

CR 90-204

# RULES CERTIFICATE

STATE OF WISCONSIN        )  
                                  )  SS  
DEPT. OF INDUSTRY,        )  
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to accident reporting, go-karts and waterslides were duly approved and adopted by this department on March 8, 1991.  
*(Subject)* *(Date)*

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 8:00 a.m. in the city of Madison, this 8th day of March A.D. 1991.

Carol Skornicka  
Secretary

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1:55 pm  
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# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02 (1), 101.02 (15)(h) to (j), 101.12 (1) and 101.17 Stats., the Department of Industry, Labor and Human Relations  creates;  amends;  repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter ~~XX~~:

ILHR 34

(Number)

Amusement Rides and Attractions

(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: March 8, 1991

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

*Paula Rom*  
Secretary



# RULES in FINAL DRAFT FORM

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**Rule:** Sections ILHR 34.41, 34.45 and 34.50

**Relating to:** Accident Reporting, Go-Karts and Waterslides

Clearinghouse Rule No. 90-204

The Wisconsin Department of Industry, Labor and Human Relations proposes to repeal and recreate ILHR 34.41; and to create Chapter ILHR 34 Subchapters VII and VIII, relating to amusement rides and attractions.

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Analysis of Proposed Rules

Statutory Authority: Sections 101.02 (1), 101.02 (15) (h) to (j), 101.12 (1) and 101.17.

Statutes Interpreted: 101.02 (15)(h) to (j), 101.12 (1) and 101.17.

The Division of Safety and Buildings within the Department is responsible for adopting and enforcing rules relative to the protection of the life, health, safety and welfare of employes and frequenters in public buildings and places of employment. The provisions of chapter ILHR 34 contain safety and health rules relating to the design, construction, operation and inspection of amusement rides and attractions.

The proposed rules consist of revisions to chapter ILHR 34 in response to recommendations made in a 1989 Wisconsin Legislative Audit Bureau report. The proposed rules address the areas of accident reporting, go-karts and waterslides.

The current code requires injuries to frequenters to be reported to the department within 10 days of the injury. The proposed rules require serious injuries to be reported by the owner within 2 business days, and fatalities to be reported within 24 hours. Also, the Accident Report form has been revised to require the signature of the injured person or their representative.

The current code contains no specific requirements relating to go-karts and waterslides. The proposed rules contain new requirements relating specifically to the design and operation of go-kart and waterslide facilities.

Under the proposed rules, go-karts, dune buggies and all-terrain vehicles will be required to comply with various vehicle requirements such as passenger padding, maximum speed, and guarding of moving parts. The proposed track requirements consist of items such as minimum track width and barrier systems. Track operation requirements cover areas such as attendants and refueling. The proposed rules also require signs to be posted indicating minimum operational instructions.

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The proposed rules covering waterslides require proper design and construction in accordance with recognized safe practice. The proposed rules require waterslide surfaces that come into contact with a user to be smooth and continuous so that they will not cause a cut or abrasion. The curves and turns of the waterslide flume are required to be designed so as not to present a hazard to users. The proposed rules also require a minimum of one attendant at the top and one attendant at the bottom of a waterslide facility.

The proposed rules have been developed with the assistance of the Amusement Ride and Attractions Code Advisory Committee. The members of that citizen advisory committee are as follows:

<u>Name</u>	<u>Representing</u>
Francis Biehl	Wisconsin Society of Professional Engineers
Mary Lou Clayton	Citizens of Wisconsin
Robert Dillenburg	Wisconsin Association of Fairs
Jerry Ford	Insurance Industry
Samuel Glazer	Wisconsin Council of Safety
Oliver "Bob" Haase	AFL-CIO
Peter Helland	Owner of Permanent Amusement Park
Arthur Kedrowicz	Outdoor Amusement Business Association, Inc.
Alan Larkee	Outdoor Amusement Business Association, Inc.
Arthur Sellner	American Recreational Equipment Association
Andrew "Turk" Waterman	Owner of Permanent Amusement Park
Charles Waterman	Outdoor Amusement Business Association, Inc.
Fred Wiemer	Outdoor Amusement Business Association, Inc.
Robert Williams	State Department of Agriculture, Trade, and Consumer Protection

As recommended by the Legislative Audit Bureau, the advisory committee discussed the current rules governing the use of restraints on rides. The proposed rules do not contain any changes relative to the use of restraints on rides because the code advisory committee recommended maintaining the current code wording. The current code requires restraints on an amusement ride in accordance with the written specifications and procedures of the manufacturer.

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SECTION 1. ILHR 34.41 is repealed and recreated to read:

ILHR 34.41 ACCIDENT REPORTING. Injuries to frequenters on amusement rides or attractions that require more than first aid treatment shall be reported by the owner to the department on Form SB-211 within 2 business days of the injury. A copy of the owner's report to the insurance carrier may be submitted in place of Form SB-211 if the report includes suggestions for prevention of similar accidents. Fatalities shall be reported within 24 hours of occurrence.

Note #1: See Appendix A for a reprint of Form SB-211 - Amusement Ride Accident Report.

Note #2: The department can be contacted at 608/266-3151 during normal business hours. The State Division of Emergency Government can be contacted at 608/266-3232 during nonbusiness hours.

SECTION 2. Subchapter VII of chapter ILHR 34 is created to read:

Subchapter VII  
Go-Karts, Dune Buggies and All-Terrain Vehicles

ILHR 34.45 GO-KARTS, DUNE BUGGIES AND ALL-TERRAIN VEHICLES.

(1) APPLICABILITY. The provisions of this section shall apply to go-karts, dune buggies, all-terrain vehicles and similar rider-controlled vehicles which carry or convey passengers along, around or over a fixed or restricted route or course or within a defined area for use as an amusement ride. These provisions shall apply in addition to all other applicable requirements in this chapter.

(2) VEHICLE REQUIREMENTS. (a) All vehicles shall be equipped with passenger padding to minimize the risk of injury to the driver, such as steering wheel pad, headrest pad and steering wheel support post pad.

(b) All vehicles shall be guarded to prevent interlocking of wheels during operation, unless vehicle passing is not allowed.

(c) All vehicles equipped with seat belts shall be equipped with rollover protection in accordance with recognized safe practice.

(d) The maximum speed for a vehicle used by drivers under 52 inches in height shall be 8 mph. The speed of every vehicle shall be set at a limit not to exceed the maximum speed for which the track is designed and in accordance with recognized safe practice.

(e) Vehicles shall be equipped with a guarding system in compliance with recognized safe practice that covers or encloses all moving parts of the drive mechanism, except the wheels.

(f) Thermal protection shall be provided for the exhaust system.

(g) Vehicle fuel tanks shall be mounted or guarded in such a manner that provides protection to the driver during operation and if an accident should occur.

(h) The brake and speed controls shall be readily identified as to function and shall return automatically to a nonoperational position when released.

(i) The seat, back rest and leg area of every go-kart shall be so designed as to retain the driver on the go-kart in the event of a collision at the front, rear or sides of the go-kart.

(j) All vehicles shall be provided with impact absorbing bumpers or energy absorption body parts.

(3) TRACK AND COURSE REQUIREMENTS. (a) The surface of the track or course used by go-karts shall be smooth and of a solid and binding material, such as concrete or asphalt.

(b) The minimum width for go-kart tracks where vehicles travel more than 8 mph shall be 3 vehicle widths throughout the entire course or track.

(c) 1. A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts, and it shall extend the entire length of the track or course. Openings in the barrier system for the entrance or exit of vehicles shall be protected in the direction of travel. The system shall consist of a guard rail, rubber tires, a runoff strip level with the track surface, or an embankment of friable earth or gravel or a combination thereof.

2. If rubber tires are used for a barrier system, the tires shall be free of the rims or wheels. The tires shall be installed to provide an effective barrier without allowing the go-karts to rise over them or penetrate underneath them.

3. If a metal or fiberglass rail is used for a barrier system, the rail surface shall be kept free of sharp or protruding edges or seams, and it shall be maintained so that there is no loose or unsecured area.

4. A barrier system shall be installed to designate and protect the pit area or passenger loading area.

(d) A fence or railing system at least 42 inches high shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons and spectators from entering these track areas without the permission of, or direction by, the track personnel.

(e) No intersecting track or course configuration shall be permitted.

(f) Any pole, post or solid obstruction that may be accidentally struck shall be protected by a resilient, energy-absorbing system.

(g) Fire extinguishers with a minimum 10-B:C rating shall be conspicuously located within 50 feet of the pit area and fueling point.

(4) OPERATION REQUIREMENTS. (a) The attendants shall be able to clearly view the entire course.

(b) The refueling of vehicles shall not take place in any area where passengers or spectators are present. All fuel storage and fueling operations shall be in accordance with ch. ILHR 10.

(c) During nighttime operation, track lighting with a minimum lighting level of 5 footcandles at the track surface shall be provided.

(d) A means shall be provided to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency.

(e) Smoking shall not be permitted while operating a vehicle or in the pit area.

(5) SIGNS. (a) A conspicuous sign shall be posted at the ticket window or track entrance indicating at least the following information:

1. Minimum height of 52 inches for a driver of a standard go-kart.
2. To start and stop only at the attendant's signal.
3. To stay in the vehicle while on the track.
4. Loose clothing and hair longer than shoulder length must be secured.
5. To obey verbal instructions of the attendant.

(b) A conspicuous sign shall be posted at the boarding or starting area indicating at least the following information:

1. To keep hands and feet inside the vehicle.
2. To obey the attendant's signals.
3. Bumping, stopping or U-turns on the track are not allowed.
4. To stay on the track surface.
5. To stay in the vehicle in the parking area until released by the attendant.
6. No smoking in the pit area or while operating a vehicle.

(c) A conspicuous sign shall be posted at the unloading area indicating that the rider is to remain seated until released by the attendant.



SECTION 3. Subchapter VIII of chapter ILHR 34 is created to read:

Subchapter VIII  
Waterslides

ILHR 34.50 WATERSLIDES. (1) GENERAL. The provisions of this section shall apply to all waterslides where water is pumped to the top of a flume and allowed to flow down the flume to a plunge pool. These provisions shall apply in addition to all other applicable requirements in this chapter.

Note: See chs. HSS 171 and 172 for further requirements for water recreation attractions.

(2) DESIGN. (a) All waterslides shall be designed and constructed in accordance with recognized safe practice.

(b) Waterslides shall be so designed that parts with external surfaces that may come into contact with a person using the waterslide are assembled, arranged and finished so that they are smooth and continuous and will not cut, pinch, puncture or cause an abrasion to any person.

(c) Waterslide channels shall be designed so as to keep each person using the waterslide safely inside the channel.

(d) All curves, turns and tunnels on the path of a flume shall be designed and constructed so as not to present a hazard to anyone using the slide.

(3) OPERATION. (a) At least one attendant at the top and one attendant at the bottom shall be provided at all waterslide operations.

(b) A means of 2-way communication between the attendants shall be established.

Note: See ch. HSS 172 for additional requirements relating to attendants and signs for waterslide operations.

SECTION 4. Appendix forms SBD-5292 - Amusement Ride Registration, SBD-7620 - Ride Registration Listing, SB-8 - Petition for Variance Application, and SB-211 - Amusement Ride Accident Report are replaced with the following updated forms.

## AMUSEMENT RIDE REGISTRATION 1991

Sections ILHR 34.04 (1) and Ind 69.07 of the Wisconsin Administrative Code require that amusement rides be registered with the Department of Industry, Labor and Human Relations each calendar year. Please provide all information requested below.

Ride Operation Business Name, Street Address, City, State, Zip Code:	Owner Name (If different from business name)		
	Owner Street Address		
	City, State, Zip Code		
	Owner/Business Telephone Number <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Owner (      )</td> <td style="width: 50%;">Business (      )</td> </tr> </table>	Owner (      )	Business (      )
Owner (      )	Business (      )		

**FEES:** Provide number of rides being registered and total remittance for each category below.

PORTABLE or PERMANENT RIDES: \_\_\_\_\_ rides at \$40.00/ride = \$ \_\_\_\_\_ fee attached.

COIN-OPERATED KIDDIE RIDES: \_\_\_\_\_ rides at \$20.00/ride = \$ \_\_\_\_\_ fee attached.

Registration tags will be sent upon receipt of completed forms and appropriate fees.

**RIDE IDENTIFICATION:** Complete the attached listing of rides (form SBD-7620) by serial number and owner. Also provide latest test date of critical parts for class 2, 3, and 4 rides.

**ROUTE OR ITINERARY:** Your registration will not be processed if the necessary route/itinerary information is not provided on page 2 (attached) or it is discovered that you have not complied with any one or more of the following items.

### AMUSEMENT RIDE REGISTRATION REFUSAL

- 1. Unabated Safety Related Orders By DILHR
- 2. Outstanding Registration And Inspection Fees
- 3. Incomplete Registration Form Or Inadequate Fees
- 4. Failure To Test for Serviceability
- 5. Certificate of Insurance

Registration stickers shall be posted in a conspicuous place viewed by the public.

**INSURANCE:** Evidence of Liability Insurance and Worker's Compensation must be shown below. Please attach copy of certificate of insurance. Proof of ability to pay damages will be accepted in lieu of liability insurance.

Worker's Compensation - Provide Insurance Company Name:	Policy Number:
Liability Coverage - Provide Insurance Company Name And Send Copy Of Certificate:	Policy Number:

1991 ROUTE OR ITINERARY

OPERATION DATE WEEKEND	LOCATION/SPONSOR	STREET ADDRESS	CITY
4/26 - 4/28			
5/03 - 5/05			
5/10 - 5/12			
5/17 - 5/19			
5/24 - 5/26			
5/31 - 6/02			
6/07 - 6/09			
6/14 - 6/16			
6/21 - 6/23			
6/28 - 6/30			
7/03 - 7/07			
7/12 - 7/14			
7/19 - 7/21			
7/26 - 7/28			
8/02 - 8/04			
8/09 - 8/11			
8/16 - 8/18			
8/23 - 8/25			
8/30 - 9/03			
9/06 - 9/08			
9/13 - 9/15			
9/20 - 9/22			
9/27 - 9/29			
10/04 - 10/06			
10/11 - 10/13			
10/18 - 10/20			
10/25 - 10/27			

# AMUSEMENT RIDE REGISTRATION LISTING

## 1991

**NOTE:** Do not place any entries in the last column at the right. The department will enter that number.

RIDE NAME	SERIAL NO.	OWNER NAME	LAST NON-DESTRUCT TEST DATE * (Where Required) AND TESTING AGENCY NAME (Do Not List DILHR)	REGISTR # (assigned by DILHR)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				

\* Critical parts of Class 2 and 3 rides must be non-destructively tested every 3 years (s. ILHR 34.16 (2)). Class 4 rides require testing every 2 years.

# AMUSEMENT RIDE REGISTRATION LISTING

## 1991

**NOTE:** Do not place any entries in the last column at the right. The department will enter that number.

RIDE NAME	SERIAL NO.	OWNER NAME	LAST NON-DESTRUCT TEST DATE * (Where Required) AND TESTING AGENCY NAME (Do Not List DILHR)	REGISTR # (assigned by DILHR)
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
27.				
28.				
29.				
30.				
31.				
32.				
33.				
34.				

\* Critical parts of Class 2 and 3 rides must be non-destructively tested every 3 years (s. ILHR 34.16 (2)). Class 4 rides require testing every 2 years.

Wisconsin Department of Industry, Labor and Human Relations

Safety and Buildings Division

201 East Washington Avenue, P.O. Box 7969

Madison, Wisconsin 53707

608/266-3151

OFFICE USE ONLY

Amount Paid

Receipt No.

OFFICE USE ONLY

Petition No.

E-Number

Name of Owner/Petitioner	Building or Project	Agent, Architect or Engineering Firm
Company	Tenant Name, if any	Street & Number
Street & Number	Location, Street & Number	City State Zip Code
City State Zip Code	City County	Telephone Number
Telephone Number	Plan Number, if known	Name of Contact Person

1. The rule being petitioned reads as follows: (cite specific rule number and language)

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2. The rule being petitioned cannot be entirely satisfied because:

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3. The following alternative(s) and supporting information are proposed as a means of providing an equivalent degree of health, safety or welfare as addressed by the rule:

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Note: Please attach any pictures, plans, sketches or required position statements.

**VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY REVIEW FEE**

See Section Ind 69.15 for complete fee information

Note: Petitioner must be the owner of the building or project. Tenants, agents, designers, contractors, attorneys, etc. may not sign petition unless a Power of Attorney is submitted with the Petition for Variance Application.

\_\_\_\_\_, being duly sworn, I state as petitioner that I have read the foregoing (NAME OF PETITIONER, Please type/print) petition, that I believe it to be true and I have significant ownership rights in the subject building or project.

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

# AMUSEMENT RIDE ACCIDENT REPORT

The owner / operator of the amusement ride shall notify the Department of Industry, Labor and Human Relations of every accident involving personal injury which requires medical attention (Section ILHR 34.41, Wis. Adm. Code).

This form must be submitted within TWO (2) DAYS after accident or injury. Penalties for failure to report are provided in Section 101.02, Wis. Stats.

Report Date	Accident Date	Carnival or Show Name
Ride Serial Number	Ride Name	
Ride Manufacturer	Ride Location At Time of Accident	
Name of Operator Responsible For Ride	Address of Operator Responsible For Ride	
Liability Insurance Company Name and Address	Number of Injured Persons	
Name(s) and Address(es) of Injured Person(s)		

Signature of Injured Person(s) or Their Representative If Possible:

Extent of Injuries <input type="checkbox"/> Bruises <input type="checkbox"/> Severe <input type="checkbox"/> Broken Bones <input type="checkbox"/> Fatal <input type="checkbox"/> Other - Specify:	Was injured person(s) your employee? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Describe to the best of your knowledge the cause of the accident:

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In your opinion, what would prevent recurrence of similar accidents?

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Signature of Person Reporting	Position	Date Signed
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(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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Tommy G. Thompson  
Governor  
Carol Skornicka  
Secretary



Mailing Address:  
201 E. Washington Avenue  
Post Office Box 7946  
Madison, WI 53707-7946  
Telephone (608) 266-7552

## State of Wisconsin Department of Industry, Labor and Human Relations

March 8, 1991

Gary Poulson  
Assistant Revisor of Statutes  
2nd Floor  
119 Martin Luther King Blvd.  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 90-204

RULE NO. Sections ILHR 34.41, 34.45 and 34.50

RELATING TO: Accident Reporting, Go-Karts and Waterslides

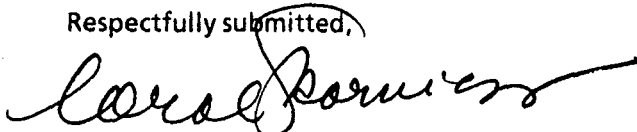
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

  
Carol Skornicka  
Secretary

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