

PART VII. REGULATION OF AMUSEMENT ATTRACTIONS AND RIDES
SUBPART A. REGULATION

§1484.1. Short title

This Part shall be known and may be cited as the Amusement Rides Safety Law.
Added by Acts 1985, No. 733, §1; Acts 2003, No. 928, §2.

§1484.2. Definitions

As used in this Part, the following definitions shall apply unless otherwise indicated:

(1) "Air-supported structure" means any amusement attraction that incorporates a structural and mechanical system that employs a high-strength fabric or film that achieves its strength, shape, and stability by pretensioning with internal air pressure, all of which are intended to provide an enclosed area for the self-enjoyment of those so confined within.

(2) "Amusement attraction" means any building or structure around, over, or through which people may move or walk, without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills, or excitement. "Amusement attraction" does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

(3) "Amusement ride" means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" also includes any mechanized device or combination of devices of a permanent nature even though such device or combination of devices is subject to building regulations issued by cities or parishes and existing applicable safety orders.

(4) "Assistant secretary" means the assistant secretary of the office of the state fire marshal, code enforcement and building safety in the Department of Public Safety and Corrections, or his designee.

(5) "Certificate of inspection" means a certificate issued by the assistant secretary of the office of the state fire marshal, code enforcement and building safety, subsequent to an inspection by an inspector.

(6) "Department" means Department of Public Safety and Corrections.

(7) "Inspector" means a person who is a licensed engineer experienced in materials testing or a person who is certified by and maintains at least a Level 1 certification from the National Association of Amusement Ride Safety Officials or who has an equivalent certification as determined by rules promulgated by the assistant secretary pursuant to this Part. Such person must be registered with and commissioned by the assistant secretary to assure that he possesses the minimum qualifications. Such person shall not inspect any amusement ride or attraction if he is also the operator of the same.

(8) "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement attraction or ride or more than two air-supported structures. "Operator" may include an agency of the state or any of its political subdivisions.

Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 413, §1; Acts 2000, 1st Ex. Sess., No. 59, §1; Acts 2003, No. 488, §1; Acts 2003, No. 490, §1; Acts 2005, No. 389, §1.

§1484.3. Rules adopted

The assistant secretary shall adopt and issue rules, in accordance with the provisions of the Administrative Procedure Act, establishing standards for the installation, repair, maintenance, use, operation, and inspection of amusement attractions and rides for the protection of the public. The rules shall be based upon generally accepted engineering standards and shall be concerned with but not necessarily limited to engineering force stresses, safety devices, and preventive maintenance. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement attractions or amusement rides.

Added by Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

§1484.4. Inspection by secretary; certificate of inspection required

A. Except for the purpose of testing, training, and inspection, no air-supported structure, amusement attraction or ride shall be operated in this state without an inspection having been conducted by an inspector and a certificate of inspection having been issued by the assistant secretary to an operator of such equipment.

B.(1) Every air-supported structure, amusement ride or attraction shall be inspected by an inspector for safety and subjected to nondestructive testing in accordance with ASTM-F-24 at least annually.

(2) Upon completion of each inspection required under this Subsection, the inspector shall certify the results of his inspection to the assistant secretary who shall issue a certificate of inspection as provided in Subsection D of this Section.

C.(1) At least thirty days prior to commencing operation of any air-supported structure, amusement ride or attraction, except for the purpose of testing, training, and inspection, the operator shall give written notification to the assistant secretary of his intent to commence operation of the amusement ride or attraction. Any operator who fails to give written notification to the assistant secretary of his intent to commence operation of the amusement ride or attraction shall be fined one hundred dollars. If, after the notification, the operator changes his schedule of locations or dates, he immediately shall notify the assistant secretary of the change. Operators shall be fined one hundred dollars for any change in schedule of location or date that occurs less than fourteen days prior to the commencement of operation of the amusement ride or attraction.

(2) Prior to operating any new air-supported structure, amusement ride or attraction, the operator shall notify the assistant secretary of his intent to commence operations and shall furnish the assistant secretary with a copy of a current certificate of inspection issued pursuant to Subsection D of this Section.

(3) The assistant secretary shall inspect all air-supported structures, amusement rides or attractions operating in the state at least once during the duration of the event at which the air-supported structure, amusement ride or attraction is being operated. In the case of air-supported structures, amusement rides or attractions that operate at fixed locations for more than one year, the assistant secretary shall inspect such air-supported structures, amusement rides or attractions at least annually. The inspection shall be to assure compliance with the provisions of this Part and the rules, regulations, and standards adopted pursuant thereto. The assistant secretary shall have free access to any premises in the state where an air-supported structure, amusement ride or attraction is being installed, built, repaired, or operated, for the purpose of ascertaining whether such air-supported structure, amusement ride or attraction is being installed, built, repaired, or

operated in accordance with the provisions of this Part or the rules and regulations adopted pursuant thereto.

(4)(a) The provisions of this Subsection and R.S. 40:1484.5(B) shall not apply to air-supported structures except when air-supported structures meet any of the following provisions:

(i) Are open to public access at an event at which the state fire marshal would otherwise be required to be present pursuant to this Subsection.

(ii) Are not located on the grounds of a one- or two-family dwelling.

(iii) Are co-located with other amusements, attractions, or rides governed by this Subsection.

(b) The assistant secretary or his designee shall have free access to any premises in the state where an air-supported structure is located for operation, when the air-supported structures are either (i) open to public access at an event at which the state fire marshal would otherwise be required to be present; or (ii) not located on the grounds of a one- or two-family dwelling; or (iii) co-located with other amusement attractions or rides governed by this Subsection. The assistant secretary or his designee shall ascertain whether such air-supported structure has a valid certificate of inspection.

(c) The assistant secretary shall issue a cease and desist order to the party responsible for operation of any air-supported structure that does not immediately produce a valid certificate of inspection for review. Failure to honor a cease and desist order issued pursuant to this Paragraph shall be punishable by a fine of five hundred dollars for each day of the violation.

(d) The provisions of R.S. 40:1484.10(E) shall apply to this Paragraph.

(e) The party responsible for the operation of an air-supported structure shall give written notification to the assistant secretary of the physical location of their principal place of business. If, after written notification, the location of their principal place of business changes, the party responsible shall immediately notify the assistant secretary of the change. Failure to notify the assistant secretary pursuant to this Subparagraph shall be punishable by a fine of five hundred dollars.

(f) The assistant secretary or his designee shall have the authority to publish a listing of all non-compliant operators and make such list available to the public upon written demand.

D.(1) If the inspection provided for in Subsection B of this Section discloses that an air-supported structure, amusement ride or attraction complies with all relevant provisions of this Part and the adopted standards and regulations, the assistant secretary shall issue a certificate of inspection valid for not more than twelve months from the date of issuance for the air-supported structure, amusement ride or attraction.

(2) The certificates shall be posted, in plain view, on the air-supported structure, amusement ride or attraction.

Added by Acts 1985, No. 733, §1; Acts 1992, No. 244, §2, eff. June 10, 1992; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 347, §§1, 2, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 59, §1; Acts 2003, No. 465, §1; Acts 2003, No. 488, §1; Acts 2003, No. 490, §1; Acts 2004, No. 640, §1.

§1484.5. Fees

A. Fees for inspection certificates as provided for in R.S. 40:1484.4 shall be as follows:

(1) For rides which are designed for seventy-five pounds or less per passenger unit, one hundred dollars for each inspection certificate.

(2) For rides which are designed for seventy-five pounds or more and for which the manufacturer's recommended assembly time is less than forty work hours, one hundred fifty dollars for each inspection certificate.

(3) For rides for which the manufacturer's recommended assembly time is forty work hours or more, two hundred dollars for each inspection certificate.

(4) For air-supported structures, twenty dollars for each inspection certificate.

B. Fees for inspections conducted by the assistant secretary in accordance with the provisions of R.S. 40:1484.4(C)(3) shall be twenty dollars per amusement ride or attraction. Should such inspection require a reinspection to determine that deficiencies noted in the inspection have been corrected, the operator shall be charged a fee of thirty-five dollars per hour in addition to reasonable expenses incurred as the result of the reinspection.

C. Fees for the registration and commissioning of inspectors as defined in R.S. 40:1484.2 shall be fifty dollars for the first year and twenty-five dollars for each renewal year.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 1999, No. 347, §1, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 59, §1.

§1484.6. Administration of Part; personnel

The assistant secretary is authorized to conduct such investigations as are reasonably necessary to assure compliance with this Part, to employ such persons as he may deem qualified consistent with applicable civil service regulations, and to incur such other expenses as may be required in connection with the administration of this Part.

Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

§1484.7. Notice of violation of standard

If after inspection or investigation of any amusement ride or attraction, the assistant secretary determines that the amusement ride or attraction is in violation of any standard promulgated under this Part, and that there may be a substantial probability of death or serious physical injury to the public from its continued use, a notice of violation shall be given in writing to the operator of the amusement ride or attraction. A copy of the notice shall be attached to the amusement ride or attraction. After the notice of violation is issued, the use of the amusement ride or attraction is prohibited. The notice of violation issued by the assistant secretary shall constitute a cease and desist order, the violation of which shall constitute a misdemeanor offense punishable by a fine of not more than one thousand dollars and imprisonment for not more than thirty days or both. The notice may not be removed until the amusement ride or attraction is made safe for public use and the required safeguards are provided. The notice may not be removed except by the assistant secretary.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1.

§1484.8. Judicial review

Judicial review of any action of the assistant secretary may be sought in accordance with the provisions of the Administrative Procedure Act.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1.

1484.9. Insurance; bond

A. No person shall operate an amusement attraction or ride unless at the time there is in existence:

(1) A policy of insurance in an amount of not less than one million dollars insuring the operator against liability for injury suffered by persons riding the amusement attraction or ride; or

(2) A bond in a like amount; provided, the aggregate liability of the surety under any such bond shall not exceed the face amount thereof.

B. A certificate verifying coverage shall be filed with the office of the state fire marshal, code enforcement and building safety.

C. In the event of cancellation of the policy or bond the assistant secretary shall be notified immediately by either the insurer or the bond holder no later than ten days prior to cancellation.

D. The operator shall provide to any sponsor, lessor, landowner, or other person responsible for the offering of an amusement ride or attraction for public use a copy of the required insurance policy or bond and the inspection certificate issued by the assistant secretary.

E. The provisions of this Section shall also apply to operators of air-supported structures. However, the policy of liability insurance or bond amount required of such operators shall be in an amount of not less than three hundred thousand dollars.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §1; Acts 2005, No. 389, §1.

§1484.10. Violations and penalties; injunctive relief

A. The assistant secretary may assess a civil penalty of not more than two hundred fifty dollars for each violation of the provisions of this Part or of the rules and regulations adopted by the assistant secretary. Each day on which a violation occurs shall be considered a separate offense.

B. Penalties may be assessed only by a ruling of the assistant secretary based on an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. The assistant secretary may institute civil proceedings to enforce the rulings of the assistant secretary in the district court for the parish in which the violation occurred.

D. The assistant secretary may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Part, or of the rules and regulations adopted by the assistant secretary, in the district court for the parish in which the violation occurred.

E. In addition to the foregoing provisions, the assistant secretary may assess those civil penalties attributable to the operator of an amusement ride or attraction to the owner or lessee of the site on which the amusement ride or attraction is located, if the owner or lessee of the site failed to reasonably determine that the operator of the amusement ride or attraction is properly in compliance with the requirements of this Part.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1998, 1st Ex. Sess., No. 130, §2.

§1484.11. Exemptions

The following amusement attractions or rides are exempt from the provisions of this Part:

(1) Nonmechanized playground equipment including, but not limited to, swings, seesaws, stationary spring-mounted animal features, underpropelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located.

(2) An amusement attraction or ride which is owned and operated by a nonprofit religious, educational, or charitable institution or association if such attraction or ride is located within a building subject to inspection by the assistant secretary of the office of the state fire marshal, code enforcement and building safety or by any local governmental subdivision of the state under its building, fire, electrical, and related public safety ordinances.

(3) Coin-operated mechanical devices occupying less than thirty-six square feet of floor space.

(4) Nonmotorized rides and attractions.

(5) Repealed by Acts 2000, 1st Ex. Sess., No. 59, §2.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1; Acts 1999, No. 413, §1; Acts 2000, 1st Ex. Sess., No. 59, §2.

§1484.12. Local regulation

Nothing contained in this Part shall prevent any local governmental subdivision of this state from licensing or regulating any amusement attraction or ride, carnival, or circus as otherwise provided by law.

Added by Acts 1985, No. 733, §1.

§1484.13. Waiver of inspection

The assistant secretary may waive the requirement that an amusement attraction or ride or any part thereof be inspected before being operated in this state if an operator gives satisfactory proof to the assistant secretary that the amusement attraction or ride or any part thereof has passed an inspection conducted by a public agency whose inspection standards and requirements are at least equal to those requirements and standards established by the assistant secretary under the provisions of this Part. The appropriate inspection fees shall be paid before the assistant secretary may waive this requirement.

Added by Acts 1985, No. 733, §1; Acts 1997, No. 878, §1.

§1484.14. Report of purchases required; maintenance of records

A. All purchases of air-supported structures by operators within the state shall be reported by the operator to the assistant secretary by forwarding thereto a copy of the bill of sale or bill of lading. The assistant secretary shall maintain a record of all such purchases reported.

B. Any operator who violates the requirements of Subsection A of this Section shall be subject to the penalties provided for in R.S. 40:1484.10.

Acts 2005, No. 389, §1.

**SUBPART B. LOUISIANA CARNIVAL AND AMUSEMENT
RIDER SAFETY ACT**

§1485.1. Legislative findings

The legislature hereby finds and declares that:

(1) Carnival or amusement rides are used by a large number of citizens of this state and also attract to this state a large number of nonresidents, significantly contributing to the tourism industry and tax base of this state.

(2) The safety of the public using carnival or amusement rides is an important matter of public policy.

(3) There are inherent risks associated with all machinery, equipment, or animals that are impractical or impossible for an amusement owner to eliminate with all reasonable safety precautions, and an informed rider is in the best position to avoid those risks.

(4) The safety of carnival or amusement rides will be greatly improved at minimal cost if riders are subject to minimum safety standards for their own protection and the protection of others.

Acts 2003, No. 928, §1.

1485.2. Definitions

For the purposes of this Subpart, the following terms and phrases shall have the meanings ascribed to them:

(1) "Carnival or amusement ride" means either of the following:

(a) A device that is intended to give amusement, excitement, pleasure, or thrills to riders whom the device carries along or around a fixed or restricted course or within a defined area.

(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.

(2) "Owner" means a person, the state, or a political subdivision of the state that owns an amusement ride or, if the ride is leased, the lessee of the ride.

(3) "Parent or guardian" means each parent, custodian, or guardian responsible for the control, safety, training, or education of a minor, disabled, or incompetent rider.

(4)(a) "Rider" means any person who is:

(i) Waiting in the immediate vicinity to enter a carnival or amusement ride.

(ii) Entering a carnival or amusement ride.

(iii) Using a carnival or amusement ride.

(iv) Exiting a carnival or amusement ride.

(v) Leaving a carnival or amusement ride and still in the immediate vicinity of the ride.

(b) The term "rider" does not include employees or agents of the owner while engaged in the duties of their employment.

(5) "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including but not limited to placards, prerecorded messages, live public addresses, stickers, pictures, pictograms, guidebooks, brochures, video, verbal information, and visual signals.

Acts 2003, No. 928, §1.

§1485.3. Reporting rider injury

A. A rider, or his parent or guardian on the rider's behalf, shall report in writing to the owner any injury sustained on a carnival or amusement ride before leaving the owner's premises, including:

- (1) The name, address, and phone number of the injured person.
- (2) A full description of the incident, the injuries claimed, any treatment received, and the location, date, and time of the injury.
- (3) The cause of the injury, if known.
- (4) The names, addresses, and phone numbers of any witnesses to the incident.

B. If the rider, or his parent or guardian on a rider's behalf, is unable to file a report because of the severity of his injuries, he shall file the report as soon as reasonably possible.

C. The failure of a rider, or his parent or guardian on a rider's behalf, to report an injury as required by this Section shall have no effect on the rider's right to commence a civil action.

Acts 2003, No. 928, §1.

1485.4. Code of rider conduct

A. A rider shall obey the posted rules, warnings, and oral instructions for a carnival or amusement ride issued by the owner or his employee or agent.

B. A rider shall 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 the safe operation of the carnival or amusement ride.
- (3) Failing to engage any safety devices provided for the rider's safety.
- (4) Disconnecting or disabling a safety device except at the express instruction of the owner's agent or employee.
- (5) Altering or enhancing the intended speed, course, or direction of a carnival or amusement ride.
- (6) Using the controls of a carnival or amusement ride designed solely to be operated by the owner's agent or employee.
- (7) Extending arms and legs beyond the carrier or seating area except at the express direction of the owner's agent or employee.
- (8) Throwing, dropping, or expelling an object from or toward a carnival or amusement ride except as permitted by the owner's agent or employee.
- (9) Entering or exiting a carnival or amusement ride except at the designated time and area, if any, at the direction of the owner's agent or employee.
- (10) Unreasonably controlling the speed or direction of the carnival or amusement ride that requires the rider to control or direct himself or a ride.
- (11) Overloading a carnival or amusement ride beyond its designated capacity.

Acts 2003, No. 928, §1.

§1485.5. Rider qualifications

A rider shall not enter or attempt to enter a carnival or amusement ride unless the rider, or his parent or guardian on a rider's behalf, reasonably determines that, at a minimum:

(1) The rider has sufficient knowledge to use, enter, or exit the carnival or amusement ride safely without instruction or has requested and received, before entering the carnival or amusement ride, sufficient information to enter, use, or exit the ride safely.

(2) The rider has located, reviewed, and understood any signs in the vicinity of the carnival or amusement ride and has satisfied any posted height or other restrictions.

(3) The rider knows the range and limits of his ability and knows the requirements of the carnival or amusement ride will not exceed those limits.

(4) The rider is not under influence of alcohol or any drug that affects his ability to safely use the carnival or amusement ride or obey the posted rules or oral instructions.

(5) The rider is authorized by the owner's authorized agent or employee to enter the carnival or amusement ride.

Acts 2003, No. 928, §1.

§1485.6. Parent or guardian conduct

Parents or guardians of riders have a duty to ensure that a rider complies with all provisions of this Subpart.

Acts 2003, No. 928, §1.

§1485.7. Notice to riders

A. The owner shall display signs at the following places:

(1) Any station for reporting an injury.

(2) Any first aid station.

(3) Either of the following places:

(a) Any entrance or exit to or from the premises designated for riders.

(b) Any area or structure at which riders may purchase admission or obtain authority to use a carnival or amusement ride.

B. All signs required by this Section shall include a legend providing that "STATE LAW REQUIRES RIDERS TO OBEY ALL WARNINGS AND DIRECTIONS AND BEHAVE IN A MANNER THAT WILL NOT CAUSE OR CONTRIBUTE TO INJURING THEMSELVES OR OTHERS. RIDERS SHOULD REPORT ALL INJURIES BEFORE LEAVING THE EVENT PREMISES."

Acts 2003, No. 928, §1.

§1485.8. Criminal penalty

If a person willfully violates any provision of this Subpart, the person shall be guilty of a misdemeanor and, upon conviction of the first offense, shall be subject to a fine not to exceed twenty-five dollars and for subsequent convictions, up to one hundred dollars.

Acts 2003, No. 928, §1.