

Substituted by the House, on motion of Mr. Hogan of Everett, for a bill with the same title (House, No. 6418). September 3.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT RELATIVE TO AMUSEMENT DEVICES.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to further protect the lives and safety
3 of the public, therefore it is hereby declared to be an emergency
4 law, necessary for the immediate preservation of the public
5 convenience and safety.

*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, inserted by chapter 807 of
3 the acts of 1974, and inserting in place thereof the following
4 section:—

5 *Section 205A.* No person shall, by himself or through an
6 agent, operate or cause to be operated a ferris wheel, carousel,
7 inclined railway or similar amusement device, except in an
8 amusement park of a permanent nature, unless such person has
9 obtained a license from the commissioner of public safety,
10 hereinafter called the commissioner. The commissioner, upon the
11 receipt of proof that a person has obtained liability insurance as
12 required by this section and upon certification by the liability
13 insurance carrier that an amusement device hereinbefore
14 described has met the safety standards of mechanical strength,
15 rigidity and control established by the commissioner, shall issue a
16 license for the operation of said device. A certificate of
17 examination by a person who possesses a certificate of
18 competency to examine amusement devices, issued under section

19 sixty-two of chapter one hundred and forty-six, and a certificate
20 of liability insurance shall be furnished to the commissioner ten
21 days prior to the opening of any such device. The fee for a license
22 under this section shall be twenty-five dollars. Such license shall
23 expire one year from the date of issue thereof, unless revoked for
24 cause, and shall be valid throughout the commonwealth. A
25 travelling carnival shall notify the commissioner at least one
26 month in advance as to the location and dates such carnival will
27 be in the commonwealth.

28 If an injury requiring hospitalization has occurred on such an
29 amusement device due to a defect or malfunction in such device,
30 or if such device constitutes a hazard to life, limb, or property, as
31 determined by the commissioner or his designee or by an agent of
32 the insurance carrier, such amusement device shall be closed
33 immediately; and within forty-eight hours, the owner or operator
34 shall notify the commissioner or his designee and the insurance
35 carrier. Such amusement device shall remain closed until all
36 necessary repairs have been completed to the satisfaction of the
37 commissioner or his designee and the insurance carrier. All such
38 injuries shall be investigated by inspectors in the division of
39 inspection in the department of public safety. The licensee shall
40 pay to the commissioner a fee of fifteen dollars for each hour or
41 fraction thereof spent by each inspector while engaged in such
42 investigation.

43 If the insurance contract expires or is cancelled, notice shall be
44 furnished by the insurance carrier to the commissioner at least ten
45 days prior to termination and such amusement device shall be
46 closed no later than said date of termination and remain closed
47 until insurance is obtained.

48 Every ferris wheel, carousel, inclined railway, or similar
49 amusement device shall have embossed on the control unit and
50 prominently displayed on at least three areas of the amusement
51 device procedures for braking and allowing the amusement device
52 to come to a safe stop.

53 No minor shall operate any such amusement device.

54 Subject to the provisions of chapter thirty A, the commissioner
55 or his designee shall adopt and may, from time to time, amend
56 rules and regulations relating to the safety and construction of
57 such amusement device, and the amount and type of liability
58 insurance to be carried before such a device may be operated

59 within the commonwealth. The commissioner shall regulate the
60 fee which may be charged for a safety certification by an
61 insurance carrier.

62 All insurance examiners authorized by this section to conduct
63 said examinations shall be certified by the department of public
64 safety.

65 The provisions of this section shall not apply to amusement
66 parks of a permanent nature, recreational tramways, as defined in
67 section seventy-one I of chapter one hundred and forty-three, or
68 manually operated amusement rides with coin devices; provided,
69 however, that the operator of any such park or ride shall furnish
70 to the commissioner a certificate by a liability insurer carrier that
71 all amusement devices in such park meet the rules and regulations
72 established by the commissioner under this section.

73 Whoever violates any provision of this section shall for each
74 such violation be punished by a fine of not more than one
75 thousand dollars or by imprisonment for not more than one year,
76 or both.

1 SECTION 2. Chapter 146 of the General Laws is hereby
2 amended by striking out section 60, as most recently amended by
3 section 66 of chapter 684 of the acts of 1972, and inserting in place
4 thereof the following section:—

5 *Section 60.* The application of a person desiring to act as
6 inspector of boilers or an inspector of amusement devices for an
7 insurance company shall be accompanied by a written request of
8 said company for an examination of such person, together with a
9 fee of twenty-five dollars.

1 SECTION 3. Said chapter 146 is hereby further amended by
2 striking out section 61, as appearing in the Tercentenary Edition,
3 and inserting in place thereof the following section:—

4 *Section 61.* Three inspectors of the division shall act as the
5 board of examiners. The applicant shall be examined as to the
6 construction, installation, maintenance and repair of steam
7 boilers and their appurtenances in the case of an applicant for a
8 certificate of competency to inspect steam boilers, and, in the case
9 of an applicant for a certificate of competency to inspect
10 amusement devices, shall be examined in such matters as the
11 inspectors shall deem relevant.

1 SECTION 4. Said chapter 146 is hereby further amended by
2 striking out section 62, as amended by chapter 363 of the acts of
3 1971, and inserting in place thereof the following section: —

4 *Section 62.* If the applicant is found competent he shall receive
5 a certificate of competency to inspect steam boilers or to inspect
6 amusement devices, as the case may be; provided, however, that if
7 the holder of a certificate ceases to be employed as an inspector
8 for a period of one year or more his certificate shall lapse and he
9 shall be required to submit to reexamination for a new certificate.

10 The fee for such reexamination shall be twenty dollars. Said
11 certificate shall continue in force until the date of birth of the
12 holder of the certificate occurring more than twelve months but
13 not more than twenty-four months after the effective date of such
14 certificate unless sooner revoked.

15 If any such certificate of competency to inspect steam boilers or
16 amusement devices or the renewal thereof expires in any even
17 year, any subsequent renewal shall expire on the next anniversary
18 of the holder's date of birth occurring in an even year.

19 If any such certificate of competency to inspect steam boilers
20 or to inspect amusement devices or renewal thereof expires in an
21 odd year, any subsequent renewal shall expire on the next
22 anniversary of the holder's date of birth occurring in an odd year.

23 A certificate of competency to inspect steam boilers or to inspect
24 amusement devices issued to a person born on February twenty-
25 ninth shall, for the purposes of this section, expire on March first.

26 The fee for the renewal of the certificate of competency shall be
27 four dollars. Certificates not renewed at expiration date shall
28 become void, and shall after one year be reinstated only by
29 reexamination of the former holder of the certificate. A notice of

30 the date of expiration of a certificate of competency to inspect
31 steam boilers or to inspect amusement devices shall, at least thirty
32 days prior to such date, be sent to the holder of the certificate.

33 The inspector of the division for the town where a holder of the
34 certificate resides may issue a renewal certificate. A person whose
35 certificate of competency is suspended or revoked shall surrender
36 his certificate to the chief or an inspector of the division.