

Substituted for By SF2383
4-6-98 (P. 1292)

3/19/98 Unfinished Business
Calendar

FEB 27 1998

Place On Calendar

HOUSE FILE

2491

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 599)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

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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HF 2491

TLSB 3633HV 77

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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 minor rider.

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

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

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

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

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

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

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

35 1. A rider or the rider's parent or guardian shall report

1 in writing to the operator or the operator's designee any
2 injury sustained on an amusement ride before leaving the
3 operator's premises. The report shall include all of the
4 following information:

5 a. The name, address, and phone number of the injured
6 person.

7 b. A brief description of the incident, the injury
8 claimed, and the location, date, and time of the injury.

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

10 d. The name, address, and phone number of any witness to
11 the incident.

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

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

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

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

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

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

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

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

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

35 (6) Using the controls of an amusement ride designed

1 solely to be operated by the operator.

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

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

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

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

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

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

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

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

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

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

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

33 1. An operator shall display signs indicating the
34 applicable rider safety responsibilities provided in section
35 88A.15 and the location of stations to report injuries. The

1 signs must be located in all of the following locations:

2 a. Each station for reporting an injury.

3 b. Each first aid station.

4 c. Any of the following locations:

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

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

12 (3) Every amusement ride.

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

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

18 (1) Operational instructions.

19 (2) Safety guidelines for riders.

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

21 (4) Behavior or activities that are prohibited.

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

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

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

32 Sec. 7. EFFECTIVE DATE. This bill shall take effect on
33 January 1, 1999.

34 EXPLANATION

35 This bill amends Code chapter 88A to include provisions

1 related to amusement ride rider safety.

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

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

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

31 The bill provides that a person failing to obey a safety-
32 related requirement listed on a sign displayed at an amusement
33 ride is guilty of a simple misdemeanor.

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

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HOUSE FILE 2491

H-8338

1 Amend House File 2491 as follows:

- 2 1. Page 1, line 5, by striking the words "minor
- 3 rider" and inserting the following: "rider who is a
- 4 minor or person with a disability".
- 5 2. Page 1, by striking lines 32 through 33 and
- 6 inserting the following: "ride pursuant to section
- 7 88A.16, subsection 2, is subject to a civil penalty of
- 8 one hundred dollars."
- 9 3. Page 2, line 1, by inserting after the word
- 10 "designee" the following: ", on forms provided by the
- 11 operator or the operator's designee,".
- 12 4. Page 4, line 5, by striking the word "four"
- 13 and inserting the following: "two".
- 14 5. Page 4, line 6, by inserting after the word
- 15 "exit" the following: "most commonly used by riders".
- 16 6. Page 4, line 27, by striking the words "or
- 17 imprisonment".

By VAN FOSSEN of Scott

H-8338 FILED MARCH 11, 1998

Adopted 4-6-98 (P. 1292)

HOUSE FILE 2491

H-8219

1 Amend House File 2491 as follows:

- 2 1. Page 1, by striking lines 32 and 33 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 27, by striking the words "or
- 7 imprisonment".

By LAMBERTI of Polk

H-8219 FILED MARCH 4, 1998

W/D 4/6/98 (P. 1292)

Van Tasson, Chair

Jacobs
Cataldo

HSB 599

STATE GOVERNMENT

SL By
SF (249)

HOUSE FILE

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MARTIN)

Passed House, Date _____ Passed Senate, 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.

22 Sec. 2. Section 88A.1, subsection 2, Code 1997, is amended
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
11 reported as soon as reasonably possible. The bill requires
12 riders to obey the reasonable safety rules posted and oral
13 instructions given and requires riders to refrain from acting
14 in any manner that may cause or contribute to injuring the
15 rider or others. The bill requires that a rider not get on an
16 amusement ride unless the rider has sufficient knowledge of
17 the safe use of the ride, understands warnings and
18 restrictions, knows the limits of the rider's abilities, is
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.

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

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

35 The bill provides that a person failing to obey a safety-

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1 related requirement listed on a sign displayed at an amusement
2 ride is guilty of a simple misdemeanor.

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