

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 178
HOUSE BILL 478

AN ACT TO CLARIFY THE TYPE OF DEVICE COVERED BY THE
AMUSEMENT DEVICE SAFETY ACT.

The General Assembly of North Carolina enacts:

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

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

- (1) Hot or cold air inflatable devices;
- (2) Bumper boats; and
- (3) Simulator devices that simulate the movement shown on various video tapes."

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

"§ 95-111.3. Definitions.

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

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

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

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

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

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

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

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

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

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

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of May, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives