

HB352 ENGROSSED



1 CYILWW-2
2 By Representative Baker
3 RFD: Public Safety and Homeland Security
4 First Read: 20-Apr-23
5
6 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to amusement rides and water slides; to impose new safety requirements pertaining to the operation and maintenance of amusement rides and water slides.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Unless inconsistent with any other provision of this act, the following ASTM International standards are adopted by reference:

(1) F770-22, Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices.

(2) F2376-22, Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.

(3) F747-22, Standard Terminology Relating to Amusement Rides and Devices.

Section 2. For the purposes of this act, the following terms have the following meanings:

(1) AMUSEMENT RIDE. A device or combination of devices or elements that carry, convey, or direct an individual over or through a fixed or restricted course or within a defined



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29 area for the primary purpose of amusement or entertainment,
30 including, but not limited to, amusement railway rides,
31 circular rides, concession go karts, flat rides, high rides,
32 inflatable amusement devices, and kiddie rides as defined in
33 ASTM F747-22. Amusement rides shall not include aerial
34 trekking courses, canopy tours, challenge courses, fun karts,
35 race karts, ropes courses, trampoline courts, or zip lines as
36 defined in ASTM F747-22. Further, amusement rides shall not
37 include coin-operated amusement rides, courses or facilities
38 that include whitewater rafting, paddling, climbing,
39 bouldering, or biking, or nonmechanized playground equipment.

40 (2) COIN-OPERATED AMUSEMENT RIDE. A single passenger
41 coin-operated ride that is manually, mechanically, or
42 electrically operated, customarily placed in a public
43 location, and does not normally require the supervision of an
44 operator.

45 (3) INFLATABLE AMUSEMENT DEVICE. An amusement ride or
46 device designed for uses including, but not limited to,
47 bouncing, climbing, sliding, or interactive play, made of
48 flexible fabric, kept inflated by continuous air flow provided
49 by one or more blowers, and reliant upon air pressure to
50 maintain its shape. The term does not include mobile devices
51 that are offered for rent or sale to the general public.

52 (4) NONMECHANIZED PLAYGROUND EQUIPMENT. Swings,
53 seesaws, stationary spring-mounted animal features,
54 rider-propelled merry-go-rounds, climbers, playground slides,
55 physical fitness devices, and other similar items.

56 (5) OPERATOR. An individual in direct control of the



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57 starting, stopping, or speed of an amusement ride.

58 (6) OWNER. The individual, organization, or business
59 entity responsible for the maintenance and operation of an
60 amusement ride or water slide.

61 (7) QUALIFIED INSPECTOR. A professional engineer or
62 inspector who is not employed by the owner and holds at a
63 minimum a level 1 inspector certification from Amusement
64 Industry Manufacturers and Suppliers International (AIMS
65 International) or the National Association of Amusement Ride
66 Safety Officials.

67 (8) WATER SLIDE. A ride intended for use by riders in
68 bathing attire where the action of the ride involves possible
69 or purposeful immersion of the rider's body in water, either
70 in whole or in part, and which uses circulating water to
71 mobilize or lubricate the rider's transportation along a
72 pre-built path. A water slide includes slides used with or
73 without vehicles, but does not include water slides installed
74 at private residences, water flume amusement rides, log flume
75 rides, lazy river-type attractions operating at a constant
76 elevation and constructed in the ground, courses or facilities
77 that include whitewater rafting or paddling, or slides where
78 the change in elevation from the beginning to the end of the
79 slide is less than fifteen feet.

80 Section 3. (a) All amusement rides and water slides
81 shall be inspected by a qualified inspector at least once
82 every 12 months, measured from the date of issuance of the
83 immediately preceding inspection certificate.

84 (b) Upon completion of a satisfactory inspection, a



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85 qualified inspector shall issue an inspection certificate to
86 the owner of the amusement ride or water slide certifying
87 that, in the qualified inspector's reasonable judgment, the
88 amusement ride or water slide substantially complies with all
89 statutorily required ASTM standards and is reasonably safe for
90 public use.

91 (c) No patron may be admitted to an amusement ride or
92 water slide that has undergone a major modification until the
93 amusement ride or water slide receives a new inspection
94 certificate from a qualified inspector.

95 (d) (1) No amusement ride or water slide may be operated
96 for the public if the amusement ride or water slide has not
97 received an inspection certificate from a qualified inspector.

98 (2) If, using his or her reasonable judgment, a
99 qualified inspector determines that an amusement ride or water
100 slide is not reasonably safe for public use, the qualified
101 inspector shall immediately notify the amusement ride or water
102 slide's owner of any unsafe condition.

103 (3) A qualified inspector shall not issue an inspection
104 certificate for an unsafe amusement ride or water slide until
105 the unsafe condition has been rectified to the satisfaction of
106 the qualified inspector.

107 (e) Inspection fees shall be determined by each
108 qualified inspector and paid by the owner of the amusement
109 ride or water slide.

110 (f) In addition to the inspections by qualified
111 inspectors required by this act, the owner of an amusement
112 ride shall ensure that, at minimum, a daily pre-opening



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113 inspection is conducted on each amusement ride and water slide
114 in accordance with the pre-opening inspection requirements of
115 ASTM F770-22, ASTM F1193-22 Section 6, or ASTM F2376-22.

116 (g) Owners shall keep records of all inspections by
117 qualified inspectors and pre-opening inspections for at least
118 three years from the creation of each record.

119 Section 4. An owner of an amusement ride or water slide
120 shall maintain, at all times during which the amusement ride
121 or water slide is in operation for the public, liability
122 insurance with an insurer authorized or approved to write such
123 insurance in this state on the operation of the amusement ride
124 or water slide providing coverage, subject to a limit,
125 exclusive of interest and costs, of not less than ~~five hundred~~
126 ~~thousand dollars (\$500,000)~~ one million dollars (\$1,000,000)
127 for bodily injury or death of one individual in each
128 occurrence, and, subject to such limit for one individual, to
129 a limit of not less than one million dollars (\$1,000,000) for
130 bodily injury or death of two or more individuals in each
131 occurrence.

132 Section 5. (a) Patrons of an amusement ride or water
133 slide shall do all of the following:

134 (1) Obey all posted signs, including, but not limited
135 to, warning signs, instruction signs, and direction signs,
136 pertaining to the amusement ride or water slide.

137 (2) Obey all verbal instructions from operators.

138 (3) Properly use all safety equipment on the amusement
139 ride or water slide in accordance with the instructions of
140 operators and posted signs.



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141 (b) Patrons of an amusement ride or water slide may not
142 do any of the following:

143 (1) Act in any manner that may cause or contribute to
144 injury to self or others.

145 (2) Interfere with the operation of the amusement ride
146 or water slide.

147 (3) Fail to engage any provided safety devices.

148 (4) Disconnect or disable a safety device, except at
149 the express instruction of an operator.

150 (5) Extend arms or legs beyond the carrier or seating
151 area, except at the express instruction of an operator.

152 (6) Throw, drop, or expel any object from or toward an
153 amusement ride or water slide.

154 (7) Enter or exit an amusement ride or water slide,
155 except at the designated time and area, at the express
156 direction of an operator, or in an emergency.

157 (8) Unreasonably control the speed or direction of
158 himself or herself if the amusement ride or water slide
159 requires the patron to control or direct himself or herself.

160 (9) Ride any amusement ride or water slide while under
161 the influence of alcohol or any other intoxicating substance.

162 (c) Any patron who violates the provisions of this
163 section shall be subject to immediate removal from the
164 amusement facility without the refund of any admission charge.

165 Section 6. This act shall not apply to sheriffs,
166 recreational vehicle parks, as defined in Section 35-15-30,
167 Code of Alabama 1975, governmental entities, or summer camps.
168 For the purposes of this act, "summer camps" include



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169 facilities providing lodging, meals, and educational and
170 recreational opportunities, primarily for the benefit of
171 children, students, and nonprofit organizations, and not
172 members of the general public. For purposes of this act,
173 "governmental entities" shall mean the state or any political
174 subdivision thereof, or any department, agency, board,
175 commission, or authority of the state, or any such political
176 subdivision, or any public corporation, authority, agency,
177 board, commission, state colleges, or universities, or other
178 governmental entity controlled by the state or any such
179 political subdivisions. This definition shall be inclusive of
180 both the singular and plural form of this term.

181 Section 7. This act shall become effective on the first
182 day of the third month following its passage and approval by
183 the Governor, or its otherwise becoming law.



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House of Representatives

187 Read for the first time and referred20-Apr-23
188 to the House of Representatives
189 committee on Public Safety and
190 Homeland Security
191
192 Read for the second time and placed26-Apr-23
193 on the calendar:
194 3 amendments
195
196 Read for the third time and passed02-May-23
197 as amended
198 Yeas 105
199 Nays 0
200 Abstains 0

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John Treadwell
Clerk