

HB352 INTRODUCED



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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

This bill would provide requirements pertaining to the operation and maintenance of amusement rides and water slides relating to inspections, liability insurance, and operator and patron conduct.

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



HB352 INTRODUCED

29 Rides and Devices.

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

32 (1) AMUSEMENT RIDE. A device or combination of devices
33 or elements that carry, convey, or direct an individual over
34 or through a fixed or restricted course or within a defined
35 area for the primary purpose of amusement or entertainment,
36 including, but not limited to, amusement railway rides,
37 circular rides, concession go karts, flat rides, high rides,
38 inflatable amusement devices, and kiddie rides as defined in
39 ASTM F747-22. Amusement rides shall not include aerial
40 trekking courses, canopy tours, challenge courses, fun karts,
41 race karts, ropes courses, trampoline courts, or zip lines as
42 defined in ASTM F747-22. Further, amusement rides shall not
43 include coin-operated amusement rides or nonmechanized
44 playground equipment.

45 (2) COIN-OPERATED AMUSEMENT RIDE. A single passenger
46 coin-operated ride that is manually, mechanically, or
47 electrically operated, customarily placed in a public
48 location, and does not normally require the supervision of an
49 operator.

50 (3) INFLATABLE AMUSEMENT DEVICE. An amusement ride or
51 device designed for uses including, but not limited to,
52 bouncing, climbing, sliding, or interactive play, made of
53 flexible fabric, kept inflated by continuous air flow provided
54 by one or more blowers, and reliant upon air pressure to
55 maintain its shape.

56 (4) NONMECHANIZED PLAYGROUND EQUIPMENT. Swings,



HB352 INTRODUCED

57 seesaws, stationary spring-mounted animal features,
58 rider-propelled merry-go-rounds, climbers, playground slides,
59 physical fitness devices, and other similar items.

60 (5) OPERATOR. An individual in direct control of the
61 starting, stopping, or speed of an amusement ride.

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

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

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

83 Section 3. (a) All amusement rides and water slides
84 shall be inspected by a qualified inspector at least once



HB352 INTRODUCED

85 every 12 months, measured from the date of issuance of the
86 immediately preceding inspection certificate.

87 (b) Upon completion of a satisfactory inspection, a
88 qualified inspector shall issue an inspection certificate to
89 the owner of the amusement ride or water slide certifying
90 that, in the qualified inspector's reasonable judgment, the
91 amusement ride or water slide substantially complies with all
92 statutorily required ASTM standards and is reasonably safe for
93 public use.

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

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

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

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

110 (e) Inspection fees shall be determined by each
111 qualified inspector and paid by the owner of the amusement
112 ride or water slide.



HB352 INTRODUCED

113 (f) In addition to the inspections by qualified
114 inspectors required by this act, the owner of an amusement
115 ride shall ensure that, at minimum, a daily pre-opening
116 inspection is conducted on each amusement ride and water slide
117 in accordance with the pre-opening inspection requirements of
118 ASTM F770-22, ASTM F1193-22 Section 6, or ASTM F2376-22.

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

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

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

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

139 (2) Obey all verbal instructions from operators.

140 (3) Properly use all safety equipment on the amusement



HB352 INTRODUCED

141 ride or water slide in accordance with the instructions of
142 operators and posted signs.

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

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

147 (2) Interfere with the operation of the amusement ride
148 or water slide.

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

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

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

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

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

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

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

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

167 Section 6. This act shall become effective on the first
168 day of the third month following its passage and approval by



HB352 INTRODUCED

169 the Governor, or its otherwise becoming law.