

ASSEMBLY BILL NO. 334—ASSEMBLYMEN LESLIE, CEGAVSKE, CHOWNING,
DE BRAGA, GIBBONS, ANDERSON, BACHE, BROWER, CLABORN,
FREEMAN, GIUNCHIGLIANI, GUSTAVSON, HETTRICK, HUMKE,
NOLAN, PARNELL AND SMITH

MARCH 13, 2001

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to safety of carnival rides. (BDR 40-927)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to carnivals; prohibiting a person from operating a carnival ride with a passenger without an operation permit; requiring certain persons to take certain actions when a death or serious injury occurs as a result of the operation of a carnival ride; requiring the division of industrial relations of the department of business and industry to adopt certain regulations relating to carnival rides; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 455B of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 17, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 17, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 to*
5 *9, inclusive, of this act have the meanings ascribed to them in those*
6 *sections.*
7 **Sec. 3.** *“Carnival” means a mobile enterprise principally devoted to*
8 *offering amusement or entertainment to the public in, upon or by means*
9 *of a carnival ride, whether associated with other structures or forms of*
10 *public attraction.*
11 **Sec. 4.** *“Carnival ride” means any type of ride, including, without*
12 *limitation, any mechanical or aquatic device, or combination of devices,*
13 *that:*
14 1. *Carries, conveys or directs passengers over a fixed or restricted*
15 *route or within a defined area primarily for the passengers’ amusement*
16 *or entertainment;*
17 2. *Is erected for less than 30 days at a time; and*



1 3. *Is not erected in an amusement park.*
2 *As used in this section, "amusement park" has the meaning ascribed to it*
3 *in NRS 455B.010.*

4 Sec. 5. *"Carnival ride inspector" means a person who is certified by*
5 *the division to inspect carnival rides.*

6 Sec. 6. *"Division" means the division of industrial relations of the*
7 *department of business and industry.*

8 Sec. 7. *"Operation permit" means a permit issued by a carnival ride*
9 *inspector which states that all carnival rides at a carnival comply with*
10 *the most recent standards for operation, maintenance, design and*
11 *manufacture, testing and inspections of amusement park rides as*
12 *adopted by the American Society for Testing and Materials and which*
13 *authorizes the operator to operate carnival rides.*

14 Sec. 8. *"Operator" means a person who owns, leases, manages or*
15 *operates a carnival.*

16 Sec. 9. *"Passenger" means a person who uses a carnival ride.*

17 Sec. 10. 1. *A person shall not operate a carnival ride with a*
18 *passenger or cause a carnival ride to be operated with a passenger unless*
19 *an operation permit has been issued for the carnival.*

20 2. *If a death occurs because of the operation of a carnival ride, the*
21 *operator shall stop the ride and shall not operate the ride until the*
22 *division has approved the operation of the ride in writing. Within 24*
23 *hours after a death or serious injury that occurs because of the operation*
24 *of a carnival ride, an operator shall report such death or injury and the*
25 *cause thereof to the division. If the operator fails to report a death or*
26 *injury pursuant to this subsection, the operator is guilty of a*
27 *misdemeanor.*

28 3. *As used in this section, "serious injury" means an injury that*
29 *requires emergency medical attention at a facility that provides*
30 *emergency medical care.*

31 Sec. 11. 1. *The division shall provide by regulation:*

32 (a) *A method for certifying natural persons as carnival ride*
33 *inspectors;*

34 (b) *Qualifications for certification as a carnival ride inspector;*

35 (c) *Procedures for issuing a permit to operate a carnival;*

36 (d) *A method for an operator to report a death or serious injury that*
37 *occurs because of the operation of a carnival ride; and*

38 (e) *Procedures for the investigation by the division of a death or*
39 *serious injury that occurs because of the operation of a carnival ride.*

40 2. *A person who applies for certification as a carnival ride inspector*
41 *must submit to the division an application for certification in the form*
42 *required by the division. An application for certification as a carnival*
43 *ride inspector must include the social security number of the applicant.*

44 3. *The division may adopt such other regulations as it deems*
45 *necessary to carry out the provisions of sections 2 to 17, inclusive, of this*
46 *act.*

47 Sec. 12. 1. *The division shall provide by regulation:*

48 (a) *A method for certifying natural persons as carnival ride*
49 *inspectors;*



- 1 (b) *Qualifications for certification as a carnival ride inspector;*
- 2 (c) *Procedures for issuing a permit to operate a carnival;*
- 3 (d) *A method for an operator to report a death or serious injury that*
- 4 *occurs because of the operation of a carnival ride; and*
- 5 (e) *Procedures for the investigation by the division of a death or*
- 6 *serious injury that occurs because of the operation of a carnival ride.*

7 2. *A person who applies for certification as a carnival ride inspector*
8 *must submit to the division an application for certification in the form*
9 *required by the division.*

10 3. *The division may adopt such other regulations as it deems*
11 *necessary to carry out the provisions of sections 2 to 17, inclusive, of this*
12 *act.*

13 **Sec. 13.** 1. *A person who applies for certification as a carnival ride*
14 *inspector shall submit to the division the statement prescribed by the*
15 *welfare division of the department of human resources pursuant to NRS*
16 *425.520. The statement must be completed and signed by the applicant.*

17 2. *The division shall include the statement required pursuant to*
18 *subsection 1 in:*

19 (a) *The application or any other forms that must be submitted for*
20 *certification as a carnival ride inspector; or*

21 (b) *A separate form prescribed by the division.*

22 3. *The division shall not issue a certification to an applicant who:*

23 (a) *Fails to submit the statement required pursuant to subsection 1; or*

24 (b) *Indicates on the statement submitted pursuant to subsection 1 that*
25 *he is subject to a court order for the support of a child and is not in*
26 *compliance with the order or a plan approved by the district attorney or*
27 *other public agency enforcing the order for the repayment of the amount*
28 *owed pursuant to the order.*

29 4. *If an applicant indicates on the statement submitted pursuant to*
30 *subsection 1 that he is subject to a court order for the support of a child*
31 *and is not in compliance with the order or a plan approved by the district*
32 *attorney or other public agency enforcing the order for the repayment of*
33 *the amount owed pursuant to the order, the division shall advise the*
34 *applicant to contact the district attorney or other public agency enforcing*
35 *the order to determine the actions that the applicant may take to satisfy*
36 *the arrearage.*

37 **Sec. 14.** 1. *If the division receives a copy of a court order issued*
38 *pursuant to NRS 425.540 that provides for the suspension of all*
39 *professional, occupational and recreational licenses, certificates and*
40 *permits issued to a person who has been certified as a carnival ride*
41 *inspector, the division shall deem the certification to be suspended at the*
42 *end of the 30th day after the date on which the court order was issued*
43 *unless the division receives a letter issued to the person who is certified*
44 *as a carnival inspector by the district attorney or other public agency*
45 *pursuant to NRS 425.550 stating that the holder of the certificate has*
46 *complied with the subpoena or warrant or has satisfied the arrearage*
47 *pursuant to NRS 425.560.*

48 2. *The division shall reinstate a certification as a carnival ride*
49 *inspector that has been suspended by a district attorney pursuant to NRS*



1 425.540 if the division receives a letter issued by the district attorney or
2 other public agency pursuant to NRS 425.550 to the person whose
3 certification was suspended stating that the person whose certification
4 was suspended has complied with the subpoena or warrant or has
5 satisfied the arrearage pursuant to NRS 425.560.

6 **Sec. 15.** 1. If a carnival ride inspector determines that all carnival
7 rides at a carnival comply with the most recent standards for operation,
8 maintenance, design and manufacture, testing and inspections of
9 amusement park rides adopted by the American Society for Testing and
10 Materials, he shall issue an operation permit for the carnival to the
11 operator of the carnival. If he determines that one or more carnival rides
12 at a carnival do not meet such standards, he shall not issue an operation
13 permit for the carnival until all carnival rides meet the standards.

14 2. A carnival ride inspector may charge a fee for inspecting a
15 carnival ride.

16 **Sec. 16.** 1. At least 3 days before beginning operation in a county,
17 the operator shall notify the county that the carnival intends to operate in
18 the county.

19 2. For each carnival that operates in a county, the county building
20 inspector of the county, or if the county has not appointed a building
21 inspector, a person appointed by the county, shall determine whether an
22 operation permit has been issued for the carnival. If a county building
23 inspector or person appointed by the county, as appropriate, determines
24 that an operation permit has not been issued for the carnival, the county
25 shall cause the carnival to be shut down until an operation permit has
26 been issued for the carnival.

27 **Sec. 17.** The provisions of sections 2 to 17, inclusive, of this act do
28 not prohibit a county, city or unincorporated town from adopting
29 ordinances that regulate carnivals which are consistent with the
30 provisions of sections 2 to 17, inclusive, of this act.

31 **Sec. 18.** NRS 455B.010 is hereby amended to read as follows:
32 455B.010 As used in ~~{this chapter,}~~ *NRS 455B.010 to 455B.100,*
33 *inclusive*, unless the context otherwise requires:

34 1. "Amusement park" means any permanent facility or park where
35 amusement rides are available *on a regular basis* for use by the public.

36 2. "Amusement ride" or "ride" means any type of ride *located in an*
37 *amusement park*, including, without limitation, any mechanical or aquatic
38 device, which carries passengers over a fixed or restricted route primarily
39 for the passengers' amusement. The terms include any ride propelled by its
40 passengers or gravity if it is located in an amusement park.

41 3. "Operator" means a person who owns, leases, manages or operates
42 an amusement park.

43 4. "Passenger" means a person using an amusement ride.

44 **Sec. 19.** NRS 455B.030 is hereby amended to read as follows:

45 455B.030 1. An operator shall prominently post and maintain in at
46 least five conspicuous locations in the amusement park, including each
47 entrance, exit, station for reporting an injury and first aid station, signs that:

48 (a) Indicate the responsibilities of operators and passengers pursuant to
49 ~~{this chapter,}~~ *NRS 455B.010 to 455B.100, inclusive.*



1 (b) Inform passengers of the location of stations for reporting accidents.
2 2. An operator shall prominently post and maintain signs in simple and
3 concise language at or near points where passengers embark upon an
4 amusement ride, directing persons who are not familiar with the operation
5 of the ride to ask an authorized agent or employee of the operator for
6 assistance and instruction.

7 **Sec. 20.** NRS 455B.100 is hereby amended to read as follows:
8 455B.100 ~~{This chapter does}~~ *The provisions of NRS 455B.010 to*
9 *455B.100, inclusive, do* not prohibit a county, city or unincorporated town
10 from adopting ordinances that regulate amusement parks which are
11 consistent with the provisions of ~~{this chapter.}~~ *NRS 455B.010 to*
12 *455B.100, inclusive.*

13 **Sec. 21.** 1. This section and sections 1 to 11, inclusive, and 13 to 20,
14 inclusive, of this act become effective on July 1, 2001.

15 2. Section 12 of this act becomes effective on the date of the repeal of
16 the federal law requiring each state to establish procedures for withholding,
17 suspending and restricting the professional, occupational and recreational
18 licenses for child support arrearages and for noncompliance with certain
19 processes relating to paternity or child support proceedings.

20 3. Sections 11, 13 and 14 of this act expire by limitation on the date of
21 the repeal of the federal law requiring each state to establish procedures for
22 withholding, suspending and restricting the professional, occupational and
23 recreational licenses for child support arrearages and for noncompliance
24 with certain processes relating to paternity or child support proceedings.

