

## CHAPTER 184B

### AMUSEMENT RIDES

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#### 184B.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Amusement ride.** "Amusement ride" means a mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.

"Amusement ride" does not include:

(1) a coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; or

(2) nonmechanized playground equipment, including but not limited to swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, playground slides, trampolines, and physical fitness devices.

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.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry.

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

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

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.

**History:** 1992 c 382 s 1; 2007 c 95 s 1-4

## **184B.02 INSURANCE REQUIREMENTS.**

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.

**History:** 1992 c 382 s 2; 2007 c 95 s 5

## **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.

**History:** 2007 c 95 s 6

### **184B.03 INSPECTION.**

Subdivision 1. **Annual inspections.** (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.

**History:** 1992 c 382 s 3; 2007 c 95 s 7

#### **184B.04 FILING.**

An operator must file with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public:

- (1) a certificate stating that the insurance required by section 184B.02 is in effect; and
- (2) an affidavit attesting that the inspection required by section 184B.03 has been performed.

**History:** 1992 c 382 s 4

#### **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.

**History:** 2007 c 95 s 8

#### **184B.05 COMMISSIONER INFORMATION REQUESTS.**

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.

**History:** 1992 c 382 s 5; 2007 c 95 s 9

**184B.06** [Repealed, 2007 c 95 s 13]

#### **184B.07 INJUNCTIONS.**

A county attorney in a county in which an amusement ride is operated may obtain an injunction or other equitable relief against an actual or threatened violation of this chapter.

**History:** 1992 c 382 s 7; 2007 c 95 s 10

#### **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.

**History:** 2007 c 95 s 11

#### **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.

**History:** 2007 c 95 s 12

#### **184B.20 INFLATABLE AMUSEMENT EQUIPMENT.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Commercial use" means regular use of an inflatable for profit by an owner at a permanently located facility:

(1) to which the general public is invited; or

(2) which the owner makes available at that facility for private parties or other events.

"Commercial use" does not include use of an inflatable (i) at a carnival, festival, fair, private party, or similar venue at a location other than the permanently located facility, or (ii) at a facility where the use of the inflatable is incidental to the primary use of the facility.

(c) "Inflatable" means an amusement device, used to bounce or otherwise play on, that incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure.

(d) "Owner" means a person who owns, leases as lessee, or controls the operation of an inflatable for commercial use.

(e) "Person" has the meaning given in section 302A.011, subdivision 22.

(f) "Supervisor" means an individual stationed within close proximity to an inflatable during its use, for the purpose of supervising its safe use.

(g) "Trained" means that an individual has received instruction in how to supervise the safe use of inflatables in accordance with industry and ASTM standards.

Subd. 2. **Prohibition.** No owner shall provide an inflatable for commercial use in this state by others unless the owner complies with this section.

Subd. 3. **Protection against injuries from falls.** An inflatable that is in commercial use must be placed in a manner that complies with ASTM Standard F 2374.07, adopted by the American Society for Testing and Materials, including any future updates to that standard.

Subd. 4. **Supervision by trained person required.** No owner of an inflatable shall allow commercial use of the inflatable unless a trained supervisor is present in close proximity to the inflatable and is actively supervising its use. The ratio of supervisors to inflatables must comply with ASTM Standard F 2374.07, as referenced under subdivision 3.

Subd. 5. **Insurance required; waiver of liability limited.** (a) An owner of an inflatable that is subject to subdivision 2 shall maintain liability insurance covering liability for a death or injury resulting from commercial use of the inflatable with limits of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate per year. The insurance shall also include medical payments coverage of no less than \$5,000 per occurrence, which may be limited to injuries incurred while using an inflatable, including getting on or off of the inflatable. The insurance must be issued by an insurance company authorized to issue the coverage in this state by the commissioner of commerce, and must be kept in force during the entire period of registration. In the event of a policy cancellation, the insurer will send written notice to the commissioner of labor and industry at the same time that a cancellation request is received from or a notice is sent to the insured.

(b) A waiver of liability signed by or on behalf of a minor for injuries arising out of the negligence of the owner or the owner's employee or designee is void.

Subd. 6. **Registration required.** An owner of an inflatable that is subject to subdivision 2 must obtain and maintain a current registration with the commissioner of labor and industry. The registration information must include the name, address, telephone number, and e-mail address of the owner, the street address of each facility at which the owner regularly provides inflatables for commercial use in this state by others, and a current insurance certificate of coverage proving full compliance with subdivision 5. The commissioner

shall issue and renew a certificate of registration only to owners who comply with this section. The commissioner shall charge a registration fee of \$100 for a two-year registration designed to cover the cost of registration and enforcement. Fee receipts must be deposited in the state treasury and credited to the construction code fund. The registration certificate shall be issued and renewed for a two-year period. The registrant shall promptly notify the commissioner in writing of any changes in the registration information required in this subdivision.

Subd. 7. **Enforcement.** The commissioner of labor and industry shall enforce this section and may use for that purpose section 326B.082 and any powers otherwise available to the commissioner for enforcement purposes, including suspension or revocation of the person's registration and assessment of fines.

**History:** 2010 c 347 art 3 s 2