

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 977

H.P. 713

House of Representatives, February 11, 1997

An Act to Establish the Rider Safety Act.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.
Cosponsored by Senator MICHAUD of Penobscot and
Representative VIGUE of Winslow, Senator: CASSIDY of Washington.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 8 MRSA c. 29 is enacted to read:

6 CHAPTER 29

8 RIDER SAFETY

10 §801. Short title

12 This chapter may be known and cited as the "Rider Safety Act."

14 §802. Definitions

16 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

18 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.

22 2. Amusement ride. "Amusement ride" means:

24 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

26 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.

30 "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.

32 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.

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

36 A. Waiting in the immediate vicinity to get on an amusement ride;

38 B. Getting on an amusement ride;

40 C. Using an amusement ride;

42 D. Getting off an amusement ride; or

2 E. Leaving an amusement ride and still in its immediate
3 vicinity.

4
5 "Rider" does not include employees, agents or servants of the
6 amusement owner while engaged in the duties of their employment.

8 5. Sign. "Sign" means any symbol or language reasonably
9 calculated to communicate information to riders or their parents
10 or guardians, including placards, prerecorded messages, live
11 public address, stickers, pictures, pictograms, video, verbal
12 information and visual signals.

14 §803. Rider conduct

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

20 A. The name, address and phone number of the injured person;

22 B. A brief description of the incident, the injury claimed
23 and the location, date and time of the injury;

24 C. The cause of the injury, if known; and

26 D. The names, addresses and phone numbers of any witnesses
27 to the incident.

28
29 If the rider or the rider's parent or guardian is unable to file
30 a report because of the severity of the rider's injuries, the
31 rider or the rider's parent or guardian shall file the report as
32 soon as reasonably possible. The failure of a rider or the
33 rider's parent or guardian to report an injury under this section
34 does not affect the rider's right to commence a civil action.

35
36 2. Code of conduct. A rider shall at a minimum:

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

41 (1) The safety rules are contrary to this Act; or

42 (2) The oral instructions are contrary to this Act or
43 the safety rules; and

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

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- 2 (1) Exceeding the limits of the rider's ability;
- 4 (2) Interfering with safe operation of the amusement
ride;
- 6 (3) Not engaging any safety devices that are provided;
- 8 (4) Disconnecting or disabling a safety device except
at the express instruction of the ride operator;
- 10 (5) Altering or enhancing the intended speed, course
or direction of an amusement ride;
- 14 (6) Using the controls of an amusement ride designed
solely to be operated by the ride operator;
- 16 (7) Extending arms and legs beyond the carrier or
seating area except at the express direction of the
ride operator;
- 18 (8) Throwing, dropping or expelling an object from or
toward an amusement ride except as permitted by the
ride operator;
- 20 (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
- 24 (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.

34 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:

38 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;

44 B. Has located, reviewed and understood any signs in the
vicinity of the ride and has satisfied any posted height,
medical or other restrictions;

48 C. Knows the range and limits of the rider's ability and
knows the requirements of the amusement ride will not exceed
those limits;

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2 D. Is not under the influence of alcohol or any drug that
3 affects the rider's ability to safely use the amusement ride
4 or obey the posted rules or oral instructions; and

5 E. Is authorized by the amusement owner or the amusement
6 owner's authorized servant, agent or employee to get on the
7 amusement ride.

8
9 **§804. Notice to riders**

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

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15 A. Each station for reporting an injury;

16
17 B. Each first aid station; and

18
19 C. Either:

20
21 (1) At least 4 other locations on the premises,
22 including each premises entrance and exit, if there are
23 no more than 4 entrances or exits for riders;

24
25 (2) At least 4 other locations on the premises,
26 including the 4 premises entrances and exits most
27 commonly used by riders, if there are more than 4
28 entrances and exits for riders; or

29
30 (3) Each amusement ride.

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

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35 A. Operational instructions, if any;

36
37 B. Safety guidelines for riders, if any;

38
39 C. Restrictions on the use of the amusement ride, if any;

40
41 D. Behavior or activities that are prohibited, if any; and

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43 E. A legend providing that "State law requires riders to
44 obey all warnings and directions for this ride and behave in
45 a manner that will not cause or contribute to injuring
46 themselves or others. Riders must report injuries before
47 leaving. Failure to comply is punishable by fine and
48 imprisonment."

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2 Any sign required by this section must be prominently
3 displayed at a conspicuous location, clearly visible to the
4 public and bold and legible in design.

6 **§805. Rider safety violation resulting in death**

8 A person commits a rider safety violation resulting in death
9 if that person willfully violates this Act and a member of the
10 public dies as a result of the violation. A rider safety
11 violation resulting in death is a Class D crime.

12 **§806. Rider safety violation**

14 A person commits a rider safety violation if that person
15 willfully violates this Act. A rider safety violation is a Class
16 E crime.

18 **§807. Uniformity of interpretation**

20 This Act must be interpreted and construed as to effectuate
21 its general purpose to make uniform the law of those states that
22 enact it.

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25 **SUMMARY**

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28 This bill enacts the Rider Safety Act to delineate safe
29 conduct by amusement ride riders. It sets forth a code of
30 conduct for amusement ride riders, a requirement for the
31 reporting of injuries sustained on amusement rides to amusement
32 owners, qualifications for those riding amusement rides and a
33 requirement for the posting by amusement owners of instructional
34 signs. The bill provides criminal penalties for violations of
the Rider Safety Act.