

CHAPTER 53-05.1 AMUSEMENT RIDES

53-05.1-01. Definition.

As used in this chapter, "amusement ride" means any mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement. The term does not include:

1. A single-passenger, coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator.
2. Nonmechanized playground equipment, including swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices.

53-05.1-02. Affidavit of inspection and insurance.

No person may operate an amusement ride unless that person has filed with the governing body of the city or county where that person is intending to operate the amusement ride an affidavit that the ride has been inspected by a qualified inspector of an insurance underwriter and that the owner or operator has a current insurance policy in force written by an insurance company authorized to do business in this state. The policy must insure the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than five hundred thousand dollars per occurrence or an aggregate of not less than one million dollars.

53-05.1-03. Records required.

The owner or operator of an amusement ride shall retain at all times up-to-date maintenance and inspection records for the amusement ride and, upon request, provide those records to the governing body of the city or county in which the person is intending to operate the amusement ride. In addition, the owner or operator of an amusement ride shall provide to the governing body of the city or county a copy of any report of an accident related to an amusement ride submitted by that person to an insurer within the last year.

53-05.1-04. Operator - Requirements.

A person may not operate an amusement ride unless that person is at least sixteen years of age. An operator must be in attendance at all times that an amusement ride is in operation.

53-05.1-05. Penalty - Injunction.

A person who violates this chapter is guilty of a class A misdemeanor. The governing body of a city or county may seek an injunction against a person operating an amusement ride in violation of this chapter.