

# National Amusement Ride Safety Act

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## A BILL

To (1) protect the public against unreasonable risks of injury associated with amusement rides; (2) assist consumers in evaluating the comparative safety of amusement rides; (3) develop minimum national uniform safety standards for amusement rides and minimize conflicting State and local regulations; and (4) promote research and investigation into the causes and prevention of amusement ride-related deaths, illnesses, and injuries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Amusement Ride Safety Act'.

### SEC. 2. JURISDICTION OVER ALL AMUSEMENT RIDES.

Section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) is amended by striking ` , and which is not permanently fixed to a site. Such term does not include such a device which is permanently fixed to a site.' and inserting a period.

### SEC. 3. PRODUCT SAFETY INFORMATION.

(a) **Data Collection System** – Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall implement a centralized system for collection and dissemination of information related to the safe operation, manufacture, inspection, and use of amusement rides. This system shall include, without limitations, the information identified in the rest of this Section, and shall be made publicly accessible.

(b) **Ride Registry** – Ride owner/operators shall provide basic information on each commercially operated amusement ride, including at a minimum *(modeled after the Affidavit of Ownership for aircraft required under FAA rules)* .:

- (1) Contact information for the owner;
- (2) Make, model, and serial number of the ride;
- (3) Date of manufacture and purchase;
- (4) Identity of manufacturer and, if the manufacturer is no longer in operation, the identity of the manufacturer's successor (if known);
- (5) Identity of seller, if different from the manufacturer;
- (6) Maximum height, speed, and acceleration in all three axes;

(7) Description of the ride action and the containment system; and

(8) Photos of the ride sufficient to fully represent the ride.

(c) **Ride Manuals, Safety Alerts and Advisories** – Manufacturers and state/local regulatory agencies shall provide the Commission with copies of any amusement ride safety alerts or advisories published and distributed to ride owner/operators. If requested by the Commission, manufacturers shall also provide the Commission with the original and all revisions to ride operation and maintenance manuals.

(d) **Incident Reports** – Amusement ride owner/operators shall report ride-related safety incidents to the Commission as follows.

(1) Reportable incidents shall include any accident, injury, or illness caused by the operation or use of an amusement ride where:

(A) A patron or ride attendant dies or suffers an injury requiring medical treatment;

(B) A patron falls from, or is forcefully ejected from, a ride at some point other than the designated load and unload points;

(C) A structural or major mechanical failure occurs during public operation of the ride; or

(D) An equipment malfunction leaves patrons stranded inside the ride for longer than 15 minutes.

(2) Incident reports shall include the following information (*modeled after the FAA rule on "Reports by Carriers on Incidents Involving Animals During Air Transport"*):

(A) Identification of registered ride and owner/operator;

(B) Location of ride at time of incident;

(C) Date and time of incident;

(D) Description of riders involved in incident including gender and approximate age/size;

(E) Identification of dead and injured patrons, and attendants;

(F) Narrative description of the incident;

(G) Narrative description of the cause(s) of the incident;

(H) Narrative description of any corrective action taken in response to the incident; and

(I) Name, title, address, and telephone number of the individual filing the report on behalf of the ride owner/operator.

(3) If the incident occurred within a state or local jurisdiction that requires reporting of amusement ride incidents, the ride owner/operator shall submit a copy of the incident report to the state or local jurisdictional authority.

(e) **Technical Database** – The Commission shall provide regulatory officials, inspectors, and industry personnel with easy access to all amusement ride safety information collected in compliance with this section.

(f) **Incident Data** – The Commission shall publish data on amusement ride incidents and complaints in a manner comparable to other consumer complaint and incident data.

(g) **Consumer Education** – The Commission shall inform the public about amusement ride safety issues where hazard avoidance depends on consumer choice and behavior. Priority shall be placed on protecting the health and safety of children.

## **SEC. 4. INCIDENT INVESTIGATION.**

(a) The Consumer Product Safety Commission shall be authorized to investigate reportable amusement ride incidents as defined in Sec. 3(d).

(b) Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall –

(1) Develop standard guidelines for incident investigation, including:

(A) Investigator qualifications for technical competence and impartiality;

(B) Investigation process and aspects of study;

(C) Report format.

(2) Develop a plan to ensure that serious amusement ride accidents and critical incidents are thoroughly investigated and documented by qualified jurisdictional officials. The plan shall include a means of communicating information obtained, as relevant, to regulators, industry, and consumers so that future accidents may be avoided.

## **SEC. 5. AUDIT REQUIREMENTS.**

(a) Not later than 2 years after the date of enactment of this Act, the Consumer Product Safety Commission shall –

(1) Examine and assess the effectiveness of current industry and state/local regulatory safety audit processes; and

(2) Develop minimum standards for state and/or local regulatory agencies to conduct independent safety audits of amusement rides.

## **SEC. 6. SAFETY STANDARDS.**

(a) Not later than 2 years after the date of enactment of this Act, the Consumer Product Safety Commission shall –

(1) Examine and assess the effectiveness of any voluntary amusement ride safety standards;

(2) Survey state and local rules governing safe design, operation, and maintenance of amusement rides;

(3) Publish a report –

(A) Summarizing the similarities and differences in voluntary standards and state/local rules;

(B) Recommending a minimum national standard for safe design, operation, and maintenance of amusement rides; and

(C) Noting any areas where the Commission determined that more stringent standards should be developed in order to prevent unreasonable risk of injury.

(4) Develop a plan to minimize conflicting state and local regulations, and encourage states to adopt regulations at least as protective as the minimum national standard.

(b) If the report outlined in Sec. 6(a)(3) recommends that more stringent standards are required in order to prevent unreasonable risk of injury, the Commission shall encourage the ASTM F-24 industry standards committee to develop the new requirements. If an acceptable solution is not developed through voluntary standards, the Commission shall initiate rulemaking.

## **SEC. 7. REPORT TO CONGRESS.**

Not later than 3 years after the date of enactment of this Act, the Commission shall transmit to Congress a report of its progress in implementing the provisions of the National Amusement Ride Safety Act.

## **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Consumer Product Safety Commission \$3,000,000 for each fiscal year to enable the Commission to carry out the Consumer Product Safety Act as amended by this Act.

## **SEC. 9. PREEMPTION.**

This Act shall not be construed as preempting state or local law in connection with amusement rides unless state or local law is in direct and irreconcilable conflict with the Act or regulatory provisions promulgated under the Act.

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