

1 **AMUSEMENT PARK RIDER RESPONSIBILITY**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Marda Dillree**

5 AN ACT RELATING TO THE JUDICIAL CODE; CREATING PROVISIONS CONCERNING
6 AMUSEMENT PARK RIDES; DEFINING TERMS; REQUIRING AMUSEMENT PARKS
7 TO POST RULES OF CONDUCT FOR RIDERS; REQUIRING PATRONS TO REPORT
8 INJURIES; LISTING THE INFORMATION REQUIRED IN REPORTS; AND PROVIDING
9 AN EFFECTIVE DATE.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12 **78-27-61**, Utah Code Annotated 1953

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **78-27-61** is enacted to read:

15 **78-27-61. Amusement park rides -- Rider responsibility provisions.**

16 (1) As used in this section:

17 (a) "Amusement park" means any permanent indoor or outdoor facility or park where
18 amusement rides are available for use by the general public.

19 (b) "Amusement ride" means a device or attraction at an amusement park which carries
20 or conveys passengers along, around, or over a fixed or restricted route or course or allows the
21 passenger to steer or guide it within an established area for the purpose of giving its passengers
22 amusement, pleasure, thrills, or excitement. "Amusement ride" includes:

23 (i) any water-based recreational attraction, including all water slides, wave pools, and
24 water parks; and

25 (ii) typical rides, including roller coasters, whips, ferris wheels, and merry-go-rounds.

26 (c) "Operator" means any person, firm, or corporation that owns, leases, manages, or
27 operates an amusement park or amusement ride and all employees and agents of the amusement

1 park.

2 (d) "Rider" means any person who is:

3 (i) waiting in the immediate vicinity of an amusement ride in order to get on the ride;

4 (ii) in the process of leaving the ride but remains in its immediate vicinity; or

5 (iii) a passenger or participant on an amusement ride.

6 (2) An amusement park shall post signs and notices in conspicuous locations throughout
7 the park informing riders of the necessity to report all injuries sustained on amusement park
8 premises. The signs shall contain the location where any injuries are to be reported.

9 (3) An amusement park shall inform riders of all rules concerning conduct on each ride.
10 Information may be given verbally at the beginning of each ride segment or posted in writing
11 conspicuously at the entrance to each ride.

12 (4) All riders are responsible for obeying the posted rules and verbal instructions of the
13 amusement ride operator.

14 (5) A rider, or the parent or guardian of a minor rider on the minor's behalf, shall report
15 in writing to the amusement facility or its designated agent any injuries sustained on an amusement
16 ride before leaving the amusement facility premises, unless the rider, or parent or guardian of a
17 minor rider, is unable to file a report because of the severity of the injuries to the rider. The report
18 shall be filed as soon as reasonably possible and include:

19 (a) the name, address, and phone number of the injured person;

20 (b) if the injured person is a minor, the name, address, and phone number of the parent or
21 guardian filing the report;

22 (c) a brief description of the incident causing the injury, including the location, date, and
23 time of the injury;

24 (d) a description of the injury, including the cause, if known; and

25 (e) the name, address, and phone number of any known witnesses to the incident.

26 (6) A rider may not board or attempt to board any amusement ride if he is under the
27 influence of any alcoholic beverage or controlled substance.

28 (a) An operator of an amusement park ride may prevent a rider who is perceptibly or
29 apparently under the influence of alcohol or a controlled substance from boarding an amusement
30 ride.

31 (b) An operator who prevents a rider from boarding an amusement ride under this section,

1 is not criminally or civilly liable if the operator reasonably believes that the rider is under the
2 influence of alcohol or a controlled substance.

3 Section 2. **Effective date.**

4 This act takes effect on May 1, 1998.

Legislative Review Note

as of 2-6-98 8:46 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel