

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 232

SENATE BILL 1483

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22; RELATING TO AMUSEMENT RIDE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is amended
3 by adding article 22, to read:

4 ARTICLE 22. AMUSEMENT RIDE SAFETY

5 44-1799.61. Definition of amusement ride

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AMUSEMENT
7 RIDE":

8 1. MEANS A DEVICE OR A COMBINATION OF DEVICES OR ELEMENTS THAT CARRY,
9 CONVEY OR DIRECT A PERSON OVER OR THROUGH A FIXED OR RESTRICTED COURSE OR IN
10 A DEFINED AREA FOR THE PRIMARY PURPOSE OF PUBLIC AMUSEMENT OR ENTERTAINMENT.

11 2. DOES NOT INCLUDE:

12 (a) A COIN OPERATED RIDE THAT IS MANUALLY, MECHANICALLY OR ELECTRICALLY
13 OPERATED, THAT IS CUSTOMARILY PLACED IN A PUBLIC LOCATION AND THAT DOES NOT
14 NORMALLY REQUIRE THE SUPERVISION OR SERVICES OF AN OPERATOR.

15 (b) NONMECHANIZED PLAYGROUND EQUIPMENT, INCLUDING SWINGS, SEESAWS,
16 STATIONARY SPRING-MOUNTED ANIMAL FEATURES, RIDER-PROPELLED MERRY-GO-ROUNDS,
17 CLIMBERS, SLIDES, TRAMPOLINES AND PHYSICAL FITNESS DEVICES.

18 (c) CHALLENGE, EXERCISE OR OBSTACLE COURSES.

19 (d) INFLATED DEVICES AND ELEMENTS.

20 44-1799.62. Municipality and county powers

21 A. MUNICIPALITIES AND COUNTIES MAY:

22 1. ADMINISTER AND ENFORCE THIS ARTICLE FOR AMUSEMENT RIDES IN THEIR
23 RESPECTIVE JURISDICTIONS.

24 2. ESTABLISH REASONABLE AND NECESSARY FEES TO ADMINISTER AND ENFORCE
25 THIS ARTICLE. THE FEES SHALL NOT EXCEED FEES CHARGED FOR BUSINESS LICENSES
26 OR TEMPORARY USE PERMITS FOR SIMILAR TEMPORARY BUSINESSES.

27 3. REQUEST FROM EACH AMUSEMENT RIDE OWNER OR OPERATOR, A SPONSOR,
28 LESSOR OR LANDOWNER OR ANY OTHER PERSON RESPONSIBLE FOR AN AMUSEMENT RIDE
29 INFORMATION TO DETERMINE THAT THE INSURANCE REQUIRED BY THIS ARTICLE IS IN
30 EFFECT AND THAT THE AMUSEMENT RIDE HAS BEEN INSPECTED AT LEAST ANNUALLY.

31 4. REVIEW AND RETAIN OTHER RECORDS NECESSARY TO ESTABLISH COMPLIANCE
32 WITH THIS ARTICLE, INCLUDING INSURANCE CERTIFICATES OR POLICIES, INSPECTION
33 CERTIFICATES AND REPORTS, PERMITS, LICENSES, MAINTENANCE RECORDS, INJURY
34 RECORDS AND OPERATIONAL RECORDS. THE RECORDS LISTED IN THIS PARAGRAPH ARE
35 NOT SUBJECT TO PUBLIC INSPECTION. RECORDS MAY BE DISCLOSED ON WRITTEN
36 CONSENT OF THE OWNER, ON RECEIPT OF A COURT ORDER OR IF REQUIRED BY LAW. ANY
37 PERSON WHO KNOWINGLY DISCLOSES ANY RECORD OR OTHER INFORMATION IN VIOLATION
38 OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

39 B. MUNICIPALITIES AND COUNTIES THAT ELECT TO ADMINISTER AND ENFORCE
40 THIS ARTICLE SHALL COLLECT FEES AND REVIEW INFORMATION AT THE TIME OF THE
41 APPLICATION FOR A PERMIT. THE APPLICATION SHALL BE SUBMITTED AT LEAST THIRTY
42 DAYS BEFORE A SCHEDULED PUBLIC OPERATION OF THE AMUSEMENT RIDE.

43 C. A PERMIT IS ONLY VALID IN THE MUNICIPALITY OR COUNTY FOR WHICH IT
44 IS ISSUED.

1 44-1799.63. Amusement ride owners and operators; requirements;
2 denial of entry

3 A. AN AMUSEMENT RIDE OWNER OR OPERATOR SHALL:

4 1. HAVE THE AMUSEMENT RIDE INSPECTED AT LEAST ONCE A YEAR BY AN
5 INSURER, A PERSON WITH WHOM THE INSURER HAS CONTRACTED OR AN AMUSEMENT RIDE
6 INSPECTOR PROVIDED BY A MUNICIPALITY OR COUNTY WHO IS EXPERIENCED AND
7 EDUCATED IN AMUSEMENT RIDE INSPECTIONS IN COMPLIANCE WITH THE AMUSEMENT RIDES
8 AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS. IF
9 AN INSPECTION REVEALS THAT THE AMUSEMENT RIDE DOES NOT MEET THE AMUSEMENT
10 RIDES AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND MATERIALS
11 OR REQUIRES REPAIR OR REPLACEMENT OF EQUIPMENT, THE INSPECTOR SHALL NOTIFY
12 THE OWNER OR OPERATOR AND SHALL NOT ISSUE THE WRITTEN CERTIFICATE OF
13 INSPECTION UNTIL THE OWNER OR OPERATOR MEETS THE STANDARDS AND MAKES THE
14 REPAIRS OR INSTALLS THE REPLACEMENT EQUIPMENT.

15 2. MAINTAIN AT ALL TIMES A WRITTEN CERTIFICATE OF THE ANNUAL
16 INSPECTION.

17 3. PROCURE INSURANCE FOR THE AMUSEMENT RIDE FROM AN INSURER AUTHORIZED
18 TO DO BUSINESS IN THIS STATE PURSUANT TO SECTION 20-217 OR BY AN INSURER ON
19 THE LIST OF QUALIFIED UNAUTHORIZED INSURERS PURSUANT TO SECTION 20-413,
20 INSURING THE OWNER OR OPERATOR AGAINST LIABILITY FOR INJURY TO PERSONS
21 ARISING FROM THE USE OF THE AMUSEMENT RIDE, IN AN AMOUNT OF NOT LESS THAN ONE
22 MILLION DOLLARS FOR BODILY INJURY AND FIVE HUNDRED THOUSAND DOLLARS FOR
23 PROPERTY DAMAGE PER OCCURRENCE OR IN AN AMOUNT OF TWO MILLION DOLLARS PER
24 OCCURRENCE FOR A COMBINED SINGLE LIMIT.

25 4. MAINTAIN AT ALL TIMES THE WRITTEN PERMIT FOR OPERATION OF THE
26 AMUSEMENT RIDE ISSUED BY THE MUNICIPALITY OR COUNTY.

27 5. PROVIDE TO EACH SPONSOR, LESSOR OR PROPERTY OWNER OF THE PROPERTY
28 WHERE THE AMUSEMENT RIDE IS OPERATED DOCUMENTATION OF COMPLIANCE WITH THE
29 INSURANCE, INSPECTION AND PERMIT REQUIREMENTS OF THIS ARTICLE.

30 6. MAINTAIN FOR A PERIOD OF AT LEAST TWO YEARS ACCURATE RECORDS OF ANY
31 GOVERNMENTAL ACTION TAKEN IN ANY STATE RELATING TO THE AMUSEMENT RIDE,
32 INCLUDING ANY OPERATION PERMITS, INSURANCE CERTIFICATES, INSPECTION REPORTS,
33 INCIDENT REPORTS, MAINTENANCE AND OPERATIONAL RECORDS AND RECORDS DOCUMENTING
34 THE REPAIR OR REPLACEMENT OF EQUIPMENT USED IN THE OPERATION OF THE AMUSEMENT
35 RIDE. A COPY OF THESE RECORDS SHALL BE PROVIDED TO THE MUNICIPALITY OR
36 COUNTY AT THE TIME OF APPLICATION FOR A PERMIT UNDER SECTION 44-1799.62.

37 7. MAINTAIN FOR A PERIOD OF AT LEAST TWO YEARS ACCURATE RECORDS OF
38 SERIOUS INJURIES ACTUALLY CAUSED BY THE AMUSEMENT RIDE THAT ARE CONSISTENT
39 WITH THE RECORDING STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND
40 MATERIALS. THE INJURY RECORDS ARE NOT SUBJECT TO PUBLIC INSPECTION EXCEPT
41 UPON DEMAND OF A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL.
42 A COPY OF THESE RECORDS SHALL BE PROVIDED TO THE MUNICIPALITY OR COUNTY AT
43 THE TIME OF APPLICATION FOR A PERMIT UNDER SECTION 44-1799.62.

1 B. AN AMUSEMENT RIDE OPERATOR MAY DENY ENTRY TO THE AMUSEMENT RIDE OF
2 ANY PERSON IF, IN THE OPINION OF THE OPERATOR, THE ENTRY MAY JEOPARDIZE THE
3 SAFETY OF THE PERSON OR ANY OTHER AMUSEMENT RIDE PATRON.

4 44-1799.64. Enforcement

5 A. A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL MAY
6 DETERMINE COMPLIANCE WITH THIS ARTICLE, MAY PROHIBIT THE OPERATION OF ANY
7 AMUSEMENT RIDE THAT IS NOT IN COMPLIANCE WITH THIS ARTICLE AND MAY INSTITUTE
8 AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENFORCE THIS ARTICLE.

9 B. A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL WHO IS
10 EXPERIENCED AND EDUCATED IN AMUSEMENT RIDE INSPECTIONS IN COMPLIANCE WITH THE
11 AMUSEMENT RIDES AND DEVICES STANDARDS OF THE AMERICAN SOCIETY OF TESTING AND
12 MATERIALS MAY ENTER AND INSPECT WITHOUT NOTICE ANY AMUSEMENT RIDE AT ANY
13 TIME.

14 C. ON REQUEST, THE OWNER OR OPERATOR OF AN AMUSEMENT RIDE SHALL
15 PROVIDE THE PERMIT, INSPECTION CERTIFICATE, INSURANCE CERTIFICATE AND OTHER
16 RECORDS TO A MUNICIPAL OR COUNTY PEACE OFFICER OR ENFORCEMENT OFFICIAL. A
17 COPY OF THE DOCUMENTS MAY BE PROVIDED INSTEAD OF ORIGINALS.

18 D. THIS SECTION DOES NOT PROHIBIT THE OWNER OR OPERATOR OF AN
19 AMUSEMENT RIDE FROM SEEKING RELIEF FROM THE ENFORCEMENT OF THIS ARTICLE
20 THROUGH ANY APPROPRIATE LEGAL MEANS.

APPROVED BY THE GOVERNOR MAY 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2007.

Passed the House April 24, 20 07,

by the following vote: 39 Ayes,

15 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 5, 20 05,

by the following vote: 20 Ayes,

8 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this
_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1483

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 21, 2007

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

Timothy S. Bee
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

21st day of May, 2007

at 2:33 o'clock P. M.

Wendee Ybarra
Secretary to the Governor

Approved this 24 day of

May 2007

at 2:45 o'clock P. M.

Jon R. Huntsman
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24 day of May, 2007

at 4:20 o'clock P. M.

Janice K. Brewer
Secretary of State