

IC 22-15-7

Chapter 7. Regulated Amusement Devices

IC 22-15-7-0.5

"Applicant" or "permittee" defined

Sec. 0.5. As used in this chapter, "applicant" or "permittee" includes a successor in interest to an applicant or permittee, a renamed applicant or permittee, a trustee in bankruptcy of an applicant or a permittee, a reorganized form of an applicant or permittee following merger, acquisition, or any other successor entity.

As added by P.L.166-1997, SEC.5.

IC 22-15-7-1

Inspection program; erection and operation of devices

Sec. 1. The division shall carry out a program of periodic on-site inspections of the erection and operation of regulated amusement devices. These inspections are not a prerequisite for operation of a device that is covered by a regulated amusement device operating permit.

As added by P.L.245-1987, SEC.4. Amended by P.L.1-2006, SEC.401.

IC 22-15-7-2

Amusement device operating permits; issuance; expiration; qualifications

Sec. 2. (a) The division shall issue a regulated amusement device operating permit to an applicant who qualifies under this section. If an applicant qualifies for a permit under this section, an inspector shall place an inspection seal on the device that is covered by the permit.

(b) A permit issued under this section:

- (1) expires one (1) year from the date the permit was issued; and
- (2) may be renewed if the applicant continues to qualify for a permit under this section.

(c) To qualify for a permit under this section, an applicant or an authorized officer of the applicant shall pay the inspection fee set under IC 22-12-6-6 and execute an application form affirming under penalties for perjury the following:

- (1) That all information provided in the application is true to the best of the applicant's or officer's knowledge and belief after reasonable investigation.
- (2) That all personnel employed by the applicant having maintenance responsibility for the amusement devices have or will have sufficient background, knowledge, skills, and training to adequately maintain the amusement devices under the rules of the commission.
- (3) That all persons employed by the applicant having operational responsibility for the amusement devices have or

will have sufficient background, knowledge, skills, and training to adequately operate the amusement devices under the rules of the commission.

(4) That adequate training will be provided or otherwise made available on an ongoing basis to maintenance and operational personnel to ensure the continuous compliance of the personnel with the standards set forth in subdivisions (2) and (3).

(5) That all maintenance and operational personnel will be trained to recognize and report any condition that would prohibit the safe operation of the amusement device.

(6) That, upon discovering a condition that would prohibit the safe operation of an amusement device, both operational and maintenance personnel must possess the requisite authority to immediately shut down the amusement device and report the condition of the amusement device to supervisory personnel. An amusement device that is shut down under this subdivision may not be returned to operation until the amusement device complies with ASTM standards for operation.

(7) That the applicant assumes full financial responsibility for:

(A) any condition or circumstance occasioned by, caused by, or resulting from noncompliance with the maintenance and operational standards set forth in subdivisions (2) through (6); and

(B) any death, injury, or other loss occasioned by, caused by, or resulting from noncompliance with the maintenance and operational standards set forth in subdivisions (2) through (6).

(d) The execution of an application under subsection (c) by an officer of an applicant corporation does not create individual financial liability for the officer.

(e) The applicant must satisfy an inspector for the division that the regulated amusement device meets the safety requirements set by the commission.

As added by P.L.245-1987, SEC.4. Amended by P.L.246-1987, SEC.1; P.L.222-1989, SEC.18; P.L.166-1997, SEC.6; P.L.1-2006, SEC.402.

IC 22-15-7-2.5

Certificate of insurance; insurance policy; coverage; exceptions

Sec. 2.5. (a) Except as provided in subsection (g) or (h), the division may not issue a permit under this chapter until the applicant has filed with the division a certificate of insurance indicating that the applicant has liability insurance:

(1) in effect with an insurer that is authorized to write insurance in Indiana on the operation of regulated amusement devices; and

(2) except for an applicant that is subject to the provisions of IC 34-13-3, that provides coverage to a limit of at least:

(A) one million dollars (\$1,000,000) per occurrence and five million dollars (\$5,000,000) in the annual aggregate;

(B) five hundred thousand dollars (\$500,000) per occurrence and two million dollars (\$2,000,000) in the annual aggregate if the applicant operates only:

- (i) a ski lift;
- (ii) a surface lift or tow; or
- (iii) both items (i) and (ii); or

(C) one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the annual aggregate if the applicant operates only regulated amusement devices that are designed to be used and are ridden by persons who are not more than forty-two (42) inches in height.

(b) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.

(c) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:

- (1) thirty (30) days written notice; and
- (2) a complete report of the reasons for the cancellation to the division.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the division within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage to a limit of less than one million dollars (\$1,000,000) because of bodily injury or death in an occurrence.

(e) If an insurance policy required under this section:

- (1) is canceled during the policy's term;
- (2) lapses for any reason; or
- (3) has the policy's coverage fall below the required amount;

the permittee shall replace the policy with another policy that complies with this section.

(f) If a permittee fails to file a certificate of insurance for new or replacement insurance, the permittee:

- (1) must cease all operations under the permit immediately; and
- (2) may not conduct further operations until the permittee receives the approval of the division to resume operations after the permittee complies with the requirements of this section.

(g) The division may issue a permit under this chapter to an applicant that:

- (1) is subject to IC 34-13-3; and
- (2) has not filed a certificate of insurance under subsection (a);

if the applicant has filed with the division a notification indicating that the applicant is self-insured for liability.

(h) The division may reduce the annual aggregate liability insurance coverage required under subsection (a)(2)(A) to one million dollars (\$1,000,000) in the annual aggregate for an applicant

that:

(1) operates only regulated amusement devices that are bull ride simulators that are multiride electric units with bull ride attachments; and

(2) otherwise complies with the requirements of this chapter.

As added by P.L.166-1997, SEC.7. Amended by P.L.141-2003, SEC.21; P.L.166-2005, SEC.2; P.L.1-2006, SEC.403.

IC 22-15-7-3

Operation without a permit; offense; application of section

Sec. 3. (a) This section does not apply to a person who uses a regulated amusement device unless the person has authority to:

(1) construct, repair, or maintain the regulated amusement device; or

(2) place the regulated amusement device out of service.

(b) This section applies to the following:

(1) Each person who operates a regulated amusement device.

(2) Each person who has control over the operation of a regulated amusement device.

(3) Each person who has control over the place where a regulated amusement device is operated.

(c) A person described in subsection (b) commits a Class C infraction if:

(1) a regulated amusement device is operated; and

(2) no regulated amusement device operating permit issued under this chapter covers the operation.

As added by P.L.245-1987, SEC.4.

IC 22-15-7-4

Training for inspectors; minimum standards

Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to define appropriate training for a person who inspects regulated amusement devices.

(b) The rules required under this section must, at a minimum, provide the following:

(1) The adoption by reference of:

(A) ASTM F 698 (1994 edition) ("Specification for Physical Information to be Provided to Amusement Rides and Devices");

(B) ASTM F 770 (1993 edition) ("Practice for Operation Procedures for Amusement Rides and Devices");

(C) ASTM F 846 (1992 edition) ("Guide for Testing Performance of Amusement Rides and Devices");

(D) ASTM F 853 (1993 edition) ("Practice for Maintenance Procedures for Amusement Rides and Devices");

(E) ASTM F 893 (1987 edition) ("Guide for Inspection of Amusement Rides and Devices");

(F) ASTM F 1305 (1994 edition) ("Standard Guides for the Classification of Amusement Ride and Device Related Injuries and Illnesses"); or

- (G) any subsequent published editions of the ASTM standards described in clauses (A) through (F).
- (2) A requirement that inspectors employed or contracted by the division:
 - (A) have and maintain at least:
 - (i) a Level 1 certification from the National Association of Amusement Ride Safety Officials or an equivalent organization approved by the commission; or
 - (ii) an equivalent certification under a process or system approved by the commission; and
 - (B) conduct inspections that conform to the rules of the commission.
- (3) A requirement that regulated amusement devices be operated and maintained in accordance with the rules of the commission.
- (4) The commission's chief inspector or supervisor of regulated amusement device inspectors must have and maintain a Level I certification.

As added by P.L.166-1997, SEC.8. Amended by P.L.141-2003, SEC.22; P.L.1-2006, SEC.404; P.L.68-2009, SEC.6.

IC 22-15-7-5

Maintenance of records for regulated amusement devices; penalty

Sec. 5. (a) A permittee shall, during the permit period, maintain at each location operated by the permittee for each regulated amusement device at the location the following:

- (1) A current owner's manual.
- (2) Any operational manuals or maintenance guides.
- (3) Complete maintenance records describing all repairs and modifications.
- (4) Daily operation and inspection logs or checklists.
- (5) Personnel training records.

(b) The materials described in subsection (a) must be made available to an inspector from the division:

- (1) upon request; and
- (2) within a reasonable time.

The failure by the permittee to have, maintain, or make available for review the materials described in subsection (a) constitutes grounds for the division to temporarily suspend a permit during the term of failure or refusal.

As added by P.L.166-1997, SEC.9. Amended by P.L.1-2006, SEC.405.

IC 22-15-7-7

Inspection following accident or complaint

Sec. 7. In addition to a regularly scheduled inspection of a regulated amusement device, the commission may, upon demand by the commission, inspect a regulated amusement device at any time following:

- (1) the report of an accident involving the regulated amusement

device; or
(2) a complaint concerning the regulated amusement device.
As added by P.L.166-1997, SEC.10.

IC 22-15-7-8

Qualifications; powers of operators

Sec. 8. (a) The operator of a regulated amusement device:

- (1) must be at least sixteen (16) years of age;
- (2) must be in attendance whenever the regulated amusement device is in operation; and
- (3) may not operate more than one (1) regulated amusement device at a time.

(b) The operator of a regulated amusement device may deny entrance to the regulated amusement device to any person if the operator believes the entry of the person may jeopardize the safety of the person, other riders of the regulated amusement device, or any other person.

As added by P.L.166-1997, SEC.11.

IC 22-15-7-9

Operation without permit; penalty

Sec. 9. A person that knowingly or intentionally operates a regulated amusement device without a valid permit for the regulated amusement device commits a Class A misdemeanor.

As added by P.L.166-1997, SEC.12.