

# Arizona Amusement Ride Safety Act of 2011

## Article 22 Amusement Ride Safety

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### **44-1799.61. Definition of amusement ride**

In this article, unless the context otherwise requires, "amusement ride": 1. Means a device or a combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted course or in a defined area for the primary purpose of public amusement or entertainment. 2. Does not include: (a) A coin operated ride that is manually, mechanically or electrically operated, that is customarily placed in a public location and that does not normally require the supervision or services of an operator. (b) Nonmechanized playground equipment, including swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines and physical fitness devices. (c) Challenge, exercise or obstacle courses. (d) Inflated devices and elements.

### **44-1799.62. Municipality and county powers; public inspection exception; violation; classification**

A. Municipalities and counties may: 1. Administer and enforce this article for amusement rides in their respective jurisdictions. 2. Establish reasonable and necessary fees to administer and enforce this article. The fees shall not exceed fees charged for business licenses or temporary use permits for similar temporary businesses. 3. Request from each amusement ride owner or operator, a sponsor, lessor or landowner or any other person responsible for an amusement ride information to determine that the insurance required by this article is in effect and that the amusement ride has been inspected at least annually.

4. Review and retain other records necessary to establish compliance with this article, including insurance certificates or policies, inspection certificates and reports, permits, licenses, maintenance records, injury records and operational records. The records listed in this paragraph are not subject to public inspection. Records may be disclosed on written consent of the owner, on receipt of a court order or if required by law. Any person who knowingly discloses any record or other information in violation of this section is guilty of a class 3 misdemeanor.

B. Municipalities and counties that elect to administer and enforce this article shall collect fees and review information at the time of the application for a permit. The application shall be submitted at least thirty days before a scheduled public operation of the amusement ride. C. A permit is only valid in the municipality or county for which it is issued.

### **44-1799.63. Amusement ride owners and operators; requirements; denial of entry**

A. An amusement ride owner or operator shall: 1. Have the amusement ride inspected at least once a year by an insurer, a person with whom the insurer has contracted or an amusement ride inspector provided by a municipality or county who is experienced and educated in amusement ride inspections in compliance with the amusement rides and devices standards of the American society of testing and materials. If an inspection reveals that the

amusement ride does not meet the amusement rides and devices standards of the American society of testing and materials or requires repair or replacement of equipment, the inspector shall notify the owner or operator and shall not issue the written certificate of inspection until the owner or operator meets the standards and makes the repairs or installs the replacement equipment.

2. Maintain at all times a written certificate of the annual inspection. 3. Procure insurance for the amusement ride from an insurer authorized to do business in this state pursuant to section 20-217 or by an insurer on the list of qualified unauthorized insurers pursuant to section 20-413, insuring the owner or operator against liability for injury to persons arising from the use of the amusement ride, in an amount of not less than one million dollars for bodily injury and five hundred thousand dollars for property damage per occurrence or in an amount of two million dollars per occurrence for a combined single limit. 4. Maintain at all times the written permit for operation of the amusement ride issued by the municipality or county. 5. Provide to each sponsor, lessor or property owner of the property where the amusement ride is operated documentation of compliance with the insurance, inspection and permit requirements of this article. 6. Maintain for a period of at least two years accurate records of any governmental action taken in any state relating to the amusement ride, including any operation permits, insurance certificates, inspection reports, incident reports, maintenance and operational records and records documenting the repair or replacement of equipment used in the operation of the amusement ride. A copy of these records shall be provided to the municipality or county at the time of application for a permit under section 44- 1799.62. 7. Maintain for a period of at least two years accurate records of serious injuries actually caused by the amusement ride that are consistent with the recording standards of the American society of testing and materials. The injury records are not subject to public inspection except upon demand of a municipal or county peace officer or enforcement official. A copy of these records shall be provided to the municipality or county at the time of application for a permit under section 44-1799.62. B. An amusement ride operator may deny entry to the amusement ride of any person if, in the opinion of the operator, the entry may jeopardize the safety of the person or any other amusement ride patron.

### **44-1799.64. Enforcement**

A. A municipal or county peace officer or enforcement official may determine compliance with this article, may prohibit the operation of any amusement ride that is not

in compliance with this article and may institute an action in a court of competent jurisdiction to enforce this article. B. A municipal or county peace officer or enforcement official who is experienced and educated in amusement ride inspections in compliance with the amusement rides and devices standards of the American society of testing and materials may enter and inspect without notice any amusement ride at any time.

C. On request, the owner or operator of an amusement ride shall provide the permit, inspection certificate, insurance certificate and other records to a municipal or county peace officer or enforcement official. A copy of the documents may be provided instead of originals. D. This section does not prohibit the owner or operator of an amusement ride from seeking relief from the enforcement of this article through any appropriate legal means.