

4 tory rights, duties, or liabilities of employers and employees under  
5 any law with respect to injuries, diseases, or death of employees  
6 arising out of, or in the course of, employment.

1 SEC. 22. **Severability.** If any provision of this Act, or the appli-  
2 cation of such provision to any person or circumstance, shall be held  
3 invalid, the remainder of this Act, or the application of such provi-  
4 sions to persons or circumstances other than those as to which it is  
5 held invalid, shall not be affected thereby.

1 SEC. 23. There is appropriated from the general fund of the state  
2 of Iowa to the Iowa bureau of labor for the fiscal year beginning July  
3 1, 1972 and ending June 30, 1973, an additional sum of forty-one  
4 thousand four hundred forty (41,440) dollars, or so much thereof  
5 as may be necessary, to carry out the provisions of this Act.

1 SEC. 24. There is appropriated from the general fund of the state  
2 of Iowa to the occupational safety and health review commission for  
3 the fiscal year beginning July 1, 1972, and ending June 30, 1973, a  
4 sum of fourteen thousand six hundred fifty (14,650) dollars, or so  
5 much thereof as may be necessary, to carry out the provisions of this  
6 Act.

Approved April 20, 1972.

## CHAPTER 1029

### SAFETY INSPECTION OF AMUSEMENT RIDES

#### H. F. 1001

AN ACT relating to the safety inspection and regulation of amusement rides, devices, and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. As used in this Act, unless the context otherwise  
2 requires:

3 1. "Commissioner" means the labor commissioner or his designee.

4 2. "Bureau" means bureau of labor.

5 3. "Amusement device" means any equipment or piece of equip-  
6 ment, appliance or combination thereof designed or intended to enter-  
7 tain or amuse a person.

8 4. "Amusement ride" means any mechanized device or combination  
9 of devices which carries passengers along, around, or over a fixed  
10 or restricted course for the purpose of giving its passengers amuse-  
11 ment, pleasure, thrills, or excitement.

12 5. "Carnival" means an enterprise offering amusement or enter-  
13 tainment to the public in, upon, or by means of amusement devices  
14 or rides or concession booths.

15 6. "Fair" means an enterprise principally devoted to the exhibition  
16 of products of agriculture or industry in connection with the opera-  
17 tion of amusement rides or devices or concession booths.

18 7. "Concession booth" means a structure, or enclosure, located at  
19 a fair or carnival from which amusements are offered to the public.

20 8. "Related electrical equipment" means any electrical apparatus  
21 or wiring used at a carnival or fair.

22 9. "Operator" means a person, or the agent of a person, who owns  
23 or controls or has the duty to control the operation of an amusement  
24 device or ride, a concession booth, or related electrical equipment at  
25 a carnival or fair. "Operator" includes an agency of the state or any  
26 of its political subdivisions.

1 SEC. 2. No amusement device or ride, concession booth, or any  
2 related electrical equipment shall be operated at a carnival or fair  
3 in this state without a permit having been issued by the commissioner  
4 to an operator of such equipment. On or before the first of May of  
5 each year, any person required to obtain a permit by this Act shall  
6 apply to the bureau for a permit on a form furnished by the commis-  
7 sioner which form shall contain such information as the commis-  
8 sioner may require. The commissioner may waive the requirement  
9 that an application for a permit must be filed on or before the first  
10 of May of each year if the applicant gives satisfactory proof to the  
11 commissioner that he could not reasonably comply with the date  
12 requirement and if the applicant immediately applies for a permit  
13 after the need for a permit is first determined. For the purpose of  
14 determining if an amusement ride, amusement device, concession  
15 booth, or any related electrical equipment is in safe operating condi-  
16 tion and will provide protection to the public using such ride, device,  
17 booth, or related electrical equipment, each amusement ride, amuse-  
18 ment device, concession booth, or related electrical equipment shall  
19 be inspected by the commissioner before it is initially placed in  
20 operation in this state, and shall thereafter be inspected at least once  
21 each year.

22 If, after inspection, an amusement device or ride, concession booth,  
23 or related electrical equipment is found to comply with the rules and  
24 regulations adopted under this Act, the commissioner shall, upon  
25 payment of the permit fee and the inspection fee, permit the opera-  
26 tion of the amusement device or ride or concession booth or to use  
27 any related electrical equipment.

28 If, after inspection, additions or alterations are contemplated which  
29 change a structure, mechanism, classification or capacity, the operator  
30 shall notify the commissioner of his intentions in writing and provide  
31 any plans or diagrams requested by the commissioner.

1 SEC. 3. The commissioner shall adopt and issue rules and regula-  
2 tions for the safe installation, repair, maintenance, use, operation, and  
3 inspection of amusement devices, amusement rides, concession booths,  
4 and related electrical equipment at carnivals and fairs to the extent  
5 necessary for the protection of the public. The rules and regulations  
6 shall be based upon generally accepted engineering standards and  
7 shall be concerned with, but not necessarily limited to, engineering  
8 force stresses, safety devices, and preventive maintenance. Whenever  
9 such standards are available in suitable form they may be incorporated  
10 by reference. The rules and regulations shall provide for the reporting  
11 of accidents and injuries incurred from the operation of amusement  
12 devices or rides, concession booths, or related electrical equipment.

13 The commissioner may modify or repeal any rule or regulation  
14 adopted under the provisions of this Act.

15 Before adopting, modifying or amending any rule or regulation  
16 consistent with and necessary for the enforcement of this chapter,  
17 the commissioner shall hold a public hearing on the proposed regula-  
18 tion, modification or amendment to a rule or regulation. Any inter-  
19 ested person may appear and be heard at the hearing, in person or  
20 by agent or counsel. The commissioner shall give the news media  
21 notice of each hearing at least thirty days in advance of the hearing  
22 date and shall make available a copy of the proposed rule or regula-  
23 tion, or modification or amendment to a rule or regulation to any  
24 person requesting same. The provisions of this section are in addition  
25 to the requirements of chapter seventeen A (17A) of the Code.

1 SEC. 4.

2 1. The permit fee shall be five dollars per annum.

3 2. The commissioner shall specify by rule, subject to chapter seven-  
4 teen A (17A) of the Code, an annual inspection fee which shall not  
5 exceed the actual cost of inspection or ten dollars per amusement  
6 device, ride, concession booth, or related electrical equipment in-  
7 spected, whichever sum is less. The commissioner may charge the  
8 same inspection fee as determined under this subsection for each in-  
9 spection requested by a permittee.

1 SEC. 5. There is created in the state treasury an amusement  
2 inspection fund, the proceeds of which are to be used by the bureau  
3 solely to carry out the provisions of this Act.

4 There is appropriated from the general fund of the state to the  
5 amusement inspection fund the sum of thirty-seven thousand (37,000)  
6 dollars or so much thereof as may be necessary, to be used by the  
7 bureau of labor to carry out the provisions of this Act. On January  
8 1, 1973, the sum of thirty-seven thousand (37,000) dollars shall revert  
9 from the amusement inspection fund to the general fund of the state.

10 All permit and inspection fees collected by the bureau under the  
11 provisions of this Act shall be transmitted to the treasurer of state  
12 and credited by him to the amusement inspection fund.

1 SEC. 6. The commissioner may employ inspectors and any other  
2 personnel deemed necessary to carry out the provisions of this Act,  
3 subject to the provisions of chapter nineteen A (19A) of the Code.

1 SEC. 7. The commissioner may order, in writing, a temporary  
2 cessation of operation of any amusement device or ride, concession  
3 booth, or related electrical equipment if it has been determined after  
4 inspection to be hazardous or unsafe. Operation of the amusement  
5 device or ride, concession booth or related electrical equipment shall  
6 not resume until the unsafe or hazardous condition is corrected to the  
7 satisfaction of the commissioner.

1 SEC. 8. Any person aggrieved by an order of the commissioner  
2 may appeal the order to the district court.

1 SEC. 9. No person shall be issued a permit under this Act unless  
2 he first obtains an insurance policy in an amount of not less than one  
3 hundred thousand dollars for bodily injury to or death of one person  
4 in any one accident, and, subject to the limit for one person, in an

5 amount of not less than three hundred thousand dollars for bodily in-  
 6 jury to or death of two or more persons in any one accident, and in an  
 7 amount of not less than five thousand dollars for injury to or destruc-  
 8 tion of property of others in any one accident, insuring the operator  
 9 against liability for injury or death suffered by a person attending a  
 10 fair or carnival.

1 SEC. 10.

2 1. Any person who operates an amusement device or ride, con-  
 3 cession booth or related electrical equipment at a carnival or fair  
 4 without having obtained a permit from the commissioner or who vio-  
 5 lates any order, rule or regulation issued by the commissioner under  
 6 this Act is guilty of a misdemeanor and, upon conviction, shall be  
 7 subject to imprisonment in the county jail for not more than one year,  
 8 or be subject to a fine not to exceed ten thousand dollars, or be subject  
 9 to both such imprisonment and fine.

10 2. Any person who interferes with, impedes, or obstructs in any  
 11 manner the commissioner or any authorized representative of the  
 12 bureau in the performance of his duties under this Act is guilty of a  
 13 misdemeanor. Any person who bribes or attempts to bribe the com-  
 14 missioner or his designee shall be subject to section seven hundred  
 15 thirty-nine point one (739.1) of the Code.

1 SEC. 11. The following amusement devices or rides or concession  
 2 booths are exempt from the provisions of this Act:

3 1. Nonmechanized playground equipment including, but not limited  
 4 to, swings, seesaws, stationary spring-mounted animal features, rider-  
 5 propelled merry-go-rounds, climbers, slides, trampolines, swinging  
 6 gates and physical fitness devices except where an admission fee is  
 7 charged for usage or an admission fee is charged to areas where such  
 8 equipment is located.

9 2. A concession booth, amusement device or ride which is owned and  
 10 operated by a nonprofit religious, educational or charitable institution  
 11 or association if such booth, device or ride is located within a building  
 12 subject to inspection by the state fire marshal or by any political sub-  
 13 divisions of the state under its building, fire, electrical, and related  
 14 public safety ordinances.

15 3. The commissioner may exempt amusement devices from the  
 16 provisions of this Act that have self-contained wiring installed by the  
 17 manufacturer, that are operated manually by the use of hands or feet,  
 18 that operate on less than one hundred twenty volts of electrical power,  
 19 and that are fixtures within or part of a structure subject to the build-  
 20 ing code of this state or any political subdivision of this state.

21 4. The commissioner may exempt playground equipment owned,  
 22 maintained, and operated by any political subdivision of this state.

1 SEC. 12. Nothing contained in this Act shall prevent any political  
 2 subdivision of this state from licensing or regulating any amusement  
 3 ride or device, concession booth, electrical equipment, carnival, or cir-  
 4 cus as otherwise provided by law.

1 SEC. 13. The commissioner may waive the requirement that an  
 2 amusement device or ride or any part thereof be inspected before  
 3 being operated in this state if an operator gives satisfactory proof to  
 4 the commissioner that the amusement device or ride or any part

5 thereof has passed an inspection conducted by a public or private  
6 agency whose inspection standards and requirements are at least equal  
7 to those requirements and standards established by the commissioner  
8 under the provisions of this Act. The annual permit and inspection  
9 fees shall be paid before the commissioner may waive this require-  
10 ment.

1 SEC. 14. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Lee  
3 Town News, a newspaper published in Des Moines, Iowa, and in The  
4 Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved April 20, 1972.

I hereby certify that the foregoing Act, House File 1001, was published in the Lee Town News, Des Moines, Iowa, May 4, 1972, and in The Daily Gate City, Keokuk, Iowa, May 5, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1030 STATE BUILDING CODE

### H. F. 6

AN ACT to establish a state building code, provide for its administration, provide for the setting of fees, and provide a penalty for violation of the code or orders issued thereunder.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Establishment.** This Act shall be known as the "State  
2 Building Code Act".

1 SEC. 2. **Statement of policy.** It is found and declared that some  
2 governmental subdivisions do not have building codes and that the  
3 building codes which do exist in the governmental subdivisions of this  
4 state, as enacted and applied, are not uniform and impede the utiliza-  
5 tion of new and improved technology, techniques, methods, and mate-  
6 rials in the manufacture and construction of buildings and structures.

7 Therefore, it is the policy of the state of Iowa to insure the health,  
8 safety, and welfare of its citizens through the promulgation and en-  
9 forcement of a state building code.

1 SEC. 3. **Definitions.** As used in this Act, unless the context other-  
2 wise requires:

3 1. "Commissioner" means the state building code commissioner  
4 created by this Act.

5 2. "Council" means the state building code advisory council created  
6 by this Act.

7 3. "Board of review" or "board" means the state building code  
8 board of review created by this Act.

9 4. "Governmental subdivision" means any city, town, county, or  
10 combination thereof.