

2019 Regular Session

HOUSE BILL NO. 464

BY REPRESENTATIVE BERTHELOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AMUSEMENT PARKS: Provides relative to inflatable amusement devices, amusement attractions, and amusement rides

1 AN ACT

2 To amend and reenact R.S. 40:1484.3(4), (15), (16), and (18), 1484.4(D), 1484.5, 1484.6(B),

3 (D), (E)(2) and (3), 1484.7(B), (D), (E)(2) and (3), and (F), 1484.8, 1484.9(A),

4 1484.10, 1484.11(A) and (B), 1484.13(B)(6), (C), and (G), 1484.15(B) and (C),

5 1484.16(7), 1484.18(D) and (K), 1484.19(3), 1484.22, 1484.23(A)(introductory

6 paragraph),(C), and (D), and 1484.24(A) and (B) and to enact R.S. 40:1484.3(24)

7 through (27), relative to inflatable amusement devices, amusement attractions, and

8 amusement rides; to provide for definitions; to provide for lost or damaged

9 registration plates or decals; to require a person to obtain certain registration

10 materials; to provide for manufacturer's recommendations and specifications relative

11 to inspections; to require a certificate of inspection be submitted to an owner; to

12 provide for the issuance and lifting of an order to cease and desist by the office of the

13 state fire marshal; to change the amount of certain fines; to prohibit operation prior

14 to registration; to provide for inspections of amusements operating at a fixed

15 operating location; to provide for set-up inspections; to provide for inspector

16 certifications; to provide a licensing exception for ride operators; to prohibit assisting

17 unlicensed persons in certain activities relative to amusements; to require a firm to

18 notify the office of state fire marshal of the termination of a licensed employee; to

19 provide for inspections and audits; to remove certain fees; to allow an operator to

20 provide certain documents only upon request; to provide for the office of the state

1 fire marshal's authority over inspectors; to provide for restraining orders and
2 permanent injunctions; to make technical changes; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 40:1484.3(4), (15), (16), and (18), 1484.4(D), 1484.5, 1484.6(B),
5 (D), (E)(2) and (3), 1484.7(B), (D), (E)(2) and (3), and (F), 1484.8, 1484.9(A), 1484.10,
6 1484.11(A) and (B), 1484.13(B)(6), (C), and (G), 1484.15(B) and (C), 1484.16(7),
7 1484.18(D) and (K), 1484.19(3), 1484.22, 1484.23(A)(introductory paragraph), (C), and (D),
8 and 1484.24(A) and (B) are hereby amended and reenacted and R.S. 40:1484.3(24) through
9 (27) are hereby enacted to read as follows:

10 §1484.3. Definitions

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

13 * * *

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

16 * * *

17 (15) "Operate" means to manage and coordinate an inflatable amusement
18 device, amusement attraction, or amusement ride at an event or a fixed operation
19 location. The term includes management or coordination which may or may not be
20 performed by the owner of the inflatable amusements device, amusement attraction,
21 or amusement ride.

22 (16) "Operator" means a person or firm who may or may not own the
23 inflatable amusements devices, amusement attractions, or amusement rides who is
24 managing, coordinating, or has the duty to control the operation of the inflatable
25 amusements devices, amusement attractions, or amusement rides at an event or a
26 fixed operation location.

27 * * *

28 (18) "Ride operator" means the person or persons responsible for directly
29 supervising, monitoring, and attending to the inflatable amusement device,

1 amusement attraction, or amusement ride, including but not limited to collecting
2 tickets or money, ensuring the appropriate number of patrons ~~to get on~~ are boarding
3 and debarking a ride, ensuring riders are the appropriate height, latching and
4 securing passengers, operating a ride, starting and stopping a ride, and monitoring
5 patrons' activities during a ride's operation to ensure their safety.

6 * * *

7 (24) "Adult attraction or ride" means an attraction designed for a passenger
8 over seventy-five pounds.

9 (25) "Audit" means an official inspection of an operator's actions and
10 documentation as it relates to the coordination of inflatable amusement devices,
11 amusement rides, and amusement attractions at an event and a set-up inspector's
12 actions, documentation, and tagging as it relates to the set-up inspection of inflatable
13 amusement devices, amusement rides, and amusement attractions at an event,
14 including each operator's and set-up inspector's adherence to applicable statutes and
15 rules.

16 (26) "Child amusement attraction or amusement ride" or "kiddie amusement
17 attraction or amusement ride" means an attraction or ride designed for a passenger
18 seventy-five pounds or less per passenger unit.

19 (27) "Event" means a private or public organized occasion, where people and
20 entertainment are usually present, which may be celebratory in nature and occurs at
21 a temporary operation location. This shall include, but not be limited to fairs,
22 festivals, carnivals, parties, or gatherings.

23 §1484.4. Registration of inflatable amusement devices, amusement attractions, and
24 amusement rides; requirements

25 * * *

26 D. An owner shall notify the office of state fire marshal if a plate or decal is
27 lost or damaged. Any plate or decal that is lost or damaged shall be decommissioned.
28 Prior to receiving a new plate or decal, the owner shall return the damaged plate or

1 decal to the office of state fire marshal and pay the required fee. The fee to replace
2 a lost or damaged plate or decal is thirty dollars.

3 §1484.5. Third-party inspection of inflatable amusement devices, amusement
4 attractions, and amusement rides; certificate of inspection required; cease and
5 desist orders

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

12 B.(1) Each inflatable amusement device, amusement attraction, or
13 amusement ride shall be inspected by a third-party inspector for safety and subjected
14 to nondestructive testing, according to the manufacturer's recommendations, if any,
15 at least annually, in accordance with ASTM-F-24, as promulgated by the state fire
16 marshal in conformity with the Administrative Procedure Act, and other applicable
17 standards, regulations, manuals, manufacturers' specifications, service bulletins, and
18 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 and the owner. The certificate shall be valid for not more than twelve
22 months from the 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~~ the findings to the state fire marshal within ten days of the inspection.
28 The office of state fire marshal shall issue a cease and desist order to the operator or
29 owner indicating that operation of the inflatable amusement device, amusement

1 attraction, or amusement ride, which does not comply, is to immediately cease in the
 2 state. The state fire marshal shall lift ~~the~~ any cease and desist order and issue
 3 registration plates or registration decals, if applicable, for the inflatable amusement
 4 devices, amusement attractions, or amusement rides only when the deficiencies have
 5 been remedied to the satisfaction of a third-party inspector and proof of satisfaction
 6 is submitted to and approved by the state fire marshal.

7 §1484.6. Operation of amusement rides and amusement attractions; notice; changes
 8 in schedule; certain required annual inspections; fines
 9 * * *

10 B. Any operator who gives written or electronic notification to the office of
 11 state fire marshal of his intent to commence operation of the amusement ride or
 12 amusement attraction ~~less~~ fewer than five days prior to commencing operation shall
 13 be fined, as assessed over a three-year period, as follows: two hundred fifty dollars
 14 per ride or attraction.

- 15 (1) Fifty dollars per ride or attraction for the first offense.
- 16 (2) Seventy-five dollars per ride or attraction for the second offense.
- 17 (3) Two hundred dollars per ride or attraction for the third offense.
- 18 (4) Two hundred fifty dollars per ride or attraction for each additional
 19 offense.

20 * * *

21 D. Prior to operating any new amusement ride or amusement attraction, the
 22 operator shall notify the office of state fire marshal of his intent to commence
 23 operation ~~and register,~~ but shall not operate the amusement ride or amusement
 24 attraction until the owner has registered the amusement ride or amusement attraction
 25 as required in this Part.

26 E.
 27 * * *

28 (2) During an office of state fire marshal ~~event~~ inspection or audit, the
 29 operator shall submit to the state fire marshal or his designee the set-up inspection

1 report and any other documentation relating to the set-up inspection or an annual
2 inspection.

3 (3) In the case of amusement rides or amusement attractions operating at a
4 fixed operation location ~~for more than one year~~, the state fire marshal or his designee
5 shall inspect ~~such~~ the amusement rides or amusement attractions ~~at least~~ no more
6 than once annually, except in furtherance of an investigation arising from a reported
7 ride accident or pursuant to a complaint. The inspection is to ensure compliance
8 with the provisions of this Part and adopted standards, rules, regulations, and
9 applicable manuals, service bulletins, and notices.

10 * * *

11 §1484.7. Operation of inflatable amusement devices; notice; changes in schedule;
12 fines

13 * * *

14 B. Any operator who gives written or electronic notification to the office of
15 state fire marshal of his intent to commence operation of the inflatable amusement
16 device ~~less~~ fewer than five days prior to commencing operation shall be fined, ~~two~~
17 hundred dollars per device, as assessed over a three-year period, as follows:

18 (1) Twenty-five dollars per ride or attraction for the first offense.

19 (2) Fifty dollars per ride or attraction for the second offense.

20 (3) One hundred fifty dollars per ride or attraction for the third offense.

21 (4) Two hundred dollars per ride or attraction for each additional offense.

22 * * *

23 D. Prior to operating any new inflatable amusement device, the operator
24 shall notify the office of state fire marshal of his intent to commence operations, ~~and~~
25 register but shall not operate the inflatable amusement device until the owner has
26 registered the inflatable amusement device as required in this Part.

27 E.

28 * * *

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

5 (3) In the case of inflatable amusement devices operating at a fixed operation
6 location ~~for more than one year~~, the fire marshal or his designee shall inspect ~~such~~
7 the inflatable amusement devices at least no more than once annually, except in
8 furtherance of an investigation arising from a reported ride accident or pursuant to
9 a complaint. The inspection is to ensure compliance with the provisions of this Part
10 and adopted standards, rules, regulations, and applicable manuals, service bulletins,
11 and notices.

12 * * *

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

- 15 (1) Open to public.
- 16 (2) Located on grounds other than those of a one- or two-family dwelling.
- 17 (3) Co-located with other ~~amusements~~; inflatable amusement devices,
18 attractions, or rides governed by this Part.

19 * * *

20 §1484.8. Set-up inspection; requirements; notification to the fire marshal

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

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

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

- 28 ~~(1) A review of all necessary documents including service and repair~~
29 ~~documents.~~

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

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

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

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

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

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

A. A person or firm shall not engage in the testing or inspection of an inflatable amusement device, amusement attraction, or amusement ride for the purpose of providing an annual third-party inspection as required by this Part, unless the person or firm holds a current and valid license issued by the state fire marshal as provided in this Part.

* * *

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

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

(1) A licensed engineer experienced in materials testing.

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

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

5 §1484.11. License required to operate inflatable amusement devices, amusement
6 rides, and amusement attractions; service and repairs by owners; prohibitions

7 A. A person or firm, not to include a ride operator as defined in this Part,
8 shall not engage in the operation of an inflatable amusement device, amusement
9 attraction, or amusement ride unless the person or firm holds a current and valid
10 license issued by the state fire marshal as provided in this Part.

11 B. No person or firm shall aid, abet, facilitate, or otherwise assist any
12 unlicensed person or firm in the ~~engagement of any testing or inspecting operation~~
13 of an inflatable amusement device, amusement attraction, or amusement ride when
14 ~~such~~ the person or firm knew or should have known the latter person or firm was
15 unlicensed.

16 * * *

17 §1484.13. Application for firm license; third-party inspection firm license;
18 operating firm license; requirements to maintain; prohibitions; penalties

19 * * *

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

22 * * *

23 (6) The name of the person who will serve as the ~~designated agent of~~ contact
24 for the firm.

25 * * *

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

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

1 (2) ~~Documentation that the firm is an entity duly authorized to conduct~~
2 ~~business within this state. If the firm is physically located in Louisiana,~~
3 ~~documentation shall be in the form of a local or parish occupational license, if such~~
4 ~~license exists, and if incorporated, a certificate of good standing issued by the~~
5 ~~secretary of state. If the firm is physically located outside of the state,~~
6 ~~documentation shall be in the form of a certificate of good standing issued by the~~
7 ~~secretary of state as a foreign corporation including the name of the firm's registered~~
8 ~~agent of service.~~

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

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

15 (4) The name of the person who will serve as the ~~designated agent of~~
16 contact for the firm.

17 (5) The application fee authorized by this Part.

18 * * *

19 G. ~~The designated agent of a firm shall notify the state fire marshal within~~
20 ten days of the following:

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

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

23 (3) The termination of a licensed employee.

24 * * *

25 §1484.15. Set-up inspection; license endorsement

26 * * *

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, under~~
29 their third-party inspector endorsement.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. Employees of the ~~owners or~~ operators of an inflatable amusement device,
2 amusement attraction, or amusement ride may become licensed as specified by this
3 Part to perform the set-up inspection of an inflatable amusement device, amusement
4 attraction, or amusement ride owned or operated by his employer.

5 * * *

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

7 The state fire marshal shall:

8 * * *

9 (7) Conduct inspections and perform audits to ensure compliance with this
10 Part and investigate at reasonable times, and within reasonable limits and manner,
11 inflatable amusement devices, amusement attractions, or amusement rides in any
12 area where they are assembled, maintained, stored, serviced, or in use. The state fire
13 marshal or his designee, upon presenting credentials to an owner or operator, is
14 authorized to act as described in this Paragraph without prior notice.

15 * * *

16 §1484.18. Fees; required renewal; penalties

17 * * *

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

19 (1) Initial Fee:

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

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

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

23 ~~(d) Qualifier endorsement: \$1,000.00~~

24 (2) Renewal Fee:

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

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

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

28 ~~(d) Qualifier endorsement: \$100.00~~

29 * * *

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

3 * * *

4 §1484.19. Prohibited acts; operator

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

6 * * *

7 (3) Operate an inflatable amusement device, amusement attraction, or
8 amusement ride contrary to ~~applicable codes, standards, or manufacturer's~~
9 specifications or codes or standards adopted in rules promulgated by the state fire
10 marshal without specific written authorization from the office of state fire marshal.

11 * * *

12 §1484.22. Notice of violation of standard; cease and desist order

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

21 B. After the red tag is attached, the use of the inflatable amusement device,
22 amusement ride, or amusement attraction is prohibited. The red tag shall not be
23 removed until the device, ride, or attraction is made safe for public use, in
24 accordance with R.S. 1484.5(B)(3), and the required safeguards are provided. The
25 tag shall not be removed except by the state fire marshal or his designee.

26 §1484.23. Insurance; bond

27 A. No ~~owner or~~ operator shall operate an amusement attraction or
28 amusement ride unless the ~~owner or~~ operator has either of the following:

29 * * *

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

8 * * *

9 §1484.24. Violations and penalties; cease and desist order; injunctive relief

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

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

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

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

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 464 Engrossed

2019 Regular Session

Berthelot

Abstract: Makes various changes and updates to Amusement Rides Safety Law.

Present law defines "ASTM", "operate", "operator", and "ride operator". Proposed law retains present law but adds to the definitions.

Proposed law defines "audit", "child amusement attraction or amusement ride" or "kiddie amusement attraction or amusement ride", "adult attraction or ride", and "event".

Proposed law requires an owner of inflatable amusement devices, amusement attractions, or amusement rides to notify the office of the state fire marshal (fire marshal) if a plate or decal is lost or damaged. Proposed law provides that any plate that is lost or damaged shall be decommissioned, and prior to receiving a new plate or decal, the owner is required to return the damaged plate or decal to the fire marshal and pay the fee.

Present law sets the fee to replace a lost or damaged plate or decal at \$30.00. Proposed law retains present law.

Present law provides that, in order to operate amusements in the state, an operator must have a certificate of inspection provided by a third-party inspector and a certificate of registration issued by the fire marshal to an operator of the inflatable amusement device, amusement attraction, or amusement ride. Proposed law changes this requirement and provides that the operator must instead have a current certificate of registration, valid registration plate, and registration decal issued by the state fire marshal.

Proposed law provides for manufacturer's recommendations and specifications relative to the inspection of inflatable amusement devices, amusement attractions, and amusement rides.

Present law requires the third party inspector, upon completion of each inspection, to submit a certificate of inspection to the fire marshal. Proposed law retains present law and adds a requirement that the inspector also submit a certificate of inspection to the owner.

Present law requires the fire marshal, upon notification by a third-party inspector of non-compliance of an inflatable amusement device, amusement attraction, or amusement ride, to issue a cease and desist to the operator and to lift the cease and desist order only when the deficiencies have been remedied to the satisfaction of the state fire marshal. Proposed law retains present law but provides that the fire marshal may also issue a cease and desist to the owner indicating that operation of the inflatable amusement device, amusement attraction, or amusement ride, which does not comply, is to immediately cease in the state of La.

Proposed law requires the fire marshal to lift any cease and desist order and issue registration plates or registration decals, if applicable, for the inflatable amusement devices, amusement attractions, or amusement rides only when the deficiencies have been remedied to the satisfaction of a third party inspector and proof of satisfaction is submitted to the fire marshal.

Present law provides that an operator who notifies the fire marshal of his intent to commence operation of an amusement ride or amusement attraction fewer than 5 days prior to commencing operation shall be fined \$250.00 per ride or attraction. Proposed law retains present law but changes the fine from \$250.00 to the following:

- (1) \$50.00 per ride or attraction for the first offense.
- (2) \$75.00 per ride or attraction for the second offense.
- (3) \$200.00 per ride or attraction for the third offense.
- (4) \$250.00 per ride for each additional offense.

Proposed law provides that the fines are to be assessed over a three-year period.

Present law provides that prior to operating any new amusement ride or amusement attraction, the operator shall notify the fire marshal of his intent to commence operation and register the amusement ride or attraction. Proposed law retains present law and prohibits the operator from operating the amusement ride or attraction until the owner has registered the ride or attraction as required in present law.

Present law requires the fire marshal, or his designee, to inspect amusement rides, amusement attractions, or inflatable amusement devices operating at a fixed operation location for more than one year. Proposed law removes the condition that the amusements operate for more than one year, and extends the inspection requirement to amusements operating at a fixed operation location.

Proposed law changes the frequency of the inspection from at least once annually to no more than once annually. Proposed law allows more frequent inspections, if the additional inspections are in furtherance of an investigation arising from a reported ride accident or pursuant to a complaint.

Present law provides that an operator who notifies the fire marshal of his intent to commence operation of an inflatable amusement ride fewer than 5 days prior to commencing operation shall be fined \$200.00 per device. Proposed law retains present law but changes the fine from \$200.00 to the following:

- (1) \$25.00 per ride or attraction for the first offense.
- (2) \$50.00 per ride or attraction for the second offense.
- (3) \$150.00 per ride or attraction for the third offense.
- (4) \$200.00 per ride for each additional offense.

Proposed law provides that the fines are to be assessed over a three-year period.

Present law provides that prior to operating any new inflatable amusement device, the operator shall notify the fire marshal of his intent to commence operation and register the amusement ride or attraction. Proposed law retains present law and prohibits the operator

from operating the inflatable amusement device until the owner has registered the device as required in present law.

Present law requires an owner or operator to have a set-up inspection conducted on all inflatable amusement devices, amusement attractions, and amusement rides at least once prior to their operation at each event in the state. Proposed law removes the requirement from the owner and limits the requirement to the operator.

Present law allows the set-up inspection to be conducted by a third-party inspector or an employee of the owner or operator. Proposed law only allows the set-up inspection to be conducted by a third-party inspector or an employee of the operator.

Present law provides that a set-up inspection includes a review of all necessary documents, observation and examination of the assembly, set-up, and operation, and an inspection of the foundation, blocking, fuel containers, and mechanical and electrical condition. Proposed law repeals present law.

Present law requires a third-party inspector, who engages in third-party inspections as described in present law to be currently certified by National Association of Amusement Ride Safety Officials (NAARSO) with a Level 1 certification or the equivalent. Proposed law requires a third-party inspector, who engages in third-party inspections as described in present law to be currently certified by NAARSO with a Level 1 or greater certification or the equivalent.

Present law prohibits a person or firm from engaging in the operation of an inflatable amusement device, amusement attraction, or amusement ride unless the person or firm holds a current and valid license issued by the fire marshal. Proposed law excludes ride operators from the prohibition.

Present law prohibits a person or firm from assisting any unlicensed person or firm in the engagement of any testing or inspecting of an inflatable amusement device, amusement attraction, or amusement ride when the person or firm knew or should have known the latter person or firm was unlicensed. Proposed law removes the prohibition on assisting the unlicensed person or firm in the engagement of any testing or inspecting of the amusements and imposes a prohibition on assisting the unlicensed person or firm in the operation of the amusements.

Present law requires an applicant for an operating firm license to submit to the fire marshal, documentation that the firm is an entity duly authorized to conduct business within this state and provides procedural requirements. Proposed law repeals present law.

Proposed law requires a firm to notify the fire marshal within ten days of the termination of a licensed employee.

Present law requires the fire marshal to conduct inspections and perform audits to ensure compliance with present law and investigate at reasonable times, and within reasonable limits and manner, inflatable amusement devices, amusement attractions, or amusement rides in any area where they are assembled or in use. Proposed law retains present law and also requires inspections and audits in any area where the amusements are maintained, stored, or serviced.

Present law provides for a qualified endorsement licensing fee and renewal fee. Proposed law repeals present law.

Present law provides that there are no fees associated with compliance inspections and audits performed by the fire marshal. Proposed law retains present law and extends the no fee provision to include any inspection and audit performed by the fire marshal.

Present law requires an operator to provide to any sponsor, lessor, landowner, or other person responsible for the offering of an amusement ride or attraction for public use a copy of the required insurance policy or bond and the certificate of registration issued by the fire marshal. Proposed law retains present law but provides that the operator only has to provide the documentation upon request.

Present law provides that if the state fire marshal finds that any person, operator, or firm has violated any provision of present law, he may impose a fine of up to \$5,000 for each violation. Proposed law retains present law and adds inspectors to the list of persons who may be fined.

Present law allows the fire marshal to issue an order to any person, operator, or firm engaged in any activity, conduct, or practice constituting a violation of any provision of present law to cease and desist from the activity, conduct, or practice. Proposed law retains present law and adds inspectors to the list of persons subject to being issued the order to cease and desist.

Present law allows the fire marshal to seek an injunction against any person, operator, or firm who fails to comply with a cease and desist. Proposed law retains present law and adds inspectors to the list of persons who are subject to an injunction.

Present law provides that, upon showing by the fire marshal that a person, operator, or firm has engaged in activity prohibited by present law, the court shall issue a temporary restraining order pending the hearing on a preliminary injunction, and in due course issue a permanent injunction. Proposed law retains present law and adds inspectors to the list of persons who the court shall issue a restraining order against.

(Amends R.S. 40:1484.3(4), (15), (16), and (18), 1484.4(D), 1484.5, 1484.6(B), (D), (E)(2) and (3), 1484.7(B), (D), (E)(2) and (3), and (F), 1484.8, 1484.9(A), 1484.10, 1484.11(A) and (B), 1484.13(B)(6), (C), and (G), 1484.15(B) and (C), 1484.16(7), 1484.18(D) and (K), 1484.19(3), 1484.22, 1484.23(A)(intro. para.), (C), and (D), and 1484.24(A) and (B); Adds R.S. 40:1484.3(24) through (27))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.