

# **AMUSEMENT RIDES SAFETY LAW**

(REVISED 2019)

## **§1484.1. Short title**

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

## **§1484.2. Purpose; administration and enforcement**

- A. The purpose of this Part is to regulate the testing, inspection, and operation of inflatable amusement devices, amusement attractions, and amusement rides to prohibit the use of such devices, attractions, and rides when they have not been properly registered, have not received a proper and timely certificate of inspection, and have not received a set-up inspection as provided for in this Part.
- B. The state fire marshal shall administer and enforce the provisions of this Part and may promulgate rules and regulations which he considers necessary to such administration and enforcement pursuant to the Administrative Procedure Act. In formulating necessary rules and regulations, the state fire marshal may use recognized standards, including but not limited to those of the ANSI, ASTM, those recognized by federal law or regulation, those published by nationally recognized standards-making organizations, those industry standards established by accepted practices or trade associations, or those contained in manufacturers' installation manuals.
- C. The state fire marshal has the authority to charge and collect fees as provided for in this Part.

## **§1484.3. Definitions**

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

- (1) "Amusement attraction" means any building or structure around, over, or through which people may move or walk, without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills, or 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 for Testing and Materials or ASTM International.

(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.

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

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

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

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

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

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

(13) "Investigate" or "investigation" means the thorough physical examination of an inflatable amusement device, amusement attraction, or amusement ride and its component parts by the

office of state fire marshal in response to a complaint or an accident, which may or may not have resulted in injury or death, to determine the cause of the accident.

- (14) "NAARSO" means the National Association of Amusement Ride Safety Officials.
- (15) "Operate" means to manage and coordinate an inflatable amusement device, amusement attraction, or amusement ride at an event or a fixed operation location. The term includes management or coordination which may or may not be performed by the owner of the inflatable amusements device, amusement attraction, or amusement ride.
- (16) "Operator" means a person or firm who may or may not own the inflatable amusements devices, amusement attractions, or amusement rides who is managing, coordinating, or has the duty to control the operation of the inflatable amusements devices, amusement attractions, or amusement rides at an event or a fixed operation location.
- (17) "Owner" means a person or firm, or the agent of a person or firm, who owns an amusement attraction, amusement ride, or more than two inflatable amusement devices, and at least one of the person's or firm's inflatable amusement devices, amusement attractions, or amusement rides is utilized in this state.
- (18) "Ride operator" means the person or persons responsible for directly supervising, monitoring, and attending to the inflatable amusement device, amusement attraction, or amusement ride, including but not limited to collecting tickets or money, ensuring the appropriate number of patrons are boarding and debording a ride, ensuring riders are the appropriate height, latching and securing passengers, operating a ride, starting and stopping a ride, and monitoring patrons' activities during a ride's operation to ensure their safety.
- (19) "Set-up inspection" means a review of all necessary documents, including service and repair documents, the observation of and examination of the assembly, set-up, and operation of an inflatable amusement device, amusement attraction, or amusement ride, and an inspection of the foundation, blocking, fuel containers, and mechanical and electrical conditions of such a device, attraction, or ride.
- (20) "Set-up inspector" means the person licensed by the office of state fire marshal to conduct the set-up inspection prior to the opening of an amusement attraction or prior to the operation of an inflatable amusement device or amusement ride at each event.
- (21) "Temporary operation location" means an operating location where inflatable amusement devices, amusement attractions, or amusement rides are operated for a finite period of time not to exceed thirty days.
- (22) "Testing" means the set-up and activation of an inflatable amusement device, amusement attraction, or amusement ride for the purpose of analyzing such device, attraction, or ride and its component parts for safety. This may be done in conjunction with an inspection.
- (23) "Third-party inspector" means a person licensed by the office of state fire marshal to test and inspect inflatable amusement devices, amusement attractions, and amusement rides.

- (24) “Adult amusement attraction or amusement ride” means an attraction that is not a “child amusement attraction or amusement ride” or “kiddie amusement attraction or amusement ride.”
- (25) “Audit” means an official inspection of an operator’s actions and documentation as it relates to the coordination of inflatable amusement devices, amusement rides, and amusement attractions at an event and a set-up inspector’s actions, documentation, and tagging as it relates to the set-up inspection of inflatable amusement devices, amusement rides, and amusement attractions at an event, including each operator’s and set-up inspector’s adherence to applicable statutes and rules.
- (26) “Child amusement attraction or ride” or “kiddie amusement attraction or ride” means an amusement attraction or amusement ride designed primarily for children weighing ninety pounds or less per passenger unit.
- (27) “Event” means a private or public occasion, where people and entertainment are usually present, which may be celebratory in nature and occurs at a temporary operation location. This shall include but be limited to fairs, festivals, carnivals, parties, or gatherings.

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

- A. Any owner of an inflatable amusement device, amusement attraction, or amusement ride shall register each of his inflatable amusement devices, amusement attractions, or amusement rides with the office of state fire marshal prior to its use in this state. An owner shall renew the registration each year for each inflatable amusement device, amusement attraction, or amusement ride being used in this state.
- B. To register the inflatable amusement device, amusement attraction, or amusement ride, the owner shall submit all of the following to the office of state fire marshal for approval:
- (1) A registration application.
  - (2) A certificate of inspection dated no earlier than sixty days prior to the date of submission of a registration application.
  - (3) A copy of the general liability insurance in which all inflatable amusement devices, amusement attractions, or amusement rides being registered are listed on the submitted insurance declaration page.
- C. Upon approval by the state fire marshal, a certificate of registration shall be issued as follows:
- (1) Initial registration. Initial registration can occur at any time. A registration plate shall be issued bearing a permanent registration number. The registration plate shall be permanently affixed to the inflatable amusement device, amusement attraction, or amusement ride in a conspicuous location.
  - (2) Annual registration renewal. A decal bearing the month and year of the annual renewal shall be issued and affixed to the plate to indicate its current registration with the state fire marshal.

- D. An owner shall notify the office of state fire marshal if a plate or decal is lost or damaged. Any plate or decal that is lost or damaged shall be decommissioned. Prior to receiving a new plate or decal, the owner shall return the damaged plate or decal to the office of state fire marshal and pay the required fee. The fee to replace a lost or damaged plate or decal is thirty dollars.

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

- A. Except for the purpose of testing, training, or inspection, no inflatable amusement device, amusement attraction, or amusement ride shall be operated in this state without a current certificate of registration, valid registration plate, and registration decal issued by the office of state fire marshal.

B.

- (1) Each inflatable amusement device, amusement attraction, or amusement ride shall be inspected by a third-party inspector for safety and subjected to nondestructive testing, according to the manufacturer's recommendations, if any, at least annually, in accordance with ASTM-F-24, as promulgated by the state fire marshal in conformity with the Administrative Procedure Act, and other applicable standards, regulations, manuals, manufacturers' specifications, service bulletins, and notices.
- (2) Upon completion of each inspection as required in this Section, the third-party inspector shall submit a certificate of inspection to the office of state fire marshal and the owner. The certificate shall be valid for not more than twelve months from the date of issuance.
- (3) If the third-party inspection shows that an inflatable amusement device, amusement attraction, or amusement ride does not comply with all relevant provisions of this Part and the adopted standards, regulations, and applicable manuals, service bulletins, and notices, the third-party inspector shall notify and submit the findings to the state fire marshal within ten days of the inspection. The office of state fire marshal shall issue a cease and desist order to the operator or owner indicating that operation of the inflatable amusement device, amusement attraction, or amusement ride, which does not comply, is to immediately cease and desist in the state. The state fire marshal shall 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 and approved by the state fire marshal.

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

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

B.

- (1) Any operator who gives written or electronic notification to the office of state fire marshal of his intent to commence operation of the amusement ride or amusement attraction fewer than five days prior to commencing operation shall be fined as follows:

(a) Fifty dollars per ride or attraction for the first offense.

(b) Seventy-five dollars per ride or attraction for the second offense.

(c) Two hundred dollars per ride or attraction for the third offense.

(d) Two hundred fifty dollars per ride or attraction for each additional offense thereafter.

(2) In determining the number of offenses that have occurred, only offenses occurring over the three-year period preceding the offense at issue shall be considered.

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

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

E.

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

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

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

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

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

#### **§1484.7. Operation of inflatable amusement devices; notice; changes in schedule; fines**

- A. At least five days prior to commencing operation of any inflatable amusement device, except for the purpose of testing, training, and inspection, the operator shall give written or electronic notification to the office of state fire marshal of his intent to commence operation of the inflatable amusement device.
- B.
- (1) Any operator who gives written or electronic notification to the office of state fire marshal of his intent to commence operation of the inflatable amusement device fewer than five days prior to commencing operation shall be fined as follows:
    - (a) Fifty dollars per ride or attraction for the first offense.
    - (b) Seventy-five dollars per ride or attraction for the second offense.
    - (c) Two hundred dollars per ride or attraction for the third offense.
    - (d) Two hundred fifty dollars per ride or attraction for each additional offense thereafter.
  - (2) In determining the number of offenses that have occurred, only offenses occurring over the three-year period preceding the offense at issue shall be considered.
- C. If, after the notification, the operator changes his schedule of locations or dates, he shall immediately notify the office of state fire marshal of the change. An operator shall pay a fine of two hundred dollars for any change in schedule of location or date that occurs less than five days prior to the commencement of operation of the inflatable amusement device.
- D. Prior to operating any new inflatable amusement device, the operator shall notify the office of state fire marshal of his intent to commence operations, but shall not operate the inflatable amusement device until the owner has registered the inflatable amusement device as required in this Part.
- E.
- (1) The fire marshal or his designee may inspect all inflatable amusement devices operating in this state during the duration of the event at which the inflatable amusement device is being operated.
  - (2) During an office of state fire marshal inspection or audit, the operator shall submit to the state fire marshal or his designee the set-up inspection report and any other documentation relating to the set-up inspection or an annual inspection.
  - (3) In the case of inflatable amusement devices operating at a fixed operation location, the fire marshal or his designee shall inspect the inflatable amusement devices not more than once annually, except in furtherance of an investigation arising from a reported ride accident or pursuant to a complaint. The inspection is to ensure compliance with the provisions of this Part and adopted standards, rules, regulations, and applicable manuals, service bulletins, and notices.
  - (4) The state fire marshal or his designee has free access to any premises in the state where an inflatable amusement device is being installed, built, repaired, or operated for the purpose of ascertaining whether such inflatable amusement device is being installed, built, repaired, or

operated in accordance with the provisions of this Part and adopted standards, rules, regulations, and applicable manuals, service bulletins, and notices.

- F. The provisions of this Part apply only to inflatable amusement devices which are all of the following:
  - (1) Open to public.
  - (2) Located on grounds other than those of a one- or two-family dwelling.
  - (3) Co-located with other inflatable amusement devices, attractions, or rides governed by this Part.
- G. The state fire marshal or his designee has the authority to publish a listing of all noncompliant operators and make such list available to the public upon written demand.

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

- A. An operator shall 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.
- B. The set-up inspection may be conducted by a third-party inspector or an employee of the operator of the inflatable amusement device, amusement attraction, or amusement ride who is specially trained to perform a set-up inspection.
- C. 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.
- 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.
- 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.
- B. No person or firm shall aid, abet, facilitate, or otherwise assist any unlicensed person or firm in the engagement of any testing or inspecting of an inflatable amusement device, amusement attraction,



or amusement ride when such person or firm knew or should have known the latter person or firm was unlicensed.

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

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

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

- A. A person or firm, not to include a ride operator as defined in this Part, shall not engage 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 state fire marshal as provided in this Part.
- B. No person or firm shall aid, abet, facilitate, or otherwise assist any unlicensed person or firm in the operation 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.
- C. The state fire marshal may, by rule, allow the owner of an inflatable amusement device, amusement attraction, or amusement ride, or an employee of the owner, to perform minor service and repairs of the inflatable amusement device, amusement ride, or amusement attraction. The owner shall document such service or repair and assume responsibility for all such service or repair.

#### **§1484.12. Exemptions from licensure**

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

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

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

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

- (1) A completed firm application including the names of all owners, managers, or members.
- (2) Documentation that the firm is an entity duly authorized to conduct business within this state. If the firm is physically located in Louisiana, documentation shall be in the form of a local or parish occupational license, if such license exists, and if incorporated, a certificate of good standing issued by the secretary of state. If the firm is physically located outside of the state, documentation shall be in the form of a certificate of good standing issued by the secretary of state as a foreign corporation including the name of the firm's registered agent of service.
- (3) An original certificate of insurance documenting that the firm has general liability coverage in a minimum amount of one million dollars.
- (4) An original certificate of insurance documenting that the firm has "Errors and Omissions" coverage in a minimum amount of one million dollars.
- (5) An original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law.
- (6) The name of the person who will serve as the contact for the firm.
- (7) The application fee authorized by this Part.
- (8) Proof of employment of a qualified individual with proper certification and training at each of its operating locations.

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

- (1) A completed firm application including the names of all owners, managers, or members.
- (2) An original certificate of insurance documenting that the firm has general liability coverage in a minimum amount of one million dollars and in which all inflatable amusement devices, amusement attractions, or amusement rides subject to coverage are listed on the declarations page.
- (3) An original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law.
- (4) The name of the person who will serve as the designated agent of the firm.
- (5) The application fee authorized by this Part.

D. As a condition of licensure, each firm shall be open for inspection by the state fire marshal or his designated representative at any reasonable time for the purpose of observation and collection of facts and data relating to proper enforcement of this Part. No person acting on behalf of the firm shall refuse to admit the state fire marshal or his designated representative to an operating

location or its business location where the firm keeps records. A firm physically located outside of Louisiana may be charged for the travel expenses of the state fire marshal to conduct such an inspection.

- E. As a further condition of licensure, the acceptance of a license by a firm is deemed as the firm's consent to submit to reasonable requests for documentation by the state fire marshal or his designated representatives and to cooperate in a lawful investigation by the office of state fire marshal. A firm refusing to cooperate with any lawful investigation by the office of state fire marshal is subject to any applicable penalty as provided in this Part, including suspension or revocation of a license.
- F. Each firm shall clearly display its license in a conspicuous location at its place of business.
- G. The shall notify the state fire marshal within ten days of the following:
  - (1) A change in the business address of the firm.
  - (2) A change in ownership of or interest in the firm.
  - (3) The termination of a licensed employee.

#### **§1484.14. Application for an individual license; requirements to maintain; prohibitions; penalties**

- A. To engage in the inspection or operation of an inflatable amusement device, amusement attraction, or amusement ride, an individual shall apply for and obtain a license and the respective relevant endorsement for inspection or operation. The inspection endorsement authorizes the licensee to conduct any necessary testing. Each individual license holder shall maintain his license on his person while engaging in any such activity and present his license for inspection upon demand of any employee of the office of state fire marshal, a fire department, or any law enforcement officer.
- B. As a condition of licensure, the acceptance of a license by an individual is deemed as the individual's consent to submit to reasonable requests for documentation by the office of state fire marshal or his designated representatives and to cooperate in a lawful investigation by the office of state fire marshal. Any person refusing to cooperate with any lawful investigation by the office of state fire marshal is subject to any applicable penalty as described in this Part, including suspension or revocation of a license.
- C. Each individual license holder shall notify the state fire marshal, as specified by the state fire marshal, within ten days of the following:
  - (1) A change in business or home address.
  - (2) A separation from an employer or change in employer.
- D. An individual licensed as provided in this Section shall not contract his services as an independent contractor or agent with any other firm, whether such firm is engaged in testing, inspection, or operation.

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

#### **§1484.15. Set-up inspection; license endorsement**

- A. To perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride, an individual shall apply for and obtain a license and a set-up inspection endorsement which authorizes its holder to perform the set-up inspection.
- B. Third-party inspectors, as licensed by this Part, may perform set-up inspections as required by this Part, under their third-party inspector endorsement.
- C. Employees of the operators of an inflatable amusement device, amusement attraction, or amusement ride may become licensed as specified by this Part to perform the set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride owned or operated by his employer.
- D. In conformity with the Administrative Procedure Act, the state fire marshal shall promulgate rules for qualifications, including required training, for the administration and enforcement of this Section.

#### **§1484.16. Powers and duties of the state fire marshal**

The state fire marshal shall:

- (1) Formulate and administer such rules as may be determined essentially necessary for the enforcement of this Part.
- (2) Evaluate the qualifications of firms or persons applying for or maintaining a license pursuant to this Part.
- (3) Have authority to set qualifications and fitness of applicants for a license as provided in this Part, which may include conducting examinations.
- (4) Issue full or provisional licenses to firms and persons meeting the qualifications established by this Part.
- (5) Have authority, after notice and opportunity for hearing, to increase or decrease the limits of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason, the liability insurance coverage required by this Part is unavailable to applicants for or holders of licenses.
- (6) Have authority to conduct inspections of licensed firms, whether in state or out of state, for the purpose of observation and collection of facts and data relating to proper enforcement of this Part.
- (7) Conduct inspections and perform audits to ensure compliance with this Part 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,

maintained, stored, serviced, or in use. The state fire marshal or his designee, upon presenting credentials to an owner or operator, is authorized to act as described in this Paragraph without prior notice.

- (8) Employ such persons as he may deem qualified, consistent with applicable civil service regulations, and incur expenses as may be necessary in connection with the administration of this Part.
- (9) Investigate all written complaints lodged against firms or individuals alleged to have violated provisions of this Part or related promulgated rules and pursue administrative action against the firms or individuals.
- (10) Investigate all accidents related to an inflatable amusement device, amusement attraction, or amusement ride resulting in injury or death, or as requested by an operator, customer, patron, rider, or user.

**§1484.17. Notice; hearing; revocation of certificate or license Licenses, as provided for in this Part, may be revoked or suspended after notice and hearing in accordance with the Administrative Procedure Act and upon a finding that a person or firm acted in any of the following manners:**

- (1) Willfully violated any provision of this Part or any rule, regulation, or adopted order.
- (2) Used deceit or false or misleading information to obtain any certificate or license pursuant to this Part.
- (3) Demonstrated professional incompetence or gross negligence.
- (4) Assisted any person attempting to evade the provisions of this Part or any related adopted rules or regulations.

**§1484.18. Fees; required renewal; penalties**

- A. The fire marshal is authorized to assess and collect fees as provided in this Part.
- B. Fees for the registration of each inflatable amusement device, amusement attraction, or amusement ride are as follows:

(1) Initial Registration Fee:

- (a) Inflatable amusement device: \$100.00
- (b) Child or "Kiddie" amusement attraction or amusement ride: \$100.00
- (c) Adult amusement attraction or amusement ride: \$200.00

(2) Annual Renewal Fee:

- (a) Inflatable amusement device: \$100.00

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

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

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

(1) Initial Fee:

(a) Inspection endorsement: \$500.00

(b) Operation endorsement: \$500.00

(2) Renewal Fee:

(a) Inspection endorsement: \$100.00

(b) Operation endorsement: \$100.00

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

(1) Initial Fee:

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

(b) Operator or Owner endorsement: \$250.00

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

(2) Renewal Fee:

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

(b) Operator or Owner endorsement: \$50.00

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

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

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

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

- H. The cost for a duplicate or replacement firm or individual license is twenty dollars, regardless of how many endorsements are carried.
- I. The cost to transfer an individual license from one firm to another is twenty dollars.
- J. The fees established in this Section are not refundable, except when certain conditions apply as the state fire marshal may establish.
- K. There are no fees associated with any inspections and audits performed by the office of state fire marshal, unless otherwise indicated by this Part.
- L. All fees collected pursuant to this Part shall be used exclusively for the operation and maintenance of the amusement rides and safety division within the office of state fire marshal, code enforcement and building safety.

#### **§1484.19. Prohibited acts; operator**

No person or firm shall do any of the following:

- (1) Engage in the operation of an inflatable amusement device, amusement attraction, or amusement ride without a valid license issued as provided in this Part.
- (2) Aid and abet an unlicensed individual, employee, or firm in the testing, inspection, or operation of an inflatable amusement device, amusement attraction, or amusement ride without a valid license.
- (3) Operate an inflatable amusement device, amusement attraction, or amusement ride contrary to manufacturer's specifications or codes or standards adopted in rules promulgated by the state fire marshal without specific written authorization from the office of state fire marshal.
- (4) Submit an application or any other document to the office of state fire marshal when the person reasonably should have known the document contained false or misleading information.
- (5) Engage in false, misleading, or deceptive acts or practices.
- (6) Fail to maintain a valid license as required by this Part.
- (7) Fail to maintain a valid insurance policy as required by this Part.
- (8) Refuse to admit the state fire marshal or his designated representative to any operating location or refuse to cooperate in the purposes of such admittance as required by this Part.
- (9) Fail to maintain his license on his person and present it for inspection as required by this Part.
- (10) Refuse to cooperate with any lawful investigation by the office of state fire marshal.
- (11) Fail to abide by the administrative rules promulgated pursuant to this Part.

#### **§1484.20. Prohibited acts; third-party inspector**

No person or firm shall do any of the following:

- (1) Engage in the inspection or testing of an inflatable amusement device, amusement ride, or amusement attraction without a valid license issued as provided in this Part.
- (2) Aid and abet an unlicensed operator in the operation of an inflatable amusement device, amusement attraction, or amusement ride.
- (3) Aid and abet an unlicensed individual or firm in the inspection or testing of an inflatable amusement device, amusement ride, or amusement attraction.
- (4) Certify, test, or inspect an inflatable amusement device, amusement attraction, or amusement ride contrary to the provisions of this Part and adopted standards, regulations, and applicable manuals, service bulletins, and notices.
- (5) Submit an application or any other document to the office of state fire marshal when the third-party inspector reasonably should have known the document contained false or misleading information.
- (6) Engage in false, misleading, or deceptive acts or practices.
- (7) Fail to maintain a valid license as required by this Part.
- (8) Fail to maintain a valid insurance policy as required by this Part.
- (9) Refuse to admit the state fire marshal or his designated representative to any operating location or refuse to cooperate in the purposes of such admittance as required by this Part.
- (10) Fail to maintain his license on his person and present it for inspection as required by this Part.
- (11) Refuse to cooperate with any lawful investigation by the office of state fire marshal.
- (12) Fail to abide by the administrative rules promulgated pursuant to this Part.

#### **§1484.21. Prohibited acts; set-up inspector**

No person or firm shall do any of the following:

- (1) Engage in the set-up inspection of an inflatable amusement device, amusement ride, or amusement attraction without a valid license issued as provided in this Part.
- (2) Aid and abet an unlicensed operator in the operation of an inflatable amusement device, amusement ride, or amusement attraction.



- (3) Certify or inspect inflatable amusement devices, amusement rides, or amusement attractions contrary to the provisions of this Part and adopted standards, regulations, and applicable manuals, service bulletins, and notices.
- (4) Submit an application or any other document to the office of state fire marshal when the person or firm reasonably should have known the document contained false or misleading information.
- (5) Engage in false, misleading, or deceptive acts or practices.
- (6) Fail to maintain a valid license as required by this Part.
- (7) Refuse to admit the state fire marshal or his designated representative to any operating location or refuse to cooperate in the purposes of such admittance as required by this Part.
- (8) Fail to maintain his license on his person and to present it for inspection as required by this Part.
- (9) Refuse to cooperate with any lawful investigation by the office of state fire marshal.
- (10) Fail to abide by the administrative rules promulgated pursuant to this Part.

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

- A. If after an inspection, investigation, or audit of any inflatable amusement device, amusement ride, or amusement attraction, the office of state fire marshal determines that the respective device, ride, or attraction is in violation of any standard promulgated pursuant to the provisions of this Part, and that there may be a substantial probability of death or physical injury to the public from its continued use, a notice of violation may be given to both the owner and operator of the device, ride, or attraction, and a red tag shall be attached to the device, ride, or attraction. The attached red tag constitutes a cease and desist order.
- B. After the red tag is attached, the use of the inflatable amusement device, amusement ride, or amusement attraction is prohibited. The red tag shall not be removed until the device, ride, or attraction is made safe for public use, in accordance with R.S. 40:1484.5(B)(3), and the required safeguards are provided. The tag shall not be removed except by the state fire marshal or his designee.

#### **§1484.23. Insurance; bond**

- A. No operator shall operate an amusement attraction or amusement ride unless the owner or operator has either of the following:
  - (1) An insurance policy in an amount of not less than one million dollars insuring the operator against liability for injury suffered by persons riding the amusement attraction or ride.
  - (2) A bond in a like amount, provided the aggregate liability of the surety of any such bond shall not exceed the face amount.

- B. A certificate verifying coverage shall be filed with the office of state fire marshal, code enforcement and building safety.
- C. In the event of cancellation of the policy or bond, the office of state fire marshal shall be notified by either the insurer or the bond holder no later than ten days prior to cancellation.
- D. Upon request, the operator shall 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 state fire marshal.
- E. The provisions of this Section shall also apply to operators of inflatable amusement devices. However, the policy of liability insurance or bond amount required of such operators shall be in an amount of not less than three hundred thousand dollars.

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

- A. If the state fire marshal finds that any person, operator, inspector, or firm has violated any provision of this Part or any regulation, rule, or issued order, he may impose upon that person, operator, inspector, or firm a fine in an amount not to exceed five thousand dollars for each violation. Each day on which the violation occurs is considered a separate offense.
- B.
  - (1) In addition to or in lieu of administrative sanctions and civil penalties provided in this Part, the state fire marshal is empowered to issue an order to any person, operator, inspector, or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Part, directing the person, operator, inspector, or firm to cease and desist from the activity, conduct, or practice. The order shall be issued in the name of the state of Louisiana under the official seal of the state fire marshal.
  - (2) If the person, operator, inspector, or firm to whom the state fire marshal directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice immediately after service of the cease and desist order by certified mail or personal service, the state fire marshal may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining the person, operator, inspector, or firm from engaging in any activity, conduct, or practice prohibited by this Part.
  - (3) Upon a proper showing by the state fire marshal that a person, operator, inspector, or firm has engaged in any activity, conduct, or practice prohibited by this Part, the court shall issue a temporary restraining order restraining the person, operator, inspector, or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices.
  - (4) A temporary restraining order, preliminary injunction, or permanent injunction issued as provided in this Part is not subject to being released upon bond.
  - (5) In the suit for an injunction, the state fire marshal may demand of the defendant a penalty of fifty dollars per day for each violation, reasonable attorney fees, and court costs. Judgment for

penalty, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made final.

- C. In addition to the foregoing provisions, the state fire marshal may assess civil penalties attributable to the operator of an inflatable amusement device, amusement ride, or amusement attraction to the owner or lessee of the site on which the inflatable amusement device, amusement attraction, or amusement ride is located, if the owner or lessee of the site failed to reasonably determine that the operator of the inflatable amusement device, amusement ride, or amusement attraction is in proper compliance with the requirements of this Part.
- D. Procedures for the imposition of fines and appeals of such fines shall be governed in accordance to the Administrative Procedure Act.

#### **§1484.25. Exemptions**

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

- (1) Non-mechanized playground equipment including but not limited to swings, seesaws, stationary spring-mounted animal features, underpropelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located.
- (2) An inflatable amusement device, amusement attraction, or amusement ride which is owned and operated by a nonprofit religious, educational, or charitable institution or association if such attraction or ride is located within a building subject to inspection by the state fire marshal or his designee.
- (3) Coin-operated mechanical devices occupying less than thirty-six square feet of floor space.
- (4) Non-motorized rides and attractions.

#### **§1484.26. Local regulation**

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

#### **§1484.27. Waiver of inspection**

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

#### **§1484.28. Rules adopted**

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

## **§1485.2. Definitions**

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

- (2) "Firm" means a sole proprietorship, corporation, limited liability company, or similar type of business entity.
- (3) "Owner" means a person, a firm, the state, or a political subdivision of the state that owns an amusement ride or, if the ride is leased, the lessee of the ride.
- (4) "Parent or guardian" means each parent, custodian, or guardian responsible for the control, safety, training, or education of a rider who is a minor, has a disability, or is incompetent.

"Rider" means any person who is:

- (i) Waiting in the immediate vicinity to enter a carnival or amusement ride.
  - (ii) Entering a carnival or amusement ride.
  - (iii) Using a carnival or amusement ride.
  - (iv) Exiting a carnival or amusement ride.
  - (v) Leaving a carnival or amusement ride and still in the immediate vicinity of the ride.
- (b) The term "rider" does not include employees or agents of the owner while engaged in the duties of their employment.
- (6) "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including but not limited to placards, prerecorded messages, live public addresses, stickers, pictures, pictograms, guidebooks, brochures, video, verbal information, and visual signals.

## **§1485.9. Applicability**

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