

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5145

53rd Legislature
1993 Regular Session

Passed by the Senate April 19, 1993
YEAS 35 NAYS 5

President of the Senate

Passed by the House April 5, 1993
YEAS 91 NAYS 3

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5145** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5145

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored by
Senator Winsley)

Read first time 03/03/93.

1 AN ACT Relating to amusement rides; amending RCW 67.42.010,
2 67.42.020, 67.42.040, and 67.42.060; adding a new section to chapter
3 67.42 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 Bungee jumping is growing in popularity as a new source of
7 entertainment for the citizens of this state;

8 Individuals have suffered serious injuries in states where the
9 regulation of this activity was minimal or nonexistent; and

10 The potential for harm to individuals participating in this
11 activity likely increases in the absence of state regulation of these
12 activities.

13 (2) It is the intent of the legislature to require bungee jumping
14 operations to be regulated by the state to the extent necessary to
15 protect the health and safety of individuals participating in this
16 activity.

17 **Sec. 2.** RCW 67.42.010 and 1985 c 262 s 1 are each amended to read
18 as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Amusement structure" means (~~any~~) electrical or mechanical
4 devices or combinations (~~thereof~~) of devices operated for revenue and
5 to provide amusement or entertainment to viewers or audiences at
6 carnivals, fairs, or amusement parks. "Amusement structure" also means
7 a bungee jumping device regardless of where located. "Amusement
8 structure" does not include games in which a member of the public must
9 perform an act, nor concessions at which customers may make purchases.

10 (2) "Amusement ride" means any vehicle, boat, bungee jumping
11 device, or other mechanical device moving upon or within a structure,
12 along cables or rails, through the air by centrifugal force or
13 otherwise, or across water, that is used to convey one or more
14 individuals for amusement, entertainment, diversion, or recreation.
15 "Amusement ride" includes, but is not limited to, devices commonly
16 known as skyrides, ferris wheels, carousels, parachute towers, tunnels
17 of love, bungee jumping devices, and roller coasters. "Amusement ride"
18 (~~shall~~) does not include: (a) Conveyances for persons in
19 recreational winter sports activities such as ski lifts, ski tows, j-
20 bars, t-bars, and similar devices subject to regulation under chapter
21 70.88 RCW; (b) any single-passenger coin-operated ride that is
22 manually, mechanically, or electrically operated and customarily placed
23 in a public location and that does not normally require the supervision
24 or services of an operator; (c) nonmechanized playground equipment,
25 including but not limited to, swings, seesaws, stationary spring-
26 mounted animal features, rider-propelled merry-go-rounds, climbers,
27 slides, trampolines, and physical fitness devices; or (d) water slides.

28 (3) "Department" means the department of labor and industries.

29 (4) "Insurance policy" means an insurance policy written by an
30 insurer authorized to do business in this state under Title 48 RCW.

31 **Sec. 3.** RCW 67.42.020 and 1986 c 86 s 1 are each amended to read
32 as follows:

33 Before operating any amusement ride or structure, the owner or
34 operator shall:

35 (1) Obtain a permit pursuant to RCW 67.42.030;

36 (2) Have the amusement ride or structure inspected for safety at
37 least once annually by an insurer, a person with whom the insurer has
38 contracted, or a person who meets the qualifications set by the

1 department and obtain from the insurer or person a written certificate
2 that the inspection has been made and that the amusement ride or
3 structure meets the standards for coverage and is covered by the
4 insurer as required by subsection (3) of this section. A bungee
5 jumping device, including, but not limited to, the crane, tower,
6 balloon or bridge, person lift basket, platforms, bungee cords, end
7 attachments, anchors, carabiners or locking devices, harnesses, landing
8 devices, and additional ride operation hardware shall be inspected for
9 safety prior to beginning operation and annually by an insurer, a
10 person with whom the insurer has contracted, or a person authorized by
11 the department to inspect bungee jumping devices. The operator of the
12 bungee jumping device shall obtain a written certificate which states
13 that the required inspection has been made and the bungee jumping
14 device meets the standards for coverage and is covered by the insurer
15 as required by subsection (3) of this section;

16 (3) Have and keep in effect an insurance policy in an amount not
17 less than one million dollars per occurrence insuring: (a) The owner
18 or operator; and (b) any municipality or county on whose property the
19 amusement ride or structure stands, or any municipality or county which
20 has contracted with the owner or operator against liability for injury
21 to persons arising out of the use of the amusement ride or structure;

22 (4) File with the department the inspection certificate and
23 insurance policy required by this section; and

24 (5) File with each sponsor, lessor, landowner, or other person
25 responsible for an amusement structure or ride being offered for use by
26 the public a certificate stating that the insurance required by
27 subsection (3) of this section is in effect.

28 **Sec. 4.** RCW 67.42.040 and 1985 c 262 s 4 are each amended to read
29 as follows:

30 (1) Except as provided in subsection (2) of this section or unless
31 a shorter period is specified by the department, permits issued under
32 RCW 67.42.030 are valid for a one-year period.

33 (2) If an amusement ride or structure is materially rebuilt or
34 materially modified so as to change the original action of the
35 amusement ride or structure, the amusement ride or structure shall be
36 subject to a new inspection under RCW 67.42.020 and the owner or
37 operator shall apply for a new permit under RCW 67.42.030.

1 (3) If an amusement ride or structure for which a permit has been
2 issued pursuant to RCW 67.42.030 is moved and installed in another
3 place but is not materially rebuilt or materially modified so as to
4 change the original action of the amusement ride or structure, no new
5 permit is required prior to the expiration of the permit.

6 (4) A bungee jumping device or a part of a device, including, but
7 not limited to, the crane, person lift basket, mobile crane, balloon or
8 balloon basket, anchor or anchor attachment structure, or landing
9 device, that is replaced shall be reinspected by an insurer, a person
10 with whom the insurer has contracted, or by a person authorized by the
11 department to inspect bungee jumping devices, and the owner or operator
12 of the device shall apply for a new permit under RCW 67.42.030.

13 (5) A bungee jumping operator shall have any bungee jumping device
14 or structure that is moved and installed in another location
15 reinspected by an insurer, a person with whom the insurer has
16 contracted, or a person authorized by the department to inspect bungee
17 jumping devices before beginning operation.

18 (6) Any new operator who purchases an existing bungee jumping
19 device or structure must have the bungee jumping device inspected and
20 permitted as required under RCW 67.42.020 before beginning operation.

21 **Sec. 5.** RCW 67.42.060 and 1985 c 262 s 6 are each amended to read
22 as follows:

23 (1) The department may charge a reasonable fee not to exceed ten
24 dollars for each permit issued under RCW 67.42.030. All fees collected
25 by the department under this chapter shall be deposited in the state
26 general fund. This subsection does not apply to permits issued under
27 RCW 67.42.030 to operate a bungee jumping device.

28 (2) The department may charge a reasonable fee not to exceed one
29 hundred dollars for each permit issued under RCW 67.42.030 to operate
30 a bungee jumping device. Fees collected under this subsection shall be
31 deposited in the state general fund for appropriation for the
32 permitting and inspection of bungee jumping devices under this chapter.

33 **NEW SECTION. Sec. 6.** A new section is added to chapter 67.42 RCW
34 to read as follows:

35 (1) Bungee jumping from a publicly owned bridge or publicly owned
36 land is allowed only if permission has been granted by the government
37 body that has jurisdiction over the bridge or land.

1 (2) Bungee jumping into publicly owned waters is allowed only if
2 permission has been granted by the government body that has
3 jurisdiction over the body of water.

4 (3) Bungee jumping from a privately owned bridge is allowed only if
5 permission has been granted by the owner of the bridge.

--- END ---