

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 478
Committee Substitute Favorable 4/23/91

Short Title: Amusement Devices.

(Public)

Sponsors:

Referred to:

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE TYPE OF DEVICE COVERED BY THE
3 AMUSEMENT DEVICE SAFETY ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 95-111.2(b) reads as rewritten:

6 "(b) This Article shall not apply to any ~~single passenger coin-operated device,~~
7 ~~manually, mechanically, or electrically operated which customarily is placed, singly or~~
8 ~~in groups, in a public location and device~~ which does not normally require the
9 supervision or services of an operator. Unless they are located in an amusement park or
10 carnival area, the following devices or attractions are exempt from this Article:

11 (1) Hot or cold air inflatable devices;

12 (2) Bumper boats; and

13 (3) Simulator devices that simulate the movement shown on various video
14 tapes."

15 Sec. 2. G.S. 95-111.3 reads as rewritten:

16 "**§ 95-111.3. Definitions.**

17 (a) The term 'amusement device' shall mean any mechanical or structural device
18 or attraction that carries or conveys or permits persons to walk along, around or over a
19 fixed or restricted route or course or within a defined area including the entrances and
20 exits thereto, for the purpose of giving such persons amusement, pleasure, thrills or
21 excitement. The term shall include but not be limited to roller coasters, Ferris wheels,
22 merry-go-rounds, glasshouses, waterslides, and walk-through dark houses. This term
23 shall not include the following:

- 1 (1) Devices operated on a river, lake, or any other natural body of water;
- 2 (2) Wavepools;
- 3 (3) Roller skating rinks;
- 4 (4) Ice skating rinks;
- 5 (5) Skateboard ramps or courses;
- 6 (6) Mechanical bulls;
- 7 (7) Buildings or concourses used in laser games;
- 8 (8) All terrain vehicles;
- 9 (9) Motorcycles;
- 10 (10) Bicycles; and
- 11 (11) Mopeds.

12 (b) The term 'amusement park' shall mean any tract or area used principally as a
13 permanent location for amusement devices.

14 (b1) The term 'carnival area' shall mean any area, tract, or structure that is rented,
15 leased, or owned as a temporary location for amusement devices.

16 (c) The term 'Commissioner' shall mean the North Carolina Commissioner of
17 Labor or his authorized representative.

18 (d) The term 'Director' shall mean the Director of the Elevator and Amusement
19 Device Division of the North Carolina Department of Labor.

20 (e) The term 'operator' shall mean any person having direct control of the
21 operation of an amusement device. The term 'operator' shall not include any person on
22 the device for the purpose of receiving amusement, pleasure, thrills, or excitement.

23 (f) The term 'owner' shall mean any person or authorized agent of such person
24 who owns an amusement device or in the event such device is leased, the lessee. The
25 term 'owner' also shall include the State of North Carolina or any political subdivision
26 thereof or any unit of local government.

27 (g) The term 'person' shall mean any individual, association, partnership, firm,
28 corporation, private organization, or the State of North Carolina or any political
29 subdivision thereof or any unit of local government.

30 (h) The term 'waterslide' shall mean a stationary amusement device that provides
31 a descending ride on a flowing water film through a trough or tube or on an inclined
32 plane into a pool of water. This term does not include devices where the vertical
33 distance between the highest and the lowest points does not exceed 15 feet."

34 Sec. 3. This act is effective upon ratification.