
Rules of Department of Public Safety

Division 40—Division of Fire Safety

Chapter 6—Amusement Rides

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 40—Division of Fire Safety
Chapter 6—Amusement Rides**

11 CSR 40-6.010 Purpose

PURPOSE: This rule establishes the purpose for rules 11 CSR 40-6.015 through 11 CSR 40-6.100, which relate to sections 316.200 through 316.237, RSMo Supp. 1998.

(1) The purpose of this chapter is to establish—

(A) Procedures to be followed when an amusement ride accident occurs involving a serious physical injury or death;

(B) Rules and regulations to be followed by an amusement ride owner/operator;

(C) Rules and regulations to be followed by a rider of an amusement ride; and

(D) Rules and regulations for the effective administration and enforcement of sections 316.200 through 316.237, RSMo Supp. 1998.

(2) These rules and regulations are intended to protect the general public and all persons who could reasonably be expected to use amusement rides.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.015 Scope and Application

PURPOSE: This rule specifically identifies the scope of conducting an inspection/investigation of an amusement ride accident.

(1) These rules and regulations apply to all amusement rides in the state of Missouri as defined in 11 CSR 40-6.020. 11 CSR 40-6.010 through 11 CSR 40-6.100 shall be known and cited as the Missouri Amusement Ride Safety Act.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.020 Terms; Defined

PURPOSE: This rule defines terminology used throughout the rules and regulations.

(1) The following definitions shall be used in interpreting this Act unless the context otherwise requires:

(A) Amusement ride—any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement;

(B) Department—the Department of Public Safety;

(C) Designee—an individual acting under the authority of the Office of the State Fire Marshal;

(D) Director—the director of the Department of Public Safety;

(E) Division—Division of Fire Safety, Office of the State Fire Marshal;

(F) Operator—a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement ride or related electrical equipment;

(G) Owner—a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

(H) Qualified inspector—any person who is—

1. Found by the director to possess the requisite training and experience in respect to amusement rides to perform competently the inspection/investigation required by the Missouri Amusement Ride Safety Act; or

2. Be certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification;

(I) Related electrical equipment—any electrical apparatus or wiring used in connection with amusement rides;

(J) Safety rules—the rules and regulations governing a rider's conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride;

(K) Serious physical injury—any physical injury that results in death or causes admission to a medical care facility with a physical condition determined to be serious as a direct result of the maintenance, operation or use of the amusement ride; and

(L) Stop order—a written order issued by a qualified inspector for the temporary immediate cessation of the operation of any amusement ride.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.025 Exemptions

PURPOSE: This rule identifies those rides that are exempt from this Act.

(1) The following rides are exempt from the provisions of this Act:

(A) Unpowdered, non-mechanical playground equipment including but not limited to: swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and trampolines; and

(B) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride, which is customarily placed singly, or in groups, in a public location and which does not normally require the supervision or services of an operator.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.030 Division; Promulgate Rules and Regulations; Administer Act

PURPOSE: This rule grants authority to the division to promulgate rules and regulations to administer this Act.

(1) The division shall adopt and promulgate rules and regulations necessary to carry out the provisions of this Act.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.035 Political Subdivisions; Regulations of Rides; Inspections

PURPOSE: This rule permits political subdivisions to continue to regulate and inspect amusement rides within their jurisdiction.

(1) Nothing contained in this Act shall prevent cities and counties from licensing or regulating any amusement ride electrical equipment, carnival or circus nor prevent them from enacting ordinances which may be more restrictive than this Act.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.



11 CSR 40-6.040 Liability Insurance—Amusement Rides Owner; Required

PURPOSE: This rule requires liability insurance, bond or other security to be in existence prior to the operation of amusement rides.

(1) No amusement ride shall be operated unless at the time of operation there is in existence—

(A) A policy of insurance written by an insurance company authorized to do business in this state in an amount not less than one (1) million dollars per occurrence (if an independent contractor) against liability for injury to persons arising out of the operation of the amusement ride; or

(B) A bond in a like amount, provided that the aggregate liability of the surety under such bond shall not exceed the face amount thereof; or

(C) Cash or other security acceptable to the division.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.045 Accident; Reporting of Injuries/Death

PURPOSE: This rule specifically outlines the responsibilities of the amusement ride owner/operator, the Division of Fire Safety and the contracted inspector(s) when an amusement ride accident occurs.

(1) When any serious physical injury or any death occurs as a result of an amusement ride—

(A) Unless authorized in writing by the division, no amusement ride subject to the provisions of this Act may be operated, moved, altered, repaired, or tampered with, except to protect life, limb, and property after such injury or death occurred until the inspection/investigation is completed;

(B) Within twenty-four (24) hours after such occurrence the owner shall notify and provide a concise detailed narrative accident report which involves a serious physical injury or death to the Division of Fire Safety, Office of the State Fire Marshal by—

1. Requesting local law enforcement to contact the Division of Fire Safety, Office of the State Fire Marshal;

2. Telephoning the Division of Fire Safety, Office of the State Fire Marshal; or

3. Notifying the Division of Fire Safety, Office of the State Fire Marshal by mail, facsimile or other immediate means of communication;

(C) Within twenty-four (24) hours after receipt of any such report, the Division of Fire Safety, Office of the State Fire Marshal shall cause an investigation of the occurrence and an inspection of the ride to determine the cause of such serious physical injury or death and perform the inspection/investigation in a manner that proceeds with all practicable speed and minimizes the disruption where the ride is located;

(D) The division, or its designee may enter into any place or upon any premises where such accident occurred;

(E) The amusement ride owner shall provide the qualified inspector all information or facts known as to the cause of such accident.

(2) Nothing contained in this section shall be construed as limiting or otherwise affecting the liability and responsibilities of an amusement ride operator. In addition, nothing in this section shall be construed as limiting or otherwise affecting the responsibility and liability of an amusement ride owner/operator to provide reasonable supervision for riders.

(3) Within seven (7) calendar days upon completion of the accident inspection/investigation, the inspector shall provide to the division an incident report stating the findings and conclusions of said inspection/investigation.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.050 Cessation Order; Operation

PURPOSE: This rule requires an unsafe amusement ride to immediately cease operation by order of the division's contracted inspector(s).

(1) The division or a qualified inspector contracted by the division may order in writing a temporary and immediate cessation of operation of any amusement ride if it has been determined after inspection to be hazardous or unsafe. Operation of the amusement ride shall not resume until the unsafe or hazardous condition is corrected to the satisfaction of the division or such contracted inspector.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.055 Cost; Inspection/Investigation

PURPOSE: This rule holds the amusement ride owner responsible for the cost of an inspection/investigation resulting from an accident falling within the purview of this Act.

(1) The cost of an inspection/investigation as a direct result of an accident as defined in this Act shall be the responsibility of the amusement ride due upon completion of the inspection/investigation by the owner at a rate of seventy-five dollars (\$75) per hour plus actual expenses.

AUTHORITY: section 316.206, RSMo Supp. 1998.* Original rule filed March 1, 1999, effective Sept. 30, 1999.

*Original authority: 316.206, RSMo 1997.

11 CSR 40-6.060 Director; Qualified Inspectors

PURPOSE: This rule authorizes the Division of Fire Safety to certify qualified inspectors to conduct the inspection/investigation resulting from an accident.

(1) The director or his/her designee shall certify such qualified inspectors as may be necessary to carry out the Missouri Amusement Ride Safety Act. The inspector shall be considered an independent contractor and not a state employee. The inspector will provide personal references and credentials relating to education and experience to the division. The division will maintain this information on file.

(2) Minimum qualifications of inspector are as follows:

(A) Shall provide to the division a resume detailing inspector's educational/experience history;

(B) Shall be at least twenty-one (21) years of age;

(C) Shall possess a high school diploma or equivalent General Education Development (GED);

(D) Possess a minimum of three (3) years experience in the design, repair, operation or inspection of amusement rides and devices;

(E) Possess knowledge of the requirements of the American Welding Society pertaining to the welding of parts;

(F) Possess basic knowledge of requirements of NFPA 70, *National Electrical Code*, Article 525—Carnivals, circuses, fairs, and similar events;

(G) Possess basic principles of mechanical and structural engineering;

(H) Shall be familiar with nondestructive testing procedures;

(I) Shall provide documentation that inspector has successfully passed a written examination covering general basic knowledge, mechanical, electrical, hydraulic, and rider safety knowledge; and

(J) Possess basic knowledge of the American Society for Testing and Materials (ASTM) requirements for amusement rides and devices; or

(K) Certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification.

AUTHORITY: section 316.206, RSMo Supp. 1998. Emergency amendment filed March 16, 2001, effective March 26, 2001, expired June 26, 2001. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.065 Assignment/Contract Criteria-Qualified Inspector

PURPOSE: This rule is to reduce potential conflict of interest issues between the contracted inspector and amusement ride owner.

(1) No qualified inspector will be assigned/contracted to conduct an investigation into an incident under this Act if a “conflict of interest” issue is present. The division will resolve questions involving a potential “conflict of interest.”

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.070 Liability Insurance Coverage-Qualified Inspector; Required

PURPOSE: This rule requires the contracted inspector to have liability insurance.

(1) A qualified inspector, assigned/contracted by the division is required to show proof of

liability insurance in the amount of one (1) million dollars.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.075 Owner; Maintain Records

PURPOSE: This rule specifies maintenance record keeping requirements by the amusement ride owner and authorizes access to such records by the Division of Fire Safety.

(1) The owner of an amusement ride shall maintain the following records and make them available to the division and/or the contracted qualified inspector:

(A) Daily inspection records shall be prepared and maintained by the owner or operator who shall be experienced and knowledgeable in the proper assembly and operation of the ride. The inspection and tests shall include operation of control devices, speed-limiting devices, brakes and other safety equipment. The inspection shall be made each day the ride is open to the public;

(B) Tests recommended by the manufacturer shall be recorded and a copy made available to the division and/or contracted qualified inspector. Evidence of satisfactory test results shall be recorded on a form or statement by one (1) of the following:

1. The manufacturer of the ride;
2. An insurance carrier lawfully doing business in Missouri and carrying public liability insurance on the ride; or
3. A registered licensed professional engineer; and

(C) A complete history file, to include maintenance, inspection, accident, and testing records for each amusement ride shall be maintained on the premises or with a traveling amusement ride for at least three (3) years. The owner shall make such records available to the division or his/her designee upon request.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.080 Operator; Requirements

PURPOSE: This rule provides specific safety procedures to the operator of an amusement ride.

(1) No person shall operate an amusement ride unless he or she is at least sixteen (16) years of age.

(2) The operator shall operate no more than one (1) amusement ride at any given time, even if automatic timing devices are used to control the time cycle of the ride.

(3) An operator shall be in attendance at all times and within arms length of the operator’s station when the ride is in operation.

(4) The operator shall be trained in the proper use and operation of the amusement ride as provided for in American Society of Testing and Materials F770 and American Society of Testing and Materials F853.

(5) The operator shall ensure that all passengers’ safety devices are in place around patrons before starting.

(6) The operator shall not operate or be in physical control of any amusement ride after having consumed alcohol or controlled substance(s) or any combination of such substances within four (4) hours. For the purposes of this section, the term “controlled substance” includes substances defined by Chapter 195, RSMo.

(7) The operator shall ensure that no one is permitted on a ride while carrying any article, i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.

(8) The operator shall be an employee of the owner.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.085 Passenger/Rider Responsibility/Conduct; Posting Rules

PURPOSE: This rule is to specify passenger/rider rules and make these rules known by posting signs outlining such rules, responsibilities and conduct of the passenger/rider.

(1) No amusement ride shall be operated in this state unless there is posted safety rules

and responsibilities of passenger/rider based upon standards set forth by the American Society for Testing and Materials. Signs presented for instruction to the public shall be prominently placed at each ride, bold in design, with wording short, simple and to the point.

(2) Any amusement ride, which is subject to guardian, height, or weight requirement established by manufacturer, owner, or operator, shall have such legible restriction in plain view at the loading area to the ride. Such restrictions shall not be waived.

(3) A passenger/rider on an amusement ride shall, at a minimum—

(A) Obey the reasonable safety rules posted in accordance with this act and oral instructions for an amusement ride issued by the amusement ride owner or such owner's employee or agent, unless—

1. The safety rules are contrary to this act;

2. The oral instructions are contrary to this act or the safety rules; and

3. Refrain from acting in any manner that may cause or contribute to injuring such passenger/rider or others, including:

A. Interfering with safe operation of the amusement ride;

B. Not engaging any safety devices that are provided;

C. Disconnecting or disabling a safety device except at the express instruction of the operator;

D. Altering or enhancing the intended speed, course or direction of an amusement ride;

E. Extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator;

F. Throwing, dropping or expelling an object from or toward an amusement ride;

G. Getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator, or in an emergency;

H. Unreasonably controlling the speed or direction of such passenger or an amusement ride; and

I. A rider may not board or attempt to board any amusement ride after having consumed any alcohol or any controlled substance as defined by Chapter 195, RSMo.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.090 Denial of Entry; Passenger/Rider

PURPOSE: This rule prohibits any person entry to an amusement ride if such entry may jeopardize their safety or the safety of others.

(1) The operator of an amusement ride may deny a person entry to an amusement ride if, in the owner's or operator's opinion, such entry may jeopardize the safety of such person or the safety of any other person.

(2) Nothing in this Act will permit an owner or operator to deny a division contracted inspector or designee access to an amusement ride when such individual is acting within the scope of his/her duties under this Act.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.095 Violation; Penalty

PURPOSE: This rule defines the penalty for violations of this Act.

(1) Any person who violates the provisions of this section shall be guilty of a class A misdemeanor. Each day a violation continues shall constitute a separate offense.

(2) Any person who interferes with, impedes, or obstructs in any manner the director or any authorized representative of the department in the performance of their duties under this Act shall be guilty of a class A misdemeanor.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*

11 CSR 40-6.100 Application for Injunction

PURPOSE: This rule authorizes the director to petition the circuit court for an injunction against any amusement ride owner.

(1) The Division of Fire Safety or its designee, or the county attorney in a county in which an amusement ride is located or operated may apply to the circuit court, pursuant to the rules of civil procedure, for an order enjoining operation of any amusement ride operated in violation of the Missouri Amusement Ride Safety Act.

AUTHORITY: section 316.206, RSMo Supp. 1998. Original rule filed March 1, 1999, effective Sept. 30, 1999.*

**Original authority: 316.206, RSMo 1997.*