



# Senate

General Assembly

**File No. 619**

*January Session, 2007*

Substitute Senate Bill No. 1296

*Senate, April 30, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING AMUSEMENT PATRONS' SAFETY.***

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

1 Section 1. Section 29-136 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Upon receipt of an application for an amusement license, the  
4 Commissioner of Public Safety or the commissioner's designee shall  
5 investigate and, in accordance with the frequency schedule adopted in  
6 regulations by the commissioner pursuant to subsection (e) of this  
7 section, inspect in full the location, equipment, paraphernalia,  
8 mechanical amusement rides and devices in respect to such  
9 amusement and all other matters relating thereto and shall determine  
10 whether or not such amusement will be reasonably safe for public  
11 attendance and may make reasonable orders concerning alterations,  
12 additions or betterments to the equipment, paraphernalia, mechanical  
13 amusement rides and devices, and concerning the character and  
14 arrangement of the seating, means of egress, lighting, fire-fighting  
15 appliances, fire and police protection and such other provisions as

16 shall make the amusement reasonably safe against both fire and  
17 casualty hazards.

18 (b) When any serious physical injury, as defined in subdivision (4)  
19 of section 53a-3, or death occurs in connection with the operation of  
20 any amusement ride or device, the owner of such ride or device shall,  
21 within four hours after such occurrence, report the injury or death to  
22 the commissioner or the commissioner's designee. Not later than four  
23 hours after receipt of any such report, the commissioner or the  
24 commissioner's designee shall cause an investigation of the occurrence  
25 and an inspection of the ride or device to determine the cause of such  
26 serious physical injury or death. The commissioner or the  
27 commissioner's designee may enter into any place or upon any  
28 premises so licensed in furtherance of such investigation and  
29 inspection. Unless otherwise authorized by the commissioner, no  
30 amusement ride or device subject to the provisions of this chapter may  
31 be operated or altered nor shall it be removed from the location where  
32 such injury or death occurred for seventy-two hours after the time of  
33 the receipt of the report.

34 (c) The owner of an amusement ride or device shall display signs, in  
35 accordance with the patron safety regulations adopted by the  
36 commissioner pursuant to subsection (e) of this section, on which is  
37 written, at a minimum, the following statement, in letters at least two  
38 inches in height: "State law requires patrons to obey all posted signs,  
39 warnings and instructions and to behave in a manner that will not  
40 cause or contribute to the injury of themselves or others. Patrons must  
41 report all injuries to management before leaving. Failure to comply is  
42 punishable by up to a five hundred dollar fine and up to three months  
43 imprisonment.". Such signs shall be posted in accordance with the  
44 patron safety regulations adopted by the commissioner pursuant to  
45 subsection (e) of this section and at any station for reporting an injury,  
46 any first aid station and either (1) the entrance or exit to or from the  
47 premises designated for patrons, or (2) any area or structure where  
48 patrons may purchase admission or receive authorization to use an  
49 amusement ride or device.

50 [(c)] (d) The Commissioner of Public Safety may grant variations  
51 from, or approve equivalent or alternate compliance with, particular  
52 provisions of this section or any regulation adopted under the  
53 provisions of subsection [(d)] (e) of this section where strict compliance  
54 with such provisions would result in exceptional practical difficulty or  
55 undue hardship provided any such variation or approved equivalent  
56 or alternate compliance shall, in the opinion of the Commissioner of  
57 Public Safety, secure the public safety.

58 [(d)] (e) The commissioner may adopt regulations in accordance  
59 with the provisions of chapter 54 to carry out the provisions of this  
60 section.

61 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) A patron of an  
62 amusement, as defined in section 29-133 of the general statutes, shall  
63 obey the patron safety regulations adopted by the Commissioner of  
64 Public Safety pursuant to subsection (e) of section 29-136 of the general  
65 statutes, as amended by this act.

66 (b) A security guard or law enforcement officer may detain a patron  
67 of an amusement for a reasonable time for the purpose of conducting  
68 an investigation if such guard or officer has reasonable cause to believe  
69 that the patron has violated the patron safety regulations adopted by  
70 the commissioner pursuant to subsection (e) of section 29-136 of the  
71 general statutes, as amended by this act.

72 (c) Nothing in this section shall be construed as limiting or  
73 otherwise affecting the liability of the owner of an amusement or  
74 relieving the owner's responsibility to provide reasonable supervision  
75 of patrons.

76 Sec. 3. Section 53a-182 of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2007*):

78 (a) A person is guilty of disorderly conduct when, with intent to  
79 cause inconvenience, annoyance or alarm, or recklessly creating a risk  
80 thereof, such person: (1) Engages in fighting or in violent, tumultuous



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 chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Correction, Dept.; Judicial Department (Probation)	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill expands the definition of disorderly conduct to include violating the Department of Public Safety’s patron safety regulations. Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

The bill makes various other changes related to the regulation of amusement rides, which is not anticipated to result in a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. Potential revenues would remain constant into the future since they are set by statute.

**OLR Bill Analysis****sSB 1296*****AN ACT CONCERNING AMUSEMENT PATRONS' SAFETY.*****SUMMARY:**

This bill:

1. requires amusement ride patrons to obey patron safety regulations, which the Department of Public Safety (DPS) commissioner may adopt;
2. makes it a class C misdemeanor, punishable by a fine up to \$500, imprisonment for up to three months, or both to violate the regulations;
3. requires owners of amusement rides or devices to post notice of the regulations, patron responsibility, and penalty for violating the regulations;
4. allows security guards or other law enforcement officers to detain people who they have reasonable cause to believe have violated the regulations; and
5. requires the DPS commissioner to conduct the currently required license inspection for amusements in accordance with the frequency schedule he adopts in regulation. (Currently, there is no requirement for the commissioner to adopt a frequency schedule, although the law's authorization for implementing regulations does not preclude this.)

EFFECTIVE DATE: October 1, 2007

**PATRON SAFETY REGULATIONS**

Existing law authorizes the public safety commissioner to adopt

regulations governing amusements, but it does not specify their content. The bill requires patrons of an amusement to obey patron safety regulations adopted by the commissioner, but neither the bill nor existing law contains an express provision for the commissioner to adopt patron safety regulations.

Existing law defines “amusement” as (1) any circus or carnival presented in the open, including a place where rides that normally require an operator’s supervision are presented for amusement or entertainment and (2) any circus, carnival, or other portable show or exhibition presented under any single tent, air-supported plastic or fabric or other portable shelter, and involving the assembly of 100 or more persons (excluding inflatable devices leased for private residential use). (The definition of amusement does not appear to include public amusement parks (e.g., Six Flags), which are covered under CGS § 29-129. Thus, it is unclear if the requirement to obey patron safety regulations applies to such parks.)

### **POSTED SIGNS**

The bill requires the owner of amusement rides or devices to post signs displaying the following written statement, at a minimum, in letters at least two inches high:

State law requires patrons to obey all posted signs, warnings and instructions and to behave in a manner that will not cause or contribute to the injury of themselves or others. Patrons must report all injuries to management before leaving. Failure to comply is punishable by up to a \$500 fine and up to three months imprisonment.

(It is unclear if the patron reporting requirement applies to a person who is hurt, someone who witnesses the injury, or both.)

The owner must post the statement in accordance with the patron safety regulations and at any first aid or injury reporting stations and either (1) the facility’s patron entrance or exit or (2) anywhere patrons buy admission tickets or get authorization to use an amusement ride or

device.

**ENFORCEMENT**

A person commits the crime of disorderly conduct when, with intent to inconvenience, annoy or alarm, or recklessly create a risk thereof, he or she violates the patron safety regulations. The violation is a class C misdemeanor punishable by imprisonment for up to three months, a fine of up to \$500, or both.

The bill allows security guards and law enforcement officers to detain a patron for a reasonable time (which the bill does not define) for the purpose of investigating, if the guard or officer has reasonable cause to believe the patron violated the safety regulations.

**OWNER LIABILITY**

The bill does not limit or otherwise affect the liability of the owner of an amusement or relieve the owner of the responsibility to reasonably supervise patrons.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Change of Reference  
Yea 23 Nay 0 (03/06/2007)

Judiciary Committee

Joint Favorable Substitute  
Yea 40 Nay 0 (04/13/2007)