

Senate Study Bill 2103

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.

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