

# House Study Bill 599

## Bill Text

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1 1 Section 1. Section [88A.1](#), Code 1997, is amended by adding  
1 2 the following new subsections:

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

1 6 NEW SUBSECTION. 8A. "Parent or guardian" means a parent,  
1 7 custodian, or guardian responsible for the control, safety,  
1 8 training, or education of a minor rider.

1 9 NEW SUBSECTION. 9A. "Rider" means a person waiting in the  
1 10 immediate vicinity of an amusement ride to get on the  
1 11 amusement ride, getting on an amusement ride, using an  
1 12 amusement ride, getting off an amusement ride, or leaving an  
1 13 amusement ride and still in the immediate vicinity of the  
1 14 amusement ride. "Rider" does not include an employee, agent,  
1 15 or servant of the amusement owner while engaged in the duties  
1 16 of their employment.

1 17 NEW SUBSECTION. 9B. "Sign" means any symbol or language  
1 18 reasonably calculated to communicate information to a rider or  
1 19 the rider's parent or guardian, including placards,  
1 20 prerecorded messages, live public address, stickers, pictures,  
1 21 pictograms, video, verbal information, and visual signals.

1 22 Sec. 2. Section [88A.1](#), subsection 2, Code 1997, is amended  
1 23 to read as follows:

1 24 2. "Amusement ride" means any mechanized device,

~~or~~

1 25 combination of devices, or structure which includes such  
1 26 device or devices which carries passengers along, around, or  
1 27 over a fixed or restricted course for the purpose of giving  
1 28 its passengers amusement, pleasure, thrills, or excitement.  
1 29 "Amusement ride" does not include a device or structure that  
1 30 is devoted principally to exhibitions related to agriculture,  
1 31 the arts, education, industry, religion, or science.

1 32 Sec. 3. Section [88A.10](#), Code 1997, is amended by adding  
1 33 the following new subsection:

1 34 NEW SUBSECTION. 3. A person who fails to obey a safety  
1 35 related requirement listed on a sign displayed at an amusement  
2 1 ride pursuant to section [88A.16](#), subsection 2, is guilty of a  
2 2 simple misdemeanor.

2 3 Sec. 4. NEW SECTION. 88A.15 RIDER SAFETY.

2 4 1. A rider or the rider's parent or guardian shall report  
2 5 in writing to the amusement owner or the amusement owner's  
2 6 designee any injury sustained on an amusement ride before  
2 7 leaving the amusement owner's premises. The report shall  
2 8 include all of the following information:

2 9 a. The name, address, and phone number of the injured  
2 10 person.

2 11 b. A brief description of the incident, the injury  
2 12 claimed, and the location, date, and time of the injury.

2 13 c. The cause of the injury, if known.

2 14 d. The name, address, and phone number of any witness to  
2 15 the incident.

2 16 2. If the rider or the rider's parent or guardian is  
2 17 unable to file a report because of the severity of the rider's  
2 18 injuries, the rider or the rider's parent or guardian shall

2 19 file the report as soon as reasonably possible. The failure  
2 20 of a rider or the rider's parent or guardian to report an  
2 21 injury under this section does not affect the rider's right to  
2 22 commence a civil action related to the incident.

2 23 3. A rider shall, at a minimum, do all of the following:

2 24 a. Obey the reasonable safety rules posted in accordance  
2 25 with this chapter and oral instructions for an amusement ride  
2 26 issued by the amusement owner or the amusement owner's  
2 27 employee or agent, unless the safety rules or oral  
2 28 instructions are contrary to the safety rules of this chapter.

2 29 b. Refrain from acting in any manner that may cause or  
2 30 contribute to injuring the rider or others, including all of  
2 31 the following:

2 32 (1) Exceeding the limits of the rider's ability.

2 33 (2) Interfering with safety devices that are provided.

2 34 (3) Failing to engage safety devices that are provided.

2 35 (4) Disconnecting or disabling a safety device except at  
3 1 the express instruction of the operator.

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

3 4 (6) Using the controls of an amusement ride designed  
3 5 solely to be operated by the operator.

3 6 (7) Extending arms and legs beyond the carrier or seating  
3 7 area except at the express direction of the operator.

3 8 (8) Throwing, dropping, or expelling an object from or  
3 9 toward an amusement ride except as permitted by the operator.

3 10 (9) Getting on or off an amusement ride except at the  
3 11 designated time and area, if any, at the direction of the  
3 12 operator or in an emergency.

3 13 (10) Not reasonably controlling the speed or direction of  
3 14 the rider's person or an amusement ride that requires the  
3 15 rider to control or direct the rider's person or a device.

3 16 4. A rider shall not get on or attempt to get on an  
3 17 amusement ride unless the rider or the rider's parent or  
3 18 guardian reasonably determines that, at a minimum, the rider  
3 19 meets all of the following criteria:

3 20 a. Has sufficient knowledge to use, get on, and get off  
3 21 the amusement ride safely without instruction or has requested  
3 22 and received sufficient information to get on, use, and get  
3 23 off the amusement ride safely prior to getting on the  
3 24 amusement ride.

3 25 b. Has located, read, and understood any signs in the  
3 26 vicinity of the amusement ride and meets any posted height,  
3 27 medical, or other requirements.

3 28 c. Knows the range and limits of the rider's ability and  
3 29 knows the requirements of the amusement ride will not exceed  
3 30 those limits.

3 31 d. Is not under the influence of alcohol or any drug that  
3 32 affects the rider's ability to safely use the amusement ride  
3 33 or obey the posted rules or oral instructions.

3 34 e. Is authorized by the amusement owner or the amusement  
3 35 owner's employee, agent, or servant to get on the amusement  
4 1 ride.

4 2 Sec. 5. NEW SECTION. 88A.16 NOTICE TO RIDERS.

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

4 7 a. Each station for reporting an injury.

4 8 b. Each first aid station.

4 9 c. Any of the following locations:

4 10 (1) At least four other locations on the premises,  
4 11 including any premises entrance or exit, if there are no more  
4 12 than four entrances or exits for riders.

4 13 (2) At least four other locations on the premises,  
4 14 including the four premises entrances and exits most commonly  
4 15 used by riders, if there are more than four entrances and

4 16 exits for riders.  
4 17 (3) Every amusement ride.  
4 18 2. An amusement owner shall post a sign at each amusement  
4 19 ride. Any sign required by this subsection must be  
4 20 prominently displayed at a conspicuous location, clearly  
4 21 visible to the public, and bold and legible in design. The  
4 22 sign must include all of the following that apply:  
4 23 (1) Operational instructions.  
4 24 (2) Safety guidelines for riders.  
4 25 (3) Restrictions on the use of the amusement ride.  
4 26 (4) Behavior or activities that are prohibited.  
4 27 (5) A legend providing that, "State law requires riders to  
4 28 obey all warnings and directions for this amusement ride and  
4 29 behave in a manner that will not cause or contribute to the  
4 30 injury of themselves or others. Riders must report injuries  
4 31 prior to leaving the premises. Failure to comply is  
4 32 punishable by fine or imprisonment."

4 33 Sec. 6. NEW SECTION. 88A.17 CONSTRUCTION.  
4 34 Sections 88A.15 and 88A.16 shall not be construed to  
4 35 preclude a criminal prosecution or civil action available  
5 1 under any other provision of law.

5 2 EXPLANATION  
5 3 This bill amends Code chapter 88A to include provisions  
5 4 related to amusement ride rider safety.  
5 5 The bill provides that an amusement ride rider or the  
5 6 rider's parent or guardian shall report in writing to the  
5 7 amusement owner any injury sustained by the amusement rider  
5 8 before leaving the amusement owner's premises. If the rider  
5 9 or the rider's parent or guardian is unable to report the  
5 10 injury due to the severity of the injury, the injury must be  
5 11 reported as soon as reasonably possible. The bill requires  
5 12 riders to obey the reasonable safety rules posted and oral  
5 13 instructions given and requires riders to refrain from acting  
5 14 in any manner that may cause or contribute to injuring the  
5 15 rider or others. The bill requires that a rider not get on an  
5 16 amusement ride unless the rider has sufficient knowledge of  
5 17 the safe use of the ride, understands warnings and  
5 18 restrictions, knows the limits of the rider's abilities, is  
5 19 not under the influence of alcohol or any drug, and is  
5 20 authorized by the amusement owner, employee, agent, or servant  
5 21 to get on the ride.

5 22 The bill requires amusement owners to display signs  
5 23 indicating the applicable rider safety responsibilities and  
5 24 the location of the stations to report injuries. The bill  
5 25 provides locations where these signs must be located. The  
5 26 bill requires an amusement owner to post a sign at each  
5 27 amusement ride which states the operation instructions of the  
5 28 ride, safety guidelines for riders, restrictions on the use of  
5 29 the ride, behavior and activities that are prohibited, and a  
5 30 warning requiring compliance with the rules and restrictions.

5 31 The bill provides that amusement ride rider safety Code  
5 32 sections shall not be construed to preclude a criminal  
5 33 prosecution or civil action available under any other Code  
5 34 section.

5 35 The bill provides that a person failing to obey a safety-  
6 1 related requirement listed on a sign displayed at an amusement  
6 2 ride is guilty of a simple misdemeanor.

6 3 LSB 3633HC 77

6 4 tm/jl/8