

Representative Marda Dillree proposes to substitute the following bill:

AMUSEMENT PARK RIDER RESPONSIBILITY

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

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

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

ENACTS:

78-27-61, Utah Code Annotated 1953

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

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

78-27-61. Amusement park rides -- Park responsibilities -- Rider responsibilities.

(1) As used in this section:

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

(ii) "Amusement park" does not include a ski resort, a traveling show, carnival, or fair.

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

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

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

2 (c) "Intoxicated" means a person is under the influence of alcohol, a controlled substance,
3 or any substance having the property of releasing toxic vapors, to a degree that the person may
4 endanger himself or another, in a public place or in a private place where he unreasonably disturbs
5 other persons.

6 (d) "Operator" means any person, firm, or corporation that owns, leases, manages, or
7 operates an amusement park or amusement ride and all employees and agents of the amusement
8 park.

9 (e) "Rider" means any person who is:

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

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

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

13 (2) An amusement park shall inform riders in writing, where appropriate, of the nature of
14 the ride, including factors which would assist riders in determining whether they should participate
15 in the ride activity and the rules concerning conduct on each ride. Information **h** CONCERNING THE
15a RULES OF CONDUCT h may be given
16 verbally at the beginning of each ride segment or posted in writing conspicuously at the entrance
17 to each ride.

18 (3) Riders are responsible for obeying the posted rules and verbal instructions of the
19 amusement ride operator.

20 (4) A rider may not:

21 (a) board or dismount from an amusement ride except at a designated area;

22 (b) board an amusement ride if he has a physical condition that may be aggravated by
23 participation on the ride;

24 (c) disconnect, disable, or attempt to disconnect or disable, any safety device, seat belt,
25 harness, or other restraining device before, during, or after movement of the amusement ride has
26 started except at the express instruction of the operator;

27 (d) throw or expel any object from an amusement ride;

28 (e) act in any manner contrary to posted or oral rules while boarding, riding, or
29 dismounting from an amusement ride; or

30 (f) engage in any reckless act or activity which may injure himself or others.

31 (5) A rider may not board or attempt to board any amusement ride if he is intoxicated.

1 (a) An operator of an amusement park ride may prevent a rider who is perceptibly or
2 apparently intoxicated from boarding an amusement ride.

3 (b) An operator who prevents a rider from boarding an amusement ride under this section,
4 is not criminally or civilly liable if the operator reasonably believes that the rider is intoxicated.

5 (6) An amusement park shall post signs and notices in conspicuous locations throughout
6 the park informing riders of the **h** [necessity to report] **IMPORTANCE OF REPORTING** h all injuries
6a sustained on amusement park
7 premises. The signs shall contain the location where any injuries **h** [are to] **MAY** h be reported.

8 (7) A rider, or the parent or guardian of a minor rider on the minor's behalf, **h** [shall]
8a **MAY** h report
9 in writing to the amusement facility or its designated agent any injuries sustained on an amusement
10 ride before leaving the amusement facility premises, unless the rider, or parent or guardian of a
11 minor rider, is unable to file a report because of the severity of the injuries to the rider. The report
12 shall be filed as soon as reasonably possible and include:

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

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

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

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

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

20 (8) The actions of any rider **h** **OF SUFFICIENT AGE AND KNOWLEDGE TO ASSUME THE**
20a **INHERENT RISKS OF AN AMUSEMENT RIDE** h who violates the provisions of Subsection (3), (4), or
20b (5) may

21 be considered by the court in a civil action brought by a rider against the amusement park operator

21a **h** **FOR INJURIES SUSTAINED WHILE AT THE AMUSEMENT PARK** h

22 for the purpose of allocating fault between the parties.

23 **Section 2. Effective date.**

24 This act takes effect on May 1, 1998.