

By Mr. Caron of Springfield, petition of Paul E. Caron relative to the licensing of amusement parks. Government Regulations.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO THE LICENSING OF AMUSEMENT PARKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws, is hereby
2 amended by striking out section 205A, as appearing in the 1998
3 Official Edition, and inserting in place thereof the following
4 section:—

5 Section 205A. As used in this section, the term “amusement
6 device” shall mean any mechanical ride or device constructed and
7 designed to carry one or more persons for entertainment or amuse-
8 ment purposes and which is powered by means of internal com-
9 bustion or electrical energy; provided, however, that the
10 commissioner of public safety shall have the discretion to define
11 any amusement device operated under this section. No person
12 shall, by himself or through an agent, operate or cause to be oper-
13 ated a ferris wheel, carousel, inclined railway or similar amuse-
14 ment device, unless such person has obtained a license from said
15 commissioner of public safety, hereinafter called the commis-
16 sioner. Said commissioner, upon the receipt of proof that a person
17 has obtained liability insurance as required by this section and
18 upon certification by the liability insurance carrier that an amuse-
19 ment device hereinbefore described has met the safety standards
20 of mechanical strength, rigidity and control established by the
21 commissioner, shall issue a license for the operation of said
22 device. A certificate of examination by a person who possesses a
23 certificate of competency to examine amusement devices, issued
24 under section sixty-two of chapter one hundred and forty-six, and
25 a certificate of liability insurance shall be furnished to the com-

26 missioner ten days prior to the opening of any such device. The
27 fee for a license under this section shall be determined annually
28 by said commissioner of administration under the provision of
29 section 3B of chapter 7 for the filing thereof. Such license shall
30 expire one year from the date of issue thereof, unless revoked for
31 cause and shall be valid throughout the commonwealth. A trav-
32 eling carnival shall notify said commissioner at least one month in
33 advance as to the location and dates such carnival will be in the
34 commonwealth.

35 If an injury requiring medical treatment related to specific
36 injuries received on an amusement park ride has occurred on such
37 an amusement device, reasonably due to a defect or malfunction
38 in such device or if such device constitutes a hazard to life, limb,
39 or property, as determined by said commissioner or his designee
40 or by an agent of the insurance carrier, such amusement device
41 shall be closed immediately; and within forty-eight hours, the
42 owner or operator shall notify said commissioner or his designee
43 in writing upon a form approved by said commissioner and the
44 insurance carrier. Such amusement device shall remain closed
45 until all necessary repairs have been completed to the satisfaction
46 of the commissioner or his designee and the insurance carrier. All
47 such injuries shall be investigated by inspectors in the division of
48 inspection in the department of public safety. The licensee shall
49 pay to the commissioner a fee, as determined under the chapter 7
50 provisions, for each hour or fraction thereof spent by each
51 inspector while engaged in such investigation.

52 If the insurance contract expires or is cancelled, notice shall be
53 furnished by the insurance carrier to said commissioner at least
54 ten days prior to termination and such amusement device shall be
55 closed no later than said date of termination and remain closed
56 until insurance is obtained. Every ferris wheel, carousel, inclined
57 railway, or similar amusement device shall have embossed on the
58 control unit and prominently displayed on at least three areas of
59 the amusement device procedures for braking and allowing the
60 amusement device to come to a safe stop.

61 All insurance examiners authorized by this section to conduct
62 said examinations shall be certified by the department of public
63 safety. All owners and operators of an amusement park or amuse-
64 ment devices shall maintain and preserve a log or logs of all reg-

65 ular maintenance schedules, service and repair reports, periodic
66 inspections performed, and any accident or injury which may have
67 occurred on said ride, which shall be made available upon request
68 to any inspector in the department of inspection in the department
69 of public safety; and provided further, amusement devices at an
70 amusement park of a permanent nature shall be inspected annually
71 by a certified inspector.

72 The provisions of this section shall not apply to recreational
73 tramways, as defined by section 711 of chapter 143, or manually
74 operated amusement rides with coiled devices. Owners of perma-
75 nent or traveling amusement parks shall comply with the Amer-
76 ican Society for Testing Materials standards on amusement rides
77 and devices; they shall conduct daily inspections on amusement
78 devices by both ride operators and trained maintenance personnel;
79 they shall maintain permanent and extensive training, inspection
80 and maintenance policies relative to routine and emergency
81 safety; they shall employ full-time emergency medical personnel
82 and maintain ambulance services within the park. All amusement
83 parks of a permanent or traveling nature shall be required to have
84 at least one individual on staff that is certified by the commis-
85 sioner of the department of public safety as qualified to oversee
86 the operation, maintenance and inspection of said amusement
87 devices; provided, however, that no minor shall operate any such
88 amusement device, provided, further, that the operator of any such
89 park or ride shall furnish to the commissioner proof that all
90 amusement devices in such park are covered for an amount of at
91 least one million dollars for combined single limit bodily injury
92 and property damage, and which meet the rules and regulations as
93 established by the commissioner under this section; provided, fur-
94 ther, that operational programs and policies relative to training,
95 inspection, maintenance and safety of said parks shall be subject
96 to review and modification by the commissioner or his designee.
97 Proof of coverage shall include, but not be limited to, proof of li-
98 ability insurance issued by an insurance company approved to do
99 business within the commonwealth, or a bond, security or other
100 type of indemnity against liability providing substantially equiva-
101 lent coverage.

102 The operator of an amusement park or traveling amusement
103 entity shall certify to the commissioner annually that a policy has

104 been established to prohibit and prevent the use of drugs and
105 alcohol by park employees in the workplace, and such policy may
106 include a random drug and alcohol testing program for said
107 employees, which meets standards promulgated by said commis-
108 sioner.

109 Whoever violates any provision of this section shall for each
110 such violation be punished by a fine of not more than one thou-
111 sand dollars or by imprisonment for not more than one year, or
112 both.

1 SECTION 2. Section 60 of chapter 146 of the General Laws, as
2 so appearing, is hereby amended by adding the following sen-
3 tence:— Any individual, who is an employee of an amusement
4 park, or performs or has performed amusement inspections for the
5 division, shall be eligible for a certificate of competency to
6 inspect amusement devices.

1 SECTION 3. The commissioner of public safety, in conjunction
2 with members of the permanent amusement park industry and the
3 American Society for Testing Materials, shall within six months
4 of the effective date of this act, promulgate rules and regulations
5 regarding certification of state inspectors and other individuals
6 certified for the amusement park industry.