

## CHAPTER 29

### RIDER SAFETY

#### §801. Short title

This chapter may be known and cited as the "Rider Safety Act." [PL 1997, c. 303, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

#### §802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 303, §1 (NEW).]

**1. Amusement owner.** "Amusement owner" means a person, the State or a political subdivision of the State that owns an amusement ride or, if the amusement ride is leased, the lessee. [PL 1997, c. 303, §1 (NEW).]

**2. Amusement ride.** "Amusement ride" means:

A. A device that is intended to give amusement, excitement, pleasure or thrills to passengers whom the device carries along or around a fixed or restricted course or within a defined area; or [PL 1997, c. 303, §1 (NEW).]

B. A structure that gives amusement, excitement, pleasure or thrills to people who move around, over or through the structure without the aid of a moving device integral to the structure. [PL 1997, c. 303, §1 (NEW).]

"Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion or science. [PL 1997, c. 303, §1 (NEW).]

**3. Parent or guardian.** "Parent or guardian" means each parent, custodian or guardian responsible for the control, safety, training or education of a minor rider. [PL 1997, c. 303, §1 (NEW).]

**4. Rider.** "Rider" means any person who is:

A. Waiting in the immediate vicinity to get on an amusement ride; [PL 1997, c. 303, §1 (NEW).]

B. Getting on an amusement ride; [PL 1997, c. 303, §1 (NEW).]

C. Using an amusement ride; [PL 1997, c. 303, §1 (NEW).]

D. Getting off an amusement ride; or [PL 1997, c. 303, §1 (NEW).]

E. Leaving an amusement ride and still in its immediate vicinity. [PL 1997, c. 303, §1 (NEW).]

"Rider" does not include employees, agents or servants of the amusement owner while engaged in the duties of their employment. [PL 1997, c. 303, §1 (NEW).]

**5. Sign.** "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information and visual signals. [PL 1997, c. 303, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

**§803. Rider conduct**

**1. Reports.** A rider or the rider's parent or guardian shall report in writing to the amusement owner or the amusement owner's designee any injury sustained on an amusement ride before leaving the amusement owner's premises, including:

- A. The name, address and phone number of the injured person; [PL 1997, c. 303, §1 (NEW).]
- B. A brief description of the incident, the injury claimed and the location, date and time of the injury; [PL 1997, c. 303, §1 (NEW).]
- C. The cause of the injury, if known; and [PL 1997, c. 303, §1 (NEW).]
- D. The names, addresses and phone numbers of any witnesses to the incident. [PL 1997, c. 303, §1 (NEW).]

If the rider or the rider's parent or guardian is unable to file a report because of the severity of the rider's injuries, the rider or the rider's parent or guardian shall file the report as soon as reasonably possible. The failure of a rider or the rider's parent or guardian to report an injury under this section does not affect the rider's right to commence a civil action.

[PL 1997, c. 303, §1 (NEW).]

**2. Code of conduct.** A rider shall at a minimum:

A. Obey the reasonable safety rules posted in accordance with this Act and oral instructions for an amusement ride issued by the amusement owner or the amusement owner's employee or agent, unless:

- (1) The safety rules are contrary to this Act; or
- (2) The oral instructions are contrary to this Act or the safety rules; and [PL 1997, c. 303, §1 (NEW).]

B. Refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:

- (1) Exceeding the limits of the rider's ability;
- (2) Interfering with safe operation of the amusement ride;
- (3) Not engaging any safety devices that are provided;
- (4) Disconnecting or disabling a safety device except at the express instruction of the ride operator;
- (5) Altering or enhancing the intended speed, course or direction of an amusement ride;
- (6) Using the controls of an amusement ride designed solely to be operated by the ride operator;
- (7) Extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator;
- (8) Throwing, dropping or expelling an object from or toward an amusement ride except as permitted by the ride operator;
- (9) Getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency; and
- (10) Not reasonably controlling the speed or direction of the rider's person or an amusement ride that requires the rider to control or direct the rider's person or a device. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

**3. Rider qualifications.** A rider may not get on or attempt to get on an amusement ride unless the rider or the rider's parent or guardian reasonably determines that, at a minimum, the rider:

- A. Has sufficient knowledge to use, get on and get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use and get off safely; [PL 1997, c. 303, §1 (NEW).]
- B. Has located, reviewed and understood any signs in the vicinity of the ride and has satisfied any posted height, medical or other restrictions; [PL 1997, c. 303, §1 (NEW).]
- C. Knows the range and limits of the rider's ability and knows the requirements of the amusement ride will not exceed those limits; [PL 1997, c. 303, §1 (NEW).]
- D. Is not under the influence of alcohol or any drug that affects the rider's ability to safely use the amusement ride or obey the posted rules or oral instructions; and [PL 1997, c. 303, §1 (NEW).]
- E. Is authorized by the amusement owner or the amusement owner's authorized servant, agent or employee to get on the amusement ride. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

#### §804. Notice to riders

**1. General signs.** An amusement owner shall display signs indicating the applicable safety responsibilities of riders set forth in section 803 and the location of stations to report injuries. The signs must be located at:

- A. Each station for reporting an injury; [PL 1997, c. 303, §1 (NEW).]
- B. Each first aid station; and [PL 1997, c. 303, §1 (NEW).]
- C. Either:
  - (1) At least 4 other locations on the premises, including each premises entrance and exit, if there are no more than 4 entrances or exits for riders;
  - (2) At least 4 other locations on the premises, including the 4 premises entrances and exits most commonly used by riders, if there are more than 4 entrances and exits for riders; or
  - (3) Each amusement ride. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

**2. Individual amusement ride signs.** An amusement owner shall post a sign at each amusement ride that includes:

- A. Operational instructions, if any; [PL 1997, c. 303, §1 (NEW).]
- B. Safety guidelines for riders, if any; [PL 1997, c. 303, §1 (NEW).]
- C. Restrictions on the use of the amusement ride, if any; [PL 1997, c. 303, §1 (NEW).]
- D. Behavior or activities that are prohibited, if any; and [PL 1997, c. 303, §1 (NEW).]
- E. A legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Riders must report injuries before leaving. Failure to comply is punishable by fine and imprisonment." [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

Any sign required by this section must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

**§805. Construction**

Nothing in this chapter may be construed to preclude a criminal prosecution or civil action available under any other law. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

**§806. Uniformity of interpretation**

This Act must be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

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