MISSISSIPPI LEGISLATURE
REGULAR SESSION 2020

By: Representatives Weathersby, Bell (65th) To: Public Property

HOUSE BILL NO. 999
(As Passed the House)

AN ACT TO DEFINE CERTAIN TERMS RELATING TO AMUSEMENT RIDE REQUIREMENTS; TO PROVIDE THE REQUIREMENTS FOR AN APPLICATION TO OPERATE AMUSEMENT RIDES IN THE STATE OF MISSISSIPPI; TO REQUIRE AN INSPECTOR TO HAVE CERTAIN CERTIFICATIONS BEFORE INSPECTING AMUSEMENT RIDES; TO PROVIDE INSPECTION REQUIREMENTS FOR AMUSEMENT RIDES; TO PROVIDE REQUIREMENTS FOR OPERATORS AND PATRONS OF AMUSEMENT RIDES; TO REQUIRE INCIDENT REPORTING; TO PROVIDE FOR INCIDENT INVESTIGATION; TO EXEMPT NONPROFIT OWNERS/OPERATORS WHO OPERATE 10 RIDES OR LESS; TO BRING FORWARD SECTION 21-19-33, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE REGULATION OF AMUSEMENT PARKS AND OTHER EVENTS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following words and phrases shall have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) "Amusement ride" or "ride" means a mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course for the purpose of giving the passengers amusement, pleasure, thrills or excitement. The term "amusement ride" does not include bungee jumping, zip lines, waterslides, or obstacle, challenge or adventure courses.
(b) "Ride operator" means the person having direct control of the starting, stopping, or speed of an amusement ride.

c) "Owner or operator" means the person or organization that is responsible for the maintenance and operation of an amusement ride or amusement device.

d) "Department" means the Mississippi Department of Revenue.

e) "Serious injuries or illnesses" means a person's injury or illness that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

(f) "Minor injuries or illnesses" means injuries and illnesses that may or may not require emergency first aid or significant treatment, or both, but cannot be otherwise classified as a serious injury or illness. This term includes incidents where treatment is limited to such things as the dispensation of over-the-counter medication or plastic adhesive strips, cleansing, rest, and other similar duties or assistance.

SECTION 2. (1) An amusement ride may not be operated in this state unless the Mississippi Department of Revenue has issued an operating permit decal for the amusement ride to the owner or operator within the preceding twelve (12) months.
(2) An application for an operating permit decal must be submitted to the department not fewer than fifteen (15) business days before the first time the amusement ride is operated in the state, and must include the following:

(a) Certificate of insurance in the amount of not less than One Million Dollars ($1,000,000.00) per occurrence that insures the owner or operator against liability for injury to persons and property arising out of the use or operation of the amusement ride;

(b) Payment of a fee not to exceed One Hundred Dollars ($100.00); and

(c) Proof of satisfactory inspection of the ride by a qualified inspector, as defined in Section 3 of this act, conducted no earlier than fifteen (15) days before the submission of the application for an operating permit decal. The date of the inspection must be indicated on the proof of inspection.

(3) The operating permit decal shall be valid for one (1) year from the date of issue and must be in a manner and format as prescribed by the department.

(4) The operating permit decal must be affixed to the ride in a conspicuous location that is plainly visible to patrons.

(5) The department shall:

(a) Determine the manner and format of the operating permit decal, any forms to be used to apply for the decal, and any forms to be used to report serious injuries or illnesses;
(b) Make any forms and certifications available on the department's website and provide decals to owners or operators;
(c) Subject to the limitations of this act, determine the fee for the filing of an operating permit decal;
(d) Allow an owner or operator to apply for operating permit decals for multiple rides at one time, using one (1) form; and
(e) Charge one (1) fee for the filing of each application form, regardless of the number of rides listed on the application.

**SECTION 3.** (1) The annual inspection required in Section 2 of this act must be conducted by a qualified inspector. A qualified inspector must:

(a) Be certified:
   (i) By the National Association of Amusement Ride Safety Officials at a minimum, as a Level I inspector; or
   (ii) By the Amusement Industry Manufacturers and Suppliers International at a level that is equivalent to the certification under subparagraph (i) of this paragraph;
(b) Have twenty-four (24) months of employment experience in the field of amusement ride inspection; and
(c) Not be the owner or operator of the ride or an employee or agent of the owner or operator.

(2) The certificate of inspection shall certify that the ride is in substantial compliance with ASTM International Standard
F770-19 concerning practices for ownership, operation, maintenance
and inspection of amusement rides and devices.

(3) The owner or operator of an amusement ride shall:

(a) Operate, maintain and inspect all rides in
substantial compliance with ASTM International Standard F770-19;

(b) Keep a paper or electronic copy of all required
forms or certifications, and of all safety inspections conducted
by the owner or operator during the preceding twelve (12) months,
or until an inspection is repeated, whichever is longer for each
ride:

(i) On or near that ride; or

(ii) At the office of the owner or operator; and

(c) Make those records available to the Mississippi
Department of Revenue promptly upon request.

SECTION 4. (1) A ride operator must:

(a) Be at least sixteen (16) years of age;

(b) Operate only one (1) amusement ride at a time;

(c) Be in attendance at all times when the ride is
operating; and

(d) Operate the ride in accordance with the ride
manufacturer's specifications.

(2) To the extent permitted by law, an operator may deny any
person entrance to an amusement ride if the operator believes that
entrance by that person may jeopardize the safety of the person or
other persons.
(3) Patron responsibility:

(a) There are inherent risks in the participation in or on any amusement ride. Patrons of an amusement ride, by participation, accept the risks inherent in such participation of which the ordinary prudent person is or should be aware. Patrons have the duty to exercise good judgment and act in a responsible manner while using the amusement ride, device, or attraction and to obey all oral or written warnings, or both, before or during participation, or both.

(b) Patrons have a duty to not participate in or on any amusement ride when under the influence of drugs or alcohol.

(c) Patrons have a duty to properly use all ride or device safety equipment provided.

(d) Any patron that violates the provisions of this subsection (3) shall be subject to immediate removal from the amusement facility without a refund of any admission charge.

(e) An owner or operator of an amusement ride shall display the potential penalties for violation of this section at each amusement ride.

SECTION 5. (1) The owner or operator shall maintain an incident report log for all rider injuries or illnesses resulting from the operation of an amusement ride, other than minor injuries or illnesses resulting from the operation of an amusement park ride in this state. The recorded information must include, at a minimum, the following:
(a) The date the injury occurred;
(b) The name, address, and telephone number of the injured rider;
(c) The age of the injured rider;
(d) The manufacturer's name and serial number of the amusement ride involved in the injury;
(e) The name of the amusement ride in use at the location of the injury, if different from the manufacturer's name;
(f) A description of the injury including, to the extent known, its cause; and
(g) A description of any first-aid treatment administered to the injured rider.

(2) The owner or operator shall maintain the incident report log for a minimum of three (3) years.

(3) The owner or operator shall report all serious injuries or illnesses resulting from the operation of an amusement ride in this state, that do not result in death to the Mississippi Department of Revenue, in writing, within seventy-two (72) hours of the owner or operator being notified of the serious injury or illness.

(4) The owner or operator shall report all serious injuries or illnesses resulting from the operation of an amusement ride in this state, that result in death to the administrator within two (2) hours of the owner or operator being notified of the death.

The owner or operator may initially notify the department verbally.
via telephone, but shall follow up with a written report of a
death within twenty-four (24) hours of the owner or operator being
notified of the death.

(5) In the event of a serious injury or illness resulting
from the operation of an amusement ride in this state, the owner
or operator shall immediately cease operation of the amusement
ride except as necessary to prevent imminent harm to any person.
The owner or operator shall take all reasonable steps to preserve
the condition of the amusement ride pending an investigation by
the department.

SECTION 6. (1) Within twenty-four (24) hours of
notification by the owner or operator of a serious injury or
illness, the Mississippi Department of Revenue may initiate an
investigation into the reported serious injury or illness. If the
department determines that an investigation is not warranted, the
department shall promptly notify the owner or operator and the
amusement ride may be reopened. If the department initiates an
investigation, the amusement ride shall not be reopened to the
public until such time as the department's investigation is
complete and authorization to reopen is given to the owner or
operator.

(2) The department's investigation shall be conducted with
the assistance of a qualified inspector employed by the department
or through contract with the department. The cost of any
investigation shall be paid by the owner or operator.
(3) Any investigation must be conducted with all practicable speed to minimize the disruption of the amusement facility at which the amusement ride is located, as well as unrelated commercial activities.

(4) An investigation of a reported serious injury or illness must be completed immediately following the reasonable determination by the qualified inspector or the department's designee that a principal cause of the serious injury or illness was the injured rider's failure to comply with the posted safety rules or with verbal instructions given by operators.

SECTION 7. The provisions of this act shall not apply to any nonprofit owner/operator who operates ten (10) rides or less.

SECTION 8. The Commissioner of Revenue may adopt any rules and regulations necessary to implement the provisions of this act.

SECTION 9. Section 21-19-33, Mississippi Code of 1972, is brought forward as follows:

21-19-33. The governing authorities of municipalities shall have the power to adopt reasonable ordinances for the regulation of circuses, shows, theaters, bowling alleys, concerts, theatrical exhibitions, skating rinks, pistol or shooting galleries, amusement parks and devices, and other similar things. Said authorities shall have the power and authority to regulate, prohibit, or suppress billiard tables, poolrooms, fortune-tellers, cane or knife racks, and slot machines and other gambling devices within the corporate limits. However, such governing authorities
shall not be authorized to regulate, prohibit or suppress any
gambling device, machine or equipment that is owned, possessed,
controlled, installed, procured, repaired or transported within
the corporate limits in accordance with subsection (4) of Section 97-33-7 or Section 75-76-34. In addition, such governing
authorities shall not be authorized to regulate, prohibit or
suppress the ownership and display of antique coin machines as
defined in Section 27-27-12.

SECTION 10. This act shall take effect and be in force from and after January 1, 2021.