

CHAPTER 1134

REGULATION AND OPERATION OF LOTTERY

S.F. 2376

AN ACT relating to the operation of the lottery and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99E.9, subsection 3, paragraph g, Code 1997, is amended to read as follows:

g. The frequency of selection of winning tickets or shares. Drawings shall be held in public. Drawings shall be witnessed by an independent certified public accountant. Equipment used to select winning tickets or shares or participants for prizes shall be examined by ~~lottery division employees and~~ an independent certified public accountant prior to and after each public drawing.

Sec. 2. Section 99E.18, subsection 4, Code 1997, is amended to read as follows:

4. A person who, with intent to defraud, falsely makes, alters, forges, utters, passes, redeems, or counterfeits a lottery ticket or share or attempts to falsely make, alter, forge, utter, pass, redeem, or counterfeit a lottery ticket or share, or commits theft or attempts to commit theft of a lottery ticket or share, is guilty of a class "D" felony.

Approved April 21, 1998

CHAPTER 1135

AMUSEMENT RIDE RIDER SAFETY

S.F. 2383

AN ACT relating to amusement ride rider safety, providing a penalty, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 88A.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. "Parent or guardian" means a parent, custodian, or guardian or person responsible for the control, safety, training, or education of a rider who is a minor or person with a disability.

NEW SUBSECTION. 9A. "Rider" means a person waiting in the immediate vicinity of an amusement ride to get on the amusement ride, getting on an amusement ride, using an amusement ride, getting off an amusement ride, or leaving an amusement ride and still in the immediate vicinity of the amusement ride. "Rider" does not include an employee, agent, or servant of the amusement owner while engaged in the duties of their employment.

NEW SUBSECTION. 9B. "Sign" means any symbol or language reasonably calculated to communicate information to a rider or the rider's parent or guardian, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information, and visual signals.

Sec. 2. Section 88A.1, subsection 2, Code 1997, is amended to read as follows:

2. "Amusement ride" means any mechanized device, or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion, or science.

Sec. 3. Section 88A.10, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 3. A person who fails to obey a safety related requirement listed on a sign displayed at an amusement ride pursuant to section 88A.16, subsection 2, is subject to a civil penalty of one hundred dollars.

Sec. 4. NEW SECTION. 88A.15 RIDER SAFETY.

1. A rider or the rider's parent or guardian shall report in writing to the operator or the operator's designee, on forms provided by the operator or the operator's designee, any injury sustained on an amusement ride before leaving the operator's premises. The report shall include all of the following information:

- a. The name, address, and phone number of the injured person.
- b. A brief description of the incident, the injury claimed, and the location, date, and time of the injury.
- c. The cause of the injury, if known.
- d. The name, address, and phone number of any witness to the incident.

2. If the rider or the rider's parent or guardian is unable to file a report because of the severity of the rider's injuries, the rider or the rider's parent or guardian shall file the report as soon as reasonably possible. The failure of a rider or the rider's parent or guardian to report an injury under this section does not affect the rider's right to commence a civil action related to the incident.

3. A rider shall, at a minimum, do all of the following:

- a. Obey the reasonable safety rules posted in accordance with this chapter and oral instructions for an amusement ride issued by the operator or the operator's employee or agent, unless the safety rules or oral instructions are contrary to the safety rules of this chapter.
- b. Refrain from acting in any manner that may cause or contribute to injuring the rider or others, including all of the following:
 - (1) Exceeding the limits of the rider's ability.
 - (2) Interfering with safety devices that are provided.
 - (3) Failing to engage safety devices that are provided.
 - (4) Disconnecting or disabling a safety device except at the express instruction of the operator.
 - (5) Altering or enhancing the intended speed, course, or direction of an amusement ride.
 - (6) Using the controls of an amusement ride designed solely to be operated by the operator.
 - (7) Extending arms and legs beyond the carrier or seating area except at the express direction of the operator.
 - (8) Throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the operator.
 - (9) Getting on or off an amusement ride except at the designated time and area, if any, at the direction of the operator or in an emergency.
 - (10) Not reasonably controlling the speed or direction of the rider's person or an amusement ride that requires the rider to control or direct the rider's person or a device.

4. A rider shall not get on or attempt to get on an amusement ride unless the rider or the rider's parent or guardian reasonably determines that, at a minimum, the rider meets all of the following criteria:

- a. Has sufficient knowledge to use, get on, and get off the amusement ride safely without instruction or has requested and received sufficient information to get on, use, and get off the amusement ride safely prior to getting on the amusement ride.

- b. Has located, read, and understood any signs in the vicinity of the amusement ride and meets any posted height, medical, or other requirements.
- c. Knows the range and limits of the rider's ability and knows the requirements of the amusement ride will not exceed those limits.
- d. Is not under the influence of alcohol or any drug that affects the rider's ability to safely use the amusement ride or obey the posted rules or oral instructions.
- e. Is authorized by the operator or the operator's employee, agent, or servant to get on the amusement ride.

Sec. 5. NEW SECTION. 88A.16 NOTICE TO RIDERS.

1. An operator shall display signs indicating the applicable rider safety responsibilities provided in section 88A.15 and the location of stations to report injuries. The signs must be located in all of the following locations:

- a. Each station for reporting an injury.
- b. Each first aid station.
- c. Any of the following locations:
 - (1) At least two other locations on the premises, including any premises entrance or exit most commonly used by riders, if there are no more than four entrances or exits for riders.
 - (2) At least four other locations on the premises, including the four premises entrances and exits most commonly used by riders, if there are more than four entrances and exits for riders.
 - (3) Every amusement ride.

2. An operator shall post a sign at each amusement ride. Any sign required by this subsection must be prominently displayed at a conspicuous location, clearly visible to the public, and bold and legible in design. The sign must include all of the following that apply:

- a. Operational instructions.
- b. Safety guidelines for riders.
- c. Restrictions on the use of the amusement ride.
- d. Behavior or activities that are prohibited.
- e. A legend providing that, "State law requires riders to obey all warnings and directions for this amusement ride and behave in a manner that will not cause or contribute to the injury of themselves or others. Riders must report injuries prior to leaving the premises. Failure to comply is punishable by fine."

Sec. 6. NEW SECTION. 88A.17 CONSTRUCTION.

Sections 88A.15 and 88A.16 shall not be construed to preclude a criminal prosecution or civil action available under any other provision of law.

Sec. 7. EFFECTIVE DATE. This Act shall take effect on January 1, 1999.

Approved April 21, 1998