

## LEGISLATIVE BILL 608

Approved by the Governor March 3, 1994

Introduced by Wesely, 26

AN ACT relating to the Nebraska Amusement Ride Act; to amend sections 48-1801, 48-1802, 48-1806, and 48-1812, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change insurance provisions; to provide separate inspection fees for bungee jumping; to prohibit reverse bungee jumping; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1801. Sections 48-1801 to 48-1820 and section 5 of this act shall be known and may be cited as the Nebraska Amusement Ride Act.

Sec. 2. That section 48-1802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1802. ~~As used in~~ For purposes of the Nebraska Amusement Ride Act, unless the context otherwise requires:

(1) Amusement ride shall mean 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, but such term shall not include (a) any 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 or (b) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices. Bungee jumping is specifically designated as an amusement ride for purposes of the act and shall mean the sport, activity, or other practice of jumping, diving, stepping out, dropping, or otherwise being released into the air while attached to a bungee cord, whereby the cord stretches, stops the fall, lengthens, and shortens allowing the person to bounce up and down, and is intended to finally bring the person to a stop at a point above a surface or the ground;

(2) Bungee cord shall mean a cord made of rubber, latex, or other elastic-type material, whether natural or synthetic;

(2) (3) Commissioner shall mean the Commissioner of Labor or his or her designee;

(3) (4) Operator shall mean a person actually engaged in or directly controlling the operations of an amusement ride;

(4) (5) Owner shall mean a person who owns, leases, controls, or manages the operations of an amusement ride and may include the state or any political subdivision of the state; ~~and~~

(5) (6) Qualified inspector shall mean any person who is (a) found by the commissioner to possess the requisite training and experience to perform competently the inspections required by the Nebraska Amusement Ride Act and (b) certified by the commissioner to perform inspections of amusement rides; and

(7) Reverse bungee jumping shall mean the sport, activity, or practice whereby a person is attached to a bungee cord, the bungee cord is stretched down so that such person is on a fixed catapult, launch, or release position, and such person is catapulted or otherwise launched or released into the air from such fixed position, while attached to a bungee cord, whereby the cord stretches, stops the fall, lengthens, and shortens allowing the person to bounce up and down, and is intended to finally bring the person to a stop at a point above a surface or the ground.

Sec. 3. That section 48-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1806. No amusement ride shall be operated unless at the time of operation the owner has an insurance policy in effect written by an insurance company authorized to do business in this state insuring the owner and operator against liability for injury to persons arising out of the operation of such amusement ride. Such insurance policy shall be in an amount not less than the minimum amount per occurrence as established by the commissioner. Such minimum amount shall be established with due regard to the protection of the general public and the availability of insurance coverage, but such

minimum amount shall not be greater than one million dollars per occurrence. The commissioner may require a separate insurance policy from the owner of any equipment used in an amusement ride, subject to the minimums and limitations provided in this section.

Sec. 4. That section 48-1812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1812. (1) The commissioner may establish by rules and regulations a schedule of reasonable inspections fees for each amusement ride. The cost of obtaining the certificate of inspection from a qualified inspector shall be borne by the owner of the amusement ride.

(2) A separate schedule of fees shall be established for the inspection of bungee jumping operations, including the inspection of cranes used for bungee jumping. The fees shall be established taking into consideration the cost of such inspections.

Sec. 5. No person shall operate a reverse bungee jumping ride in this state.

Sec. 6. That original sections 48-1801, 48-1802, 48-1806, and 48-1812, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.