



CIRSA COMPLIANCE ALERT

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Compliance Alert – State Regulations for Amusement Rides & Devices



On July 15, 2019 the State of Colorado's new [Regulations for Amusement Rides and Devices](#) (7 CCR 1101-12, the "Regulations") became effective. If your entity has previously received an operator exemption from the Regulations, per Section 1-4(l), your rides and devices must still meet or exceed the requirements of the standards adopted in the Regulations. Thus, it's important to obtain a copy of the standards and the associated references to help ensure continued compliance. Further, if utilizing the Section 1-4(l) exemption, your entity should maintain records that your ride or device is certified or issued a permit by one the agencies listed in that Section.

The new Regulations continue to define an "Amusement Ride or Device" as:

"Any mechanized device or combination of devices which carry or convey persons along, around or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, excitement or the opportunity to experience the natural environment."

However, the illustrative list of Amusement Rides or Devices is amended to expressly include some additional items, including Trackless Trains, Simulators, Stationary Wave Stations and Aerial Adventure Courses. The revised list now states:

"Amusement rides or devices include but are not limited to, an aggregation of amusement rides or devices in an amusement setting such as amusement parks, carnivals, fairs and festivals. Amusement rides and devices also include but are not limited to, bungee jumping, Bungee Trampolines, Trampoline (Institutional, TC, TC Foam Pit), Climbing Walls in amusement settings, Concession Go-karts, Bumper Devices, gravity-propelled rides and devices, Water Slides, Trackless Trains, Simulators, stationary wave systems, Aerial Adventure Courses, and traditional amusement rides."

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State Regulations for Amusement Rides & Devices (cont.)

The new Regulations update the list of applicable standards and add provisions authorizing the state to approve “Service Proven” designs as well as alternative methods or procedures under specific, limited circumstances. The Regulations also now expressly state that rides and devices must comply with both the applicable standards and any manufacturer’s recommendations. Where the two differ, the more stringent requirement applies.

The new Regulations continue the requirement to report to the state, by phone and within 24 hours, any reportable injury, but delete the requirement for submitting an injury report form to the state within 72 hours. Rather, the written injury report must instead be completed, maintained and made available to the state for investigation, and upon its request. The Regulations list the phone numbers to call for a Reportable Injury (Section 4-1(C)).

Among other provisions, the Regulations include the following noteworthy provisions on specific rides or devices you may have in your municipal facilities:

Climbing Walls. The Regulations define a “Climbing Wall” as “an artificially constructed wall with holds for hands and feet used for climbing.” Per Section 1-4(D) of the Regulations, “climbing walls used for sport and fitness training, located in educational facilities, schools, gymnasiums, sport and public entity recreational facilities, or other facilities solely devoted to sport and recreational activities, training and instruction” are exempt. However, the Regulations further state that “regulated climbing walls include climbing walls located in amusement settings and fixed or portable climbing walls for use by the general public as amusement devices and not for sport or fitness training.”

Based on input from the state Amusement Rides & Devices Program, CIRSA understands the intent of this distinction in the Regulations is that if a recreation center is only allowing people on the wall that have been trained in the sport of climbing, then those walls would be exempt. On the other hand, if a recreation center is, for example, hosting a birthday party and not teaching the individuals how to tie knots or how to actually sport climb, then the wall is being used in a manner that’s more like a fun amusement ride, and that wall would be regulated by the state. Similarly, if there’s no instructions or training, or no documentation of training or testing being performed for users of the wall, then that wall would be regulated by the state.

If your municipality operates a climbing wall, it is suggested that you review the Regulations and your wall uses and operations closely and also contact the state Amusement Rides and Devices Program to determine whether your wall is subject to state regulation based on your uses and operations or, alternatively, is exempt. Irrespective, you will want to have in place appropriate safety and inspection standards and protocols for any climbing wall.

Trampolines. Institutional trampolines used solely for sport and fitness training are exempt. However, all training must be conducted by a certified gymnastics or trampoline coach and the facility and coach must carry certifications from a nationally recognized gymnastics or trampoline governing association. Therefore, if your entity has trampolines in any facility, the facility must meet this new certification requirement.

Bumper Devices. Bumper Devices are defined as devices used to bump into each other intentionally as directed by drivers as a form of entertainment. This would include bumper boats, cars and devices used on ice rinks.

Alpine Slides. Alpine slides are also regulated. They are gravity-propelled and thus fall within the illustrative list of regulated Amusement Rides or Devices.

Water Slides. Water slides having 18 feet or more in elevation change from the point of dispatch to the end of the slide are regulated. Please note that the Regulations permit CIRSA staff to perform inspections of water slides, but not other regulated devices.

If you have any questions or concerns regarding the new Regulations you can contact the state [Amusement Rides and Devices Program](#).