

Department of Labor and Employment

Division of Oil and Public Safety

AMUSEMENT RIDES AND DEVICES

7 CCR 1101-12

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.0 General

1.1 Statutory authority.

C.R.S. 8-20-1002 and 8-20-1004

1.2 Purpose.

This regulation is promulgated to establish reasonable standards for the construction, repair and maintenance of amusement rides and devices located in Colorado in the interest and safety of the general public, to establish financial standards for the operation of amusement rides and devices in a public setting and to provide for a registration process for amusement rides and devices.

1.3 Codes and Standards.

All amusement rides and devices shall comply with the codes and standards of the ASTM (American Society for Testing and Materials) Standards F 24 Committee on Amusement Rides and Devices including, but not limited to the following unless specifically exempted in these regulations. If there is no applicable standard for an amusement ride or device, owners/ operators shall comply with the manufacturer's recommendations.

Standard Practice for Ownership and Operation of Amusement Rides and Devices

Designation: F 770-06a

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Guide for Testing Performance of Amusement Rides and Devices

Designation: F 846-92 (reapproved 2009)

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Maintenance Procedures for Amusement Rides and Devices

Designation: F 853-05

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Guide for Auditing Amusement Rides and Devices

Designation: F 893-10

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air Supported Structures

Designation: F 1159-03a

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices

Designation: F1193-06

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Guide for Classification of Amusement Ride and Device Related Injuries and Illnesses

Designation: F 1305-94 (Reapproved 2002)

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities

Designation: F2007-07a

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices

Designation: F 2137- 09

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Design of Amusement Rides and Devices

Designation: F 2291-09b

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems

Designation: F 2376-08

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard Practice for Special Requirements for Bumper Boats

Designation: F 2460-07

ASTM International

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Interested parties may inspect the referenced incorporated materials by contacting the Program Manager, Amusement Rides and Devices, 633 17th Street, Suite 500, Denver, CO 80202 and/or The State Depository Libraries.

This rule does not include later amendments to or editions of the incorporated material.

1.4 Definitions.

Amusement Ride or Device: Shall mean any mechanized device or combination of devices which carry or convey persons along, around or over a fixed or restricted course for the purpose of giving its passengers

amusement, pleasure, thrills, excitement or the opportunity to experience the natural environment. Amusement rides and devices include but are not limited to, an aggregation of amusement rides and devices in an amusement setting such as amusement parks, carnivals, fairs and festivals. Amusement rides and devices also include but are not limited to, bungee jumping, bungee trampolines, climbing walls in amusement settings, concession go-karts, bumper boats, gravity-propelled rides and devices, water slides and traditional amusement rides.

Bumper Boats: Shall mean boats that are used to bump into each other intentionally as directed by drivers as a form of entertainment.

Bungee Trampolines: Shall mean a type of trampoline where the patron is assisted by a harness attached to bungee cords.

Certificate of Inspection: Shall mean the documentation of the annual amusement ride inspection conducted by a qualified third-party inspector.

Class A Amusement Ride: Shall mean an amusement ride designed primarily for use by children 12 years of age or younger.

Class B Amusement Ride: Shall mean any amusement ride not defined as a Class A amusement ride.

Climbing Wall: Shall mean an artificially constructed wall with holds for hands and feet used for climbing. Regulated climbing walls include climbing walls located in amusement settings and fixed or portable climbing walls for use by the general public as amusement devices and not for sport or fitness training.

Concession Go-karts: Shall mean a single vehicle which is powered without connection to a common energy source, which is driver controlled with respect to acceleration, speed, braking and steering, which operates within the containment system of a defined track, which simulates competitive motor sports, and which is used by the general public. Concession go-karts typically operate at speeds of up to 25 miles per hour.

Director: Shall mean the Director of the Division of Oil and Public Safety or his designee.

Division: Shall mean the Division of Oil and Public Safety of the Department of Labor and Employment.

Inspector: Shall mean a third party qualified by training, such as attainment of Level II certification from the National Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), or a nationally recognized organization; or education, such as a registered Professional Engineer in a related discipline; or experience evaluated and approved in advance, by the Division, to conduct safety inspections of amusement rides or devices in accordance with the ASTM standards; or the manufacturer's recommendations and criteria.

Inspection: Shall mean a procedure to be conducted by a third-party inspector to determine whether an amusement ride or device is being constructed, assembled, maintained, tested, operated, and inspected in accordance with the ASTM standards or the manufacturer's recommendations, whichever is the most stringent, and that determines the current operational safety of the ride or device.

Operator: Shall mean a person or the agent of a person, corporation or company who owns or controls or has the duty to control the operation of an amusement ride or device.

Race-karts: Shall mean a go-kart designed for competitive sport racing use in either sanctioned racing on tracks or other areas of competition, or in a racing school facility, and not to be used by the general public in an amusement facility. Race-kart drivers must wear approved safety equipment, consisting of a minimum of a Snell or DOT approved helmet and closed-toed shoes. Race-karts regularly reach maximum speeds in excess of 25 miles per hour.

Registration: Shall mean the filing of a properly completed application with the Division and approval of the application by the Director.

Reportable Injury: Shall mean any personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function or system, a compound fracture or other significant injury or illness caused by the operation, maintenance, malfunction or failure of an amusement ride or device.

Ride Operator: Shall mean the person that has control of the amusement ride or device at all times that it is being operated for the public's use.

Water slides: Shall mean rides intended for use by riders in bathing attire where the action of the ride involves possible and purposeful immersion of the rider's body either in whole or in part in water, and uses circulating water to mobilize or lubricate the rider's transportation along a purpose built path.

1.5 Exemptions.

The following rides and devices are exempt from the provisions of these rules and regulations:

- (a) Coin operated model horse and model rocket rides, mechanical horse or bull rides, and other coin activated or self-operated devices.
- (b) Non-mechanized playground equipment including but not limited to swings, seesaws, stationary spring mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates and physical fitness devices.
- (c) Live animal rides or live animal shows.
- (d) Climbing walls used for sport and fitness training, typically located in educational facilities, schools, gymnasiums, sport and recreational facilities, or other facilities devoted to sport and recreational climbing, training and instruction.
- (e) Race-karts owned and operated by individuals who compete against each other, or rental race-karts available for rent at competitive sport race-kart tracks solely used for sanctioned racing where drivers have either attended and passed a practical driver safety training test to establish their competency, or hold an applicable valid competition license from a recognized motor sport sanctioning body.
- (f) Skating rides, arcades, laser paintball games, bowling alleys, miniature golf courses, inflatable devices, ball crawls, exercise equipment, jet skis, paddle boats, air boats, hot air balloons whether tethered or untethered, batting cages, games and slide shows.
- (g) Any amusement ride or device operated at a private event that is not open to the general public and not subject to a separate admission charge, or any amusement ride or device owned and operated by a non-profit organization who meets all the requirements in Sections 2.1, 2.2(a), 2.2(g), 2.2(h), and 2.2(i) of these regulations and operates their rides less than 8 days in any calendar year.
- (h) Any amusement ride or device operator who notifies the Director of the Division of Oil and Public Safety in writing that his or her ride or device is inspected and licensed or issued a permit by a municipality for operation within that jurisdiction, or any amusement ride or device owned and operated by a local government where said local government inspects and issues a license or permit for the ride or device shall be exempt from the requirements of this subsection.
- (i) Any amusement ride or device otherwise covered by these rules but regulated by any other state

agency.

- (j) Any local government that has received a temporary or permanent waiver from the Director of the Division of Oil and Public Safety pursuant to Executive Order D 2011-005. To obtain a waiver the affected local government must demonstrate that the requirements in these regulations conflict with other statutes or regulations (including those of local governments) or are unduly burdensome. A cost benefit analysis or other supporting documentation should be included with the waiver request.
- (k) Water slides less than 18 feet in elevation change from point of dispatch to the end of the slide.

2.0 Standards.

Amusement rides and devices may not operate within the State of Colorado unless the owner/ operator has registered with the Division of Oil and Public Safety and has satisfied and is continuing to satisfy the following standards.

2.1 Financial standards.

Any person who operates an amusement ride must have currently in force an insurance policy written by an insurance company authorized to do business in this state or by a surplus lines insurer, in an amount of not less than \$100,000 per occurrence with a \$300,000 annual aggregate for Class A amusement rides and devices and an amount of not less than \$1 million per occurrence for Class B amusement rides and devices insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride. For governmental entities, insurance or self-insurance in accordance with section 24-10-115 of The Governmental Immunity Act, or participation in a public entity self-insurance pool pursuant to section 24-10-115.5 of The Governmental Immunity Act shall be deemed to meet the financial standards of this section 2.1.

2.2 Safety and health standards.

Amusement rides shall be constructed, maintained and repaired subject to the following standards:

- (a) Amusement rides or devices or any part thereof shall be constructed, maintained and repaired in accordance with the ASTM standards or the manufacturer's recommendations, whichever is the most stringent, in order to provide for an operation free from recognized safety hazards likely to cause death or serious bodily harm.
- (b) Amusement rides and devices shall be constructed, maintained, repaired and operated in accordance with all otherwise applicable federal, state and local safety, fire, health or building codes or standards.
- (c) An annual inspection by a third-party inspector must be conducted on each amusement ride and shall include a review of the method to test the stress and wear-related damage of critical parts that the manufacturer determines are reasonably subject to failure as the result of stress and wear and could cause injury to a member of the general public as a result of a failure. The inspection shall also include a review of the owner/operator's daily inspection records, inspection and maintenance program records, and training records in accordance with ASTM Standards or the manufacturer's recommendations. The inspection shall be conducted with the amusement ride or device in an operable state prior to opening to the public and include an evaluation of the ride or device for a minimum of one complete operating cycle where applicable.
- (d) A separate certificate of inspection and inspection report shall be completed and signed by the inspector for each amusement ride or device and shall be submitted with the operator's application for registration.

- (e) The inspection certificate shall not be submitted to the Division of Oil and Public Safety until all discrepancies have been resolved and all necessary repair(s) or replacement(s) required in accordance with the standards of 2.2.(a) have been made. Resolution of discrepancies, repairs and replacements may be documented in writing by the owner/operator and delivered to the inspector. The inspector may corroborate such letter by review thereof, subsequent re-inspection, receipt of additional documentation, or by other means which the inspector deems appropriate. Corroborated discrepancies, repairs and replacements shall not require further inspection and such resolution shall be deemed to be in accordance with the standards of 2.2(a).
- (f) If the amusement ride or device does not meet the standards of 2.2(a), the amusement ride shall not be opened to the public until all necessary repair(s) and/or replacement(s) have been made and a certificate of inspection has been issued.
- (g) In addition to the annual inspection required under this section, the owner/operator who operates an amusement ride or device must perform and record daily inspections of each amusement ride or device.
- (h) Records of the daily inspections must be available for inspection at the location where the amusement ride or device is operated, and the records must be maintained with the amusement ride or device for a period of three years.
- (i) The daily inspection record must include an inspection of equipment identified for daily inspection in accordance with the applicable ASTM code or the manufacturer's recommendations. Where applicable, the inspection shall include:
 - (1) safety belts, bars, locks and other passenger restraints;
 - (2) all automatic and manual safety devices;
 - (3) signal systems, brakes and control devices;
 - (4) safety pins and keys;
 - (5) fencing, guards, barricades, stairways and ramps;
 - (6) ride structure and moving parts;
 - (7) tightness of bolts and nuts;
 - (8) blocking, support braces and jackstands;
 - (9) electrical equipment;
 - (10) lubrication as per manufacturer's instructions;
 - (11) hydraulic and/or pneumatic equipment;
 - (12) check communication equipment necessary for operation (if applicable);
 - (13) prior to opening, operate ride through one complete cycle of proper functioning; and
 - (14) any other component that is included in the manufacturer's specific ride maintenance and safety checks or ASTM standards, or that the operator or person performing the daily inspection deems necessary for inspection.

- (j) No person shall open to the public an amusement ride or device that has been inspected by a qualified inspector or by the Division of Oil and Public Safety and found to be unsafe, unless all necessary repairs and modifications to the ride have been completed and certified as completed by a qualified inspector.

3.0 Registration.

No amusement ride or device shall operate within the State of Colorado without first becoming registered as provided herein. Each operator of an amusement ride or device must register and obtain a permit by filing an application with the Division of Oil and Public Safety, prior to opening rides to the public.

No person shall open to the public and operate any amusement ride or device on property owned or leased by such person until the operator of the amusement ride or device has first registered and obtained a permit for operation from the Division of Oil and Public Safety.

The application shall be on the form prescribed by the Director and shall include the following registration requirements.

3.1 Fees

Annual registration fees as identified in the accompanying table:

	Registration fee for amusement ride or device operator	Registration fee for class A rides and devices	Registration fee for class B rides and devices
Amusement Rides and Devices	\$500	\$100 per ride	\$135 per ride

3.2 Registration Requirements

- (a) The name and address of the operator.
- (b) The trade name of the manufacturer, and the serial number of all rides and devices.
- (c) A report of any injury occurring in any state caused by an amusement ride which results in death or requires medical treatment. An injury is caused by the ride if the injury occurs on the ride or is in any way associated with the ride.
- (d) A list of the dates and locations of operation of the amusement rides or devices within the state, including the dates at each location.
- (e) The name of all liability insurance carriers and the insurance policy numbers.
- (f) An original amusement ride certificate of inspection for each amusement ride or device showing the name, serial number, manufacturer of the ride, the inspector's name, the owner/operator, and other information as required by 2.2.(d) of these rules.
- (g) Any other information reasonably related to the standards set forth above in section 2.0.
- (h) A certificate of liability insurance for the registration period in an amount of not less than \$100,000 per occurrence with a \$300,000 annual aggregate for Class A amusement rides and devices and an amount of not less than \$1 million per occurrence for Class B amusement rides and devices insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride or device. For governmental entities, insurance or self-insurance in accordance

with section 24-10-115 of The Governmental Immunity Act, or participation in a public entity self-insurance pool pursuant to section 24-10-115.5 of The Governmental Immunity Act shall be deemed to meet the financial standards of this section.

3.3

Upon receipt of an application, the Director shall review the application, and upon determining that the provisions of these rules have been met, shall approve the application, register the amusement rides or devices and issue a permit to operate.

3.4

If, upon review of the application, the Director determines that the provisions of this section 3 have not been met, the Director shall reject the application until such time as the requirements of these rules are met.

3.5 Bungee Jumping - Documentation of:

- (a) A system review (structures, cords, harnesses, attachment components, etc.) that includes evaluation and inspection by a Colorado registered Professional Engineer, with his certification /stamp that the system design is adequate for the intended application, shall be provided to the Public Safety Section.
- (b) All elements of the American Society for Testing and Materials Standards on Amusement Rides and Devices (2010 Edition), excluding the subsequent addenda incorporated by the code forward, are to be conformed to as a minimum standard. Documentation of this conformity shall be provided to the Public Safety Section.
- (c) Where the facility incorporates a crane structure for hoisting customers and/or staff members, the mechanism must conform to national standards. These standards include both the Occupational Safety and Health Administration Standards (OSHA) 1926.550 August 9, 2010, excluding the subsequent addenda incorporated by the code forward, and the American Society of Mechanical Engineers (ASME) B30.5 – 2007. Documentation of this conformity shall be provided to the Public Safety Section.
- (d) Where the facility incorporates a hot air balloon for elevation purposes, copies of the current, valid Standard Airworthiness Certificate and Special Airworthiness Certificate issued by the Federal Aviation Administration (FAA), and records showing that all maintenance and alterations have been performed in accordance with Parts 21, 43, and 91 of the Federal Aviation Regulations excluding the subsequent addenda, shall be provided to the Public Safety Section.

4.0 Records.

Every amusement ride or device operator shall maintain detailed records relating to the construction, repair and maintenance of its operation including safety, inspection, maintenance records, and ride operator training activities. Such records shall be made available to the director or his agent and auditors/inspectors, at reasonable times, including during an inspection upon the auditor's/inspector's request.

5.0 Enforcement.

5.1

Division staff may inspect the premises and operation of the amusement ride or device to insure that the financial and safety standards in this regulation have been met.

5.2

If the Director determines that any operator of an amusement ride or device fails to meet the standards set forth in section 2.1 or 2.2, or that an amusement ride or device, or any part thereof is being repaired, constructed, maintained or operated in violation of any other section of this regulation, the Director may give notice of the violation of these regulations to the operator and order any such changes that are necessary to render such amusement ride or device in compliance with the standards set forth in Sections 2.1 or 2.2 or with the other provisions of this regulation. The notice of violation may include an order to cease and desist operation of the specific amusement ride or device until all violations are satisfactorily corrected.

5.3

Violations of these regulations by any operator of an amusement ride or device, or any part thereof, shall be enforced, after notice is given pursuant to section 5.2 above, in accordance with C.R.S. 8-20-104 by the Director.

6.0 Injury reporting.

6.1

A reportable injury as defined in section 1.4 shall be reported to the Division at 303-318-8519 within 24 hours. A written report on a form provided by the Division shall be submitted to the Division within 72 hours.

6.2

If a death or serious injury results from the operation, maintenance, malfunction or failure of an amusement ride or device, the equipment or conditions that caused the accident shall be preserved for the purpose of an investigation by the Division of Oil and Public Safety.

7.0 Effective date.

This regulation shall be effective May 1, 2011. The owners/ operators of previously unregistered amusement rides and devices shall have up to six months from the effective date of these regulations to comply with section 2.2 (c).

Editor's Notes

History

Entire Rule eff. 12/01/2008.

Rules 1.2 to 2.0, 2.2(a), 3.0, 3.1, 5.0 to 6.0 emer. rule eff. 07/07/2010; expired eff. 11/04/2010.

Entire emer. rule eff. 12/30/2010; expired 04/29/2011.

Entire rule eff. 05/01/2011.