

875—61.2(88A) Administration.

61.2(1) Authorization. Commissioner or representative, upon presenting credentials to the operator, is authorized:

a. To enter without delay and at reasonable times any establishment, assembly area or other area where amusement rides, amusement devices and concession booths are stored, being assembled, are in use, being manufactured or being modified.

b. To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and within a reasonable manner, any such place of amusement, and to question privately any operator or employee.

61.2(2) Application for permit to operate. Before operation each year the operator of a ride or device shall apply to the commissioner for a permit to operate amusement rides, amusement devices or concession booths in this state for the forthcoming year as prescribed in the Act. The application shall be made upon forms to be furnished by the commissioner. The application shall be accompanied by the permit fee as set by statute and a certificate of insurance indicating that the owner has obtained insurance in the amount conforming to Iowa Code section 88A.9. As early as possible before operation each year, the owner shall submit to the commissioner a notice of the owner's routing schedule, identifying the rides, devices and booths to be operated and the dates and locations where they will be used. Notice of cancellation of location dates, previously unscheduled dates or emergency dates shall be forwarded to the commissioner immediately by telephone or other means of immediate communication and confirmed in writing. Upon receipt of the application for permit and notice of routing schedule, an inspector will be assigned to make the required annual inspection. When an emergency booking makes the first of May application impossible, the owner shall notify the commissioner of the booking by telephone or other means of immediate communication and confirm this notice in writing. The commissioner may schedule and arrange for inspection of the rides and devices and the issuance of a permit to operate as will best serve the needs of the public, owner and the orderly administration of the Act and these rules.

61.2(3) Annual inspection and permit to operate. No person shall operate an amusement ride, amusement device or concession booth unless it has been inspected and a permit to operate has been issued. All permits to operate expire on December 31 of the year issued.

a. An amusement ride, amusement device or concession booth operating in this state shall be subjected to a thorough inspection and tests as required by the Act. The scope of these tests and inspections and the manner and method of their execution shall be established by the commissioner. To confirm that a ride, device or booth conforms to these rules, the results of an inspection will be recorded by the inspector upon forms furnished by, and filed with, the commissioner.

b. Upon receipt of the inspection fee(s) as set by statute, inspection forms and certification that the ride, device or booth met the safety standards, the commissioner shall issue a permit to operate the ride, device or booth which has been inspected. The fee and inspection are on a per ride, device or booth basis.

c. No person shall operate a new ride, device or booth which has undergone major alteration until it has been inspected.

d. After a ride, booth, or device has passed inspection, the commissioner shall issue an identification symbol which shall be affixed to a basic part of the ride, device or booth in such a manner as to be readily accessible to the inspector. If a ride, device or booth is rebuilt or has undergone major alteration it shall be reinspected, upon passing inspection, a new identification symbol will be issued. If a ride or device is sold or undergoes major alteration, the symbol shall be obliterated. If an identification symbol is mutilated so that it is no longer legible, the operator shall notify the commissioner and a replacement shall be issued.

61.2(4) Revocation of permit to operate. The commissioner may suspend or revoke the permit to operate of an operator for gross negligence, repeated disregard of daily inspection standards, misrepresentation of material information required as a part of the application for permit to operate, failure to comply with a safety order issued by the commissioner or authorized representative, conduct in the operation of a carnival or an amusement park in derogation or disregard of public safety and

welfare, lapsing of the required insurance coverage, or failure to pay fees that are required under the provisions of the Act and these rules.

61.2(5) *Daily inspections.* The amusement rides, amusement devices and concession booths shall be inspected on each day they are intended to be used. This inspection shall be made by an operator. Results of these daily inspections shall be recorded in the manner prescribed by or on forms provided by the division and certified by an operator. The record of daily inspections shall be kept on file by the operator and made available upon request by the commissioner. An operator shall not knowingly use, or permit to be used, a ride or device which is not properly assembled or which is defective or unsafe in any of its parts, controls or safety equipment.

61.2(6) *Personal injuries and deaths.* An operator shall report in writing to the commissioner an accident resulting in injury to any person within 48 hours after occurrence of the incident. The report of an accident shall be a duplicate copy of the report submitted to insurance companies. The operator shall immediately report by telephone any accident in which a fatality occurs or a person suffers a fracture, concussion, laceration or other traumatic injury requiring immediate surgical or medical care. The commissioner, after consultation with the operator and determination, may require that the scene of such an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured persons. If a ride is removed from service by the commissioner, the commissioner shall order an immediate investigation and the ride or device shall be released for repair and operation only after complete investigation.

61.2(7) *Mechanical failure reports.* The operator shall immediately report to the commissioner a major breakdown after occurrence of the incident by telephone or other media of immediate communication. The operator shall confirm this report in writing within 48 hours on the form provided by the division. Upon being advised of such an incident, the commissioner or authorized agent, after reviewing the circumstances, may order the ride or device to be withheld from operation, and in such cases the commissioner shall conduct an immediate investigation. The ride or device shall be released for repair and operation only after the complete investigation by the commissioner.

61.2(8) *Safety order.* If an inspector finds a condition on the equipment which does not comply with the rules, the inspector will issue a safety order requiring that the condition be corrected within a time limit. This time limit will be established at the time of the inspection by agreement between the commissioner and the operator. Although a time limit may be established for the completion of the work required under the safety order, this work should be done as quickly as possible. As soon as the work is finished the safety order shall be signed and mailed to the commissioner. If the order is not returned within the established time limit or the commissioner is not informed of the reason why the time limit cannot be met, an inspector will be assigned to investigate the situation and take steps necessary to enforce compliance with the order. If a carnival amusement unit should leave the state before complying with the order and the certification of compliance is not mailed, a permit to operate in a subsequent season shall not be issued until it is determined that all provisions of previous orders have been completed. Failure to comply with a safety order may result in revocation of the operator's permit to operate in the state or prosecution for violation of the Act. In a situation where an inspector discovers a condition which is a direct and immediate severe hazard to health or a direct and immediate danger to life, an inspector shall issue a safety order to stop the operation of an amusement ride, amusement device or concession booth immediately. The inspector shall notify the commissioner of the action taken, and the operator shall eliminate the cause of hazard prior to restarting the operation. In the case where a safety order to stop is justified by an associated mechanical failure report submitted by a separate operator, the commissioner shall make an emergency inspection or issue a recommended mechanical repair as soon as possible.

61.2(9) *Receipt and disbursement.* Revenue from permits, annual inspections, reinspections or for any other services or requirements prescribed by the Act or the rules shall be paid to the division. Checks for these fees shall be made payable to Division of Labor Services and mailed to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319.