

**House Public Safety and Homeland Security Reported
Substitute for HB352**



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A BILL
TO BE ENTITLED
AN ACT

Relating to amusement rides and water slides; to impose new safety requirements pertaining to the operation and maintenance of amusement rides and water slides.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Unless inconsistent with any other provision of this act, the following ASTM International standards are adopted by reference:

- (1) F770-22, Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices.
- (2) F2376-22, Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.
- (3) F747-22, Standard Terminology Relating to Amusement Rides and Devices.

Section 2. For the purposes of this act, the following terms have the following meanings:

(1) AMUSEMENT RIDE. A device or combination of devices or elements that carry, convey, or direct an individual over or through a fixed or restricted course or within a defined



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29 area for the primary purpose of amusement or entertainment,
30 including, but not limited to, amusement railway rides,
31 circular rides, concession go karts, flat rides, high rides,
32 inflatable amusement devices, and kiddie rides as defined in
33 ASTM F747-22. Amusement rides shall not include aerial
34 trekking courses, canopy tours, challenge courses, fun karts,
35 race karts, ropes courses, trampoline courts, or zip lines as
36 defined in ASTM F747-22. Further, amusement rides shall not
37 include coin-operated amusement rides, courses or facilities
38 that include whitewater rafting, paddling, climbing,
39 bouldering, or biking, or nonmechanized playground equipment.

40 (2) COIN-OPERATED AMUSEMENT RIDE. A single passenger
41 coin-operated ride that is manually, mechanically, or
42 electrically operated, customarily placed in a public
43 location, and does not normally require the supervision of an
44 operator.

45 (3) INFLATABLE AMUSEMENT DEVICE. An amusement ride or
46 device designed for uses including, but not limited to,
47 bouncing, climbing, sliding, or interactive play, made of
48 flexible fabric, kept inflated by continuous air flow provided
49 by one or more blowers, and reliant upon air pressure to
50 maintain its shape.

51 (4) NONMECHANIZED PLAYGROUND EQUIPMENT. Swings,
52 seesaws, stationary spring-mounted animal features,
53 rider-propelled merry-go-rounds, climbers, playground slides,
54 physical fitness devices, and other similar items.

55 (5) OPERATOR. An individual in direct control of the
56 starting, stopping, or speed of an amusement ride.



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57 (6) OWNER. The individual, organization, or business
58 entity responsible for the maintenance and operation of an
59 amusement ride or water slide.

60 (7) QUALIFIED INSPECTOR. A professional engineer or
61 inspector who is not employed by the owner and holds at a
62 minimum a level 1 maintenance certification from Amusement
63 Industry Manufacturers and Suppliers International (AIMS
64 International) or the National Association of Amusement Ride
65 Safety Officials.

66 (8) WATER SLIDE. A ride intended for use by riders in
67 bathing attire where the action of the ride involves possible
68 or purposeful immersion of the rider's body in water, either
69 in whole or in part, and which uses circulating water to
70 mobilize or lubricate the rider's transportation along a
71 pre-built path. A water slide includes slides used with or
72 without vehicles, but does not include water slides installed
73 at private residences, water flume amusement rides, log flume
74 rides, lazy river-type attractions operating at a constant
75 elevation and constructed in the ground, **courses or facilities**
76 **that include whitewater rafting or paddling,** or slides where
77 the change in elevation from the beginning to the end of the
78 slide is less than fifteen feet.

79 Section 3. (a) All amusement rides and water slides
80 shall be inspected by a qualified inspector at least once
81 every 12 months, measured from the date of issuance of the
82 immediately preceding inspection certificate.

83 (b) Upon completion of a satisfactory inspection, a
84 qualified inspector shall issue an inspection certificate to



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85 the owner of the amusement ride or water slide certifying
86 that, in the qualified inspector's reasonable judgment, the
87 amusement ride or water slide substantially complies with all
88 statutorily required ASTM standards and is reasonably safe for
89 public use.

90 (c) No patron may be admitted to an amusement ride or
91 water slide that has undergone a major modification until the
92 amusement ride or water slide receives a new inspection
93 certificate from a qualified inspector.

94 (d) (1) No amusement ride or water slide may be operated
95 for the public if the amusement ride or water slide has not
96 received an inspection certificate from a qualified inspector.

97 (2) If, using his or her reasonable judgment, a
98 qualified inspector determines that an amusement ride or water
99 slide is not reasonably safe for public use, the qualified
100 inspector shall immediately notify the amusement ride or water
101 slide's owner of any unsafe condition.

102 (3) A qualified inspector shall not issue an inspection
103 certificate for an unsafe amusement ride or water slide until
104 the unsafe condition has been rectified to the satisfaction of
105 the qualified inspector.

106 (e) Inspection fees shall be determined by each
107 qualified inspector and paid by the owner of the amusement
108 ride or water slide.

109 (f) In addition to the inspections by qualified
110 inspectors required by this act, the owner of an amusement
111 ride shall ensure that, at minimum, a daily pre-opening
112 inspection is conducted on each amusement ride and water slide



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113 in accordance with the pre-opening inspection requirements of
114 ASTM F770-22, ASTM F1193-22 Section 6, or ASTM F2376-22.

115 (g) Owners shall keep records of all inspections by
116 qualified inspectors and pre-opening inspections for at least
117 three years from the creation of each record.

118 Section 4. An owner of an amusement ride or water slide
119 shall maintain, at all times during which the amusement ride
120 or water slide is in operation for the public, liability
121 insurance with an insurer authorized or approved to write such
122 insurance in this state on the operation of the amusement ride
123 or water slide providing coverage, subject to a limit,
124 exclusive of interest and costs, of not less than ~~five hundred~~
125 ~~thousand dollars (\$500,000)~~ **one million dollars (\$1,000,000)**
126 for bodily injury or death of one individual in each
127 occurrence, and, subject to such limit for one individual, to
128 a limit of not less than one million dollars (\$1,000,000) for
129 bodily injury or death of two or more individuals in each
130 occurrence.

131 Section 5. (a) Patrons of an amusement ride or water
132 slide shall do all of the following:

133 (1) Obey all posted signs, including, but not limited
134 to, warning signs, instruction signs, and direction signs,
135 pertaining to the amusement ride or water slide.

136 (2) Obey all verbal instructions from operators.

137 (3) Properly use all safety equipment on the amusement
138 ride or water slide in accordance with the instructions of
139 operators and posted signs.

140 (b) Patrons of an amusement ride or water slide may not



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141 do any of the following:

142 (1) Act in any manner that may cause or contribute to
143 injury to self or others.

144 (2) Interfere with the operation of the amusement ride
145 or water slide.

146 (3) Fail to engage any provided safety devices.

147 (4) Disconnect or disable a safety device, except at
148 the express instruction of an operator.

149 (5) Extend arms or legs beyond the carrier or seating
150 area, except at the express instruction of an operator.

151 (6) Throw, drop, or expel any object from or toward an
152 amusement ride or water slide.

153 (7) Enter or exit an amusement ride or water slide,
154 except at the designated time and area, at the express
155 direction of an operator, or in an emergency.

156 (8) Unreasonably control the speed or direction of
157 himself or herself if the amusement ride or water slide
158 requires the patron to control or direct himself or herself.

159 (9) Ride any amusement ride or water slide while under
160 the influence of alcohol or any other intoxicating substance.

161 (c) Any patron who violates the provisions of this
162 section shall be subject to immediate removal from the
163 amusement facility without the refund of any admission charge.

164 **Section 6. This act shall not apply to sheriffs,**
165 **recreational vehicle parks, as defined in Section 35-15-30,**
166 **Code of Alabama 1975, governmental entities, as defined in**
167 **Section 41-1-41, Code of Alabama 1975, or summer camps. For**
168 **the purposes of this act, "summer camps" include facilities**



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169 providing lodging, meals, and educational and recreational
170 opportunities, primarily for the benefit of children,
171 students, and nonprofit organizations, and not members of the
172 general public.

173 **Section 7.** This act shall become effective on the first
174 day of the third month following its passage and approval by
175 the Governor, or its otherwise becoming law.