

By: Burton

To: Judiciary

SENATE BILL NO. 2216

1 AN ACT TO CREATE THE AMUSEMENT RIDE SAFETY INSPECTION AND  
2 INSURANCE ACT; TO DEFINE CERTAIN TERMS RELATIVE TO THE ACT; TO  
3 PRESCRIBE CERTAIN INSPECTION AND INSURANCE REQUIREMENTS FOR THE  
4 OPERATION OF AMUSEMENT RIDES; TO REQUIRE INSPECTION AND INSURANCE  
5 DOCUMENTS TO BE FILED ANNUALLY WITH THE COMMISSIONER OF INSURANCE;  
6 TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS OF THE ACT;  
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. This act may be cited as the "Amusement Ride  
10 Safety Inspection and Insurance Act."

11 SECTION 2. For the purposes of this act, unless the context  
12 otherwise requires:

13 (a) "Amusement ride" means any mechanical device or  
14 devices that carry or convey passengers along, around, or over a  
15 fixed or restricted route or course or within a defined area for  
16 the purpose of giving its passengers amusement, pleasure or  
17 excitement, but such term does not include:

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

22 (ii) Nonmechanized playground equipment,  
23 including, but not limited to, swings, seesaws, stationary

24 spring-mounted animal features, rider-propelled merry-go-rounds,  
25 climbers, playground slides, trampolines and physical fitness  
26 devices.

27 (b) "Class A amusement ride" means an amusement ride  
28 designed primarily for use by children twelve (12) years of age or  
29 younger.

30 (c) "Class B amusement ride" means any amusement ride  
31 not defined as a Class A amusement ride.

32 (d) "Commissioner" means the Commissioner of Insurance  
33 of the State of Mississippi.

34 SECTION 3. (1) A person may not operate an amusement ride  
35 unless he:

36 (a) Has the amusement ride inspected at least once  
37 annually by an insurer or a person with whom the insurer has  
38 contracted and obtains from that insurer or person a written  
39 certificate that the inspection has been made and that the  
40 amusement ride meets the standards for coverage and is covered by  
41 the insurance required by paragraph (b) of this subsection (1).

42 If at any time the inspection reveals that an amusement ride does  
43 not meet the insurer's underwriting standards, the insurer shall  
44 so notify the owner or operator and in the event repair or  
45 replacement of equipment is required it shall be the  
46 responsibility of the owner or operator to make such repair or  
47 replacement before the amusement ride is offered for public use;

48 (b) Has an insurance policy currently in force written  
49 by an insurance company authorized to do business in this state in  
50 an amount not less than One Hundred Thousand Dollars (\$100,000.00)  
51 per occurrence with a Three Hundred Thousand-Dollar annual  
52 aggregate for Class A amusement rides and an amount of not less  
53 than One Million Dollars (\$1,000,000.00) per occurrence for Class  
54 B amusement rides insuring the owner or operator against liability

55 for injury to persons arising out of the use of the amusement  
56 ride;

57 (c) Files with the commissioner, in the manner required  
58 by this act, the inspection certificate and the insurance policy  
59 required by this section or a photocopy of such a certificate or  
60 policy authorized by the commissioner; and

61 (d) Files with each sponsor, lessor, landowner, or  
62 other person responsible for an amusement ride being offered for  
63 use by the public a certificate stating that the insurance  
64 required by paragraph (b) of this subsection (1) is in effect.

65 (2) The inspection required under subsection (1)(a) of this  
66 section must include a method to test the stress- and wear-related  
67 damage of critical parts of a ride that the board determines are  
68 reasonably subject to failure as the result of stress and wear and  
69 could cause injury to a member of the general public as a result  
70 of a failure.

71 (3) A person who operates an amusement ride shall maintain  
72 accurate records of each injury caused by the ride that results in  
73 death or requires medical treatment. The operator shall file an  
74 injury report on a form designed by the commissioner for that  
75 purpose with the commissioner on a quarterly basis and shall  
76 include in the report a description of each injury caused by a  
77 ride that results in death or requires medical treatment. For the  
78 purposes of this subsection, medical treatment includes treatment  
79 (other than first aid) administered by a physician or by  
80 registered professional personnel under the standing orders of a  
81 physician. Medical treatment does not include first-aid treatment  
82 (one-time treatment and subsequent observation of minor scratches,

83 cuts, burns, splinters, and any other minor injuries that do not  
84 ordinarily require medical care) even though provided by a  
85 physician or registered professional personnel. No report shall  
86 be required of the operator in any quarter in which no reportable  
87 injuries occurred.

88 SECTION 4. The documents required by Section 3 of this act  
89 must be filed with the commission before July 1 of each year, but  
90 if the amusement ride is inspected more than once a year, the  
91 inspection certificate must be filed not later than fifteen (15)  
92 days after each inspection and the insurance policy must be filed  
93 before July 1 of each year.

94 SECTION 5. The commissioner may request from the sponsor,  
95 lessor, landowner, or other person responsible for an amusement  
96 ride being offered for use by the public information concerning  
97 whether or not insurance in the amount required by this act is in  
98 effect on the amusement ride. The sponsor, lessor, landowner, or  
99 other person to whom the information request is made shall respond  
100 to the commissioner within fifteen (15) days after the request is  
101 made.

102 SECTION 6. The owner or operator of an amusement ride may  
103 deny entry to the ride to any person if in the owner's or  
104 operator's opinion the entry may jeopardize the safety of the  
105 person who desires to enter or the safety of other patrons of the  
106 amusement ride.

107 SECTION 7. The district attorney of each county in which an  
108 amusement ride is operated or, upon request of the commissioner,  
109 the Attorney General or one (1) of his agents may seek an  
110 injunction against any person operating an amusement ride in

111 violation of this act.

112        SECTION 8. (1) Any person who willfully violates any  
113 provision of this act shall be guilty of a misdemeanor and, upon  
114 conviction thereof, shall be punishable by a fine not to exceed  
115 Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment not  
116 to exceed six (6) months in the county jail, or both fine and  
117 imprisonment.

118        (2) The commissioner may, after notice and hearing, impose a  
119 civil penalty against any person who violates any provision of  
120 this act. Such civil penalty shall not exceed Five Hundred  
121 Dollars (\$500.00) per violation and shall be deposited into the  
122 "Insurance Department Fund."

123        (3) Each day a violation of this act continues shall  
124 constitute a separate offense.

125        SECTION 9. This act shall take effect and be in force from  
126 and after July 1, 2000.