

HOUSE BILL No. 1140

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-31-11.6.

Synopsis: Amusement ride liability. Extends limited liability protection to operators and owners of regulated amusement devices in certain instances.

Effective: July 1, 2016.

Hamm, Saunders

January 7, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1140

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 9.5. "Amusement ride operator", for purposes of**
4 **IC 34-31-11.6, means any person causing a regulated amusement**
5 **device to start, stop, or perform its function.**

6 SECTION 2. IC 34-6-2-91.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2016]: **Sec. 91.5. "Owner", for purposes of section 131.5 of this**
9 **chapter and IC 34-31-11.6, means a person that owns, leases, or**
10 **manages the operation of a regulated amusement device and**
11 **includes individuals, partnerships, and for-profit and nonprofit**
12 **corporations.**

13 SECTION 3. IC 34-6-2-129.8 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2016]: **Sec. 129.8. "Regulated amusement**
16 **device", for purposes of this chapter and IC 34-31-11.6, has the**
17 **meaning set forth in IC 22-12-1-19.1.**



1 SECTION 4. IC 34-6-2-131.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2016]: **Sec. 131.5. "Rider", for purposes of**
 4 **IC 34-31-11.6, means any person who sits, stands, or is otherwise**
 5 **conveyed or carried as a passenger on a regulated amusement**
 6 **device but does not include employees or agents of the owner of the**
 7 **regulated amusement device.**

8 SECTION 5. IC 34-31-11.6 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2016]:

11 **Chapter 11.6. Limited Liability for Operators and Owners of**
 12 **Regulated Amusement Devices**

13 **Sec. 1. "Amusement ride operator", as used in this chapter, has**
 14 **the meaning set forth in IC 34-6-2-9.5.**

15 **Sec. 2. "Owner", as used in this chapter, has the meaning set**
 16 **forth in IC 34-6-2-91.5.**

17 **Sec. 3. "Regulated amusement device", as used in this chapter,**
 18 **has the meaning set forth in IC 34-6-2-129.8.**

19 **Sec. 4. "Rider", as used in this chapter, has the meaning set**
 20 **forth in IC 34-6-2-131.5.**

21 **Sec. 5. To qualify for limited liability under this chapter, an**
 22 **amusement ride operator or owner of a regulated amusement**
 23 **device must do the following:**

24 (1) Post the:

25 (A) duties of riders; and

26 (B) duties, obligations, and liabilities of the amusement
 27 ride owner;

28 in at least one (1) conspicuous location in or on the premises
 29 of the regulated amusement device.

30 (2) Maintain the stability and legibility of all signs, symbols,
 31 and posted warnings required by this chapter.

32 (3) Maintain the regulated amusement device to ensure good
 33 mechanical condition.

34 (4) Comply with all applicable state and local fire safety
 35 codes, building codes, and other safety codes applicable to the
 36 use and operation of the regulated amusement device.

37 **Sec. 6. A rider of a regulated amusement device shall do the**
 38 **following:**

39 (1) Heed all posted signs, symbols, and warnings.

40 (2) Heed all verbal commands and instructions issued by the
 41 amusement ride operator.

42 (3) Refrain from tampering with, manipulating, or



1 unfastening a safety harness, restraint, seat belt, lap bar, or
2 other safety device in violation of:

3 (A) the posted duties of the rider; or

4 (B) commands or instructions issued by the amusement
5 ride operator or owner.

6 (4) Refrain from acting in a manner that may cause or
7 contribute to the injury of the rider or any other individual.

8 Sec. 7. A rider is considered to:

9 (1) have knowledge of; and

10 (2) assume;

11 the risks of using or riding a regulated amusement device.

12 Sec. 8. (a) Except as provided in subsection (b) and
13 notwithstanding IC 34-51-2-6 concerning comparative fault, a
14 rider's failure to comply with section 6 of this chapter provides a
15 complete defense to an action against an amusement ride operator
16 or owner by a rider for injuries and property damage.

17 (b) The complete defense against an action against an
18 amusement ride operator or owner under subsection (a) does not
19 apply if the amusement ride operator or owner violates any of the
20 duties or responsibilities under section 5 of this chapter.

