AMUSEMENT RIDES, DEVICES, AND CONCESSION BOOTHS

CHAPTER 461
AMUSEMENT RIDE INSPECTIONS

[Prior to 9/24/86, Labor, Bureau of [530]]
[Prior to 10/21/98, see 347—Ch 61]
[Prior to 7/9/25, see Labor Services Division[875] Ch 61]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/26/30

481—461.1(88A) Scope. 481—Chapters 461 through 463 do not apply to the following:

461.1(1) A water park or water park attraction, including but not limited to a water slide, wave action pool, and lazy river. This subrule does not apply to an amusement ride that propels patrons using a power source other than gravity even though water is present.

461.1(2) A live-animal ride.

461.1(3) A vessel inspected pursuant to Iowa Code chapter 462A.

461.1(4) An amusement structure in which the patrons navigate on their own power and the patrons do not ride, climb, or walk on a mechanical component.

461.1(5) A device that meets all of the following criteria:

a. Was designed and built to be operated by a coin, card, or token;

b. Was designed and built to be operated by the patron rather than an attendant;

c. Operates on self-contained wiring that was installed by the manufacturer;

d. Operates on less than 120 volts of electrical power; and

e. Is within or is part of a structure subject to a state or local building code.

461.1(6) Playground equipment owned, maintained, and operated by any political subdivision of this state.

461.1(7) A concession booth, amusement device, or amusement ride that meets all of the following:

a. Is owned and operated by a nonprofit organization or school; and

b. Is located in a building subject to inspection by the state fire marshal or a local government.

461.1(8) Nonmechanized physical fitness and playground equipment unless a fee is charged to use the equipment.

461.1(9) Physical fitness equipment that does not meet the definition of "amusement device."

461.1(10) A tramway used as a ski lift.

461.1(11) A scenic railway operating on standard-gauge rails.

461.1(12) A zip line or climbing wall located at a camp or retreat owned or operated by a nonprofit religious, educational or charitable institution or association.

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481—461.2(88A) Definitions. The definitions in this rule apply to 481—Chapters 461 through 463.

"Air-supported structure" means an amusement device that employs a high-strength fabric or film that achieves its strength, shape and stability from internal air pressure provided by a mechanical device such as an air blower or fan.

"Amusement device" means a climbing wall utilizing an auto belay system; a bungee jump as defined in 481—Chapter 463; a device allowing a patron to jump on a trampoline while attached to one or more bungee cords; a dry slide; a mechanical bull; a zip line that does not allow the rider to touch the ground at all times; and an air-supported structure.

"ANSI" means the American National Standards Institute.

"ASTM" means the ASTM Standards on Amusement Rides and Devices published by ASTM International.

"Attendant" means a paid or volunteer person who controls patron restraints or the operation, starting, stopping, or speed of covered equipment.

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

"Certificate of noncompliance" means:

1. A certificate of noncompliance issued by the child support recovery unit, department of health and human services, pursuant to Iowa Code chapter 252J; or

2. A certificate of noncompliance issued by the centralized collection unit, department of revenue, pursuant to Iowa Code chapter 272D.

"Concession booth" means a structure that is powered by electricity and offers amusements to the public at more than one fair or carnival, or at one fair or carnival for more than seven consecutive days. A structure or enclosure offering only goods, food or beverages, rather than amusements, is not a "concession booth."

"Covered equipment" means an amusement ride, amusement device, concession booth or related electrical equipment that is covered by Iowa Code chapter 88A.

"Director" means the director of the department of inspections, appeals, and licensing or the director's designee.

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with the operation of covered equipment.

"Inspector" means an authorized Iowa Code chapter 88A inspector of the department of inspections, appeals, and licensing.

"Major breakdown" means stoppage of operation from any cause that results in damage, failure, or breakage in a stress-bearing part of covered equipment.

"Major modification" means any change to the structure of or to an operational characteristic, capacity, classification, or mechanism of covered equipment. "Major modification" includes but is not limited to changing the mode of transportation from non-wheeled to a truck or flat-bed mount or changing the mode of assembly or other operational functions from manual to mechanical or hydraulic.

"NFPA" means the National Fire Protection Association.

"Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of covered equipment at a carnival or fair. "Operator" includes an agency of the state or any of its political subdivisions. "Operator" includes a person who leases covered equipment and controls or has the duty to control its operation at a carnival or fair.

"Related electrical equipment" means a portable generator, blower, or other equipment necessary to the operation of an amusement ride, amusement device, or concession booth.

"Reportable incident" means an event described by one or more of the following:

1. Damage, failure or breakage of a stress-bearing part of an amusement ride or amusement device;

2. Cessation of covered equipment for more than 20 minutes with at least one rider aboard;

3. An occurrence that nearly resulted in personal injury; or

4. An occurrence that caused the operator to cease operations unexpectedly to avoid an injury or illness.

"Rope lay" means the length along the rope in which one strand makes a complete revolution around the rope.

"Special operation" means an unusual condition, interruption in operation, injury, emergency, or evacuation.

"Walkway" means a public passage through a carnival, fair, or park.

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481—461.3(88A) Owner and operator requirements. No person may operate covered equipment at a carnival or fair unless the person holds a current application certificate and the covered equipment has passed an Iowa inspection. The director reserves the right to deny inspection for any application submitted less than 60 days prior to operation at the first event.

461.3(1) *Application certificate.* No later than 60 days before operation begins each calendar year, the operator of covered equipment will apply to the director for an application certificate. Applications may be submitted in November for continuous operations. Applications are made on a form provided by the director. Each of the following are submitted with the completed application certificate:

a. The application fee;

b. A certificate of insurance issued by an insurance company authorized to do business in Iowa. The certificate of insurance will:

(1) Certify a policy in the minimum amount of $1 million for bodily injury, death, or property damage in any one occurrence;

(2) List the specific pieces of equipment that are covered and, if applicable, those that are not covered; and

(3) Include "Department of Inspections, Appeals, and Licensing—Amusements" as a certificate holder;

c. The operator's itinerary identifying the covered equipment to be operated and the dates and locations where each will be operated;

d. Certification of compliance with applicable training and maintenance requirements;

e. Separately for each bungee jump:

(1) A site operating manual;

(2) A report that is prepared and sealed by a professional engineer who is licensed in Iowa and that certifies that the design and construction of the equipment and structure are suitable for the intended use and conform to Iowa law, recognized engineering practices, procedures, standards and specifications;

(3) Site plan drawings depicting the preparation area, the jump space, the landing area, the recovery area and other features to be included in the approved operating site;

(4) Specifications of equipment and structures; and

(5) Depictions of the location, specifications, dimensions, and type of air bag, pool or body of water where the jumper will land.

461.3(2) *Changes to information submitted with application.* The operator will immediately notify the director of any changes to the operator's itinerary or information provided with the application.

461.3(3) *Personal injuries and deaths.*

a. The operator will immediately report by telephone any accident that results in death or medical care beyond first aid.

b. Within 48 hours after an operator is notified of a claim or report to the operator's insurance provider, the operator will submit a duplicate copy of the report or claim to the director.

c. The director may require that the scene of an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured person. If covered equipment is removed from service by the director, the covered equipment may be returned to service only upon the director's authorization.

461.3(4) *Major breakdown report.* The operator will report a major breakdown of covered equipment to the director immediately and provide a detailed report in writing within 48 hours. The director may order the covered equipment to be withheld from operation, and in such case, the director will conduct an immediate investigation. The covered equipment may be released for repair and operation only after the director's investigation is complete.

461.3(5) *Advance notice of major modification.* The operator will notify the director in writing at least ten days prior to a major modification and, if requested by the director, provide plans, diagrams, and ride analysis documentation consistent with ASTM F2291-15.

461.3(6) *Technical data.* If requested by the director, the operator will provide an English language version of the following:

a. Data concerning constant, reversible, or eccentric forces generated by acceleration, deceleration, wind, centrifugal action, or inertia.

b. Stress analysis and other data pertinent to the structural materials, design, structure, factors of safety or performance characteristics.

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481—461.4(88A) Inspection requirements. Pursuant to Iowa Code chapter 88A, covered equipment must pass an inspection at least annually. Inspections shall be performed according to the rules set forth and standards adopted in 481—Chapters 461 through 463.

461.4(1) *Inspection types.* In addition to the inspections listed below, an inspection may be conducted by the director at any time. No person will operate covered equipment at a fair or carnival unless the covered equipment has passed an inspection in the current calendar year.

a. Annual inspection by owner. At the discretion of the director, the owner of an air-supported structure may be designated by the director to perform the annual inspection of the owner's air-supported structure, blower, and related electrical equipment. An owner designated pursuant to this paragraph will perform the inspection according to applicable standards. The owner will submit in the format required by the director an affidavit attesting to the performance of the inspection, correction of code violations, and other required information. A designation pursuant to this paragraph terminates on December 31 of the year of issuance.

b. Annual inspection by an inspector. Unless an inspection is waived pursuant to Iowa Code section 88A.13, or the inspection is performed by the owner pursuant to paragraph 461.4(1)*"a,"* the director will inspect covered equipment prior to operation.

c. Major modification inspection. After covered equipment has undergone a major modification, the covered equipment must pass an inspection by the director before it is put back into use.

461.4(2) *Safety order.* If the inspector finds a code violation, the inspector will issue a safety order requiring that the condition be corrected. The deadline for correction of the code violation will be set forth in the safety order.

461.4(3) *Cessation order.* If the inspector identifies covered equipment that is hazardous or unsafe, the inspector will issue a cessation order that will be in effect until the director verifies it is corrected.

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481—461.5(88A) Amusement inspection sticker requirements. Covered equipment shall not be operated without a current sticker.

461.5(1) After covered equipment has passed an annual inspection by the inspector, the inspector will affix an amusement inspection sticker to the equipment where it is readily accessible.

461.5(2) After the director receives satisfactory proof of inspection from an owner designated by the director pursuant to paragraph 461.4(1)*"a,"* the director will issue a certificate of compliance.

461.5(3) After covered equipment passes a major-modification inspection, a new amusement inspection sticker will be issued.

461.5(4) Before covered equipment is sold, the seller will remove the amusement inspection sticker. If a current amusement inspection sticker is no longer legible, the operator may request a replacement sticker.

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481—461.6(88A,252J,272D) Termination, denial, suspension, or revocation of an operating permit.

461.6(1) All active application certificates terminate automatically on December 31 of the year of issuance.

461.6(2) The director may suspend or revoke an application certificate for any of the following reasons:

a. Negligence in the operation of covered equipment;

b. Repeated failure to perform or document proper daily inspections;

c. Misrepresentation of material information required as a part of the application certificate;

d. Failure to comply with a safety order or cessation order issued by the director;

e. Operation of covered equipment in disregard of public health, safety and welfare;

f. Termination of the required insurance coverage;

g. Failure to pay a liquidated debt owed to the director;

h. Receipt by the director of a certificate of noncompliance;

i. Failure of an operator to comply with the proper procedures;

j. Failure of an operator to provide an adequate number of properly trained and qualified attendants; or

k. Submission of a false affidavit of annual inspection by the owner of an air-supported structure.

461.6(3) The director may deny an application if the application packet is inadequate or for any reason set forth as grounds for suspension or revocation of an application certificate.

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481—461.7(17A,88A,252J,272D) Procedures for revocation, suspension, or denial of an application certificate or amusement inspection sticker. The procedures set forth in this rule govern the revocation, suspension or denial of an application certificate or amusement inspection sticker.

461.7(1) In the event that immediate action is required due to imminent danger to the public health, safety or welfare, the following procedures shall apply:

a. The director will prepare a safety order describing the hazardous condition and give the operator, or the operator's representative on site, a copy of the safety order.

b. The director will remove the amusement inspection sticker or stickers from covered equipment.

c. The director will proceed as quickly as feasible to give the operator an opportunity for a hearing as set forth in subrule 462.7(2).

461.7(2) In all other cases, the following procedures shall apply:

a. The director will serve a notice by restricted certified mail to the address listed on the application or by other service as permitted by Iowa Code chapter 17A.

b. The operator will have 20 days to file a written notice of contest with the director. If the operator does not file a written notice of contest within 20 days of receipt of the notice, the action stated in the notice is automatically effective.

c. Hearing procedures of the department of inspections, appeals, and licensing will govern.

d. Within five business days of final agency action revoking or suspending an application certificate, the operator shall forfeit the application certificate to the director.

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These rules are intended to implement Iowa Code chapters 17A, 88A, 252J, and 272D.

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