORTS.**

6.17 (a) A rider, or parent or guardian on a minor rider's behalf, shall report to the
 6.18 operator or the operator's designee any injury sustained on an amusement ride before
 6.19 leaving the premises on which the amusement ride is located or, if that is not practicable,
 6.20 as soon as reasonably practicable. If a rider reports an injury, the operator or the operator's
 6.21 designee shall obtain and make a record of the following information:

6.22 (1) the name, address, and telephone number of the injured person;

6.23 (2) a brief description of the incident, the injuries claimed, and the location, date,
 6.24 and time of the injury;

6.25 (3) the cause of the injury, if known; and

6.26 (4) the names, addresses, and telephone numbers of any witnesses to the incident.

6.27 (b) The failure of a rider, or a parent or guardian on a minor rider's behalf, to report
 6.28 an injury under this section does not affect the rider's right to commence a civil action.

6.29 Sec. 11. **[184B.09] SAFETY RULES.**

6.30 (a) A rider shall obey reasonable posted safety rules and oral instructions for an
 6.31 amusement ride that are consistent with the posted rules, issued by the owner or operator
 6.32 or an employee or agent. The safety rules shall include a statement that the rider shall not:

7.1 (1) get on or off an amusement ride except at the designated time and area unless
 7.2 instructed by the operator;

7.3 (2) disconnect any safety device provided for the ride except as directed by the
 7.4 operator;

7.5 (3) ride under the influence of any alcohol or drug affecting the rider's ability to
 7.6 safely use the amusement ride or follow instructions;

7.7 (4) interfere with the safe operation of the ride; and

7.8 (5) behave in an unsafe manner.

7.9 (b) The safety rules shall also include a statement that each rider must:

7.10 (1) use all applicable safety devices provided for the ride;

7.11 (2) read all safety signs and follow all warnings and restrictions, such as height or
 7.12 medical condition, for the ride; and

7.13 (3) before leaving the premises on which the amusement ride is located, report any
 7.14 injuries to the operator or to a person designated by the operator.

7.15 Sec. 12. **[184B.10] REMEDIES.**

7.16 (a) A violation of this section does not preclude a rider's cause of action for damages.
 7.17 The rider's action for damages is governed by section 604.01.

7.18 (b) Failure to comply with this section is not punishable as a crime under section
 7.19 609.03. A violation of this section that constitutes a crime under any other provision of
 7.20 chapter 609 may be prosecuted pursuant to that provision of chapter 609.

7.21 Sec. 13. **[184B.11] NOTICE TO RIDERS.**

7.22 Subdivision 1. **General signs.** An operator shall display signs indicating the
 7.23 applicable safety responsibilities of riders under section 184B.09 and the location of
 7.24 stations to report injuries. These signs must be displayed at each location where tickets or
 7.25 passes for the use of any ride are sold or otherwise provided.

7.26 Subd. 2. **Individual amusement ride signs.** (a) An owner shall post a sign at
 7.27 each amusement ride that includes:

7.28 (1) operational instructions, if any;

7.29 (2) safety rules for riders, set forth in section 184B.09;

7.30 (3) restrictions on the use of the amusement ride, if any;

7.31 (4) behavior or activities that are prohibited, if any; and

7.32 (5) a requirement that riders report injuries before leaving the premises on which
 7.33 the ride is located.

8.1 (b) A sign required by this section must be prominently displayed at a conspicuous
8.2 location, clearly visible to the public, and bold and legible in design.

8.3 Sec. 14. **REPEALER.**

8.4 Minnesota Statutes 2006, section 184B.06, is repealed.