

# Bill as Introduced

HB 1264 - AS INTRODUCED

2016 SESSION

16-2246  
08/09

HOUSE BILL            **1264**

AN ACT                relative to carnival or amusement ride inspections.

SPONSORS:            Rep. Saunderson, Merr. 9; Rep. Moffett, Merr. 9

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill requires carnival or amusement ride operators to make inspection forms available to the commissioner of the department of safety.

This bill also makes changes to the required insurance coverage for carnival or amusement ride operators.

This bill was requested by the department of safety.

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Explanation:          Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT relative to carnival or amusement ride inspections.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Definition of Carnival or Amusement Ride. Amend RSA 321-A:1, I to read as follows:

2 I. "Carnival or amusement ride" means a device [~~which carries or conveys passengers for~~  
3 ~~the purpose of giving its passengers amusement, pleasure or excitement~~] **or combination of**  
4 **devices that carry, convey, or direct a person or persons over or through a fixed or**  
5 **restricted course or within a defined area, for the primary purpose of amusement or**  
6 **entertainment.**

7 2 Definition of Fixed Base Operator. Amend RSA 321-A:1, V to read as follows:

8 V. "Fixed base operator" or "fixed base owner" means a person who owns or controls or has  
9 the duty to control the operation of an amusement ride which is either installed **on or** in a  
10 permanent structure **or on or in trees**, or affixed to steel or concrete footings, but excluding any  
11 such owner or operator regulated under RSA 225-A.

12 3 Inspection Forms; Fixed Rides. Amend RSA 321-A:2-a, I(a)(4) to read as follows:

13 (4) By the operator, daily on days of operation and prior to operation, using an  
14 inspection form developed by the [~~director, which form~~] **manufacturer, or if no such form exists,**  
15 **one developed by the director. Completed inspection forms** shall be kept by the owner of the  
16 ride for a period of 2 years **and shall be made available and open to inspection and copies**  
17 **shall be furnished to the commissioner or his or her agents upon request.**

18 4 Inspection Forms; Relocatable Rides. Amend RSA 321-A:2-a, I(b)(2)-(5) to read as follows:

19 (2) [~~By an agent of the commissioner not less than 90 days and not more than 120~~  
20 ~~days after the inspection required by subparagraph (1).~~

21 (3) By the operator on each day of operation, prior to operation, using the  
22 inspection form developed by the **manufacturer, or if no such form exists, one developed by**  
23 **the director.** [~~director. The form shall be forwarded to the director on a weekly basis, or upon~~  
24 ~~relocation of the ride, whichever occurs first.~~] **The completed inspection forms shall be**  
25 **retained by the owner of the ride for a period of 2 years and shall be made available and**  
26 **open to inspection and copies shall be furnished to the commissioner or his or her agents**  
27 **upon request.**

28 (4) (3) By an agent of the commissioner, if warranted, after receipt of the  
29 inspection reports.

30 (5) (4) By an agent of the commissioner at unannounced [~~time~~] **times.**

31 5 Gender Neutral Language. Amend RSA 321-A:5, II to read as follows:

1 II. The operator shall list by make and serial number with the commissioner each piece of  
 2 carnival equipment or amusement device that ~~he~~ **the operator** operates which is designed to  
 3 carry passengers. The commissioner shall issue, on an annual basis, an appropriate  
 4 nontransferable decal for each such piece of equipment or device listed with ~~him~~ **the**  
 5 **commissioner**. The operator shall place such decal in a conspicuous location on the piece of  
 6 equipment or device for which it is issued. Each decal shall bear the state seal and an identifying  
 7 number.

8 6 Insurance Requirement. Amend RSA 321-A:5, III(a) to read as follows:

9 (a) A certificate of insurance showing the operator as a named insured and confirming  
 10 that insurance has been issued and is in force providing coverage for specified equipment or devices  
 11 in a minimum amount of ~~[\$300,000]~~ **\$1,000,000** per person and ~~[\$1,000,000]~~ **\$2,000,000** aggregate.  
 12 **Such certificate shall include the provision that coverage shall remain in effect until the**  
 13 **expiration date or if canceled by the insurer prior to the expiration date for any reason,**  
 14 **the cancellation shall not take effect until 20 days after written notice received by the**  
 15 **director that said certificate is being canceled and the reason or reasons for such**  
 16 **cancellation.**

17 7 Insurance Requirement. Amend RSA 321-A:5, IV(a) to read as follows:

18 (a) A certificate of insurance showing the operator as a named insured and confirming  
 19 that insurance has been issued and is in force providing coverage for specified equipment or devices  
 20 at specified locations, in a minimum amount of ~~[\$100,000]~~ **\$1,000,000** per person and ~~[\$300,000]~~  
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 22 **remain in effect until the expiration date or if canceled by the insurer prior to the**  
 23 **expiration date for any reason, the cancellation shall not take effect until 20 days after**  
 24 **written notice received by the director that said certificate is being canceled and the**  
 25 **reason or reasons for such cancellation.**

26 8 Gender Neutral Language. Amend RSA 321-A:6 to read as follows:

27 321-A:6 Newly-Developed Rides; Altered Mechanisms. When applying for a decal for a newly-  
 28 developed type of carnival or amusement ride or whenever any additions or alterations are made  
 29 which change the structure, mechanism, classification or capacity of any carnival or amusement  
 30 ride the operator shall file with the commissioner a notice of ~~his~~ **the operator's** intention and any  
 31 plans or diagrams requested by the commissioner.

32 9 Gender Neutral Language. Amend RSA 321-A:7 to read as follows:

33 321-A:7 Temporary Suspension. The commissioner may order, in writing, a temporary  
 34 suspension of operation of a carnival or amusement ride if it has been determined after inspection to  
 35 be hazardous or unsafe, **or the required insurance coverage is not in effect or has expired, or**  
 36 **a notice of cancellation has been issued;** and an agent of the commissioner may order an  
 37 immediate suspension of operation of a carnival or amusement ride if ~~his~~ **an** inspection reveals  
 38 that such ride is hazardous or unsafe, **or the required insurance is not in effect or has expired,**

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1 *or a notice of insurance cancellation has been issued.* Operation shall not resume until such  
2 conditions are corrected to the satisfaction of the commissioner or his designee.

3 10 Gender Neutral Language. Amend RSA 321-A:8 to read as follows:

4 321-A:8 Appeals. Any person who is aggrieved by a decision of the commissioner or his *or her*  
5 designee may petition the commissioner for a review of said decision within 30 days. The  
6 commissioner shall, if necessary, order a hearing to be held within 15 days of receipt of such  
7 petition. Thereafter, any person aggrieved by a decision of the commissioner or his *or her* may  
8 appeal therefrom in accordance with RSA 541.

9 11 Effective Date. This act shall take effect January 1, 2017.

HB 1264 - AS AMENDED BY THE HOUSE

9Mar2016... 0640h

2016 SESSION

16-2246  
08/09

HOUSE BILL        **1264**

AN ACT            relative to carnival or amusement ride inspections.

SPONSORS:        Rep. Saunderson, Merr. 9; Rep. Moffett, Merr. 9

COMMITTEE:      Commerce and Consumer Affairs

---

AMENDED ANALYSIS

This bill requires carnival or amusement ride operators to make inspection forms available to the commissioner of the department of safety.

This bill also makes changes to the required insurance coverage for carnival or amusement ride operators.

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1 Definition of Carnival or Amusement Ride. Amend RSA 321-A:1, I to read as follows:

I. "Carnival or amusement ride" means a device [~~which carries or conveys passengers for the purpose of giving its passengers amusement, pleasure or excitement~~] **or combination of devices that carry, convey, or direct a person or persons over or through a fixed or restricted course or within a defined area, for the primary purpose of amusement or entertainment.**

2 Definition of Fixed Base Operator. Amend RSA 321-A:1, V to read as follows:

V. "Fixed base operator" or "fixed base owner" means a person who owns or controls or has the duty to control the operation of an amusement ride which is either installed **on or in** a permanent structure **or on or in trees**, or affixed to steel or concrete footings, but excluding any such owner or operator regulated under RSA 225-A.

3 Inspection Forms; Fixed Rides. Amend RSA 321-A:2-a, I(a)(4) to read as follows:

(4) By the operator, daily on days of operation and prior to operation, using an inspection form developed by the [~~director, which form~~] **manufacturer, or if no such form exists, one approved by the director. Completed inspection forms** shall be kept by the owner of the ride for a period of 2 years **and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

4 Inspection Forms; Relocatable Rides. Amend RSA 321-A:2-a, I(b)(2)-(5) to read as follows:

(2) [~~By an agent of the commissioner not less than 90 days and not more than 120 days after the inspection required by subparagraph (1).~~

(3) By the operator on each day of operation, prior to operation, using the inspection form developed by the **manufacturer, or if no such form exists, one approved by the director.** [~~director. The form shall be forwarded to the director on a weekly basis, or upon relocation of the ride, whichever occurs first.~~] **The completed inspection forms shall be retained by the owner of the ride for a period of 2 years and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

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5 Gender Neutral Language. Amend RSA 321-A:5, II to read as follows:

HB 1264 - AS AMENDED BY THE HOUSE

- Page 2 -

1 II. The operator shall list by make and serial number with the commissioner each piece of  
2 carnival equipment or amusement device that ~~[he]~~ *the operator* operates which is designed to  
3 carry passengers. The commissioner shall issue, on an annual basis, an appropriate  
4 nontransferable decal for each such piece of equipment or device listed with ~~[him]~~ *the*  
5 *commissioner*. The operator shall place such decal in a conspicuous location on the piece of  
6 equipment or device for which it is issued. Each decal shall bear the state seal and an identifying  
7 number.

8 6 Insurance Requirement. Amend RSA 321-A:5, III(a) to read as follows:

9 (a) A certificate of insurance showing the operator as a named insured and confirming  
10 that insurance has been issued and is in force providing coverage for specified equipment or devices  
11 in a minimum amount of ~~[\$300,000 per person]~~ *\$1,000,000 per occurrence* and ~~[\$1,000,000]~~  
12 *\$2,000,000* aggregate. *Such certificate shall include the provision that coverage shall*  
13 *remain in effect until the expiration date or if canceled by the insurer prior to the*  
14 *expiration date for any reason, the cancellation shall not take effect until 20 days after*  
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35 be hazardous or unsafe, *or the required insurance coverage is not in effect or has expired, or*  
36 *a notice of cancellation has been issued;* and an agent of the commissioner may order an  
37 immediate suspension of operation of a carnival or amusement ride if ~~[his]~~ *an* inspection reveals  
38 that such ride is hazardous or unsafe, *or the required insurance is not in effect or has expired,*



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1 *or a notice of insurance cancellation has been issued.* Operation shall not resume until such  
2 conditions are corrected to the satisfaction of the commissioner or his designee.

3 10 Gender Neutral Language. Amend RSA 321-A:8 to read as follows:

4 321-A:8 Appeals. Any person who is aggrieved by a decision of the commissioner or his *or her*  
5 designee may petition the commissioner for a review of said decision within 30 days. The  
6 commissioner shall, if necessary, order a hearing to be held within 15 days of receipt of such  
7 petition. Thereafter, any person aggrieved by a decision of the commissioner or his *or her* may  
8 appeal therefrom in accordance with RSA 541.

9 11 Effective Date. This act shall take effect January 1, 2017.

CHAPTER 133  
HB 1264 - FINAL VERSION

9Mar2016... 0640h  
11May2016... 1915EBA

2016 SESSION

16-2246  
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1 133:1 Definition of Carnival or Amusement Ride. Amend RSA 321-A:1, I to read as follows:

2 I. "Carnival or amusement ride" means a device ~~[which carries or conveys passengers for~~  
3 ~~the purpose of giving its passengers amusement, pleasure or excitement]~~ **or combination of**  
4 **devices that carry, convey, or direct a person or persons over or through a fixed or**  
5 **restricted course or within a defined area, for the primary purpose of amusement or**  
6 **entertainment.**

7 133:2 Definition of Fixed Base Operator. Amend RSA 321-A:1, V to read as follows:

8 V. "Fixed base operator" or "fixed base owner" means a person who owns or controls or has  
9 the duty to control the operation of an amusement ride which is either installed **on or** in a  
10 permanent structure **or on or in trees**, or affixed to steel or concrete footings, but excluding any  
11 such owner or operator regulated under RSA 225-A.

12 133:3 Inspection Forms; Fixed Rides. Amend RSA 321-A:2-a, I(a)(4) to read as follows:

13 (4) By the operator, daily on days of operation and prior to operation, using an  
14 inspection form developed by the ~~[director, which form]~~ **manufacturer, or if no such form exists,**  
15 **one approved by the director. Completed inspection forms** shall be kept by the owner of the  
16 ride for a period of 2 years **and shall be made available and open to inspection and copies**  
17 **shall be furnished to the commissioner or his or her agents upon request.**

18 133:4 Inspection Forms; Relocatable Rides. Amend RSA 321-A:2-a, I(b)(2)-(5) to read as follows:

19 (2) ~~[By an agent of the commissioner not less than 90 days and not more than 120~~  
20 ~~days after the inspection required by subparagraph (1)].~~

21 (3) By the operator on each day of operation, prior to operation, using the  
22 inspection form developed by the **manufacturer, or if no such form exists, one approved by the**  
23 **director.** ~~[director. The form shall be forwarded to the director on a weekly basis, or upon~~  
24 ~~relocation of the ride, whichever occurs first.]~~ **The completed inspection forms shall be**  
25 **retained by the owner of the ride for a period of 2 years and shall be made available and**  
26 **open to inspection and copies shall be furnished to the commissioner or his or her agents**  
27 **upon request.**

28 (4) (3) By an agent of the commissioner, if warranted, after receipt of the  
29 inspection reports.

CHAPTER 133  
HB 1264 - FINAL VERSION  
- Page 2 -

1                   [(5)] (4) By an agent of the commissioner at unannounced [time] *times*.

2           133:5 Gender Neutral Language. Amend RSA 321-A:5, II to read as follows:

3           II. The operator shall list by make and serial number with the commissioner each piece of  
4 carnival equipment or amusement device that [he] *the operator* operates which is designed to  
5 carry passengers. The commissioner shall issue, on an annual basis, an appropriate  
6 nontransferable decal for each such piece of equipment or device listed with [him] *the*  
7 *commissioner*. The operator shall place such decal in a conspicuous location on the piece of  
8 equipment or device for which it is issued. Each decal shall bear the state seal and an identifying  
9 number.

10          133:6 Insurance Requirement. Amend RSA 321-A:5, III(a) to read as follows:

11           (a) A certificate of insurance showing the operator as a named insured and confirming  
12 that insurance has been issued and is in force providing coverage for specified equipment or devices  
13 in a minimum amount of [~~\$300,000 per person~~] *\$1,000,000 per occurrence* and [~~\$1,000,000~~]  
14 *\$2,000,000* aggregate. *Such certificate shall include the provision that coverage shall*  
15 *remain in effect until the expiration date or if canceled by the insurer prior to the*  
16 *expiration date for any reason, the cancellation shall not take effect until 20 days after*  
17 *written notice received by the director that said certificate is being canceled and the*  
18 *reason or reasons for such cancellation.*

19          133:7 Insurance Requirement. Amend RSA 321-A:5, IV(a) to read as follows:

20           (a) A certificate of insurance showing the operator as a named insured and confirming  
21 that insurance has been issued and is in force providing coverage for specified equipment or devices  
22 at specified locations, in a minimum amount of [~~\$100,000 per person~~] *\$1,000,000 per occurrence*  
23 and [~~\$300,000~~] *\$2,000,000* aggregate. *Such certificate shall include the provision that*  
24 *coverage shall remain in effect until the expiration date or if canceled by the insurer prior*  
25 *to the expiration date for any reason, the cancellation shall not take effect until 20 days*  
26 *after written notice received by the director that said certificate is being canceled and the*  
27 *reason or reasons for such cancellation.*

28          133:8 Gender Neutral Language. Amend RSA 321-A:6 to read as follows:

29          321-A:6 Newly-Developed Rides; Altered Mechanisms. When applying for a decal for a newly-  
30 developed type of carnival or amusement ride or whenever any additions or alterations are made  
31 which change the structure, mechanism, classification or capacity of any carnival or amusement  
32 ride the operator shall file with the commissioner a notice of [his] *the operator's* intention and any  
33 plans or diagrams requested by the commissioner.

34          133:9 Temporary Suspension; Required Insurance. Amend RSA 321-A:7 to read as follows:

35          321-A:7 Temporary Suspension. The commissioner may order, in writing, a temporary  
36 suspension of operation of a carnival or amusement ride if it has been determined after inspection to  
37 be hazardous or unsafe, *or the required insurance coverage is not in effect or has expired, or*

CHAPTER 133  
HB 1264 - FINAL VERSION  
- Page 3 -

1 ***a notice of cancellation has been issued***; and an agent of the commissioner may order an  
2 immediate suspension of operation of a carnival or amusement ride if [his] ***an*** inspection reveals  
3 that such ride is hazardous or unsafe, ***or the required insurance is not in effect or has expired,***  
4 ***or a notice of insurance cancellation has been issued.*** Operation shall not resume until such  
5 conditions are corrected to the satisfaction of the commissioner or his designee.

6 133:10 Gender Neutral Language. Amend RSA 321-A:8 to read as follows:

7 321-A:8 Appeals. Any person who is aggrieved by a decision of the commissioner or his ***or her***  
8 designee may petition the commissioner for a review of said decision within 30 days. The  
9 commissioner shall, if necessary, order a hearing to be held within 15 days of receipt of such  
10 petition. Thereafter, any person aggrieved by a decision of the commissioner or his ***or her*** designee  
11 may appeal therefrom in accordance with RSA 541.

12 133:11 Effective Date. This act shall take effect January 1, 2017.

13 Approved: May 27, 2016

14 Effective Date: January 1, 2017

# Amendments

Amendment to HB 1264

1 Amend RSA 321-A:2-a, I(a)(4) as inserted by section 3 of the bill by replacing it with the following:

2

3 (4) By the operator, daily on days of operation and prior to operation, using an  
4 inspection form developed by the ~~[director, which form]~~ **manufacturer, or if no such form exists,**  
5 **one approved by the director. Completed inspection forms** shall be kept by the owner of the  
6 ride for a period of 2 years **and shall be made available and open to inspection and copies**  
7 **shall be furnished to the commissioner or his or her agents upon request.**

8

9 Amend RSA 321-A:2-a, I(b)(2) as inserted by section 4 of the bill by replacing it with the following:

10

11 (2) ~~[By an agent of the commissioner not less than 90 days and not more than 120~~  
12 ~~days after the inspection required by subparagraph (1)].~~

13

14 (3) By the operator on each day of operation, prior to operation, using the  
15 inspection form developed by the **manufacturer, or if no such form exists, one approved by the**  
16 **director.** ~~[director. The form shall be forwarded to the director on a weekly basis, or upon~~  
17 ~~relocation of the ride, whichever occurs first.]~~ **The completed inspection forms shall be**  
18 **retained by the owner of the ride for a period of 2 years and shall be made available and**  
19 **open to inspection and copies shall be furnished to the commissioner or his or her agents**  
20 **upon request.**

20

21 Amend RSA 321-A:5, III(a) as inserted by section 6 of the bill by replacing it with the following:

22

23 (a) A certificate of insurance showing the operator as a named insured and confirming  
24 that insurance has been issued and is in force providing coverage for specified equipment or devices  
25 in a minimum amount of ~~[\$300,000 per person]~~ **\$1,000,000 per occurrence** and ~~[\$1,000,000]~~  
26 **\$2,000,000** aggregate. **Such certificate shall include the provision that coverage shall**  
27 **remain in effect until the expiration date or if canceled by the insurer prior to the**  
28 **expiration date for any reason, the cancellation shall not take effect until 20 days after**  
29 **written notice received by the director that said certificate is being canceled and the**  
30 **reason or reasons for such cancellation.**

31

32 Amend RSA 321-A:5, IV(a) as inserted by section 7 of the bill by replacing it with the following:

Amendment to HB 1264

- Page 2 -

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(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices at specified locations, in a minimum amount of [~~\$100,000 per person~~] *\$1,000,000 per occurrence* and [~~\$300,000~~] *\$2,000,000* aggregate. *Such certificate shall include the provision that coverage shall remain in effect until the expiration date or if canceled by the insurer prior to the expiration date for any reason, the cancellation shall not take effect until 20 days after written notice received by the director that said certificate is being canceled and the reason or reasons for such cancellation.*



**Amendment to HB 1264**

**- Page 3 -**

2016-0640h

**AMENDED ANALYSIS**

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# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Executive Departments and Administration**

- ✓ Sen Sharon Carson, Chair
- ✓ Sen John Reagan, Vice Chair
- ✓ Sen Sam Cataldo, Member
- ✓ Sen Donna Soucy, Member
- Sen Jeff Woodburn, Member *no*

*Open 10:01 AM*  
*Close 10:07 AM*

Date: April 6, 2016

**HEARINGS**

Wednesday	04/20/2016
(Day)	(Date)
Executive Departments and Administration	LOB 101
(Name of Committee)	(Place)
	9:00 a.m.
	(Time)

**EXECUTIVE SESSION MAY FOLLOW**

- |            |                    |  |
|------------|--------------------|--|
| 9:00 a.m.  | <b>HB 1301</b>     | relative to the issuance of youth employment certificates.                   |
| 9:15 a.m.  | <b>HB 1322</b>     | relative to reports to the public employee labor relations board.            |
| 9:30 a.m.  | <b>HB 1588</b>     | (New Title) repealing certain prohibitions on employment of state employees. |
| 9:45 a.m.  | <del>HB 1264</del> | relative to carnival or amusement ride inspections.                          |
| 10:00 a.m. | <b>HB 1294</b>     | relative to exemptions from licensure as a massage therapist.                |

**Sponsors:**

**HB 1301**

Rep. Hill  
Rep. J. Ward  
Rep. Spillane

Rep. Jones  
Rep. L. Turcotte

Rep. Potucek  
Rep. Lachance

Rep. McLean  
Rep. H. French

**HB 1322**

Rep. Hill  
Rep. Potucek  
Rep. Simmons

Rep. C. McGuire  
Rep. Martin

Rep. J. Ward  
Rep. Spillane

Rep. Rideout  
Rep. LeBrun

**HB 1588**

Rep. Umberger

Rep. Weyler

Rep. Eaton

**HB 1264**

Rep. Saunderson

Rep. Moffett

**HB 1294**

Rep. Wuelper

Rep. McNamara

Deb Chroniak 271-1403

Sharon M Carson  
Chairman

**Senate Executive Departments and Administration  
Committee**  
*Deb Chroniak 271-1403*

HB 1264, relative to carnival or amusement ride inspections.

**Hearing Date:** April 20, 2016

**Time Opened:** 10:01 a.m.

**Time Closed:** 10:07 a.m.

**Members of the Committee Present:** Senators Carson, Reagan, Cataldo and Soucy

**Members of the Committee Absent:** Senator Woodburn

**Bill Analysis:** This bill requires carnival or amusement ride operators to make inspection forms available to the commissioner of the department of safety.

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**Sponsors:**

Rep. Saunderson

Rep. Moffett

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**Who supports the bill:** Representative George Saunderson, Merrimack 9; Briggs Lockwood, New Hampshire Department of Safety

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Representative George Saunderson:**

Stated that Representative Howard Moffett was also in support of this legislation. The legislation was requested by the Department of Safety to update the current laws on carnival/amusement rides and in order to clarify definitions in the present law to keep current with the trends in the amusement ride industry.

**Mr. Briggs Lockwood (testimony provided):**

State inspector for both carnival rides and ski lifts.

The legislation amends the existing RSAs which authorize the state to regulate the amusement ride industry and contains updates and clarifications.

One of the significant updates is for the minimum required liability insurance. On the surface this may seem to be a large change, but their research indicates this is very common in the industry.

**Senator Reagan** asked about inspection forms for the amusement rides and asked if there was a requirement as to where they were kept. If an inspector shows up to inspect a ride you would want to see the history, and are the forms with the ride. **Mr. Lockwood** said that the owners of the rides and the operators are required to do their own inspection and keep those records, but are not required to submit those records to the Department of Safety. The Department also inspects the rides and the owner/operator receives a copy of the Department's inspection report and the Department also keeps a copy.

The old law required the owners and operators to submit a copy of all of their inspections. In the past fifteen years the Department has never received them. He stated it was part of the law that was archaic.

There is a history on many of the rides, but if it is a new ride it starts with the first inspection of that particular ride. The owner and operator are required to have a file with the ride that shows all prior inspections and other inspection information.

Mr. Lockwood also noted that the owner and operator of the amusement rides are required to submit a certificate before they registry the rides, which certificate verifies that insurance is in place.

**Summary of testimony presented in opposition:** No one.

**Fiscal Note:** N/A

**Future Action:** Senator Reagan motioned "Ought to Pass", seconded by Senator Soucy. The vote was 4 to 0 and Senator Cataldo will move this bill out of committee.

dac

Date hearing report completed: April 22, 2016

[file: HB 1264-F report]

# Speakers





# Testimony

#1



# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

KEVIN P. O'BRIEN  
ASSISTANT COMMISSIONER

RICHARD C. BAILEY, JR.  
ASSISTANT COMMISSIONER

## LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

**HB 1264:** Relative to carnival or amusement ride inspections (as amended 2016-0640h)

**LSR:** 2016-2246                      **Committee:** Executive Departments and Administration

**Position:** Support

Dear Honorable Members of the Committee:

This bill is a request of the Department of Safety, Carnival/Amusement Ride Section of the Fire Marshal's Office. It is presented in order to update the current laws on carnival/amusement rides in order to clarify definitions in the present law to keep it current with trends in the amusement ride industry and provide consistency. It also updates operator inspection requirements and minimum liability insurance requirements.

RSA 321-A: I, I, updates a definition to make it consistent with the current definition in the national ASTM Standard for Amusement Rides and Devices, which is currently in effect.

Paragraph V of that section provides that rides that are built on or in trees or wooden poles can be regulated, thus enabling the Department of Safety to regulate the currently popular "canopy tours" and "zip lines".

RSA 321-A: 2-a, I, requires that an amusement ride operator's safety inspection of the ride be recorded on a form developed by the ride manufacturer where available, rather than on a form developed by the Department of Safety. We believe that the inspection forms developed by the ride manufacturer's engineers are as good as any we could develop and since the training is provided in most cases by the manufacturer to the ride company, for the sake of consistency this would be the best one to use.

In RSA 321-A: 2-a, I (b) – (5), the requirement for a 90-120 day inspection will be deleted. This requirement existed as an extension of a since-changed independent inspection requirement. We believe the current program provides for adequate inspection intervals without this requirement. Also clarified in this section is that the inspection reports are not required to be sent to the Department of Safety – they are to be kept by the ride operator and made available when requested.

RSA 321-A: 5, III (a) and IV (a) update the minimum liability insurance requirements and make them the same for both fixed and mobile rides. The current requirement as written is "per person" but as a result of further research we are recommending that it is changed to "per occurrence" to reflect current

insurance industry standards. Also clarified is that the Department of Safety has the authority to close a ride in the event that liability insurance is canceled and that the Department must be notified if a policy is canceled.

Other changes in the bill include changing language to be gender neutral.

The Department urges passage of this bill.

Respectfully submitted:

Briggs Lockwood  
Chief Inspector, Recreational Ride Safety  
New Hampshire Department of Safety  
April 20, 2016

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, April 20, 2016

THE COMMITTEE ON Executive Departments and Administration  
to which was referred **HB 1264**

**AN ACT** relative to carnival or amusement ride inspections.

Having considered the same, the committee recommends that the Bill

**OUGHT TO PASS**

**BY A VOTE OF: 4-0**

**AMENDMENT #**

**CONSENT CALENDAR VOTE:**

Senator Sam Cataldo  
For the Committee

Deb Chroniak 271-1403

## New Hampshire General Court - Bill Status System

**Docket of HB1264**

Docket Abbreviations

**Bill Title:** relative to carnival or amusement ride inspections.**Official Docket of HB1264:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/10/2016	H	<b>Introduced</b> 01/06/2016 and referred to Commerce and Consumer Affairs <b>HJ 4 P. 8</b>
2/10/2016	H	Public Hearing: 02/17/2016 02:00 PM LOB 302
2/10/2016	H	Subcommittee Work Session: 02/18/2016 01:15 PM LOB 302
2/25/2016	H	Executive Session: 03/01/2016 01:15 PM LOB 302
3/2/2016	H	Committee Report: Ought to Pass with Amendment # <b>2016-0640h</b> for 03/09/2016 (Vote 19-1; CC) <b>HC 14 P. 4</b>
3/9/2016	H	Amendment # <b>2016-0640h</b> : AA VV 03/09/2016 <b>HJ 23 P. 5</b>
3/9/2016	H	<b>Ought to Pass with Amendment</b> 0640h: MA VV 03/09/2016 <b>HJ 23 P. 5</b>
3/22/2016	S	Introduced 03/17/2016 and Referred to Executive Departments and Administration; <b>SJ 10</b>
4/7/2016	S	Hearing: 04/20/2016, Room 101, LOB, 09:45 am; <b>SC 14</b>
4/20/2016	S	Committee Report: Ought to Pass, 04/28/2016; <b>SC 16</b>
4/28/2016	S	<b>Ought to Pass</b> : MA, VV; OT3rdg; 04/28/2016; <b>SJ 15</b>
5/13/2016	S	Enrolled Bill Amendment # <b>2016-1915e</b> Adopted, VV, (In recess of 05/12/2016); <b>SJ 18</b>
5/17/2016	H	Enrolled Bill Amendment # <b>2016-1915e</b> : AA VV 05/11/2016
5/20/2016	S	Enrolled (In recess 05/19/2016); <b>SJ 19</b>
5/23/2016	H	Enrolled 05/19/2016
5/31/2016	H	Signed by Governor Hassan 05/27/2016; Chapter 133; Eff. 1/1/2017

NH House

NH Senate

# Other Referrals

May 10, 2016  
2016-1915-EBA  
05/10

Enrolled Bill Amendment to HB 1264

The Committee on Enrolled Bills to which was referred HB 1264

AN ACT           relative to carnival or amusement ride inspections.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to HB 1264

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1264

Amend section 9 of the bill by replacing line 1 with the following:

9 Temporary Suspension; Required Insurance. Amend RSA 321-A:7 to read as follows:

Amend RSA 321-A:8 as inserted by section 10 of the bill by replacing line 4 with the following:

petition. Thereafter, any person aggrieved by a decision of the commissioner or his *or her* designee may



# COMMITTEE REPORT FILE INVENTORY

HB 1264 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0640h       - AMENDMENT # \_\_\_\_\_  
 - AMENDMENT # \_\_\_\_\_       - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION       AS AMENDED BY THE SENATE

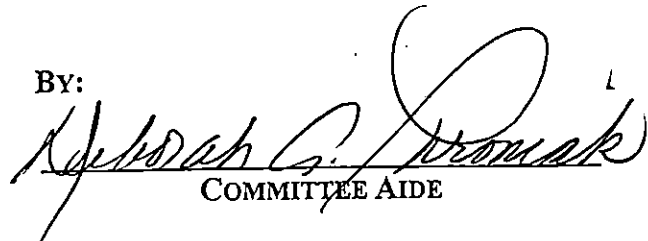
- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

5/10/16 2016-1915-EBA

DATE DELIVERED TO SENATE CLERK

7-27-16

BY:

  
COMMITTEE AIDE