

AMENDED IN ASSEMBLY MARCH 25, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2482**

---

---

**Introduced by Assembly Member Pringle**

February 21, 1996

---

---

An act to add Section 1714.49 to the Civil Code, and to add Section 490.6 to the Penal Code, relating to amusement rides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2482, as amended, Pringle. Amusement rides: park rules.

(1) Existing law provides in general that everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself.

This bill would enact the California ~~Amusement—Rides~~ *Rider* Safety Act, declaring the findings of the Legislature in this regard, setting forth specified definitions, imposing certain duties upon amusement park riders and the parents or guardians of minor riders, ~~and~~ requiring certain qualifications of amusement park riders and the parents or guardians of minor riders, *prohibiting the recovery of damages for injury or harm, as provided, and making willful violation of its provisions a misdemeanor thereby imposing a state-mandated local program.*

(2) Existing law authorizes a merchant, theatre owner, or library employee to detain a person for a reasonable period of time for specified prohibited conduct. Existing law also makes it a misdemeanor punishable as specified, to intentionally interfere or obstruct the operation of a lawful business.

This bill would authorize a person employed by an amusement park to detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the person employed by the amusement park has probable cause to believe the person to be detained is violating amusement park rules; provide that if any person admitted to an amusement park refuses or fails to follow amusement park rules, then an amusement park employee may request that the person leave the premises, and if the person refuses to leave the premises or comply with park rules, then the person shall be deemed to be intentionally interfering with and obstructing those attempting to carry on a lawful business, thereby imposing a state-mandated local program by expanding the definition of a crime; and provide that in any civil action brought by any person resulting from a detention or an arrest by a person employed by an amusement park, it shall be a defense to that action that the amusement park employee detaining or arresting the person had probable cause to believe that the person was not following amusement park rules and that the amusement park employee acted reasonably under all the circumstances.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1714.49 is added to the Civil  
2 Code, to read:



1 1714.49. (a) This section shall be known and may be  
2 cited as the “California Amusement Rider Safety Act.”

3 (b) The Legislature hereby finds and declares, as  
4 follows:

5 (1) Amusement rides are used by a large number of  
6 citizens of the State of California, and also attract to this  
7 state a large number of nonresidents, significantly  
8 contributing to the tourist industry and tax base.

9 (2) The safety of the public using amusement rides is  
10 an important matter of public policy.

11 (3) *There are inherent health risks associated with the*  
12 *normal and intended experiences offered by amusement*  
13 *rides. Because amusement rides are for entertainment,*  
14 *and are not required public transportation or*  
15 *consumption, patrons are in the best position to evaluate*  
16 *the risks of exposing themselves to the amusement rides*  
17 *or avoiding the risks altogether.*

18 (4) There are inherent risks associated with all  
19 machinery, equipment, or animals that are impractical or  
20 impossible for an amusement park to eliminate with all  
21 reasonable safety precautions, and an informed patron is  
22 in the best position to avoid those risks.

23 ~~(4)~~

24 (5) The safety of amusement rides will be greatly  
25 improved at minimal costs if riders are subject to  
26 minimum safety standards for their own protection and  
27 the protection of others.

28 (c) The following definitions govern this section:

29 (1) “Amusement park” means any permanent facility  
30 or park where amusement rides are available for use by  
31 the public.

32 (2) “Amusement ride” or “ride” means any type of  
33 ~~device including, without limitation, any mechanical or~~  
34 ~~aquatic device which carries or directs passengers over a~~  
35 ~~fixed or restricted route primarily for the passengers’~~  
36 ~~amusement, thrills, excitement, or pleasure. These terms~~  
37 ~~include any ride propelled by its passengers or by gravity~~  
38 ~~or any structure that allows people to move around, over,~~  
39 ~~or through the structure without the aid of a moving~~  
40 ~~device integral with the structure, if it is located in an~~



1 ~~amusement park.~~ *device, mechanical or aquatic, located*  
 2 *in an amusement park, that is intended to give*  
 3 *amusement, excitement, pleasure, or thrills to passengers*  
 4 *whom the device carries or directs along or around a fixed*  
 5 *or restricted course, or within a defined area. These terms*  
 6 *include devices propelled by passengers or gravity, or*  
 7 *which allow individuals to move freely within a defined*  
 8 *area.*

9 (3) “Operator” means a person who owns, leases,  
 10 manages, or operates an amusement park.

11 (4) “Passenger” or “rider” means any of the following:

12 (i) A person who is waiting *in the immediate vicinity*  
 13 *to get on an amusement ride.*

14 ~~(ii) A passenger using or participating on an~~

15 *(ii) A person getting on an amusement ride.*

16 *(iii) A passenger using an amusement ride.*

17 ~~(iii)~~

18 *(iv) A passenger getting off of an amusement ride.*

19 ~~(iv)~~

20 *(v) A passenger leaving an amusement ride but still in*  
 21 *its immediate vicinity.*

22 However, “passenger” or “rider” does not include  
 23 employees, agents, or servants of the amusement park  
 24 while engaged in the duties of their employment.

25 (5) “Parent” or “guardian” means a parent, custodian,  
 26 or guardian responsible for the control and safety of a  
 27 minor rider.

28 (6) “Sign” means any symbol or language reasonably  
 29 calculated to communicate information to riders or their  
 30 parents or guardians, including placards, prerecorded  
 31 messages, live public address, stickers, pictures,  
 32 pictograms, video, verbal information and visual signals.

33 (d) (1) A rider, or the parent or guardian or a minor  
 34 rider on his or her behalf, shall report in writing to the  
 35 amusement park or its designated agent any injuries  
 36 sustained on an amusement ride before leaving the  
 37 amusement park premises, including all of the following:

38 (i) The name, address, and phone number of the  
 39 injured person.



1 (ii) A brief description of the incident, the injuries  
2 claimed, and the location, date, and time of the injuries.

3 (iii) The cause of the injury, if known.

4 (iv) The name, address, and phone number of any  
5 witness to the incident.

6 (2) If the rider, or the parent or guardian of a minor  
7 rider, is unable to file a report because of the severity of  
8 the injuries, the report shall be filed as soon as reasonably  
9 possible or within 7 days of the incident.

10 (3) The failure of a rider, or his or her parents or  
11 guardian, on a minors rider's behalf, to report an injury  
12 under this subdivision shall have no effect on the rider's  
13 right to bring a civil action.

14 (e) A rider shall, at a minimum, do all of the following:

15 (1) Obey the reasonable safety rules posted in  
16 accordance with this section and oral instructions  
17 covering use of an amusement park ride issued by an  
18 amusement park or it's employee or agent unless either  
19 the safety rules are contrary to this section, or the oral  
20 instructions are contrary to this section or the safety rules.

21 (2) Refrain from acting in any manner that may cause  
22 or contribute to injury himself, herself, or others,  
23 including any of the following:

24 (i) Exceeding the limits of the rider's ability.

25 (ii) Interfering with the safe operations of an  
26 amusement ride.

27 (iii) Not engaging any safety device that is provided.

28 (iv) Disconnecting or disabling a safety device, except  
29 at the express instructions of the ride operator, employee,  
30 or an agent of the amusement park.

31 (v) Altering or enhancing the intended speed, course,  
32 or direction of an amusement ride.

33 (vi) Extending his or her arms and legs beyond the  
34 ride or seating area, except at the express direction of the  
35 ride operator or an employee or agent of the amusement  
36 park.

37 (vii) Throwing, dropping, or expelling an object from  
38 or towards an amusement ride, except as permitted by  
39 the ride operator, or an employee or agent of the  
40 amusement park.



1 (viii) Getting on or off an amusement ride, except at  
2 the designated time and area, at the direction of the ride  
3 operator or in the event of an emergency.

4 (ix) Controlling the speed or direction of himself or  
5 herself on an amusement ride that requires the rider to  
6 control or direct himself or herself in an unreasonable  
7 manner.

8 (f) A rider shall not get on, or attempt to get on, an  
9 amusement ride unless the rider, or the parent or  
10 guardian of a minor rider reasonably determines that, at  
11 a minimum, the rider meets all of the following  
12 requirements:

13 (1) Has sufficient knowledge to get on, use, or get off  
14 the amusement ride safely without instruction; or has  
15 requested and received before getting on the ride,  
16 sufficient information to get on, use, or get off safely.

17 (2) Has located, reviewed, and understood any signs in  
18 the vicinity of the ride and has satisfied any posted height,  
19 medical, or other restrictions.

20 (3) Knows the range of his or her ability and the limits  
21 of his or her ability, and knows the requirements of the  
22 amusement ride will not exceed those limits.

23 (4) Is not under the influence of alcohol or any drug  
24 that affects his or her ability to safely use the amusement  
25 ride or obey the posted rules or oral instructions.

26 (5) Is authorized by the amusement park or its  
27 authorized servant, agent, or employee to get on the  
28 amusement ride.

29 (g) *A rider who voluntarily chooses to use an*  
30 *amusement ride shall not recover damages for injury or*  
31 *harm resulting from the ordinary and expected use of the*  
32 *amusement ride if the rider had actual knowledge, or*  
33 *should have known, of the risks and dangers associated*  
34 *with the ride.*

35 (h) *Any person who willfully violates any provision of*  
36 *this section is guilty of a misdemeanor punishable by a*  
37 *fine of up to two thousand dollars (\$2,000), or*  
38 *imprisonment for up to two months, or by both that fine*  
39 *and imprisonment.*



1     *(i) The provisions of this section are severable. If any*  
2 *provision of this section or its application is held invalid,*  
3 *that invalidity shall not affect other provisions or*  
4 *applications that can be given effect without the invalid*  
5 *provision or application.*

6     SEC. 2. Section 490.6 is added to the Penal Code, to  
7 read:

8     490.6. (a) A person employed by an amusement park  
9 may detain a person for a reasonable time for the purpose  
10 of conducting an investigation in a reasonable manner  
11 whenever the person employed by the amusement park  
12 has probable cause to believe the person to be detained  
13 is violating amusement park rules.

14     (b) If any person admitted to an amusement park  
15 refuses or fails to follow amusement park rules, then an  
16 amusement park employee may request that the person  
17 leave the premises. If the person refuses to leave the  
18 premises or comply with park rules, then the person shall  
19 be deemed to be intentionally interfering with and  
20 obstructing those attempting to carry on a lawful business  
21 within the meaning of Section 602.1.

22     (c) In any civil action brought by any person resulting  
23 from a detention or an arrest by a person employed by an  
24 amusement park, it shall be a defense to that action that  
25 the amusement park employee detaining or arresting the  
26 person had probable cause to believe that the person was  
27 not following amusement park rules and that the  
28 amusement park employee acted reasonably under all  
29 the circumstances.

30     SEC. 3. No reimbursement is required by this act  
31 pursuant to Section 6 of Article XIII B of the California  
32 Constitution because the only costs that may be incurred  
33 by a local agency or school district will be incurred  
34 because this act creates a new crime or infraction,  
35 eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section  
37 17556 of the Government Code, or changes the definition  
38 of a crime within the meaning of Section 6 of Article  
39 XIII B of the California Constitution.



1 Notwithstanding Section 17580 of the Government  
2 Code, unless otherwise specified, the provisions of this act  
3 shall become operative on the same date that the act  
4 takes effect pursuant to the California Constitution.

O

