

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 977

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H.P. 713

House of Representatives, February 11, 1997

### An Act to Establish the Rider Safety Act.

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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.

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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.

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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.

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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
- 22                   (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.

24                   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:

26                   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;

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

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

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.

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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;

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17 B. Each first aid station; and

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19 C. Either:

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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;

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37 B. Safety guidelines for riders, if any;

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

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