



General Assembly

January Session, 2007

**Raised Bill No. 1296**

LCO No. 4675

\* SB01296PS\_JUD030707 \*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS )

***AN ACT CONCERNING AMUSEMENT RIDERS' SAFETY.***

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

1 Section 1. Section 29-133 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 When used in this section, sections 29-134 to 29-142, inclusive, and  
4 section 3 of this act:

5 (1) "Amusement" means any circus or carnival presented in the  
6 open, including a place where one or more rides or devices capable of  
7 accommodating one or more passengers and normally requiring the  
8 supervision or services of an operator are presented for amusement or  
9 entertainment purposes, and any circus, carnival or other portable  
10 show or exhibition presented under any single tent, air-supported  
11 plastic or fabric or other portable shelter, and involving the assembly  
12 of one hundred or more persons. "Amusement" does not include an  
13 inflatable device leased for private residential use;

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

15 (3) "Insurance Commissioner" means the state Insurance

16 Commissioner;

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

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

21 (6) "Tent" means any structure with or without side panels having  
22 wood or metal supports and using any kind of a textile or similar  
23 material for coverage, and having a capacity sufficient to shelter one  
24 hundred or more persons or covering a ground area of more than one  
25 thousand two hundred square feet;

26 (7) "Rider" means a person who is on, waiting to get on, or getting  
27 on or off an amusement ride or device, but does not include the  
28 employees or agents of the owner of the amusement while engaged in  
29 the duties of their employment;

30 (8) "Parent or guardian" means a parent, custodian or guardian who  
31 is responsible for the control, safety, training or education of a minor  
32 or a person who is disabled or incompetent;

33 (9) "Sign" means a written, visual or verbal message reasonably  
34 calculated to communicate information to riders or riders' parents or  
35 guardians including, but not limited to, a placard, prerecorded  
36 message, live public address, sticker, picture, pictogram, guidebook,  
37 brochure or video.

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

40 (a) Upon receipt of an application for an amusement license, the  
41 Commissioner of Public Safety or the commissioner's designee shall  
42 investigate and inspect in full the location, equipment, paraphernalia,  
43 mechanical amusement rides and devices in respect to such  
44 amusement and all other matters relating thereto and shall determine

45 whether or not such amusement will be reasonably safe for public  
46 attendance and may make reasonable orders concerning alterations,  
47 additions or betterments to the equipment, paraphernalia, mechanical  
48 amusement rides and devices, and concerning the character and  
49 arrangement of the seating, means of egress, lighting, fire-fighting  
50 appliances, fire and police protection and such other provisions as  
51 shall make the amusement reasonably safe against both fire and  
52 casualty hazards.

53 (b) When any serious physical injury, as defined in subdivision (4)  
54 of section 53a-3, or death occurs in connection with the operation of  
55 any amusement ride or device, the owner of such ride or device shall,  
56 within four hours after such occurrence, report the injury or death to  
57 the commissioner or the commissioner's designee. Not later than four  
58 hours after receipt of any such report, the commissioner or the  
59 commissioner's designee shall cause an investigation of the occurrence  
60 and an inspection of the ride or device to determine the cause of such  
61 serious physical injury or death. The commissioner or the  
62 commissioner's designee may enter into any place or upon any  
63 premises so licensed in furtherance of such investigation and  
64 inspection. Unless otherwise authorized by the commissioner, no  
65 amusement ride or device subject to the provisions of this chapter may  
66 be operated or altered nor shall it be removed from the location where  
67 such injury or death occurred for seventy-two hours after the time of  
68 the receipt of the report.

69 (c) The owner of an amusement ride or device shall display signs on  
70 which is written the following statement, in letters at least two inches  
71 in height: "State law requires riders to obey all posted signs, warnings  
72 and instructions and to behave in a manner that will not cause or  
73 contribute to the injury of themselves or others. Riders must report all  
74 injuries to management before leaving. Failure to comply is punishable  
75 with up to a one-thousand-dollar fine and up to six months  
76 imprisonment.". Such signs shall be posted at any station for reporting  
77 an injury, any first aid station and either (1) the entrance or exit to or

78 from the premises designated for riders, or (2) any area or structure  
79 where riders may purchase admission or receive authorization to use  
80 an amusement ride or device.

81 [(c)] (d) The Commissioner of Public Safety may grant variations  
82 from, or approve equivalent or alternate compliance with, particular  
83 provisions of this section or any regulation adopted under the  
84 provisions of subsection [(d)] (e) of this section where strict compliance  
85 with such provisions would result in exceptional practical difficulty or  
86 undue hardship provided any such variation or approved equivalent  
87 or alternate compliance shall, in the opinion of the Commissioner of  
88 Public Safety, secure the public safety.

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

92 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) A rider shall obey, and  
93 the rider's parent or guardian shall ensure that the rider obeys the  
94 rules and instructions for use of an amusement ride or device posted  
95 or issued by the owner or the owner's employee and the rider is  
96 prohibited from acting in any manner that may cause or contribute to  
97 injuring such rider or others, including: (1) Interfering with the safe  
98 operation of the amusement ride or device; (2) tampering with or  
99 disabling an amusement safety device, except at the express  
100 instruction of the owner's agent or employee; (3) failing to use the  
101 safety device provided on the amusement ride or device; (4) altering  
102 the intended speed, course or direction of an amusement ride or  
103 device; (5) using or tampering with the controls of an amusement ride  
104 or device designed solely to be operated by the owner's agent or  
105 employee; (6) extending arms or legs beyond the carrier or seating area  
106 of an amusement ride or device except at the express instruction of the  
107 owner's agent or employee; (7) throwing, dropping or expelling an  
108 object from or toward an amusement ride or device or the owner's  
109 agent or employee; (8) getting on or off the amusement ride or device  
110 without the authorization of the owner's agent or employee; or (9)

111 overloading an amusement ride or device beyond its designed  
112 capacity.

113 (b) A rider shall not get on an amusement ride or device unless the  
114 rider, or the rider's parent or guardian reasonably determines that the  
115 rider: (1) Has sufficient knowledge or instruction to use, get on and get  
116 off the amusement ride or device safely; (2) has located, read and  
117 understood any signs in the vicinity of the amusement ride or device  
118 and satisfies any posted height or other requirements; (3) is not under  
119 the influence of alcohol or any drug that would affect the rider's ability  
120 to safely use the amusement ride or device and obey any of the posted  
121 rules or instructions; and (4) is authorized by the owner's agent or  
122 employee to get on the amusement ride or device.

123 (c) A rider or a rider's parent or guardian shall give written notice to  
124 the owner of the amusement of any injury sustained on an amusement  
125 ride or device before leaving the amusement. Such notice shall  
126 include: (1) The name, address and telephone number of the injured  
127 person; (2) a full description of the incident including the location, date  
128 and time of the injury, the type of injury claimed and any treatment  
129 received; (3) the cause of the injury, if known; and (4) the names,  
130 addresses and telephone numbers of any witnesses to the incident. If a  
131 rider or a rider's parent or guardian is unable to give such notice due  
132 to the severity of the rider's injuries, the rider or the rider's parent or  
133 guardian shall give such notice as soon as reasonably practicable.

134 (d) A security guard or law enforcement officer may detain a person  
135 for a reasonable time for the purpose of conducting an investigation if  
136 such guard or officer has reasonable cause to believe that the person  
137 has violated any of the posted rules or warnings of the owner or the  
138 owner's agent or employee.

139 (e) Nothing in this section shall be construed as limiting or  
140 otherwise affecting the liability of the owner of an amusement or  
141 relieving the owner's responsibility to provide reasonable supervision  
142 of riders.

143 Sec. 4. Section 29-142 of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective October 1, 2007*):

145 Any person who violates any provision of sections 29-129 to 29-140,  
146 inclusive, 29-143a, or any order or regulation made pursuant to the  
147 provisions thereof shall be fined not more than five hundred dollars or  
148 imprisoned not more than six months or both, except that any person  
149 who violates section 3 of this act shall be fined not more than one  
150 thousand dollars or imprisoned not more than six months, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	29-133
Sec. 2	<i>October 1, 2007</i>	29-136
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	29-142

**PS**

*Joint Favorable C/R*

JUD