

REPORT OF THE
AMUSEMENT RIDES SUBCOMMITTEE OF THE
STANDING COMMITTEES ON HUMAN AND INDUSTRIAL RELATIONS

Submitted to the Members of the
Second Session of the Sixty-fourth General Assembly
Meeting in the Year 1972

R E P O R T

AMUSEMENT RIDES SUBCOMMITTEE
OF THE
STANDING COMMITTEES ON HUMAN AND INDUSTRIAL RELATIONS

1971

The Legislative Council, at its September 8 meeting, approved the establishment of the Subcommittee on Amusement Rides of the Standing Senate and House Committees on Human and Industrial Relations to study and prepare safety legislation relating to carnival and amusement rides. The respective Chairmen of the Senate and House Standing Committees on Human and Industrial Relations appointed the following legislative membership:

Representative George N. Pierson, Chairman
Senator James W. Griffin, Sr.
Senator W. R. Rabedeaux
Senator Cloyd Robinson
Representative James D. Wells
Representative Delwyn Stromer

The Subcommittee held three meetings to complete its study assignment and prepare its recommendations to the Legislative Council and the respective Standing Committees on Human and Industrial Relations.

At its first meeting on September 23, the Subcommittee organized and elected Representative George N. Pierson as Chairman. The Subcommittee received testimony from Mr. Jerry Addy, Commissioner of Labor, relating to the need for amusement ride safety legislation in Iowa and he explained the type of legislation and administrative regulations being implemented in the states of Michigan, Wisconsin, California, and Minnesota. The Subcommittee also heard testimony from Mr. Thomas C. Gillain, T.A.C. Amusements, who has operated an amusement ride business under Michigan's state safety regulations. After review of the general provisions of Michigan and California statutes, the Subcommittee directed the Legislative Service Bureau staff to prepare a draft bill which authorizes the Commissioner of Labor to inspect, under rules and regulations adopted by him, amusement devices or rides, concession booths, and related electrical equipment at carnivals and fairs.

At its October 28 meeting, the Subcommittee heard additional testimony on the proposed safety legislation from the following fair officials and amusement ride operators:

1. Mr. Kenneth R. Fulk, Secretary, Iowa State Fair Board
2. Mr. Ben E. Crawford, Chief Electrician, Iowa State Fair Board
3. Mr. Floyd E. Deets, Superintendent of Grounds, Iowa State Fair Board
4. Mr. Bill McKay, Executive Secretary, Outdoor Amusement Business Association

5. Mr. Bill Partlow, Secretary-Treasurer, Association of Iowa Fairs
6. Mr. Alva Merriam, a member of the Board of Directors, Outdoor Amusement Business Association
7. Mr. W. T. Hale, Hale's Shows of Tomorrow
8. Mr. Clement M. Smith, Bob Hammond Shows, Inc.
9. Mr. Fred Lawson, Maple Valley Rides, Inc.
10. Mrs. Val Gorham, Gorham's Midway, Inc.

The Subcommittee members and guests reviewed the provisions of the first draft of the proposed legislation relating to amusement ride safety. Additions and corrections were recommended by the Subcommittee.

For its third and final meeting, the Subcommittee accepted the invitation of the Association of Iowa Fairs to attend its annual convention on December 7 and hold a public hearing. The public hearing was attended by state, county, and district fair officials, and carnival owners. The Subcommittee further explained the intent and major provisions of the proposed legislation and received recommendations from those persons attending the hearing. Following the public hearing, the Subcommittee members made final corrections on the second draft of the proposed legislation and adopted a recommendation that the proposed legislation be introduced as companion bills by the respective Committees on Human and Industrial Relations and that it be enacted by the Second Session of the Sixty-fourth General Assembly.

The major provisions of the proposed legislation are as follows:

1. The Commissioner of Labor is the chief administrative officer.
2. The Commissioner of Labor adopts and issues the rules and regulations for the safe operation, installation, repair, maintenance, use, and inspection of amusement devices or rides, concession booths and related electrical equipment at fairs and carnivals.
3. Amusement devices and rides exempt from this proposed legislation include nonmechanized playground equipment if it can be used without admission fee and concession booths, amusement devices or rides which are owned and operated by nonprofit religious, educational or charitable institutions or associations if such booths, devices or rides are located within a building subject to inspection by the state fire marshal or by local government building, fire, or electrical inspectors.
4. A person who is responsible for an amusement device or ride, concession booth, or related electrical equipment must obtain an annual permit at the cost of five dollars. An annual inspection fee not to exceed ten dollars per ride, device, booth or electrical

equipment is also required under a schedule of inspection fees which will be established by the Commissioner of Labor.

A copy of the proposed legislation as approved by the Subcommittee is attached to and by this reference made a part of this report.

The Chief Clerk's Office provided secretarial assistance for recording and preparing the Subcommittee's minutes. The Legislative Service Bureau prepared the bill drafts as requested by the Subcommittee and provided other staff assistance relating to the scheduling of meetings and guest speakers.

Respectfully submitted,

REPRESENTATIVE GEORGE N. PIERSON, CHAIRMAN

SENATE FILE

By COMMITTEE ON HUMAN AND
INDUSTRIAL RELATIONS
(Committee on Human and
Industrial Relations)

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

A BILL FOR

1 An Act relating to the safety inspection and regulation of
2 amusement rides, devices, and related electrical equip-
3 ment, providing for the imposition and collection of in-
4 spection fees, and providing penalties for violations.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. As used in this Act, unless the context
2 otherwise requires:

3 1. "Commissioner" means the commissioner of labor or his
4 designee.

5 2. "Bureau" means bureau of labor.

6 3. "Amusement device" means any equipment or piece of
7 equipment, appliance or combination thereof designed or
8 intended to entertain or amuse a person.

9 4. "Amusement ride" means any mechanized device or
10 combination of devices which carries passengers along, around,
11 or over a fixed or restricted course for the purpose of giving
12 its passengers amusement, pleasure, thrills, or excitement.

13 5. "Carnival" means an enterprise offering amusement or
14 entertainment to the public in, upon, or by means of amusement
15 devices or rides or concession booths.

16 6. "Fair" means an enterprise principally devoted to the
17 exhibition of products of agriculture or industry in connection
18 with the operation of amusement rides or devices or concession
19 booths.

20 7. "Concession booth" means a structure, or enclosure,
21 located at a fair or carnival from which amusements, goods
22 or services are offered to the public.

23 8. "Related electrical equipment" means any electrical
24 apparatus or wiring used at a carnival or fair.

25 9. "Operator" means a person, or the agent of a person,
26 who owns or controls or has the duty to control the operation
27 of an amusement device or ride, a concession booth, or related
28 electrical equipment at a carnival or fair. "Operator"
29 includes an agency of the state or any of its political
30 subdivisions.

31 Sec. 2. No amusement device or ride, concession booth,
32 or any related electrical equipment shall be operated at a
33 carnival or fair in this state without a permit having been
34 issued by the commissioner to an operator of such equipment.
35 On or before the first of May of each year, any person required

1 to obtain a permit by this Act shall apply to the bureau for
2 a permit on a form furnished by the commissioner which form
3 shall contain such information as the commissioner may require.
4 The commissioner may waive the requirement that an application
5 for a permit must be filed on or before the first of May of
6 each year if the applicant gives satisfactory proof to the
7 commissioner that he could not reasonably comply with the
8 date requirement and if the applicant immediately applies
9 for a permit after the need for a permit is first determined.
10 For the purpose of determining if an amusement ride, amusement
11 device, concession booth, or any related electrical equipment
12 is in safe operating condition and will provide protection
13 to the public using such ride, device, booth, or related
14 electrical equipment, each amusement ride, amusement device,
15 concession booth, or related electrical equipment shall be
16 inspected by the commissioner before it is initially placed
17 in operation in this state, and shall thereafter be inspected
18 at least once each year.

19 If, after inspection, an amusement device or ride,
20 concession booth, or related electrical equipment is found
21 to comply with the rules and regulations adopted under this
22 Act, the commissioner shall, upon payment of the permit fee
23 and the permit fee and the inspection fee, permit the operation
24 of the amusement device or ride or concession booth or to
25 use any related electrical equipment.

26 If after inspection, additions or alterations are to be
27 made which changes a structure, mechanism, classification
28 or capacity, the operator shall notify the commissioner of
29 his intentions in writing and provide any plans or diagrams
30 requested by the commissioner.

31 Sec. 3. The commissioner shall adopt and issue, subject
32 to chapter seventeen A (17A) of the Code, rules and regulations
33 for the safe installation, repair, maintenance, use, operation,
34 and inspection of amusement devices, amusement rides,
35 concession booths, and related electrical equipment at

1 carnivals and fairs to the extent necessary for the protection
2 of the public. The rules and regulations shall be based upon
3 generally accepted engineering standards and shall be concerned
4 with, but not necessarily limited to, engineering force
5 stresses, safety devices, and preventive maintenance. The
6 rules and regulations shall provide for the reporting of
7 accidents and injuries incurred from the operation of amusement
8 devices or rides, concession booths, or related electrical
9 equipment.

10 The commissioner may, subject to chapter seventeen A (17A)
11 of the Code, modify or repeal any rule or regulation adopted
12 under the provisions of this Act.

13 Sec. 4. 1. The permit fee shall be five dollars per
14 annum.

15 2. The commissioner shall specify by rule, subject to
16 chapter seventeen A (17A) of the Code, an annual inspection
17 fee which shall not exceed the actual cost of inspection or
18 ten dollars per amusement device, ride, concession booth,
19 or related electrical equipment inspected, whichever sum is
20 less. The commissioner may charge the same inspection fee
21 as determined under this subsection for each inspection
22 requested by a permittee.

23 Sec. 5. There is created in the state treasury an amusement
24 inspection fund, the proceeds of which are to be used by the
25 bureau solely to carry out the provisions of this Act.

26 All permit and inspection fees collected by the bureau
27 under the provisions of this Act shall be transmitted to the
28 treasurer of state and credited by him to the amusement
29 inspection fund.

30 Sec. 6. The commissioner may employ inspectors and any
31 other personnel deemed necessary to carry out the provisions
32 of this Act, subject to the provisions of chapter nineteen
33 A (19A) of the Code.

34 Sec. 7. The commissioner may order, in writing, a temporary
35 cessation of operation of any amusement device or ride,

1 concession booth, or related electrical equipment if it has
2 been determined after inspection to be hazardous or unsafe.
3 Operation of the amusement device or ride, concession booth
4 or related electrical equipment shall not resume until the
5 unsafe or hazardous condition is corrected to the satisfaction
6 of the commissioner.

7 Sec. 8. Any person aggrieved by an order of the
8 commissioner may appeal the order to the district court.

9 Sec. 9. No person shall be issued a permit under this
10 Act unless he first obtains an insurance policy in an amount
11 of not less than one hundred thousand dollars for bodily
12 injury to or death of one person in any one accident, and,
13 subject to the limit for one person, in an amount of not less
14 than three hundred thousand dollars for bodily injury to or
15 death of two or more persons in any one accident, and in an
16 amount of not less than five thousand dollars for injury to
17 or destruction of property of others in any one accident,
18 insuring the operator against liability for injury or death
19 suffered by a person attending a fair or carnival. The
20 commissioner may accept, in lieu of proof of such insurance,
21 satisfactory proof by an operator that such operator is
22 financially responsible for any injuries for which he may
23 be liable. The minimum amount of financial responsibility
24 shall not be less than the maximum amount of insurance required
25 by this section.

26 Sec. 10. 1. Any person who operates an amusement device
27 or ride, concession booth or related electrical equipment
28 at a carnival or fair without having obtained a permit from
29 the commissioner or who violates any order, rule or regulation
30 issued by the commissioner under this Act is guilty of a
31 misdemeanor, and upon conviction, shall be subject to
32 imprisonment in the county jail for not more than one year,
33 or be subject to, a fine not to exceed ten thousand dollars,
34 or be subject to both such imprisonment and fine.

35 2. Any person who interferes with, impedes, or obstructs

1 in any manner the commissioner or any authorized representative
2 of the bureau in the performance of his duties under this
3 Act is guilty of a misdemeanor. Any person who bribes or
4 attempts to bribe the commissioner or his agents shall be
5 subject to section seven hundred thirty-nine point one (739.1)
6 of the Code.

7 Sec. 11. The following amusement, devices or rides or
8 concession booths are exempt from the provisions of this Act:

9 1. Nonmechanized playground equipment including, but not
10 limited to, swings, seesaws, stationary spring-mounted animal
11 features, rider-propelled merry-go-rounds, climbers, slides,
12 trampolines, swinging gates and physical fitness devices
13 except where an admission fee is charged for usage or an
14 admission fee is charged to areas where such equipment is
15 located.

16 2. A concession booth, amusement device or ride which
17 is owned and operated by a nonprofit religious, educational
18 or charitable institution or association if such booth, device
19 or ride is located within a building subject to inspection
20 by the state fire marshal or by any political subdivisions
21 of the state under its building, fire, electrical, or related
22 public safety ordinances.

23 Sec. 12. Nothing contained in this Act shall prevent any
24 political subdivision of this state from licensing or
25 regulating any amusement ride or device, concession booth,
26 electrical equipment, carnival, or circus as otherwise provided
27 by law.

28 Sec. 13. The commissioner may waive the requirement that
29 an amusement device or ride or any part thereof be inspected
30 before being operated in this state if an operator gives
31 satisfactory proof to the commissioner that the amusement
32 device or ride or any part thereof has passed an inspection
33 conducted by a public or private agency whose inspection
34 standards and requirements are at least equal to those re-
35 quirements and standards established by the commissioner under

1 the provisions of this Act.

2 EXPLANATION

3 This bill provides for an inspection of amusement rides
4 and devices which are normally used at fairs and carnivals.
5 However, the Act does contemplate within the definition of
6 "carnival" or "fair" such functions as rides and devices used
7 at shopping centers or in connection with celebrations and
8 similar type functions. Basically all rides, devices, and
9 equipment found at any place where the rides or devices are
10 paid for by the user would be covered by the Act.

11 The Act contemplates the inspection of all equipment
12 necessary to the operation of a fair or carnival, including
13 electrical wiring. The specific safety standards would be
14 specified by rule of the commissioner of labor within the
15 guidelines of the Act. Such rules would have to be submitted
16 to the Legislative Rules Committee. A permit system is
17 provided, which permit would be issued after inspection.
18 Inspections would be made at least once a year and perhaps
19 more often. The Act is intended to be self-financing through
20 the payment of an inspection fee and methods of enforcement
21 are provided.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

LSB 3075
tj/me/2