



Amusement Advisory Board Meeting March 3, 2006

Attendees: Bob Johnson, OABA (Outdoor Amusements Business Association)
Corky Powers, Powers Midways
Bobby Brinkley, Brinkley Entertainment
Joel Rickards, Interactive Playgrounds
Wayne James, High Lite Rides
LouAnn Bowen, Hughie and Louie's
Tony Brancazio, Wet-N-Wild
Bob Rippy, Jungle Rapids
Jonathan Brooks, Elevator & Amusement Device Bureau, DOL
Tom Chambers, Elevator & Amusement Device Bureau, DOL
Nancy Vick, Elevator & Amusement Device Bureau, DOL
Andy Frazier, Standards & Inspections, DOL
Art Britt, Director Governmental Affairs, DOL
Jennifer Haigwood, Governmental Affairs, DOL
Jennifer Chrisohon, Legal Affairs, DOL

Jonathan Brooks welcomed all members and guests. He introduced Jennifer Chrisohon, our new attorney in Legal Affairs Division. She was a guest today to answer any questions on law in North Carolina dealing with liability of amusement company accidents and contributory negligence. Mr. Bob Johnson was introduced as a guest to give information on the Rider Responsibility Act legislation in Florida and other states and how their model legislation passed, etc.

Rider Responsibility Act

The questions that need to be answered before taking this issue to the Commissioner are: Why do we need it? Why do we support it?

Some do not think this issue should go before the legislature in May. The Board needs to take some time to spend on all the issues and get the answers ready.

A map was distributed of states that have the Rider Responsibility Act currently. There are 26 states with this Act now. Mr. Johnson distributed several handouts with information to use as this issue is discussed by the Board.

Ms. Chrisohon was asked what the law is currently in North Carolina pertaining to amusement ride accidents. The Contributory Negligence Law in NC says that if a rider has more than 1% contributed to their own accident, they will not get any recovery from the company. Children under age 7 are not included. Age 7-18 can show that they did know what to do and what caused the accident.

Mr. Rippey says this is no help to the industry. You still get sued. A judge says they can't collect, but they make a case on the person hurt for civil suit and still end up in court. We need two lines of defense; the Rider Responsibility Act and Contributory Negligence Law. Rider responsibility is an educational thing. Parents inform their children. They read and know it is law. 99% of the accidents are because riders break the rules.

Has the industry seen improvement within those states that have the Rider Responsibility Act?

Mr. Johnson answered the question with a yes and no. Changes are going on in all states. Florida especially has problems. States that have enacted this do get patrons to take it seriously. They are not trying to prevent lawsuits, but to get people to adhere to warnings, listen and understand the consequences of their actions. There have been operator and children fatalities in other states. We must make rides foolproof because children are not going to adhere to all the rules. Riders should be held accountable for their actions of not following rules.

There are lots of costs involved in getting this passed. Mr. Johnson distributed a handout of a study done on why people do what they do at recreational parks. This study was done by a professor in Canada.

The Rider Safety Program here has done a great job toward educating, but need to take it farther. We also must educate the legislators. They don't know anything about our industry. Parents are as bad as the children on disregarding rules.

A handout of the latest model legislation was given to all. Key elements in the legislation are code of conduct, etc. It took 2-3 serious accidents in New Jersey to get this passed. The CPSC (Consumer Products Safety Council) focus is not on our industry. They are going after manufacturers, not the operators. Industry and parks support this and the fairs need to support it also. We should get other departments involved, like Agriculture, and educate them.

What is the objection from the other side? Limiting liability mainly. It can't limit lawsuits, but it can try to limit frivolous lawsuits. The only way to limit lawsuits is not having any accidents.

Art Britt advised the Advisory Board to make some recommendation. Regulators and Commissioner is administrator of these recommendations. Get all the hard questions answered before going to her. The legislature will want to know "why". The first obstacle; is the industry trying to limit liability? The Commissioner wants to know if it "saves lives and prevents injury". Suggested planning for the January, 2007 session of the legislature.

There are 47 fairs in our state and all agricultural fairs. We have one of the largest in the United States. We work with the fair staff and have training for the operators. The entertainment industry has more patrons than other similar industries. We get more public exposure on incidents than all others, also.

The ski lifts have a Skier Responsibility Act. It is a very strong Act. We should get someone to come inform us on how they got it passed. Gunther Jochol is the Chairman. Also, the equestrian industry has a Responsibility Act.

This appears to be adding another layer of regulation, but we as an industry must convince the Commissioner that the Board supports it, it is necessary and why. All the Board members are in support of this. The next step is to have others here to give information on how they passed it and get the steps to follow. We need research on statistics and data from other states. The NAARSO website has links to other states with their Rider Responsibility Act.

We also may need a public relations campaign to get support. South Carolina has a person that we can contact to see what battles he fought (Mr. Pitt?)

Field Issues

1. Rockwall issue: permanent vs. portable. We inspect portable rockwalls, not permanent ones. We will look at this further.
2. Human-powered rides.
3. Unknown guest at Annual Amusement Company Meeting selling subscriptions to a membership: from AIRCO, a new organization open to membership.
4. Status on HIPPA law for amusement accident victims.

The next meeting will be scheduled after the members get dates that speakers/guests can come to meet with us. Mr. Brooks will be the contact for members asking guests and will send an email regarding dates to the members.

Meeting adjourned.