
DIGEST

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Pope

HB No. 767

Abstract: Requires owners or operators of water parks with air-supported structures to provide safety information.

Proposed law may be cited as the "Water Park Safety Law".

Proposed law defines "water-supported air structure" as any amusement attraction that incorporates a structural system that employs a high-strength fabric or film that achieves its strength, shape, and stability by pretensioning with internal air pressure and is erected upon water.

Proposed law defines "water park operator" as a person, or the agent of a person, who owns or controls or has the duty to control the operation of a water park. "Water park operator" may include an agency of the state or any of its political subdivisions.

Proposed law defines "water park" as any indoor or outdoor area which is comprised of one or more water-supported air structures erected on a manmade water body whose source of water is a natural water body.

Proposed law prohibits a water park from being constructed until building plans and specifications for the water-supported air structures, prepared or stamped by a certified architect or engineer, have been submitted to and reviewed by the office of state fire marshal (OSFM) for compliance with the standards promulgated by OSFM.

Proposed law prohibits a water park operator from replacing, relocating, or adding any additional water-supported air structure located in a water park until plans and specifications, prepared or stamped by a certified architect or engineer, have been submitted to and reviewed by the OSFM for compliance with the standards promulgated by the OSFM.

Proposed law prohibits a water park which will utilize a water filtration system from being constructed until building plans and specifications for the water filtration system, prepared or stamped by a La. licensed professional engineer, have been submitted to and reviewed by the Dept. of Health and Hospitals (DHH) for compliance with the standards promulgated by DHH.

Proposed law prohibits a water park operator from repairing, remodeling, or adding to the water filtration system of a water park until plans and specifications, prepared or stamped by a La. licensed professional engineer, have been submitted to and reviewed by DHH for compliance

with the standards promulgated by DHH.

Proposed law requires the plans and specifications for a water-supported air structure include safety features of the installation of the water-supported air structure including but not limited to safety barriers around the bottom perimeter of the water-supported air structure to prohibit a person from gaining access to underneath the water-supported air structure.

Proposed law authorizes the OSFM to conduct such investigations as are reasonably necessary to assure compliance with proposed law, to employ such persons as the OSFM may deem qualified consistent with applicable civil service regulations, and to incur such other expenses as may be required in connection with the administration of proposed law.

Proposed law authorizes the OSFM, if after investigation of any water-supported air structure, it is determined that the water-supported air structure is in violation of any standard promulgated by the OSFM, and that there may be a substantial probability of death or serious physical injury to the public from its continued use, to issue a written notice of violation to the water park where the water-supported air structure is located. Proposed law requires a copy of the notice be attached to the water-supported air structure and prohibits the use of the water-supported air structure.

Proposed law provides that a notice of violation issued by the OSFM constitutes a cease and desist order, the violation of which shall constitute a misdemeanor offense punishable by a fine of not more than \$1000 and imprisonment for not more than 30 days or both.

Proposed law requires each water park operating in this state to conduct a water quality test and submit a full, accurate, and complete copy of the results to DHH not less than once per month during the period the water park is open to the public.

Proposed law requires any person who is injured as a result of using a water-supported air structure to report the injury in writing to the water park operator before leaving the premises. The written report of injury shall include all of the following:

- (1) The name, address, and phone number of the injured person.
- (2) A full description of the incident, the injuries claimed, any treatment received, and the location, date, and time of the injury.
- (3) The cause of the injury, if known.
- (4) The names, addresses, and phone numbers of any witnesses to the incident.

Proposed law requires the water park operator to submit a copy of the report to the OSFM no later than 7 days after receiving the report of injury.

Proposed law authorizes OSFM and DHH to assess a civil penalty of not more than \$500 for

each violation of proposed law or of the rules and regulations adopted by the OSFM or DHH. Each day on which a violation occurs shall be considered a separate offense. Proposed law further authorizes OSFM or DHH to seek injunctive relief to restrain and prevent the violations.

Proposed law authorizes the OSFM and DHH to assess those civil penalties attributable to the water park operator to the owner or lessee of the site on which the water park is located if the owner or lessee of the site failed to reasonably determine that the water park operator is properly in compliance with proposed law.

Proposed law provides that neither the OSFM or DHH shall be liable for any personal injury, wrongful death, property damage, or other loss related to any acts, errors, or omissions by the architect or engineer who prepared or stamped the plans submitted to the OSFM or DHH or in the construction of any water-supported air structure or water park in accordance with plans submitted to the OSFM or DHH.

Proposed law requires the OSFM to promulgate any rules and regulations necessary for the administration of proposed law, including, at a minimum, the standards used in the review and approval of plans submitted to the OSFM.

Proposed law requires DHH to promulgate any rules and regulations necessary for the administration of proposed law, including, at a minimum, the standards, policies, and procedures to be used for the testing of water quality and submission of the results to DHH.

(Adds R.S. 40:1485.11-1485.21)