

2016 Regular Session

HOUSE BILL NO. 1133

BY REPRESENTATIVE BERTHELOT

AN ACT

To amend and reenact Subpart A of Part VII of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1484.1 through 1484.28, and 1485.2(introductory paragraph), (2), (3), (4), and (5) and to enact R.S. 40:1485.2(6) and 1485.9, relative to the regulation of inflatable amusement devices, amusement attractions, and amusement rides; to provide for administration, enforcement, and rulemaking authority of the state fire marshal; to provide for definitions; to require registration of inflatable amusement devices, amusement attractions, and amusement rides with the office of state fire marshal; to regulate the operation of such devices, attractions, and rides; to provide for third-party inspections and certificates of inspection; to provide for set-up inspections; to provide relative to license requirements of third-party inspectors, set-up inspectors, firms, and certain persons; to require certain insurance; to provide for applicable fees, costs, penalties, and injunctive relief; to provide for applicability; to provide for prohibitions and exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 2 of this Act amends and reenacts Subpart A of Part VII of Title 40 of the Louisiana Revised Statutes of 1950 in its entirety. Due to the length of the Subpart, present law is not included as overstruck text.

Section 2. Subpart A of Part VII of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1484.1 through 1484.28, and 1485.2(introductory paragraph), (2), (3), (4), and (5) are hereby amended and reenacted and R.S. 40:1485.2(6) and 1485.9 are hereby enacted to read as follows:

1                    PART VII. REGULATION OF AMUSEMENT ATTRACTIONS

2                                    AND RIDES

3    SUBPART A. REGULATION

4                    §1484.1. Short title

5                                    This Part shall be known and may be cited as the Amusement Rides Safety  
6                    Law.

7                    §1484.2. Purpose; administration and enforcement

8                                    A. The purpose of this Part is to regulate the testing, inspection, and  
9                                    operation of inflatable amusement devices, amusement attractions, and amusement  
10                                   rides to prohibit the use of such devices, attractions, and rides when they have not  
11                                   been properly registered, have not received a proper and timely certificate of  
12                                   inspection, and have not received a set-up inspection as provided for in this Part.

13                                   B. The state fire marshal shall administer and enforce the provisions of this  
14                                   Part and may promulgate rules and regulations which he considers necessary to such  
15                                   administration and enforcement pursuant to the Administrative Procedure Act. In  
16                                   formulating necessary rules and regulations, the state fire marshal may use  
17                                   recognized standards, including but not limited to those of the ANSI, ASTM, those  
18                                   recognized by federal law or regulation, those published by nationally recognized  
19                                   standards-making organizations, those industry standards established by accepted  
20                                   practices or trade associations, or those contained in manufacturers' installation  
21                                   manuals.

22                                   C. The state fire marshal has the authority to charge and collect fees as  
23                                   provided for in this Part.

24                    §1484.3. Definitions

25                                   As used in this Part, the following terms have the meanings specified in this  
26                                   Section except where the context expressly indicates otherwise:

27                                   (1) "Amusement attraction" means any building or structure around, over,  
28                                   or through which people may move or walk, without the aid of any moving device  
29                                   integral to the building or structure, that provides amusement, pleasure, thrills, or  
30                                   excitement. "Amusement attraction" does not include any enterprise principally

devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

(2) "Amusement ride" means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" also includes any mechanized device or combination of devices of a permanent nature even though such device or combination of devices is subject to building regulations issued by cities or parishes and existing applicable safety orders. "Amusement rides" also include the following:

(a) Bungee rides or bungee operations which utilize as a component a bungee cord, which is an elastic rope made of rubber, latex, or other elastic-type materials whether natural or synthetic.

(b) Go-karts, which means a ride in which a vehicle is controlled or driven by patrons on a fixed course.

(c) Any wave pool, water slide, or other similar attraction that totally or partially immerses a patron in water.

(d) Artificial climbing walls.

(e) Zip lines.

(3) "ANSI" means the American National Standards Institute.

(4) "ASTM" means the American Society of the International Association for Testing and Materials.

(5) "Certificate of inspection" means a certificate or report prepared by a third-party inspector pursuant to his inspection which verifies that the inflatable amusement device, amusement attraction, or amusement ride complies with all applicable adopted laws, rules, standards, and its corresponding manufacturer's installation manuals, maintenance and service bulletins, and notices.

(6) "Certificate of registration" means a certificate issued by the office of state fire marshal upon receipt of a completed registration application, valid insurance as required by this Part, and a certificate of inspection.

1           (7) "Compliance inspection" means a type of inspection performed as  
2           deemed necessary by the state fire marshal or his designee, usually in conjunction  
3           with an audit or investigation, or in response to a complaint.

4           (8) "Employee" means a person who performs services for wages or salary  
5           from his employer.

6           (9) "Firm" means a sole proprietorship, corporation, limited liability  
7           company, or similar type of business entity.

8           (10) "Fixed operation location" means an operating location wherein  
9           amusement devices, amusement attractions, or amusement rides are operated for an  
10          indefinite period of time and are not often disassembled and reassembled.

11          (11) "Inflatable amusement device" means any amusement attraction that  
12          incorporates a structural and mechanical system that employs a high-strength fabric  
13          or film that achieves its strength, shape, and stability by pretensioning with internal  
14          air pressure for activities including, but not limited to bouncing, climbing, sliding,  
15          or interactive play, which may or may not be enclosed.

16          (12) "Inspect" or "inspection" means the thorough physical examination and  
17          functional testing of an inflatable amusement device, amusement attraction, or  
18          amusement ride and its component parts necessary to ensure that the device,  
19          attraction, or ride complies with all applicable adopted laws, rules, standards, and  
20          corresponding manufacturer's installation manuals, maintenance and service repair  
21          bulletins, or notices.

22          (13) "Investigate" or "investigation" means the thorough physical  
23          examination of an inflatable amusement device, amusement attraction, or amusement  
24          ride and its component parts by the office of state fire marshal in response to a  
25          complaint or an accident, which may or may not have resulted in injury or death, to  
26          determine the cause of the accident.

27          (14) "NAARSO" means the National Association of Amusement Ride Safety  
28          Officials.

29          (15) "Operate" means to manage and coordinate an inflatable amusement  
30          device, amusement attraction, or amusement ride at an event. The term includes

1 management or coordination which may or may not be performed by the owner of  
2 the inflatable amusements device, amusement attraction, or amusement ride.

3 (16) "Operator" means a person or firm who may or may not own the  
4 inflatable amusements devices, amusement attractions, or amusement rides who is  
5 managing, coordinating, or has the duty to control the operation of the inflatable  
6 amusements devices, amusement attractions, or amusement rides at an event.

7 (17) "Owner" means a person or firm, or the agent of a person or firm, who  
8 owns an amusement attraction, amusement ride, or more than two inflatable  
9 amusement devices, and at least one of the person's or firm's inflatable amusement  
10 devices, amusement attractions, or amusement rides is utilized in this state.

11 (18) "Ride operator" means the person or persons responsible for  
12 supervising, monitoring, and attending to the inflatable amusement device,  
13 amusement attraction, or amusement ride, including but not limited to collecting  
14 tickets or money, ensuring the appropriate number of patrons to get on a ride,  
15 ensuring riders are the appropriate height, latching and securing passengers,  
16 operating a ride, starting and stopping a ride, and monitoring patrons' activities  
17 during a ride's operation to ensure their safety.

18 (19) "Set-up inspection" means a review of all necessary documents,  
19 including service and repair documents, the observation of and examination of the  
20 assembly, set-up, and operation of an inflatable amusement device, amusement  
21 attraction, or amusement ride, and an inspection of the foundation, blocking, fuel  
22 containers, and mechanical and electrical conditions of such a device, attraction, or  
23 ride.

24 (20) "Set-up inspector" means the person licensed by the office of state fire  
25 marshal to conduct the set-up inspection prior to the opening of an amusement  
26 attraction or prior to the operation of an inflatable amusement device or amusement  
27 ride at each event.

28 (21) "Temporary operation location" means an operating location where  
29 inflatable amusement devices, amusement attractions, or amusement rides are  
30 operated for a finite period of time not to exceed thirty days.

1                   (22) "Testing" means the set-up and activation of an inflatable amusement  
2                   device, amusement attraction, or amusement ride for the purpose of analyzing such  
3                   device, attraction, or ride and its component parts for safety. This may be done in  
4                   conjunction with an inspection.

5                   (23) "Third-party inspector" means a person licensed by the office of state  
6                   fire marshal to test and inspect inflatable amusement devices, amusement attractions,  
7                   and amusement rides.

8                   §1484.4. Registration of inflatable amusement devices, amusement attractions, and  
9                   amusement rides; requirements

10                  A. Any owner of an inflatable amusement device, amusement attraction, or  
11                  amusement ride shall register each of his inflatable amusement devices, amusement  
12                  attractions, or amusement rides with the office of state fire marshal prior to its use  
13                  in this state. An owner shall renew the registration each year for each inflatable  
14                  amusement device, amusement attraction, or amusement ride being used in this state.

15                  B. To register the inflatable amusement device, amusement attraction, or  
16                  amusement ride, the owner shall submit all of the following to the office of state fire  
17                  marshal for approval:

18                   (1) A registration application.

19                   (2) A certificate of inspection dated no earlier than sixty days prior to the  
20                   date of submission of a registration application.

21                   (3) A copy of the general liability insurance in which all inflatable  
22                   amusement devices, amusement attractions, or amusement rides being registered are  
23                   listed on the submitted insurance declaration page.

24                  C. Upon approval by the state fire marshal, a certificate of registration shall  
25                  be issued as follows:

26                   (1) Initial registration. Initial registration can occur at any time. A  
27                   registration plate shall be issued bearing a permanent registration number. The  
28                   registration plate shall be permanently affixed to the inflatable amusement device,  
29                   amusement attraction, or amusement ride in a conspicuous location.

1                   (2) Annual registration renewal. A decal bearing the month and year of the  
2                   annual renewal shall be issued and affixed to the plate to indicate its current  
3                   registration with the state fire marshal.

4                   D. The fee to replace a lost or damaged plate or decal is thirty dollars.

5                   §1484.5. Third-party inspection of inflatable amusement devices, amusement  
6                   attractions, and amusement rides; certificate of inspection required; cease and  
7                   desist orders

8                   A. Except for the purpose of testing, training, or inspection, no inflatable  
9                   amusement device, amusement attraction, or amusement ride shall be operated in this  
10                  state without a certificate of inspection provided by a third-party inspector and a  
11                  certificate of registration issued by the office of state fire marshal to an operator of  
12                  the inflatable amusement device, amusement attraction, or amusement ride.

13                  B.(1) Each inflatable amusement device, amusement attraction, or  
14                  amusement ride shall be inspected by a third-party inspector for safety and subjected  
15                  to nondestructive testing at least annually, in accordance with ASTM-F-24, as  
16                  promulgated by the state fire marshal in conformity with the Administrative  
17                  Procedure Act, and other applicable standards, regulations, manuals, service  
18                  bulletins, and notices.

19                  (2) Upon completion of each inspection as required in this Section, the  
20                  third-party inspector shall submit a certificate of inspection to the office of state fire  
21                  marshal. The certificate shall be valid for not more than twelve months from the  
22                  date of issuance.

23                  (3) If the third-party inspection shows that an inflatable amusement device,  
24                  amusement attraction, or amusement ride does not comply with all relevant  
25                  provisions of this Part and the adopted standards, regulations, and applicable  
26                  manuals, service bulletins, and notices, the third-party inspector shall notify and  
27                  submit such findings to the state fire marshal within ten days of the inspection. The  
28                  office of state fire marshal shall issue a cease and desist order to the operator. The  
29                  state fire marshal shall lift the cease and desist order only when the deficiencies have  
30                  been remedied to the satisfaction of the state fire marshal.

1        §1484.6. Operation of amusement rides and amusement attractions; notice; changes  
2                    in schedule; certain required annual inspections; fines

3                A. At least five days prior to commencing operation of any amusement ride  
4                or amusement attraction, except for the purpose of testing, training, and inspection,  
5                the operator shall give written or electronic notification to the office of state fire  
6                marshal of his intent to commence operation of the amusement ride or amusement  
7                attraction.

8                B. Any operator who gives written or electronic notification to the office of  
9                state fire marshal of his intent to commence operation of the amusement ride or  
10               amusement attraction less than five days prior to commencing operation shall be  
11               fined two hundred fifty dollars per ride or attraction.

12               C. If, after the notification, the operator changes his schedule of locations or  
13               dates, he shall immediately notify the office of state fire marshal of the change. An  
14               operator shall pay a fine of two hundred fifty dollars for any change in schedule of  
15               location or date that occurs less than five days prior to the commencement of  
16               operation of the amusement ride or amusement attraction.

17               D. Prior to operating any new amusement ride or amusement attraction, the  
18               operator shall notify the office of state fire marshal of his intent to commence  
19               operation and register the amusement ride or amusement attraction as required in this  
20               Part.

21               E.(1) The state fire marshal or his designee may inspect all amusement rides  
22               or amusement attractions operating in the state at least once during the duration of  
23               the event at which the amusement ride or amusement attraction is being operated.

24               (2) During an office of state fire marshal event inspection or audit, the  
25               operator shall submit to the state fire marshal or his designee the set-up inspection  
26               report and any other documentation relating to the set-up inspection or an annual  
27               inspection.

28               (3) In the case of amusement rides or amusement attractions operating at a  
29               fixed operation location for more than one year, the state fire marshal or his designee  
30               shall inspect such amusement rides or amusement attractions at least annually. The



1        inspection is to ensure compliance with the provisions of this Part and adopted  
2        standards, rules, regulations, and applicable manuals, service bulletins, and notices.

3                (4) The state fire marshal or his designee has free access to any premises in  
4        the state where an amusement ride or amusement attraction is being installed, built,  
5        repaired, or operated for the purpose of ascertaining whether such amusement ride  
6        or amusement attraction is being installed, built, repaired, or operated in accordance  
7        with the provisions of this Part and adopted standards, rules, regulations, and  
8        applicable manuals, service bulletins, and notices.

9                F. The state fire marshal or his designee has the authority to publish a listing  
10       of all noncompliant operators and make such list available to the public upon written  
11       demand.

12       §1484.7. Operation of inflatable amusement devices; notice; changes in schedule;  
13       fin

14                A. At least five days prior to commencing operation of any inflatable  
15       amusement device, except for the purpose of testing, training, and inspection, the  
16       operator shall give written or electronic notification to the office of state fire marshal  
17       of his intent to commence operation of the inflatable amusement device.

18                B. Any operator who gives written or electronic notification to the office of  
19       state fire marshal of his intent to commence operation of the inflatable amusement  
20       device less than five days prior to commencing operation shall be fined two hundred  
21       dollars per device.

22                C. If, after the notification, the operator changes his schedule of locations or  
23       dates, he shall immediately notify the office of state fire marshal of the change. An  
24       operator shall pay a fine of two hundred dollars for any change in schedule of  
25       location or date that occurs less than five days prior to the commencement of  
26       operation of the inflatable amusement device.

27                D. Prior to operating any new inflatable amusement device, the operator  
28       shall notify the office of state fire marshal of his intent to commence operations and  
29       register the inflatable amusement device as required in this Part.

1                   E.(1) The fire marshal or his designee may inspect all inflatable amusement  
2                   devices operating in this state during the duration of the event at which the inflatable  
3                   amusement device is being operated.

4                   (2) During an office of state fire marshal event inspection or audit, the  
5                   operator shall submit to the state fire marshal or his designee the set-up inspection  
6                   report and any other documentation relating to the set-up inspection or an annual  
7                   inspection.

8                   (3) In the case of inflatable amusement devices operating at a fixed operation  
9                   location for more than one year, the fire marshal or his designee shall inspect such  
10                  inflatable amusement devices at least annually to ensure compliance with the  
11                  provisions of this Part and adopted standards, rules, regulations, and applicable  
12                  manuals, service bulletins, and notices.

13                  (4) The state fire marshal or his designee has free access to any premises in  
14                  the state where an inflatable amusement device is being installed, built, repaired, or  
15                  operated for the purpose of ascertaining whether such inflatable amusement device  
16                  is being installed, built, repaired, or operated in accordance with the provisions of  
17                  this Part and adopted standards, rules, regulations, and applicable manuals, service  
18                  bulletins, and notices.

19                  F. The provisions of this Part apply only to inflatable amusement devices  
20                  which are all of the following:

21                   (1) Open to public.

22                   (2) Located on grounds other than those of a one- or two-family dwelling.

23                   (3) Co-located with other amusements, attractions, or rides governed by this  
24                  Part.

25                  G. The state fire marshal or his designee has the authority to publish a listing  
26                  of all noncompliant operators and make such list available to the public upon written  
27                  demand.

1           §1484.8. Set-up inspection; requirements; notification to the fire marshal

2                   A. An owner or operator shall have a set-up inspection conducted on all  
3                   inflatable amusement devices, amusement attractions, and amusement rides at least  
4                   once prior to their operation at each event in the state.

5                   B. The set-up inspection may be conducted by a third-party inspector or an  
6                   employee of the owner or operator of the inflatable amusement device, amusement  
7                   attraction, or amusement ride who is specially trained to perform a set-up inspection.

8                   C. The set-up inspection includes but is not limited to the following:

9                   (1) A review of all necessary documents including service and repair  
10                  documents.

11                  (2) Observation and examination of the assembly, set-up, and operation.

12                  (3) An inspection of the foundation, blocking, fuel containers, and  
13                  mechanical and electrical condition.

14                  D. If an inflatable amusement device, amusement attraction, or amusement  
15                  ride is in compliance pursuant to the findings of a set-up inspection and  
16                  corresponding adopted rules and regulations, the third-party inspector or set-up  
17                  inspector shall affix a tag to the inflatable amusement device, amusement attraction,  
18                  or amusement ride.

19                  E. If an inflatable amusement device, amusement attraction, or amusement  
20                  ride is not in compliance pursuant to the findings of a set-up inspection and  
21                  corresponding adopted rules and regulations, a third-party inspector or set-up  
22                  inspector shall cease operation of the inflatable amusement device, amusement  
23                  attraction, or amusement ride and notify the office of state fire marshal within two  
24                  hours of the determination, and tag it accordingly.

25                  F. The office of state fire marshal shall specifically adopt rules and  
26                  regulations in accordance with the Administrative Procedure Act for enforcement of  
27                  this Section.

1       §1484.9. License required to inspect inflatable amusement devices, amusement  
2               attractions, and amusement rides; prohibitions

3               A. A person or firm shall not engage in the testing or inspection of an  
4               inflatable amusement device, amusement attraction, or amusement ride unless the  
5               person or firm holds a current and valid license issued by the state fire marshal as  
6               provided in this Part.

7               B. No person or firm shall aid, abet, facilitate, or otherwise assist any  
8               unlicensed person or firm in the engagement of any testing or inspecting of an  
9               inflatable amusement device, amusement attraction, or amusement ride when such  
10              person or firm knew or should have known the latter person or firm was unlicensed.

11              C. A person or firm shall not test or inspect an inflatable amusement device,  
12              amusement attraction, or amusement ride if such person or firm is also the owner or  
13              operator of the same.

14       §1484.10. Third-party inspector; educational and certification requirements

15              A third-party inspector shall not engage in third-party inspections as  
16              described in R.S. 40:1484.5 unless the inspector is one of the following:

17                      (1) A licensed engineer experienced in materials testing.

18                      (2) Currently certified by NAARSO with a Level 1 certification.

19                      (3) Currently certified with an equivalent to NAARSO Level 1 certification  
20              as determined by rules promulgated by the state fire marshal pursuant to this Part.

21       §1484.11. License required to operate inflatable amusement devices, amusement  
22               rides, and amusement attractions; service and repairs by owners; prohibitions

23               A. A person or firm shall not engage in the operation of an inflatable  
24               amusement device, amusement attraction, or amusement ride unless the person or  
25               firm holds a current and valid license issued by the state fire marshal as provided in  
26               this Part.

27               B. No person or firm shall aid, abet, facilitate, or otherwise assist any  
28               unlicensed person or firm in the engagement of any testing or inspecting of an  
29               inflatable amusement device, amusement attraction, or amusement ride when such  
30               person or firm knew or should have known the latter person or firm was unlicensed.

1           C. The state fire marshal may, by rule, allow the owner of an inflatable  
2           amusement device, amusement attraction, or amusement ride, or an employee of the  
3           owner, to perform minor service and repairs of the inflatable amusement device,  
4           amusement ride, or amusement attraction. The owner shall document such service  
5           or repair and assume responsibility for all such service or repair.

6           §1484.12. Exemptions from licensure

7           The requirements of licensure as provided in this Part are not applicable to  
8           an officer or employee of the United States, this state, or any political subdivision  
9           of either, while engaged in the performance of his official duties within the course  
10          and scope of his employment with the United States, this state, or any political  
11          subdivision of either.

12          §1484.13. Application for firm license; third-party inspection firm license;  
13          operating firm license; requirements to maintain; prohibitions; penalties

14          A. To engage in the inspection or operation of an inflatable amusement  
15          device, amusement attraction, or amusement ride, a firm shall apply for and obtain  
16          a license and the respective relevant endorsement for inspection or operation. The  
17          inspection endorsement authorizes the licensee to conduct any necessary testing.

18          B. An applicant for a third-party inspection firm license shall submit all of  
19          the following to the state fire marshal:

20               (1) A completed firm application including the names of all owners,  
21               managers, or members.

22               (2) Documentation that the firm is an entity duly authorized to conduct  
23               business within this state. If the firm is physically located in Louisiana,  
24               documentation shall be in the form of a local or parish occupational license, if such  
25               license exists, and if incorporated, a certificate of good standing issued by the  
26               secretary of state. If the firm is physically located outside of the state,  
27               documentation shall be in the form of a certificate of good standing issued by the  
28               secretary of state as a foreign corporation including the name of the firm's registered  
29               agent of service.

1                   (3) An original certificate of insurance documenting that the firm has general  
2                   liability coverage in a minimum amount of one million dollars.

3                   (4) An original certificate of insurance documenting that the firm has "Errors  
4                   and Omissions" coverage in a minimum amount of one million dollars.

5                   (5) An original certificate of insurance documenting that the firm has a  
6                   current and valid worker's compensation insurance policy as required by state law.

7                   (6) The name of the person who will serve as the designated agent of the  
8                   firm.

9                   (7) The application fee authorized by this Part.

10                  (8) Proof of employment of a qualified individual with proper certification  
11                  and training at each of its operating locations.

12                  C. An applicant for an operating firm license shall submit the following to  
13                  the state fire marshal:

14                  (1) A completed firm application including the names of all owners,  
15                  managers, or members.

16                  (2) Documentation that the firm is an entity duly authorized to conduct  
17                  business within this state. If the firm is physically located in Louisiana,  
18                  documentation shall be in the form of a local or parish occupational license, if such  
19                  license exists, and if incorporated, a certificate of good standing issued by the  
20                  secretary of state. If the firm is physically located outside of the state,  
21                  documentation shall be in the form of a certificate of good standing issued by the  
22                  secretary of state as a foreign corporation including the name of the firm's registered  
23                  agent of service.

24                  (3) An original certificate of insurance documenting that the firm has general  
25                  liability coverage in a minimum amount of one million dollars and in which all  
26                  inflatable amusement devices, amusement attractions, or amusement rides subject  
27                  to coverage are listed on the declarations page.

28                  (4) An original certificate of insurance documenting that the firm has a  
29                  current and valid worker's compensation insurance policy as required by state law.

1                   (5) The name of the person who will serve as the designated agent of the  
2                   firm.

3                   (6) The application fee authorized by this Part.

4                   D. As a condition of licensure, each firm shall be open for inspection by the  
5                   state fire marshal or his designated representative at any reasonable time for the  
6                   purpose of observation and collection of facts and data relating to proper  
7                   enforcement of this Part. No person acting on behalf of the firm shall refuse to admit  
8                   the state fire marshal or his designated representative to an operating location or its  
9                   business location where the firm keeps records. A firm physically located outside  
10                  of Louisiana may be charged for the travel expenses of the state fire marshal to  
11                  conduct such an inspection.

12                  E. As a further condition of licensure, the acceptance of a license by a firm  
13                  is deemed as the firm's consent to submit to reasonable requests for documentation  
14                  by the state fire marshal or his designated representatives and to cooperate in a  
15                  lawful investigation by the office of state fire marshal. A firm refusing to cooperate  
16                  with any lawful investigation by the office of state fire marshal is subject to any  
17                  applicable penalty as provided in this Part, including suspension or revocation of a  
18                  license.

19                  F. Each firm shall clearly display its license in a conspicuous location at its  
20                  place of business.

21                  G. The designated agent of a firm shall notify the state fire marshal within  
22                  ten days of the following:

23                   (1) A change in the business address of the firm.

24                   (2) A change in ownership of or interest in the firm.

25                  §1484.14. Application for an individual license; requirements to maintain;  
26                  prohibitions; penalties

27                  A. To engage in the inspection or operation of an inflatable amusement  
28                  device, amusement attraction, or amusement ride, an individual shall apply for and  
29                  obtain a license and the respective relevant endorsement for inspection or operation.  
30                  The inspection endorsement authorizes the licensee to conduct any necessary testing.

1        Each individual license holder shall maintain his license on his person while  
2        engaging in any such activity and present his license for inspection upon demand of  
3        any employee of the office of state fire marshal, a fire department, or any law  
4        enforcement officer.

5                B. As a condition of licensure, the acceptance of a license by an individual  
6        is deemed as the individual's consent to submit to reasonable requests for  
7        documentation by the office of state fire marshal or his designated representatives  
8        and to cooperate in a lawful investigation by the office of state fire marshal. Any  
9        person refusing to cooperate with any lawful investigation by the office of state fire  
10       marshal is subject to any applicable penalty as described in this Part, including  
11       suspension or revocation of a license.

12               C. Each individual license holder shall notify the state fire marshal, as  
13       specified by the state fire marshal, within ten days of the following:

14                (1) A change in business or home address.

15                (2) A separation from an employer or change in employer.

16               D. An individual licensed as provided in this Section shall not contract his  
17       services as an independent contractor or agent with any other firm, whether such firm  
18       is engaged in testing, inspection, or operation.

19               E. An individual licensed as provided in this Section shall meet all  
20       certification, continuing education, training, and testing requirements as established  
21       by this Part and related adopted rule or regulation.

22       §1484.15. Set-up inspection; license endorsement

23               A. To perform the set-up inspection of an inflatable amusement device,  
24       amusement attraction, or amusement ride, an individual shall apply for and obtain  
25       a license and a set-up inspection endorsement which authorizes its holder to perform  
26       the set-up inspection.

27               B. Third-party inspectors, as licensed by this Part, may obtain a set-up  
28       inspection endorsement to perform set-up inspections as required by this Part.

29               C. Employees of the owners or operators of an inflatable amusement device,  
30       amusement attraction, or amusement ride may become licensed as specified by this



1 Part to perform the set-up inspection of an inflatable amusement device, amusement  
2 attraction, or amusement ride owned or operated by his employer.

3 D. In conformity with the Administrative Procedure Act, the state fire  
4 marshal shall promulgate rules for qualifications, including required training, for the  
5 administration and enforcement of this Section.

6 §1484.16. Powers and duties of the state fire marshal

7 The state fire marshal shall:

8 (1) Formulate and administer such rules as may be determined essentially  
9 necessary for the enforcement of this Part.

10 (2) Evaluate the qualifications of firms or persons applying for or  
11 maintaining a license pursuant to this Part.

12 (3) Have authority to set qualifications and fitness of applicants for a license  
13 as provided in this Part, which may include conducting examinations.

14 (4) Issue full or provisional licenses to firms and persons meeting the  
15 qualifications established by this Part.

16 (5) Have authority, after notice and opportunity for hearing, to increase or  
17 decrease the limits of insurance coverage and authorize acceptance of surplus lines  
18 coverage if the state fire marshal determines that due to loss experience, market  
19 conditions, or other good reason, the liability insurance coverage required by this  
20 Part is unavailable to applicants for or holders of licenses.

21 (6) Have authority to conduct inspections of licensed firms, whether in state  
22 or out of state, for the purpose of observation and collection of facts and data relating  
23 to proper enforcement of this Part.

24 (7) Conduct inspections and perform audits to ensure compliance with this  
25 Part and investigate at reasonable times, and within reasonable limits and manner,  
26 inflatable amusement devices, amusement attractions, or amusement rides in any  
27 area where they are assembled or in use. The state fire marshal or his designee, upon  
28 presenting credentials to an owner or operator, is authorized to act as described in  
29 this Paragraph without prior notice.

1           (8) Employ such persons as he may deem qualified, consistent with  
2           applicable civil service regulations, and incur expenses as may be necessary in  
3           connection with the administration of this Part.

4           (9) Investigate all written complaints lodged against firms or individuals  
5           alleged to have violated provisions of this Part or related promulgated rules and  
6           pursue administrative action against the firms or individuals.

7           (10) Investigate all accidents related to an inflatable amusement device,  
8           amusement attraction, or amusement ride resulting in injury or death, or as requested  
9           by an operator, customer, patron, rider, or user.

10          §1484.17. Notice; hearing; revocation of certificate or license

11          Licenses, as provided for in this Part, may be revoked or suspended after  
12          notice and hearing in accordance with the Administrative Procedure Act and upon  
13          a finding that a person or firm acted in any of the following manners:

14               (1) Willfully violated any provision of this Part or any rule, regulation, or  
15               adopted order.

16               (2) Used deceit or false or misleading information to obtain any certificate  
17               or license pursuant to this Part.

18               (3) Demonstrated professional incompetence or gross negligence.

19               (4) Assisted any person attempting to evade the provisions of this Part or any  
20               related adopted rules or regulations.

21          §1484.18. Fees; required renewal; penalties

22               A. The fire marshal is authorized to assess and collect fees as provided in  
23               this Part.

24               B. Fees for the registration of each inflatable amusement device, amusement  
25               attraction, or amusement ride are as follows:

26                       (1) Initial Registration Fee:

27                               (a) Inflatable amusement device: \$100.00

28                               (b) Child or "Kiddie" amusement attraction or amusement ride: \$100.00

29                               (c) Adult amusement attraction or amusement ride: \$200.00

30                       (2) Annual Renewal Fee:

1                   (a) Inflatable amusement device: \$100.00

2                   (b) Child or "Kiddie" amusement attraction or amusement ride: \$100.00

3                   (c) Adult amusement attraction or amusement ride: \$200.00

4                   C. The licensing fees for a firm are as follows:

5                   (1) Initial Fee:

6                   (a) Inspection endorsement: \$500.00

7                   (b) Operation endorsement: \$500.00

8                   (2) Renewal Fee:

9                   (a) Inspection endorsement: \$100.00

10                  (b) Operation endorsement: \$100.00

11                  D. The licensing fees for an individual's license are as follows:

12                  (1) Initial Fee:

13                  (a) Third-party inspector endorsement: \$250.00

14                  (b) Operator or Owner endorsement: \$250.00

15                  (c) Set-up inspector endorsement: \$250.00

16                  (d) Qualifier endorsement: \$1,000.00

17                  (2) Renewal Fee:

18                  (a) Third-Party inspector endorsement: \$50.00

19                  (b) Operator or Owner endorsement: \$50.00

20                  (c) Set-up inspector endorsement: \$50.00

21                  (d) Qualifier endorsement: \$100.00

22                  E. All licenses are valid for one year, unless a multi-year license is created,  
23                  and shall be renewed by the license holder within the thirty days prior to the license  
24                  expiration date. The state fire marshal may create a prorated fee system to allow  
25                  employee license renewal dates to coincide with the firm license renewal date.

26                  F. Any license not renewed within the thirty days prior to its expiration date  
27                  is past due for renewal and subject to late fees. The license holder shall pay a late  
28                  fee penalty of twenty-five dollars for a license renewed within the first forty-five  
29                  days past the license expiration date. The license holder shall pay a late fee penalty

1           of fifty dollars for a license renewed between forty-six and sixty days past the license  
2           expiration date.

3           G. The state fire marshal shall suspend a license if the license is not renewed  
4           within sixty days past its expiration date or if the license holder has not maintained  
5           the license. The cost to reinstate a suspended license is the cost of the respective  
6           license holder's initial fee plus twenty dollars.

7           H. The cost for a duplicate or replacement firm or individual license is  
8           twenty dollars, regardless of how many endorsements are carried.

9           I. The cost to transfer an individual license from one firm to another is  
10          twenty dollars.

11          J. The fees established in this Section are not refundable, except when  
12          certain conditions apply as the state fire marshal may establish.

13          K. There are no fees associated with compliance inspections and audits  
14          performed by the office of state fire marshal, unless otherwise indicated by this Part.

15          L. All fees collected pursuant to this Part shall be used exclusively for the  
16          operation and maintenance of the amusement rides and safety division within the  
17          office of state fire marshal, code enforcement and building safety.

18          §1484.19. Prohibited acts; operator

19               No person or firm shall do any of the following:

20               (1) Engage in the operation of an inflatable amusement device, amusement  
21               attraction, or amusement ride without a valid license issued as provided in this Part.

22               (2) Aid and abet an unlicensed individual, employee, or firm in the testing,  
23               inspection, or operation of an inflatable amusement device, amusement attraction,  
24               or amusement ride without a valid license.

25               (3) Operate an inflatable amusement device, amusement attraction, or  
26               amusement ride contrary to applicable codes, standards, or manufacturer's  
27               specifications without specific written authorization from the office of state fire  
28               marshal.

1           (4) Submit an application or any other document to the office of state fire  
2           marshal when the person reasonably should have known the document contained  
3           false or misleading information.

4           (5) Engage in false, misleading, or deceptive acts or practices.

5           (6) Fail to maintain a valid license as required by this Part.

6           (7) Fail to maintain a valid insurance policy as required by this Part.

7           (8) Refuse to admit the state fire marshal or his designated representative to  
8           any operating location or refuse to cooperate in the purposes of such admittance as  
9           required by this Part.

10           (9) Fail to maintain his license on his person and present it for inspection as  
11           required by this Part.

12           (10) Refuse to cooperate with any lawful investigation by the office of state  
13           fire marshal.

14           (11) Fail to abide by the administrative rules promulgated pursuant to this  
15           Part.

16           §1484.20. Prohibited acts; third-party inspector

17           No person or firm shall do any of the following:

18           (1) Engage in the inspection or testing of an inflatable amusement device,  
19           amusement ride, or amusement attraction without a valid license issued as provided  
20           in this Part.

21           (2) Aid and abet an unlicensed operator in the operation of an inflatable  
22           amusement device, amusement attraction, or amusement ride.

23           (3) Aid and abet an unlicensed individual or firm in the inspection or testing  
24           of an inflatable amusement device, amusement ride, or amusement attraction.

25           (4) Certify, test, or inspect an inflatable amusement device, amusement  
26           attraction, or amusement ride contrary to the provisions of this Part and adopted  
27           standards, regulations, and applicable manuals, service bulletins, and notices.

28           (5) Submit an application or any other document to the office of state fire  
29           marshal when the third-party inspector reasonably should have known the document  
30           contained false or misleading information.

1                   (6) Engage in false, misleading, or deceptive acts or practices.

2                   (7) Fail to maintain a valid license as required by this Part.

3                   (8) Fail to maintain a valid insurance policy as required by this Part.

4                   (9) Refuse to admit the state fire marshal or his designated representative to  
5 any operating location or refuse to cooperate in the purposes of such admittance as  
6 required by this Part.

7                   (10) Fail to maintain his license on his person and present it for inspection  
8 as required by this Part.

9                   (11) Refuse to cooperate with any lawful investigation by the office of state  
10 fire marshal.

11                   (12) Fail to abide by the administrative rules promulgated pursuant to this  
12 Part.

13                   §1484.21. Prohibited acts; set-up inspector

14                   No person or firm shall do any of the following:

15                   (1) Engage in the set-up inspection of an inflatable amusement device,  
16 amusement ride, or amusement attraction without a valid license issued as provided  
17 in this Part.

18                   (2) Aid and abet an unlicensed operator in the operation of an inflatable  
19 amusement device, amusement ride, or amusement attraction.

20                   (3) Certify or inspect inflatable amusement devices, amusement rides, or  
21 amusement attractions contrary to the provisions of this Part and adopted standards,  
22 regulations, and applicable manuals, service bulletins, and notices.

23                   (4) Submit an application or any other document to the office of state fire  
24 marshal when the person or firm reasonably should have known the document  
25 contained false or misleading information.

26                   (5) Engage in false, misleading, or deceptive acts or practices.

27                   (6) Fail to maintain a valid license as required by this Part.

28                   (7) Refuse to admit the state fire marshal or his designated representative to  
29 any operating location or refuse to cooperate in the purposes of such admittance as  
30 required by this Part.

1                   (8) Fail to maintain his license on his person and to present it for inspection  
2                   as required by this Part.

3                   (9) Refuse to cooperate with any lawful investigation by the office of state  
4                   fire marshal.

5                   (10) Fail to abide by the administrative rules promulgated pursuant to this  
6                   Part.

7                   §1484.22. Notice of violation of standard; cease and desist order

8                   A. If after an inspection, investigation, or audit of any inflatable amusement  
9                   device, amusement ride, or amusement attraction, the office of state fire marshal  
10                  determines that the respective device, ride, or attraction is in violation of any  
11                  standard promulgated pursuant to the provisions of this Part, and that there may be  
12                  a substantial probability of death or serious physical injury to the public from its  
13                  continued use, a notice of violation may be given to both the owner and operator of  
14                  the device, ride, or attraction, and a red tag shall be attached to such device, ride, or  
15                  attraction. The attached red tag constitutes a cease and desist order.

16                  B. After the red tag is attached, the use of the inflatable amusement device,  
17                  amusement ride, or amusement attraction is prohibited. The red tag shall not be  
18                  removed until the device, ride, or attraction is made safe for public use and the  
19                  required safeguards are provided. The tag shall not be removed except by the state  
20                  fire marshal or his designee.

21                  §1484.23. Insurance; bond

22                  A. No owner or operator shall operate an amusement attraction or  
23                  amusement ride unless the owner or operator has either of the following:

24                   (1) An insurance policy in an amount of not less than one million dollars  
25                   insuring the operator against liability for injury suffered by persons riding the  
26                   amusement attraction or ride.

27                   (2) A bond in a like amount, provided the aggregate liability of the surety of  
28                   any such bond shall not exceed the face amount.

29                  B. A certificate verifying coverage shall be filed with the office of state fire  
30                  marshal, code enforcement and building safety.

1           C. In the event of cancellation of the policy or bond, the office of state fire  
2           marshal shall be notified immediately by either the insurer or the bond holder no  
3           later than ten days prior to cancellation.

4           D. The operator shall provide to any sponsor, lessor, landowner, or other  
5           person responsible for the offering of an amusement ride or attraction for public use  
6           a copy of the required insurance policy or bond and the certificate of registration  
7           issued by the state fire marshal.

8           E. The provisions of this Section shall also apply to operators of inflatable  
9           amusement devices. However, the policy of liability insurance or bond amount  
10          required of such operators shall be in an amount of not less than three hundred  
11          thousand dollars.

12          §1484.24. Violations and penalties; cease and desist order; injunctive relief

13          A. If the state fire marshal finds that any person, operator, or firm has  
14          violated any provision of this Part or any regulation, rule, or issued order, he may  
15          impose upon that person, operator, or firm a fine in an amount not to exceed five  
16          thousand dollars for each violation. Each day on which the violation occurs is  
17          considered a separate offense.

18          B.(1) In addition to or in lieu of administrative sanctions and civil penalties  
19          provided in this Part, the state fire marshal is empowered to issue an order to any  
20          person, operator, or firm engaged in any activity, conduct, or practice constituting  
21          a violation of any provision of this Part, directing such person, operator, or firm to  
22          cease and desist from such activity, conduct, or practice. The order shall be issued  
23          in the name of the state of Louisiana under the official seal of the state fire marshal.

24          (2) If the person, operator, or firm to whom the state fire marshal directs a  
25          cease and desist order does not cease and desist the prohibited activity, conduct, or  
26          practice immediately after service of such cease and desist order by certified mail or  
27          personal service, the state fire marshal may seek, in any court of competent  
28          jurisdiction and proper venue, a writ of injunction enjoining such person, operator,  
29          or firm from engaging in any activity, conduct, or practice prohibited by this Part.



1           (3) Upon a proper showing by the state fire marshal that such person,  
2           operator, or firm has engaged in any activity, conduct, or practice prohibited by this  
3           Part, the court shall issue a temporary restraining order restraining the same from  
4           engaging in unlawful activity, conduct, or practices pending the hearing on a  
5           preliminary injunction, and in due course a permanent injunction shall be issued after  
6           a hearing, commanding the cessation of the unlawful activity, conduct, or practices.

7           (4) A temporary restraining order, preliminary injunction, or permanent  
8           injunction issued as provided in this Part is not subject to being released upon bond.

9           (5) In the suit for an injunction, the state fire marshal may demand of the  
10          defendant a penalty of fifty dollars per day for each violation, reasonable attorney  
11          fees, and court costs. Judgment for penalty, attorney fees, and court costs may be  
12          rendered in the same judgment in which the injunction is made final.

13          C. In addition to the foregoing provisions, the state fire marshal may assess  
14          civil penalties attributable to the operator of an inflatable amusement device,  
15          amusement ride, or amusement attraction to the owner or lessee of the site on which  
16          the inflatable amusement device, amusement attraction, or amusement ride is  
17          located, if the owner or lessee of the site failed to reasonably determine that the  
18          operator of the inflatable amusement device, amusement ride, or amusement  
19          attraction is in proper compliance with the requirements of this Part.

20          D. Procedures for the imposition of fines and appeals of such fines shall be  
21          governed in accordance to the Administrative Procedure Act.

22          §1484.25. Exemptions

23          The following inflatable amusement devices, amusement attractions, or  
24          amusement rides are exempt from the provisions of this Part:

25               (1) Non-mechanized playground equipment including but not limited to  
26               swings, seesaws, stationary spring-mounted animal features, underpropelled  
27               merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness  
28               devices except where an admission fee is charged for usage or an admission fee is  
29               charged to areas where such equipment is located.

1                   (2) An inflatable amusement device, amusement attraction, or amusement  
2                   ride which is owned and operated by a nonprofit religious, educational, or charitable  
3                   institution or association if such attraction or ride is located within a building subject  
4                   to inspection by the state fire marshal or his designee.

5                   (3) Coin-operated mechanical devices occupying less than thirty-six square  
6                   feet of floor space.

7                   (4) Non-motorized rides and attractions.

8                   §1484.26. Local regulation

9                   Nothing contained in this Part shall prevent any local governmental  
10                  subdivision of this state from licensing or regulating any inflatable amusement  
11                  device, amusement attraction, or amusement ride, carnival, or circus as otherwise  
12                  provided by law.

13                  §1484.27. Waiver of inspection

14                  The state fire marshal may waive the requirement that an inflatable  
15                  amusement device, amusement attraction, amusement ride, or any component part  
16                  be inspected before being operated in this state if an operator gives satisfactory proof  
17                  to the office of state fire marshal that such device, amusement attraction, ride, or any  
18                  component part has passed an inspection conducted by a public agency whose  
19                  inspection standards and requirements are at least equal to those requirements and  
20                  standards established by the state fire marshal pursuant to the provisions of this Part.

21                  §1484.28. Rules adopted

22                  The state fire marshal shall adopt and issue rules, in accordance with the  
23                  provisions of the Administrative Procedure Act, establishing standards for the  
24                  installation, repair, maintenance, use, operation, and inspection of inflatable  
25                  amusement devices, amusement attractions, and amusement rides for the protection  
26                  of the public. The rules shall be based upon generally accepted engineering  
27                  standards and shall be concerned with but not necessarily limited to engineering  
28                  force stresses, safety devices, and preventive maintenance. The rules shall provide

1           for the reporting of accidents and injuries incurred from the operation of inflatable  
2           amusement devices, amusement attractions, or amusement rides.

3                               \*           \*           \*

4           §1485.2. Definitions

5                       For the purposes of this Subpart, the following terms and phrases ~~shall~~ have  
6           the meanings ascribed to them:

7                               \*           \*           \*

8                       (2)   "Firm" means a sole proprietorship, corporation, limited liability  
9           company, or similar type of business entity.

10                      ~~(2)~~(3) "Owner" means a person, a firm, the state, or a political subdivision  
11           of the state that owns an amusement ride or, if the ride is leased, the lessee of the  
12           ride.

13                      ~~(3)~~(4) "Parent or guardian" means each parent, custodian, or guardian  
14           responsible for the control, safety, training, or education of a rider who is a minor,  
15           has a disability, or is incompetent.

16                      ~~(4)~~(a)(5)(a) "Rider" means any person who is:

17                      (i) Waiting in the immediate vicinity to enter a carnival or amusement ride.

18                      (ii) Entering a carnival or amusement ride.

19                      (iii) Using a carnival or amusement ride.

20                      (iv) Exiting a carnival or amusement ride.

21                      (v) Leaving a carnival or amusement ride and still in the immediate vicinity  
22           of the ride.

23                      (b) The term "rider" does not include employees or agents of the owner  
24           while engaged in the duties of their employment.

25                      ~~(5)~~(6) "Sign" means any symbol or language reasonably calculated to  
26           communicate information to riders or their parents or guardians, including but not  
27           limited to placards, prerecorded messages, live public addresses, stickers, pictures,  
28           pictograms, guidebooks, brochures, video, verbal information, and visual signals.

29                               \*           \*           \*

1           §1485.9. Applicability  
2                   The provisions of Subpart A of Part VII of Title 40 of the Louisiana Revised  
3           Statutes of 1950, comprised of R.S. 1484.1 through 1484.28, are applicable in their  
4           entirety to the provisions of this Subpart.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_