

1 IN THE SENATE

BY COMMITTEE ON STATE AFFAIRS

2 SENATE BILL NO. 244

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to recreational devices
7 designed for conveyance or movement of per-
8 sons."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. Every owner or operator of any device which is
11 designed and operated for the conveyance or movement of persons
12 and which is used as a source of or aids in the promoting of enter-
13 tainment, pleasure, play, relaxation or instruction, including but
14 not limited to things such as ski tows, roller coasters, merry-go-
15 rounds, and Ferris wheels, shall construct, furnish, maintain and
16 provide safe and adequate facilities and equipment with which to
17 safely and properly receive and carry all persons offered to and
18 received by the owner or operator of such device, and to promote
19 the safety of such owner's or operator's patrons, employees and the
20 public.

21 Sec. 2. The Department of Public Safety shall have the
22 authority and the responsibility for the inspection of the devices
23 set forth in Section 1 of this Act. As used in this Act "depart-
24 ment" means the Department of Public Safety. The department shall
25 have the following powers and duties:

26 (1) Whenever the department, after hearing called upon
27 its own motion or upon complaint, finds that additional apparatus,
28 equipment, facilities or devices for use or in connection with the
29 devices set forth in Section 1 of this Act, ought reasonably to be

SB #244 as amended

-1-

1 provided, or any repairs or improvements to, or changes in, any
2 theretofore in use ought reasonably to be made, or any additions or
3 changes in construction should reasonably be made thereto, in order
4 to promote the security and safety of the public or employees, it
5 may make and serve an order directing such repairs, improvements,
6 changes or additions to be made.

7 (2) If the department finds that the equipment, or
8 appliances in connection therewith, or the apparatus, or other
9 structures of the recreational device set forth in Section 1 of
10 this Act are defective, and that the operation thereof is dangerous
11 to the employees of the owner or operator of such device or to the
12 public, it shall immediately give notice to the owner or operator
13 of such device of the repairs or reconstruction necessary to place
14 the same in a safe condition, and may prescribe the time within
15 which they shall be made. If, in its opinion, it is needful or
16 proper, the department may forbid the operation of the device until
17 it is repaired and placed in a safe condition.

18 Sec. 3. The department shall designate a person quali-
19 fied in experience and training who shall be designated as the
20 inspector of recreational devices, and may employ such additional
21 employees as are necessary to properly administer this Act. The
22 inspector and such additional employees may be hired on a
23 temporary basis or borrowed from other state departments or
24 political subdivisions of the state, or the department may
25 contract with individuals or firms for such inspecting service
26 on an independent basis. The department shall prescribe the
27 salary or other remuneration for such service.

28 Sec. 4. The inspector of recreational devices and his assis-
29 tants shall inspect all equipment and appliances connected with the

1 recreational devices set forth in Section 1 of this Act and make
2 such reports of his inspection to the department as may be re-
3 quired. He shall, on discovering any defective equipment, or
4 appliances connected therewith, rendering the use of the equipment
5 dangerous, immediately report the same to the owner or operator of
6 the device on which it is found, and in addition report it to the
7 department. If in the opinion of the inspector the continued
8 operation of the defective equipment constitutes an immediate
9 danger to the safety of the persons operating or being conveyed by
10 such equipment, the inspector may condemn such equipment and shall
11 immediately notify the department of his action in this respect;
12 provided, that inspection required by this Act must be conducted at
13 least once each year.

14 Sec. 5. The department is empowered to adopt reasonable rules,
15 regulations and codes relating to public safety in the construction,
16 operation and maintenance of the recreational devices provided for
17 in this Act. The rules, regulations and codes authorized hereunder
18 shall be in accordance with established standards, if any, and
19 shall not be discriminatory in their application.

20 Sec. 6. Nothing contained in this Act shall in any way impair
21 the authority or responsibility of political subdivisions of this
22 state with regard to the local enforcement of licensing, safety, or
23 police regulation authorized by local ordinance or state law pro-
24 vided that, upon determination by the department, the standards
25 employed by such political subdivision are found to be at least
26 equal to those promulgated by the department. The authority of any
27 political subdivision of the state as to the licensing, safety or
28 police regulation of devices within the scope of this Act shall
29 extend to a point five miles outside the territorial limits of such

1 political subdivision provided no other political subdivision of
2 the state is exercising similar authority over such facilities.

3 Sec. 7. Inspections, rules and orders of the department re-
4 sulting from the exercise of the provisions of this Act shall not
5 in any manner be deemed to impose liability upon the state for any
6 injury or damage resulting from the operation of the facilities
7 regulated by this Act, and all actions of the department and its
8 personnel shall be deemed to be an exercise of the police power of
9 the state.

10 Sec. 8. The procedure for review of the orders or actions of
11 the department, its agents or employees, shall be the same as that
12 contained in the Administrative Procedure Act of 1959.

13 Sec. 9. Nothing in this Act shall be construed to extend to
14 the department or to political subdivisions authority to prescribe
15 regulations pertaining to any transportation facilities or devices
16 subject to the regulatory jurisdiction of other state or local
17 agencies.

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