

CHAPTER 95—S.F.No. 1370

An act relating to amusement rides; modifying provisions regulating amusement rides; defining terms; amending Minnesota Statutes 2006, sections 184B.01, subdivision 4, by adding subdivisions; 184B.02; 184B.03; 184B.05; 184B.07; proposing coding for new law in Minnesota Statutes, chapter 184B; repealing Minnesota Statutes 2006, section 184B.06.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision to read:

Subd. 2a. **Certified amusement ride inspector.** "Certified amusement ride inspector" means an individual who holds one or more of the following current certifications:

(1) a Level II Amusement Ride and Device Inspector certification issued by the National Association of Amusement Ride Safety Officials (NAARSO);

(2) a Level III Amusement Ride and Device Inspector certification issued by the National Association of Amusement Ride Safety Officials (NAARSO);

(3) a Level II Certified Maintenance Technician certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International;

(4) a Level III Certified Maintenance Professional certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International;

(5) a Level II Certified Operations Technician certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International; or

(6) a Level III Certified Operations Professional certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International.

Sec. 2. Minnesota Statutes 2006, section 184B.01, subdivision 4, is amended to read:

Subd. 4. **Operator.** "Operator" means ~~a person who owns an amusement ride~~ the individual having direct control of the starting, stopping, or speed control of an amusement ride.

Sec. 3. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision to read:

Subd. 5. **Owner.** "Owner" means a person who owns, leases, or manages the operation of an amusement ride.

Sec. 4. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision to read:

Subd. 6. **Rider.** (a) "Rider" means an individual who is in the immediate vicinity of an amusement ride, including an individual:

- (1) waiting in the immediate vicinity of an amusement ride;
 - (2) getting on an amusement ride;
 - (3) on an amusement ride before, during, and after its operation;
 - (4) getting off an amusement ride; or
 - (5) leaving or approaching an amusement ride and in its immediate vicinity.
- (b) "Rider" does not include:

(1) any operator while operating the amusement ride or any employees, agents, or servants of an operator while engaged in the duties of employment; or

(2) any owner or any employees, agents, or servants of an owner while engaged in the duties of employment.

Sec. 5. Minnesota Statutes 2006, section 184B.02, is amended to read:

184B.02 INSURANCE REQUIREMENTS.

An operator must have an insurance policy in force written by an insurance company authorized to do business in this state, in an amount of not less than \$1,000,000 per occurrence, insuring the operator against liability for injury to persons arising out of the use of an amusement ride. No person shall operate an amusement ride unless there is an insurance policy in force, written by an insurance company authorized to do business in this state, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, insuring all owners against liability for injury to a rider in connection with the amusement ride. Before an amusement ride is operated, an owner of the amusement ride must file with each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders a copy of the insurance policy or a certificate stating that the insurance required by this section is in effect.

The copy of the insurance policy, insurance certificate, or attached schedule shall identify each amusement ride included in the coverage by name, manufacturer, and serial number.

An owner of the amusement ride, or the State Agricultural Society on its behalf, must file with the commissioner a certificate stating the insurance required by this section is in effect. If the amusement ride is not operated on a continual year-round basis, an owner, or the State Agricultural Society on its behalf, must file the insurance certificate with the commissioner not later than 30 days before the first operation of the amusement ride in Minnesota in any calendar year. If the amusement ride is operated on a continual year-round basis, an owner, or the State Agricultural Society on its behalf, must file the insurance certificate with the commissioner not later than ten days after the effective date of the insurance.

Sec. 6. [184B.021] RIDE OPERATOR REQUIREMENTS.

The owner of an amusement ride must have a documented training policy for the operation of an amusement ride. The ride owner must maintain a written certification for each person controlling the physical operation of an amusement ride that the person has received the training for the ride that is required by the documented training policy.

Sec. 7. Minnesota Statutes 2006, section 184B.03, is amended to read:

184B.03 INSPECTION.

Subdivision 1. Annual inspections. ~~(a) An amusement ride must be inspected at least once annually by an insurer or a person with whom the insurer has contracted. If an inspection reveals that an amusement ride does not meet the insurer's underwriting standards, the insurer must notify the operator. An operator must not operate an amusement ride until the ride passes an insurer's inspection for all items related to safe operation of the amusement ride.~~

~~(b) The inspection required under this section must include testing consistent with current American Society for Testing and Material standards and specifications for amusement rides and devices. The inspection required by this section is in addition to any other inspection required or permitted by law.~~

~~(c) An operator must permit reasonable inspection of an amusement ride by the insurance company that insures the ride.~~

~~(d) Paragraphs (a) and (b) do not apply to amusement rides permanently located in an amusement park where the owner has a rehabilitative and preventative ride maintenance program that includes daily ride inspections for the protection of the general public and a full-time, permanent maintenance staff and has an insurance policy in force written by an insurance company authorized to do business in this state, in an amount of not less than \$50,000,000, insuring the operator against liability for injury to persons arising out of the use of an amusement ride.~~

(a) An amusement ride must be inspected at least once annually by a certified amusement ride inspector. The certified amusement ride inspector must be either:

(1) an employee of the insurance company that insures the amusement ride; or

(2) an independent inspection service provider that the insurance company or owner, or the State Agricultural Society, has contracted with, or an employee of the independent inspection service provider. If the certified amusement ride inspector is not an employee or agent of the insurance company that insures the amusement ride, then the independent inspection service provider must, before performing the inspection, provide proof of liability insurance in the amount of \$1,000,000 to the insurance company or owner, or the State Agricultural Society, with whom the independent service provider has contracted.

(b) Amusement rides that are not operated in Minnesota on a continual year-round basis must be inspected in the same calendar year and prior to July 1, or the first operation in Minnesota, whichever is later. Amusement rides that did not pass an inspection required by this section in the previous year must be inspected before being operated in Minnesota.

(c) If an inspection reveals that an amusement ride does not meet the current American Society for Testing and Materials (ASTM) Standards on Amusement Rides and Devices, F 846-92 and F 893-04, the insurer or independent inspection service provider must notify the owner of all defects.

(d) No person shall operate an amusement ride unless: (1) the amusement ride passed the most recent annual inspection required by this section; or (2) all defects identified during the most recent annual inspection have been corrected and the amusement ride passed a reinspection.

(e) All inspections and reinspections required by this section must include evaluation consistent with the current ASTM Standards on Amusement Rides and Devices, F 846-92 and F 893-04. All owners and operators must permit reasonable inspection of an amusement ride by the certified amusement ride inspector selected by the insurer or independent inspection service provider.

(f) The inspections required by this section are in addition to any other inspections required or permitted by law.

(g) Before the amusement ride is operated, an owner of an amusement ride must file with each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders an inspection affidavit attesting that the amusement ride passed the most recent inspection or reinspection required by this section. The inspection affidavit shall identify the amusement ride by name, manufacturer, and serial number, the date inspection was performed, and the inspector's name and certification number.

(h) An owner of an amusement ride, or the State Agricultural Society on its behalf, must also file the affidavit of inspection with the commissioner not later than ten days after the completion of each inspection, required by this section, that the amusement ride passes.

Subd. 2. **Daily inspections.** No person shall operate an amusement ride unless a daily inspection has been performed according to this section on the day of operation. An owner or operator of the amusement ride or certified amusement ride inspector shall perform the daily inspection before the ride is put into operation that day. The daily inspection shall be consistent with the current ASTM Standards on Amusement Rides and Devices, F 770-93. Each daily inspection shall be recorded in a daily logbook kept for each amusement ride. An owner of the amusement ride, or the State Agricultural Society on its behalf, shall maintain the record of daily inspections for a period of not less than three years, and shall make the record of daily inspections available to the commissioner upon request. An owner or operator shall not knowingly operate, or permit to be operated, an amusement ride that has not passed the most recent daily inspection.

Subd. 3. **Inspection after alteration or modification.** An amusement ride that has been modified or altered in a manner that changes its dynamics or control system from the original manufacturer's design or specification since its last annual inspection must be inspected by a certified amusement ride inspector before it may be operated.

Subd. 4. **Inspection after serious injury or illness.** An amusement ride must be inspected by a certified amusement ride inspector and approved by the commissioner before it may be operated following a serious injury or illness involving the ride. A "serious injury or illness" has the meaning given it in section 184B.045.

Subd. 5. **Availability for inspection.** The owner of an amusement ride must make the ride available for inspections at all reasonable times and places requested by the commissioner or a law enforcement agency.

Sec. 8. **[184B.045] RECORDING AND REPORTING.**

(a) An owner, or the State Agricultural Society on its behalf, shall maintain a first-aid incident report log for all rider injuries or illnesses resulting from the operation of an amusement ride, other than minor injuries or illnesses. The recorded information shall include the following:

(1) date the injury or illness occurred;

(2) name, address, and telephone number of the rider receiving emergency health care service or treatment;

(3) age of the rider;

(4) manufacturer's name and serial number of the amusement ride involved in the incident or illness;

(5) description of the injury or illness;

(6) description of the first-aid service or treatment administered; and

(7) any other pertinent information.

(b) An owner, or the State Agricultural Society on its behalf, shall maintain the first-aid incident report log for a period of not less than three years, and shall make the first-aid incident report log available to the commissioner upon request. An owner of an amusement ride, or the State Agricultural Society on its behalf, shall provide a report to the commissioner and a local law enforcement agency of any accident or incident arising from the use or operation of an amusement ride resulting in serious rider injury or illness. The accident involving the serious injury or illness must be investigated by the local law enforcement agency or the commissioner. A serious injury or illness is an injury or illness that results in death, dismemberment, disfigurement, compound fracture, or permanent loss of the use of a body organ, member, function, or system, or that requires hospital admission within 24 hours of the accident or incident.

Sec. 9. Minnesota Statutes 2006, section 184B.05, is amended to read:

184B.05 COMMISSIONER INFORMATION REQUESTS.

~~The commissioner may request from the sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public, whether or not the person is the operator, information concerning whether the insurance required by section 184B.02 is in effect on the amusement ride, and whether the inspection required by section 184B.03 has occurred. The person to whom the information request is made must respond to the commissioner within 15 days after the request is made. Each owner of an amusement ride, or the State Agricultural Society on its behalf, shall cooperate with the commissioner and shall, upon the commissioner's request, provide information to the commissioner regarding the operation of the amusement ride. When the commissioner requests information about the operation of an amusement ride, the commissioner shall identify a reasonable time limit for a response to the request.~~

Sec. 10. Minnesota Statutes 2006, section 184B.07, is amended to read:

184B.07 INJUNCTIONS.

~~A county attorney in a county in which an amusement ride is operated or, on request of the commissioner, the attorney general, may obtain an injunction or other equitable relief against an actual or threatened violation of this chapter.~~

Sec. 11. **[184B.08] OPERATOR ENFORCEMENT.**

A ride operator, owner, the State Agricultural Society, a sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders may

impose and enforce reasonable safety rules regarding the behavior of riders. An operator, owner, the State Agricultural Society, a sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders, or its agents, may prohibit a person from riding a ride or may remove a rider from a ride for violations of those rules.

Sec. 12. **[184B.09] COMMISSIONER ORDER.**

The commissioner may issue an order requiring an amusement ride operator to cease operation of a ride if the commissioner finds that a ride is unsafe to operate.

Sec. 13. **REPEALER.**

Minnesota Statutes 2006, section 184B.06, is repealed.

Sec. 14. **EFFECTIVE DATE.**

This act is effective January 1, 2008.

Presented to the governor May 17, 2007

Signed by the governor May 21, 2007, 1:46 p.m.