

REPRINTED

FILED MAR 2 1998

SENATE FILE 2383

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2103)

Passed Senate, ^(p.641) Date 3-11-98

Passed House, ^(p.1292) Date 4-6-98

Vote: Ayes 47 Nays 1

Vote: Ayes 88 Nays 10

Approved April 21, 1998

A BILL FOR

1 An Act relating to amusement ride rider safety, providing a
2 penalty, and providing an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2383

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

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

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

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

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

22 2. "Amusement ride" means any mechanized device, or
23 combination of devices which carries passengers along, around,
24 or over a fixed or restricted course for the purpose of giving
25 its passengers amusement, pleasure, thrills, or excitement.

26 "Amusement ride" does not include a device or structure that
27 is devoted principally to exhibitions related to agriculture,
28 the arts, education, industry, religion, or science.

29 Sec. 3. Section 88A.10, Code 1997, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 3. A person who fails to obey a safety
32 related requirement listed on a sign displayed at an amusement
33 ride pursuant to section 88A.16, subsection 2, is guilty of a
34 simple misdemeanor.

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

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

7 a. The name, address, and phone number of the injured
8 person.

9 b. A brief description of the incident, the injury
10 claimed, and the location, date, and time of the injury.

11 c. The cause of the injury, if known.

12 d. The name, address, and phone number of any witness to
13 the incident.

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

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

22 a. Obey the reasonable safety rules posted in accordance
23 with this chapter and oral instructions for an amusement ride
24 issued by the operator or the operator's employee or agent,
25 unless the safety rules or oral instructions are contrary to
26 the safety rules of this chapter.

27 b. Refrain from acting in any manner that may cause or
28 contribute to injuring the rider or others, including all of
29 the following:

30 (1) Exceeding the limits of the rider's ability.

31 (2) Interfering with safety devices that are provided.

32 (3) Failing to engage safety devices that are provided.

33 (4) Disconnecting or disabling a safety device except at
34 the express instruction of the operator.

35 (5) Altering or enhancing the intended speed, course, or

1 direction of an amusement ride.

2 (6) Using the controls of an amusement ride designed
3 solely to be operated by the operator.

4 (7) Extending arms and legs beyond the carrier or seating
5 area except at the express direction of the operator.

6 (8) Throwing, dropping, or expelling an object from or
7 toward an amusement ride except as permitted by the operator.

8 (9) Getting on or off an amusement ride except at the
9 designated time and area, if any, at the direction of the
10 operator or in an emergency.

11 (10) Not reasonably controlling the speed or direction of
12 the rider's person or an amusement ride that requires the
13 rider to control or direct the rider's person or a device.

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

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

23 b. Has located, read, and understood any signs in the
24 vicinity of the amusement ride and meets any posted height,
25 medical, or other requirements.

26 c. Knows the range and limits of the rider's ability and
27 knows the requirements of the amusement ride will not exceed
28 those limits.

29 d. Is not under the influence of alcohol or any drug that
30 affects the rider's ability to safely use the amusement ride
31 or obey the posted rules or oral instructions.

32 e. Is authorized by the operator or the operator's
33 employee, agent, or servant to get on the amusement ride.

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

35 1. An operator shall display signs indicating the

1 applicable rider safety responsibilities provided in section
2 88A.15 and the location of stations to report injuries. The
3 signs must be located in all of the following locations:

4 a. Each station for reporting an injury.

5 b. Each first aid station.

6 c. Any of the following locations:

7 (1) At least four other locations on the premises,
8 including any premises entrance or exit, if there are no more
9 than four entrances or exits for riders.

10 (2) At least four other locations on the premises,
11 including the four premises entrances and exits most commonly
12 used by riders, if there are more than four entrances and
13 exits for riders.

14 (3) Every amusement ride.

15 2. An operator shall post a sign at each amusement ride.

16 Any sign required by this subsection must be prominently
17 displayed at a conspicuous location, clearly visible to the
18 public, and bold and legible in design. The sign must include
19 all of the following that apply:

20 (1) Operational instructions.

21 (2) Safety guidelines for riders.

22 (3) Restrictions on the use of the amusement ride.

23 (4) Behavior or activities that are prohibited.

24 (5) A legend providing that, "State law requires riders to
25 obey all warnings and directions for this amusement ride and
26 behave in a manner that will not cause or contribute to the
27 injury of themselves or others. Riders must report injuries
28 prior to leaving the premises. Failure to comply is
29 punishable by fine or imprisonment."

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

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

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

EXPLANATION

1

2 This bill amends Code chapter 88A to include provisions
3 related to amusement ride rider safety.

4 The bill provides that an amusement ride rider or the
5 rider's parent, custodian, guardian, or other responsible
6 person shall report in writing to the amusement ride operator
7 any injury sustained by the amusement rider before leaving the
8 operator's premises. If the rider or the rider's parent or
9 guardian is unable to report the injury due to the severity of
10 the injury, the injury must be reported as soon as reasonably
11 possible. The bill requires riders to obey the reasonable
12 safety rules posted and oral instructions given and requires
13 riders to refrain from acting in any manner that may cause or
14 contribute to injuring the rider or others. The bill requires
15 that a rider not get on an amusement ride unless the rider has
16 sufficient knowledge of the safe use of the ride, understands
17 warnings and restrictions, knows the limits of the rider's
18 abilities, is not under the influence of alcohol or any drug,
19 and is authorized by the operator, employee, agent, or servant
20 to get on the ride.

21 The bill requires operators to display signs indicating the
22 applicable rider safety responsibilities and the location of
23 the stations to report injuries. The bill provides locations
24 where these signs must be located. The bill requires an
25 operator to post a sign at each amusement ride which states
26 the operation instructions of the ride, safety guidelines for
27 riders, restrictions on the use of the ride, behavior and
28 activities that are prohibited, and a warning requiring
29 compliance with the rules and restrictions.

30 The bill provides that amusement ride rider safety Code
31 sections shall not be construed to preclude a criminal
32 prosecution or civil action available under any other Code
33 section.

34 The bill provides that a person failing to obey a safety-
35 related requirement listed on a sign displayed at an amusement

1 ride is guilty of a simple misdemeanor.

2 The bill provides for an effective date of January 1, 1999.

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SENATE FILE 2383

S-5188

1 Amend Senate File 2383 as follows:

- 2 1. Page 1, by striking lines 33 and 34 and
3 inserting the following: "ride pursuant to section
4 88A.16, subsection 2, is subject to a civil penalty of
5 one hundred dollars."
6 2. Page 4, line 7, by striking the word "four"
7 and inserting the following: "two".
8 3. Page 4, line 8, by inserting after the word
9 "exit" the following: "most commonly used by riders".
10 4. Page 4, line 29, by striking the words "or
11 imprisonment".

By MARY A. LUNDBY

S-5188 FILED MARCH 11, 1998

ADOPTED

(P. 641)

SENATE FILE 2383

S-5142

1 Amend Senate File 2383 as follows:

- 2 1. Page 1, by striking lines 33 and 34 and
3 inserting the following: "ride pursuant to section
4 88A.16, subsection 2, is subject to a civil penalty of
5 one hundred dollars."
6 2. Page 4, line 29, by striking the words "or
7 imprisonment".

By MARY A. LUNDBY

S-5142 FILED MARCH 4, 1998

WITHDRAWN

2-11-98
(P. 641)

SENATE FILE 2383
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2103)

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 1998)

~~*****~~ - New Language by the Senate

Passed Senate, Date ^(P.64) 3-11-98 * - Language Stricken by the Senate Passed House, Date ^(P.1292) 4-6-98
Vote: Ayes 47 Nays 1 Vote: Ayes 88 Nays 10
Approved April 21, 1998

A BILL FOR

1 An Act relating to amusement ride rider safety, providing a
2 penalty, and providing an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2383

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

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

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

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

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

22 2. "Amusement ride" means any mechanized device, or
23 combination of devices which carries passengers along, around,
24 or over a fixed or restricted course for the purpose of giving
25 its passengers amusement, pleasure, thrills, or excitement.

26 "Amusement ride" does not include a device or structure that
27 is devoted principally to exhibitions related to agriculture,
28 the arts, education, industry, religion, or science.

29 Sec. 3. Section 88A.10, Code 1997, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 3. A person who fails to obey a safety
32 related requirement listed on a sign displayed at an amusement
33 ride pursuant to section 88A.16, subsection 2, is subject to a
34 civil penalty of one hundred dollars.

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

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

7 a. The name, address, and phone number of the injured
8 person.

9 b. A brief description of the incident, the injury
10 claimed, and the location, date, and time of the injury.

11 c. The cause of the injury, if known.

12 d. The name, address, and phone number of any witness to
13 the incident.

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

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

22 a. Obey the reasonable safety rules posted in accordance
23 with this chapter and oral instructions for an amusement ride
24 issued by the operator or the operator's employee or agent,
25 unless the safety rules or oral instructions are contrary to
26 the safety rules of this chapter.

27 b. Refrain from acting in any manner that may cause or
28 contribute to injuring the rider or others, including all of
29 the following:

30 (1) Exceeding the limits of the rider's ability.

31 (2) Interfering with safety devices that are provided.

32 (3) Failing to engage safety devices that are provided.

33 (4) Disconnecting or disabling a safety device except at
34 the express instruction of the operator.

35 (5) Altering or enhancing the intended speed, course, or

1 direction of an amusement ride.

2 (6) Using the controls of an amusement ride designed
3 solely to be operated by the operator.

4 (7) Extending arms and legs beyond the carrier or seating
5 area except at the express direction of the operator.

6 (8) Throwing, dropping, or expelling an object from or
7 toward an amusement ride except as permitted by the operator.

8 (9) Getting on or off an amusement ride except at the
9 designated time and area, if any, at the direction of the
10 operator or in an emergency.

11 (10) Not reasonably controlling the speed or direction of
12 the rider's person or an amusement ride that requires the
13 rider to control or direct the rider's person or a device.

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

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

23 b. Has located, read, and understood any signs in the
24 vicinity of the amusement ride and meets any posted height,
25 medical, or other requirements.

26 c. Knows the range and limits of the rider's ability and
27 knows the requirements of the amusement ride will not exceed
28 those limits.

29 d. Is not under the influence of alcohol or any drug that
30 affects the rider's ability to safely use the amusement ride
31 or obey the posted rules or oral instructions.

32 e. Is authorized by the operator or the operator's
33 employee, agent, or servant to get on the amusement ride.

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

35 1. An operator shall display signs indicating the

1 applicable rider safety responsibilities provided in section
2 88A.15 and the location of stations to report injuries. The
3 signs must be located in all of the following locations:

4 a. Each station for reporting an injury.

5 b. Each first aid station.

6 c. Any of the following locations:

7 (1) At least two other locations on the premises,
8 including any premises entrance or exit most commonly used by
9 riders, if there are no more than four entrances or exits for
10 riders.

11 (2) At least four other locations on the premises,
12 including the four premises entrances and exits most commonly
13 used by riders, if there are more than four entrances and
14 exits for riders.

15 (3) Every amusement ride.

16 2. An operator shall post a sign at each amusement ride.

17 Any sign required by this subsection must be prominently
18 displayed at a conspicuous location, clearly visible to the
19 public, and bold and legible in design. The sign must include
20 all of the following that apply:

21 (1) Operational instructions.

22 (2) Safety guidelines for riders.

23 (3) Restrictions on the use of the amusement ride.

24 (4) Behavior or activities that are prohibited.

25 (5) A legend providing that, "State law requires riders to
26 obey all warnings and directions for this amusement ride and
27 behave in a manner that will not cause or contribute to the
28 injury of themselves or others. Riders must report injuries
29 prior to leaving the premises. Failure to comply is
*30 punishable by fine."

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

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

35 Sec. 7. EFFECTIVE DATE. This Act shall take effect on

1 January 1, 1999.

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SSB 2103
State Government
Succeeded By

SENATE FILE SF/HF 2103
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON RITTMER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to amusement ride rider safety and providing a
2 penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 NEW SUBSECTION. 1A. "Amusement owner" means a person who
4 owns an amusement ride or, if the amusement ride is leased,
5 the lessee.

6 NEW SUBSECTION. 8A. "Parent or guardian" means a parent,
7 custodian, or guardian responsible for the control, safety,
8 training, or education of a minor rider.

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

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

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23 to read as follows:

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

32 Sec. 3. Section 88A.10, Code 1997, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 3. A person who fails to obey a safety
35 related requirement listed on a sign displayed at an amusement

1 ride pursuant to section 88A.16, subsection 2, is guilty of a
2 simple misdemeanor.

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

4 1. A rider or the rider's parent or guardian shall report
5 in writing to the amusement owner or the amusement owner's
6 designee any injury sustained on an amusement ride before
7 leaving the amusement owner's premises. The report shall
8 include all of the following information:

9 a. The name, address, and phone number of the injured
10 person.

11 b. A brief description of the incident, the injury
12 claimed, and the location, date, and time of the injury.

13 c. The cause of the injury, if known.

14 d. The name, address, and phone number of any witness to
15 the incident.

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

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

24 a. Obey the reasonable safety rules posted in accordance
25 with this chapter and oral instructions for an amusement ride
26 issued by the amusement owner or the amusement owner's
27 employee or agent, unless the safety rules or oral
28 instructions are contrary to the safety rules of this chapter.

29 b. Refrain from acting in any manner that may cause or
30 contribute to injuring the rider or others, including all of
31 the following:

- 32 (1) Exceeding the limits of the rider's ability.
- 33 (2) Interfering with safety devices that are provided.
- 34 (3) Failing to engage safety devices that are provided.
- 35 (4) Disconnecting or disabling a safety device except at

1 the express instruction of the operator.

2 (5) Altering or enhancing the intended speed, course, or
3 direction of an amusement ride.

4 (6) Using the controls of an amusement ride designed
5 solely to be operated by the operator.

6 (7) Extending arms and legs beyond the carrier or seating
7 area except at the express direction of the operator.

8 (8) Throwing, dropping, or expelling an object from or
9 toward an amusement ride except as permitted by the operator.

10 (9) Getting on or off an amusement ride except at the
11 designated time and area, if any, at the direction of the
12 operator or in an emergency.

13 (10) Not reasonably controlling the speed or direction of
14 the rider's person or an amusement ride that requires the
15 rider to control or direct the rider's person or a device.

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

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

25 b. Has located, read, and understood any signs in the
26 vicinity of the amusement ride and meets any posted height,
27 medical, or other requirements.

28 c. Knows the range and limits of the rider's ability and
29 knows the requirements of the amusement ride will not exceed
30 those limits.

31 d. Is not under the influence of alcohol or any drug that
32 affects the rider's ability to safely use the amusement ride
33 or obey the posted rules or oral instructions.

34 e. Is authorized by the amusement owner or the amusement
35 owner's employee, agent, or servant to get on the amusement

1 ride.

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

3 1. An amusement owner shall display signs indicating the
4 applicable rider safety responsibilities provided in section
5 88A.15 and the location of stations to report injuries. The
6 signs must be located in all of the following locations:

- 7 a. Each station for reporting an injury.
- 8 b. Each first aid station.
- 9 c. Any of the following locations:

10 (1) At least four other locations on the premises,
11 including any premises entrance or exit, if there are no more
12 than four entrances or exits for riders.

13 (2) At least four other locations on the premises,
14 including the four premises entrances and exits most commonly
15 used by riders, if there are more than four entrances and
16 exits for riders.

17 (3) Every amusement ride.

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

- 23 (1) Operational instructions.
- 24 (2) Safety guidelines for riders.
- 25 (3) Restrictions on the use of the amusement ride.
- 26 (4) Behavior or activities that are prohibited.
- 27 (5) A legend providing that, "State law requires riders to
28 obey all warnings and directions for this amusement ride and
29 behave in a manner that will not cause or contribute to the
30 injury of themselves or others. Riders must report injuries
31 prior to leaving the premises. Failure to comply is
32 punishable by fine or imprisonment."

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

34 Sections 88A.15 and 88A.16 shall not be construed to
35 preclude a criminal prosecution or civil action available

1 under any other provision of law.

2

EXPLANATION

3 This bill amends Code chapter 88A to include provisions
4 related to amusement ride rider safety.

5 The bill provides that an amusement ride rider or the
6 rider's parent or guardian shall report in writing to the
7 amusement owner any injury sustained by the amusement rider
8 before leaving the amusement owner's premises. If the rider
9 or the rider's parent or guardian is unable to report the
10 injury due to the severity of the injury, the injury must be
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13 instructions given and requires riders to refrain from acting
14 in any manner that may cause or contribute to injuring the
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19 not under the influence of alcohol or any drug, and is
20 authorized by the amusement owner, employee, agent, or servant
21 to get on the ride.

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32 sections shall not be construed to preclude a criminal
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SENATE FILE 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.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2383, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 21, 1998

TERRY E. BRANSTAD
Governor

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