

HB 1001 Maryland Rider Safety Act
SUPPORT

Background material supporting HB 1001 presented by:
Maryland State Showmen's Association
Outdoor Amusement Business Association
Mr. Wayne Pierce

RIDER SAFETY: JURISDICTIONS WITH STANDARDS PLACING SAFETY RESPONSIBILITIES ON AMUSEMENT RIDE PATRONS*

MONTANA

- 1989
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.

NEVADA

- 1993
- Rider must obey signs and oral warnings, use due care in many ways, report injuries, and assume inherent risks.

CALIFORNIA

- 1996
- Operator may investigate and detain patrons for violations of park rules.

UTAH

- 1988
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.

NEW YORK

- 1990
- Rider must review signs, then decide whether to ride.

MICHIGAN

- 2000
- Rider must obey signs and oral instructions, use due care in many ways, be qualified to ride, and may have to report injuries.

MINNESOTA State Fair

INDIANA

- 1986
- Person must not knowingly use unsafe ride.

ARKANSAS

- 2001
- Rider must obey signs and oral warnings, and use due care in many ways.

LOUISIANA

- 2003
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.

MAINE

- 1997
- Rider must obey signs and oral instructions, use due care in many ways, be qualified to ride, and report injuries.

NEW HAMPSHIRE

- 1982
- Rider must avoid injury to self or others.

NEW JERSEY

- 1992, 1998
- Intoxicated rider may not board permanent ride. Rider must obey signs and refrain from recklessness.

PENNSYLVANIA

- 1994
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.

SOUTH CAROLINA

- 2005
- Rider must obey signs and oral instructions, use due care in many ways, be qualified to ride, and report injuries.

OHIO

- 1992
- Rider must obey signs and avoid injury to self or others.

MASSACHUSETTS

- 2001
- Rider must obey signs and oral instructions, use due care in many ways, be qualified to ride, and report injuries.

CONNECTICUT

- 2007
- Rider must obey signs and report injuries.

NEW YORK

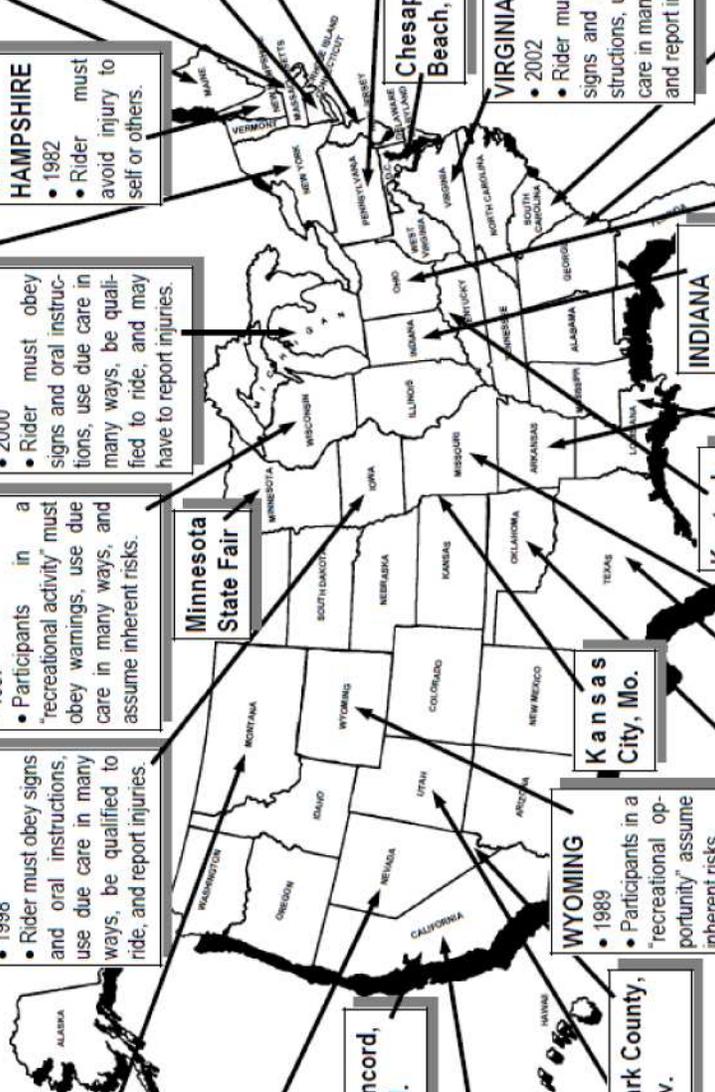
CHESAPEAKE Beach, Md.

VIRGINIA

- 2002
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.

GEORGIA

- 1999
- Rider must obey signs and oral instructions, use due care in many ways, and report injuries.



*As of September, 2018
SOURCE: Amusement Ride, Tramway and Ski Lift Safety Standards Annotated
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UNIFORM RIDER SAFETY ACT

By

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I. INTRODUCTION

The task of developing a rider safety act to apply uniformly throughout the United States -- to say nothing of other developed countries -- was daunting. Amusement ride safety is an issue largely ignored in some states, minimally regulated in some, and aggressively controlled in still others. Against this background of patchwork regulation are the diverse liability systems in each state and the competing considerations for those systems.

Despite the richness of this diversity, there was a readily apparent need to develop a model statute that each jurisdiction might consider implementing. The amusement ride industry is increasingly global in scope. Traveling carnivals and manufacturers have a special need to compete effectively across state boundaries. Disparate state standards frustrate commerce and increase operation costs at substantial risk to public safety because operators must learn, train, and apply those standards. The public also suffers from divergent state standards. Riders have a justifiable expectation that their safety obligations will remain constant when they cross state lines in the absence of a good reason. Variable state standards also detract from the experience and convenience of the significant portion of the public that uses amusement rides in multiple jurisdictions.

This model statute was prepared to efficiently and effectively address the major safety issue facing the amusement ride industry today. Its primary goal is to promote the safety of the public that uses amusement rides. A secondary goal is to identify certain liability issues associated with those safety issues so that states may respond to them in light of their respective liability systems. This model statute builds upon the tradition of safety legislation for amusement rides and passenger tramways, as well as such diverse recreational activities as snowmobiling, river rafting, and horse riding.

This uniform Act was drafted as a "stand-alone" statute. With minimal effort, it may be added to existing safety legislation or regulations. Whether the Act is separate or integrated, it is important that uniformity be maintained.

II. DEVELOPMENT OF AMUSEMENT RIDE SAFETY PROGRAMS

In 1945, Connecticut adopted the oldest amusement ride safety program still in operation shortly after a circus tent fire killed numerous patrons in Hartford, Connecticut. This was followed by Oregon's amusement ride statute in 1959 and 4 more states in the 1960's. In the related industry of passenger tramways and ski lifts, a similar regulatory scheme evolved. Three states first promulgated passenger tramway safety standards in the late 1950's, and they were joined by 13 more in the 1960's. Many of these and subsequent states regulate amusement rides and passenger tramways under the same regulatory scheme.

Twenty or thirty years ago, the systematic study and regulation of amusement ride safety was just starting to gain momentum. For example, the American Recreational Equipment Association held the industry's first amusement ride safety seminar in 1974. There were no schools to certify ride inspectors. Federal regulation of the public's use of amusement rides was in its infancy.

Few, if any, ride injury statistics now exist to show what prompted these safety regulations 20 or 30 years ago. Nevertheless, many of the individuals now recognized as leaders

in amusement ride safety have stated their belief that most of the accidents were caused by operator error, while a significant proportion were attributed to design or manufacture problems. In 1975, the American Recreational Equipment Association reported that 5% of ride accidents were due to manufacturing deficiencies, 25% to mechanical deficiencies, and 70% to operational deficiencies. It made sense to focus safety efforts on the ride owners or manufacturers because that was where the problem was.

Every element of the amusement ride industry has made giant strides to improve ride safety in the last 20 years.

- *Industry.* The Amusement Industry Manufacturers and Suppliers Ltd., successor to the American Recreational Equipment Association, held its 20th annual ride safety seminar in January, 1995. Each trade group representing the various segments of the ride industry -- carnivals, amusement parks, water parks, go-kart tracks, ski resorts, manufacturers, and family entertainment centers -- now has its own vibrant and dynamic safety committee and trade publication to communicate safety information. The American Society for Testing & Materials and the American National Standards Institute have permanent committees dedicated to develop amusement ride and passenger tramway safety standards.

- *Insurance.* Most significant insurance companies require their own annual inspection before insuring amusement rides. Some companies issue periodic safety bulletins or statistical analyses of loss data to help insureds minimize injuries.

- *Regulators.* The Consumer Product Safety Commission's federal oversight of amusement rides has generally increased over the years as has the duty of ride manufacturers to report safety problems to the Commission. Forty states now have some form of statutory or regulatory ride-specific safety provisions, as do many local jurisdictions and foreign countries. Those states without specific standards commonly apply general building, electrical, or other safety codes to amusement rides. The National Association of Amusement Ride Safety Officials, a proponent of "safety through communication" for 10 years, now conducts annual schools to certify ride inspectors and issues periodic safety alerts to its members.

III. THE RIDER SAFETY PROBLEM

Despite the rigorous focus on the conduct of ride owners and manufacturers, amusement ride injuries have not been eradicated. For example, in 1994, 28 amusement attraction incidents were reported to the Maryland Commissioner of Labor and Industry. The Commissioner's investigation attributed 20 injuries to patron error, 1 to operator error, 3 to maintenance problems, and 4 remain under investigation. This injury data is borne out by 3 empirical studies and leading ride safety experts. A recent study of 399 go-kart claims from 1990-1993 revealed that more than 80% were attributed to driver error (e.g., rear-ending, losing control, or collisions) and less than 20% were attributed to operator error (e.g., poor padding, spilled fuel, or equipment malfunction). Similar findings were reported in a British water slide study and in a study by the American Recreational Equipment Association. Some safety experts have noted an increase in patron-caused accidents as the social abuse of drugs and alcohol has risen. Mr. James DeMarco, an officer with the Compliance and Enforcement Division of the U.S. Consumer Product Safety Commission charged with monitoring ride safety since 1986, has often been quoted that 75-80% of all amusement ride injuries are rider related or caused, 15% are operator error, and 5% are

design or manufacture problems.

There are numerous, widely-publicized incidents illustrating anecdotally that riders cause the great majority of ride injuries. For example, two years ago, a teenager on a ferris wheel in South Carolina started rocking his seat. The ride operator told him to stop or he would flip the seat. He resumed his rocking, flipped his seat, landed on the seat below, and spilled those riders as well. One innocent rider and one irresponsible rider fell to their deaths.

In light of this evidence, it is apparent that riders cause the overwhelming majority of amusement ride injuries. The Maryland Amusement Ride Safety Advisory Board found on November 29, 1994, by a vote of 9-0 that riders cause the majority of amusement ride injuries. Rider conduct and responsibility is, indeed, the issue most needing attention in amusement ride safety.

IV. PROPOSED SOLUTION FOR RIDER SAFETY

The public policy of promoting, as far as reasonably possible, the safety of the public using amusement rides is widely recognized. To save lives and prevent accidents, rider conduct must be regulated. That is where the problem is. An effective ride safety program must respond realistically to the fact that rider conduct causes most ride injuries and that rider behavior is virtually unregulated currently.

During recent years, a consensus has emerged regarding the efficacy of regulating rider conduct to improve safety. There are now 10 states with some form of statute or regulation regulating rider behavior on traditional amusement rides, while at least 9 more states are at various stages of seriously studying or acting on the issue. Most of these provisions are based on statutes in 24 states that regulate passenger actions on passenger tramways or ski lifts. Committees for both the American Society for Testing & Materials and the American National Standards Institute have also promulgated rider responsibility provisions as integral to their amusement ride and passenger tramway safety standards.

In light of this growing body of evidence, the industry is quickly moving to regulate rider conduct as a vital adjunct to public safety. The Maryland Amusement Ride Safety Advisory Board found on November 29, 1994, by a vote of 9-0 that regulating rider conduct would have a positive effect on amusement ride safety. In its comprehensive review of this issue, the New Jersey legislature concluded that "the overall safety of amusement park rides would be greatly enhanced if riders are subject to minimum safety standards for their own protection and the protection of others."

Rider safety laws improve ride safety through two primary means. First, the law provides the knowledge to educate riders how to act safely. There are certain inherent risks associated with all machinery, equipment, or animals that are impractical or impossible for an operator to eliminate with all reasonable safety precautions. An informed patron is in the best position to avoid those risks because they can decide to stay off the ride or conform to the rider's code of conduct. A rider has the same duty to obey a sign on a ride as a driver does on the road. Merely informing riders that they are responsible for their actions will help to improve ride safety. Some traveling carnivals that operate both in and out of states with rider safety laws are so convinced of this fact that they have generalized their signs to imply that a particular state has such laws when it does not.

Second, rider safety laws improve safety by giving riders a motive to act safely. The threat of prosecution or other legal discipline is increasingly used to motivate safe conduct. It is well documented that various safety laws -- seat belt laws or other "rules of the road" are good examples -- increase safe behavior dramatically. Ride operators deserve the same chance to tell their unruly patrons to behave because "It's our law -- and we care." After operating in Ohio for 3 years with a rider responsibility law, officials there have noted that operators have successfully used the law and threats of arrest to warn and control rider conduct. Furthermore, rider responsibility laws encourage riders to behave morally. The opportunity to enjoy a ride carries the obligation to one's self or others to enjoy it safely. It is fair and just that a rider who causes his own injury should be responsible for his actions.

The fundamental issue at stake is safety, not taking away a rider's "rights." A rider never has a right to be careless. Unlike the unbelted driver on a public road where he can hurt only himself, riders are invariably invited onto private property and granted a license to use private equipment for a few minutes during which they can seriously injure themselves or others. At common law, an owner can refuse to admit or can eject a rider for any reason not prohibited by law. No rider can seriously believe that the amusement owner has authorized him to act irresponsibly merely because he paid a fee.

Under a similar rider safety program in Ohio, the major cost of such legislation is a sign for each ride. One source will sell a plastic, customized warning sign for \$15 that will typically last 3-5 years, although the sign will last a lifetime with good care and maintenance. For a large carnival of 20-25 rides, it can satisfy the Ohio law for under \$400. It will also take a small amount of time for owners to train ride operators about the law, riders to read the signs, and inspectors to inspect the signs. This minimal investment is the single most effective strategy now available -- and will generate the highest return -- for achieving the goal of ensuring, as far as reasonably possible, the safety of the public using amusement rides. The amusement industry and their regulators will continue to meet the challenge to improve safety from within. However, it would be "statistical murder" to fail to invest these minimal resources or to invest them in any other safety measures.



Maryland Amusement Ride Safety



*Our mission is to prevent injuries,
protect property, and save lives of
individuals using amusement
attractions in the state.*

Safety Tips

The Maryland Amusement Ride Safety Inspection Unit works hard to ensure the safe and enjoyable use of amusement rides. Please always follow these safety tips.

- Look for the yellow and white State of Maryland Certificate of Inspection.

DIVISION OF LABOR AND INDUSTRY
SAFETY INSPECTION UNIT
1100 N. Euterpe Street, Room 401
Baltimore, Maryland 21201
410-767-2348

N°. 214500

CERTIFICATE OF INSPECTION

AR REG #	RIDE/ATTRACTION NAME	W.O.	EXPIRATION DATE

LOCATION

THIS IS TO CERTIFY that the equipment described above has been registered and inspected in accordance with Business Regulation Article, Title 3, Annotated Code of Maryland. In accordance with the authority of the Commissioner of Labor and Industry, the authorized representative listed below has determined the equipment meets the required regulations and specifications and authorizes the issuance of this certificate. This certificate is subject to revocation at any time upon failure to comply with Maryland's safety standards and regulations governing the operation of amusement rides and attractions.

(Authorized Representative Signature) (Date)

REQUIRED INSURANCE MUST BE MAINTAINED FOR CERTIFICATES TO REMAIN VALID

- Obey posted instructions and rules.
- Observe age, height and weight



Safety Tips (Continued)

- Follow instructions of the ride operator.
- Keep hands, arms and legs inside ride at all times.
- Use all safety equipment such as seat belts, shoulder harness, lap bar and/or chain.
- Stay in the ride until it comes to a complete stop.

Rider Responsibility

Riders of amusement rides have a responsibility to:

- Act in a responsible manner.
- Obey posted and verbal instructions.
- Refrain from behaving in any manner that may cause injury to oneself or other riders.

Statistics indicate that accidents occur more frequently on rides operated by the rider. These rides include go-karts, water slides and bumper cars. To minimize the possibility of accidents riders are urged to follow instructions above.

No one should ride an amusement ride while under the influence of alcohol or a controlled substance. Failure to act in a responsible manner may result in denied access to a ride or being ejected from the park or carnival.

Safety Tips for Parents

To ensure the safety of a child, particularly a small child, several additional steps should be taken. Before placing a child on an amusement ride, parents should assume an active role in determining whether a particular ride is appropriate for their child. Remember to:

Watch—Watch the ride in operation and make sure your child can ride it safely.

Observe—Observe the ride operator for alertness and awareness of the ride's operation and patron reaction.

Explain—Explain to your child about appropriate behavior. The importance of keeping their hands and feet inside, staying seated, holding on, and obeying the ride operator's instructions.

Ask—Ask the ride operator to stop the ride if your child cries or shows signs of distress.

How can you help

In addition to following the safety tips, if you see an amusement ride that does not appear to be safe:

- Notify a park, fair or carnival Representative; and,
- Call the Amusement Ride Safety Inspection Unit at 410-767-2348.