

By: Representatives Weathersby, Bell (65th)

To: Public Property

HOUSE BILL NO. 999
(As Passed the House)

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

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

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

17 (a) "Amusement ride" or "ride" means a mechanical
18 device that carries or conveys passengers along, around or over a
19 fixed or restricted route or course for the purpose of giving the
20 passengers amusement, pleasure, thrills or excitement. The term
21 "amusement ride" does not include bungee jumping, zip lines,
22 waterslides, or obstacle, challenge or adventure courses.



23 (b) "Ride operator" means the person having direct
24 control of the starting, stopping, or speed of an amusement ride.

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

28 (d) "Department" means the Mississippi Department of
29 Revenue.

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

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

44 **SECTION 2.** (1) An amusement ride may not be operated in
45 this state unless the Mississippi Department of Revenue has issued
46 an operating permit decal for the amusement ride to the owner or
47 operator within the preceding twelve (12) months.



48 (2) An application for an operating permit decal must be
49 submitted to the department not fewer than fifteen (15) business
50 days before the first time the amusement ride is operated in the
51 state, and must include the following:

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

57 (b) Payment of a fee not to exceed One Hundred Dollars
58 (\$100.00); and

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

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

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

69 (5) The department shall:

70 (a) Determine the manner and format of the operating
71 permit decal, any forms to be used to apply for the decal, and any
72 forms to be used to report serious injuries or illnesses;



73 (b) Make any forms and certifications available on the
74 department's website and provide decals to owners or operators;

75 (c) Subject to the limitations of this act, determine
76 the fee for the filing of an operating permit decal;

77 (d) Allow an owner or operator to apply for operating
78 permit decals for multiple rides at one time, using one (1) form;
79 and

80 (e) Charge one (1) fee for the filing of each
81 application form, regardless of the number of rides listed on the
82 application.

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

86 (a) Be certified:

87 (i) By the National Association of Amusement Ride
88 Safety Officials at a minimum, as a Level I inspector; or

89 (ii) By the Amusement Industry Manufacturers and
90 Suppliers International at a level that is equivalent to the
91 certification under subparagraph (i) of this paragraph;

92 (b) Have twenty-four (24) months of employment
93 experience in the field of amusement ride inspection; and

94 (c) Not be the owner or operator of the ride or an
95 employee or agent of the owner or operator.

96 (2) The certificate of inspection shall certify that the
97 ride is in substantial compliance with ASTM International Standard



98 F770-19 concerning practices for ownership, operation, maintenance
99 and inspection of amusement rides and devices.

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

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

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

108 (i) On or near that ride; or

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

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

112 **SECTION 4.** (1) A ride operator must:

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

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

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

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

119 (2) To the extent permitted by law, an operator may deny any
120 person entrance to an amusement ride if the operator believes that
121 entrance by that person may jeopardize the safety of the person or
122 other persons.



123 (3) Patron responsibility:

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

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

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

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

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

142 **SECTION 5.** (1) The owner or operator shall maintain an
143 incident report log for all rider injuries or illnesses resulting
144 from the operation of an amusement ride, other than minor injuries
145 or illnesses resulting from the operation of an amusement park
146 ride in this state. The recorded information must include, at a
147 minimum, the following:



148 (a) The date the injury occurred;

149 (b) The name, address, and telephone number of the
150 injured rider;

151 (c) The age of the injured rider;

152 (d) The manufacturer's name and serial number of the
153 amusement ride involved in the injury;

154 (e) The name of the amusement ride in use at the
155 location of the injury, if different from the manufacturer's name;

156 (f) A description of the injury including, to the
157 extent known, its cause; and

158 (g) A description of any first-aid treatment
159 administered to the injured rider.

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

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

168 (4) The owner or operator shall report all serious injuries
169 or illnesses resulting from the operation of an amusement ride in
170 this state, that result in death to the administrator within two
171 (2) hours of the owner or operator being notified of the death.
172 The owner or operator may initially notify the department verbally



173 via telephone, but shall follow up with a written report of a
174 death within twenty-four (24) hours of the owner or operator being
175 notified of the death.

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

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

194 (2) The department's investigation shall be conducted with
195 the assistance of a qualified inspector employed by the department
196 or through contract with the department. The cost of any
197 investigation shall be paid by the owner or operator.



198 (3) Any investigation must be conducted with all practicable
199 speed to minimize the disruption of the amusement facility at
200 which the amusement ride is located, as well as unrelated
201 commercial activities.

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

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

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

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

214 21-19-33. The governing authorities of municipalities shall
215 have the power to adopt reasonable ordinances for the regulation
216 of circuses, shows, theaters, bowling alleys, concerts, theatrical
217 exhibitions, skating rinks, pistol or shooting galleries,
218 amusement parks and devices, and other similar things. Said
219 authorities shall have the power and authority to regulate,
220 prohibit, or suppress billiard tables, poolrooms, fortune-tellers,
221 cane or knife racks, and slot machines and other gambling devices
222 within the corporate limits. However, such governing authorities



223 shall not be authorized to regulate, prohibit or suppress any
224 gambling device, machine or equipment that is owned, possessed,
225 controlled, installed, procured, repaired or transported within
226 the corporate limits in accordance with subsection (4) of Section
227 97-33-7 or Section 75-76-34. In addition, such governing
228 authorities shall not be authorized to regulate, prohibit or
229 suppress the ownership and display of antique coin machines as
230 defined in Section 27-27-12.

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

