



House of Representatives

General Assembly

File No. 142

January Session, 2003

Substitute House Bill No. 6529

House of Representatives, April 1, 2003

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGULATION OF AMUSEMENT RIDES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-132 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 All amusement rides and devices in the state shall be inspected at
4 least once in each calendar year, and as often as the Commissioner of
5 Public Safety directs. The commissioner shall approve one or more
6 qualified inspectors or civil engineers familiar with the construction
7 and use of gravity and other amusement rides and devices to conduct
8 such inspections. A reasonable fee for such inspection, to be
9 determined by the commissioner, shall be paid to such inspector or
10 engineer by the owner, lessee or operator of such ride or device. No
11 amusement ride or device used for the carrying of passengers shall be
12 operated in the state unless the same has been inspected by such an
13 inspector or engineer and the inspector or engineer has certified to the
14 commissioner that, in his judgment, the same is reasonably safe for

15 public use. Any person aggrieved by the refusal of such inspector or
16 engineer to grant such certificate of safety shall have the right of
17 appeal to the commissioner, who may, after due hearing, if he is of the
18 opinion that such ride or device is safe for public use, issue a license
19 therefor. Upon receipt of such certificate, if the applicant has complied
20 with the provisions of sections 29-129 to 29-143a, inclusive, as
21 amended by this act, a license shall be issued by the commissioner, and
22 he may issue temporary licenses to operate such rides or devices
23 pending inspection or final hearing upon the application when, in his
24 judgment, fairness and equity require it.

25 Sec. 2. Section 29-133 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2003*):

27 When used in sections 29-134 to 29-142, inclusive, as amended by
28 this act:

29 (1) "Amusement" means any circus or carnival presented in the
30 open, including a place where one or more [mechanical] rides or
31 devices capable of accommodating [five or more persons] one or more
32 passengers and normally requiring the supervision or services of an
33 operator are presented for amusement or entertainment purposes, and
34 any circus, carnival or other portable show or exhibition presented
35 under any single tent, air-supported plastic or fabric or other portable
36 shelter, and involving the assembly of one hundred or more persons;

37 (2) "Commissioner" means the Commissioner of Public Safety;

38 (3) "Insurance commissioner" means the state Insurance
39 Commissioner;

40 (4) "Grandstand" means any structure, either with or without a roof,
41 providing seating for one hundred or more persons;

42 (5) "Owner" means the proprietor, operator, agent or possessor of
43 such amusement;

44 (6) "Tent" means any structure with or without side panels having

45 wood or metal supports and using any kind of a textile or similar
46 material for coverage, and having a capacity sufficient to shelter one
47 hundred or more persons or covering a ground area of more than one
48 thousand two hundred square feet.

49 Sec. 3. Section 29-136 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2003*):

51 (a) On receipt of an application for an amusement license, the
52 Commissioner of Public Safety shall cause a full investigation and
53 inspection of the location, equipment, paraphernalia, [mechanical]
54 amusement rides and devices in respect to such amusement and all
55 other matters relating thereto to be made and shall determine whether
56 or not such amusement will be reasonably safe for public attendance
57 and may make reasonable orders concerning alterations, additions or
58 betterments to the equipment, paraphernalia, [mechanical] amusement
59 rides and devices, and concerning the character and arrangement of
60 the seating, means of egress, lighting, fire-fighting appliances, fire and
61 police protection and such other provisions as shall make the
62 amusement reasonably safe against both fire and casualty hazards.

63 (b) When any serious physical injury, as defined in subdivision (4)
64 of section 53a-3, or death occurs in connection with the operation of
65 any amusement ride or device, the owner of such ride or device shall,
66 within four hours after such occurrence, report the injury or death to
67 the commissioner or his designee. Within four hours after receipt of
68 any such report, the commissioner or his designee shall cause an
69 investigation of the occurrence and an inspection of the ride or device
70 to determine the cause of such serious physical injury or death. The
71 commissioner or his designee may enter into any place or upon any
72 premises so licensed in furtherance of such investigation and
73 inspection. Unless otherwise authorized by the commissioner, no
74 amusement ride or device subject to the provisions of this chapter may
75 be operated or altered nor shall it be removed from the location where
76 such injury or death occurred for seventy-two hours after the time of
77 the receipt of the report.

78 (c) The commissioner may adopt regulations in accordance with the
79 provisions of chapter 54 to carry out the provisions of this section.

80 (d) The Commissioner of Public Safety may grant modifications
81 from, or approve equivalent or alternate compliance with, particular
82 provisions of this section or any regulation adopted under the
83 provisions of subsection (c) of this section where strict compliance with
84 such provisions would entail practical difficulty or unnecessary
85 hardship, or is otherwise adjudged unwarranted, provided any such
86 modification or approved equivalent or alternate compliance shall, in
87 the opinion of the Commissioner of Public Safety, secure the public
88 safety.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003

Statement of Legislative Commissioners:

In Subsec. (a) of Sec. 3, brackets were inserted around "mechanical" for consistency with Subdiv. (1) of Sec. 2.

PS *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the types of amusement rides subject to inspection and passage would result in additional revenue for the state. According to the Department of Public Safety, almost 300 carnivals and approximately 80 rides were inspected statewide last year. All of these were subject to a \$35 fee. Total revenue from these inspections was about \$20,000.

OLR Bill Analysis

sHB 6529

AN ACT CONCERNING THE REGULATION OF AMUSEMENT RIDES

SUMMARY:

This bill requires the public safety commissioner to approve qualified inspectors, instead of just civil engineers, to conduct the required annual inspection of amusement rides and devices, and extends the approval procedures to inspectors. It expands the types of rides subject to inspection and owners' license and proof of financial responsibility by adding (1) nonmechanical rides and (2) all rides that require an operator, irrespective of the number of riders they accommodate. Under current law, the requirement applies to rides that accommodate five or more people, irrespective of whether they require an operator.

The act also allows the public safety commissioner to grant modifications from, or approve equivalent or alternate compliance with, amusement ride standards or Department of Public Safety regulations if strict compliance would entail practical difficulty or unnecessary hardship or is judged unwarranted. The commissioner's action must, in his opinion, secure the public safety.

The bill also makes a conforming change.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 20 Nay 0