

## **DEPARTMENT OF LABOR AND EMPLOYMENT**

### **Division of Oil and Public Safety**

## **AMUSEMENT RIDES AND DEVICES REGULATIONS**

### **7 CCR 1101-12**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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## **ARTICLE 1      GENERAL PROVISIONS**

### **Section 1-1      Basis and Purpose**

This regulation is promulgated to establish reasonable standards for the construction, Inspection, operation, repair and maintenance of Amusement Rides and Devices located in Colorado in the interest and safety of the general public, to establish financial standards for the operation of Amusement Rides and Devices in a public setting and to provide for a Registration process for Amusement Rides and Devices.

### **Section 1-2      Statutory Authority**

The amendments to these regulations are created pursuant to 8-20-1001 through 8-20-1004 of the Colorado Revised Statutes (C.R.S.). All prior rules for Amusement Rides and Devices are hereby repealed.

### **Section 1-3      Effective Date**

This regulation shall be effective August 30, 2024. The Operators of previously unregistered Amusement Rides and Devices shall have up to three months from the effective date of these regulations to comply with Section 2-3.

### **Section 1-4      Scope**

These rules and regulations shall apply to the construction, Inspection, operation, repair and maintenance of Amusement Rides and Devices located in Colorado by any individual, corporation, company, firm, partnership, association, organization, or state or local government agency.

These rules and regulations shall not apply to:

- (A) Coin operated model horse and model rocket rides, mechanical horse or bull rides, and other coin activated or self-operated arcade devices that do not require a restraint system.
- (B) Playground equipment that meets the relevant ASTM standards listed in section 1.4.1 of the U.S. Consumer Product Safety Commission's Public Playground Handbook – Publication #325 (November 2010).
- (C) Live animal rides or live animal shows.
- (D) Sports and physical fitness devices and elements located in educational facilities, schools, gymnasiums, sport and public entity recreational facilities, or other facilities solely devoted to sport, education, training and instruction, as long as at least one of the following conditions is met:

- (1) Staff or the facility are licensed or certified by a recognized governing association and patrons are instructed for the purpose of learning, developing a skill, fitness, or gaining competency in a sport.
  - (2) Individuals own or rent equipment for independent and unsupervised use in sports including and not limited to biking, boating, climbing, and skiing.
  - (3) The institutional trampolines are used solely for sport and fitness training. All training must be conducted by a certified gymnastics or trampoline coach. The facility and coach must carry certifications from a nationally recognized gymnastics or trampoline governing association.
- (E) Inflatable Amusement Rides, as defined.
- (F) Race-karts owned and operated by individuals who compete against each other, or rental Race karts available for rent at competitive sport Race-kart tracks solely used for sanctioned racing where drivers have attended and passed a practical driver safety training test to establish their competency, or hold an applicable valid competition certification from a recognized motor sport sanctioning body.
- (G) Skating; laser or paintball games; bowling; miniature golf courses; exercise equipment used solely for exercise purposes; jet skis; paddle boats; air boats; hot air balloons whether tethered or untethered; batting cages; games and side shows.
- (H) Any Amusement Ride and Device operated at a Private Event (as defined), or any Amusement Ride and Device owned and operated by a non-profit organization who meets all the requirements in Sections 1-5 and 2-1 of these regulations and operates their rides less than 8 days in any calendar year.
- (I) Any Amusement Ride and Device Operator who notifies the Division in writing that their ride or device is certified or issued a permit by one of the following agencies shall be exempt from the requirements of these regulations, provided that the ride or device meets or exceeds the requirements of standards adopted in this regulation.
  - (1) Any municipality or local government within the state of Colorado
  - (2) Another state agency within the state of Colorado
  - (3) Any federal government agency
- (J) Any local government that has received a temporary or permanent waiver from the Division. To obtain a waiver the affected local government must demonstrate that the requirements in these regulations conflict with other statutes or regulations (including those of local governments) or are unduly burdensome. A cost benefit analysis or other supporting documentation should be included with the waiver request.
- (K) Water slides less than 18 feet in elevation change from point of dispatch to the end of the slide.

**Section 1-5 Codes and Standards**

- (A) All Amusement Rides and Devices shall comply with the following applicable standards, unless specifically exempted in these regulations. If there is no applicable standard for an Amusement Ride and Device, Operators shall comply with the manufacturer's recommendations. When adopted standards and manufacturer recommendations differ, the more stringent requirement shall apply. When more than one standard applies, a Qualified Person or agent thereof shall identify to which standard the ride has been designed, manufactured, inspected, operated or maintained. Amusement Rides and Devices that have not been modified since the original date of manufacture must comply with adopted design and manufacturing standards that were effective at the time of manufacture, as applicable.

- (1) **ASTM International**, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
- (a) Standard Terminology Relating to Amusement Rides and Devices: F747-15
  - (b) Standard Practice for Ownership, Operation, Maintenance and Inspection of Amusement Rides and Devices Designation: F770-18
  - (c) Standard Practice for Design and Manufacturing of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards: F1159-16
  - (d) Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices Designation: F1193-18
  - (e) Standard Test Method for Composite Foam Hardness-Durometer Hardness: F1957-17
  - (f) Standard Practice for Design, Manufacture, and Operation of Concession Go Karts and Facilities Designation: F2007-12
  - (g) Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices Designation: F2137-16
  - (h) Standard Practice for Design of Amusement Rides and Devices Designation: F2291-18 (i) Standard Practice for Design, Manufacture, Installation and Testing of Climbing Nets and Netting/Mesh used in Amusement Rides, Devices, Play Areas and Attractions: F2375-17
  - (j) Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems Designation: F2376-17a
  - (k) Standard Practice for Special Requirements for Bumper Boats Designation: F2460-11
  - (l) Standard Practice for Aerial Adventure Courses Designation: F2959-18
  - (m) Standard Practice for Permanent Amusement Railway Ride Tracks and Related Devices: F2960-16
  - (n) Standard Practice for Design, Manufacture, Installation, Operation, Maintenance, Inspection and Major Modification of Trampoline Courts: F2970-17
  - (o) Standard Practice for Auditing Amusement Rides and Devices: F2974-18

- (p) Standard Practice for Operations of Amusement Railway Rides, Devices, and Facilities: F3054-18
  - (q) Standard Practice for Classification, Design, Manufacturing, Construction, Maintenance, and Operation of Stationary Wave Systems: F3133-16
  - (r) Standard Practice for Patron Transportation Conveyors Used with a Water Related Amusement Ride or Device: F3158-16
  - (s) Standard Practice for Characterization of Fire Properties of Materials Specified for Vehicles Associated with Amusement Rides and Devices: F3214-18
- (2) **National Fire Protection Association (NFPA)**, One Batterymarch Park, Quincy, MA 02169-7471
  - (a) National Electrical Code 2014 Designation: NFPA 70
  - (b) Life Safety Code 2024 Designation: NFPA 101
- (3) **Association for Challenge Course Technology (ACCT)**, PO Box 19797, Boulder, CO 80308
  - (a) Challenge Course and Canopy/Zip Line Tour Standards, ANSI/ACCT 03-2019
- (B) Interested parties may inspect the referenced incorporated materials by contacting the Program Manager, Amusement Rides and Devices, 633 17th Street, Suite 500, Denver, CO 80202.
- (C) This rule does not include later amendments to or editions of the incorporated material.
- (D) A ride or device is not required to meet the current edition of a specific ASTM standard if it has a Service Proven design according to the ASTM F2291-18 and this design is approved by the Division.
  - (1) Aerial Adventure Courses that utilize the ANSI/ACCT standard shall follow the standard's requirement to update their safety components:
    - (a) Pre-existing element and course modifications completed after the publication date shall comply with the requirements of ANSI/ACCT 03-2019
    - (b) On pre-existing elements and courses, "grandfathering" of materials and techniques is allowable only when such materials and techniques comply with the strength and performance requirements of ANSI/ACCT 03-2019. Non-compliant systems that have a history of reliability shall be given a grace period of twenty-four (24) months from the publication date of this [standard] to comply
- (E) The Division may grant the use of alternate methods and procedures on a case-specific basis for requirements of the adopted codes or standards listed in this section.
  - (1) The Division shall require justification of the alternative method or procedure.
  - (2) The alternate methods and procedures request shall be submitted on a form provided by the Division.

- (3) A submitted alternate methods and procedures request shall not relieve an Operator from complying with the applicable standards adopted in these regulations unless the Division expressly approves the request.
- (4) The Division may deny any request at its discretion.
- (F) If the existing Amusement Ride and Device has had a Major Modification since the last Inspection, the post-modification Inspection of that ride or device shall be conducted in compliance with ASTM F2974-18 Section 9 or ANSI/ACCT 03-2019 Chapter 1 Section B.
- (G) All Amusement Rides and Devices must conform to the current requirements of "Standard Practice for Ownership and Operation of Amusement Rides and Devices" Designation F770-18 or ANSI/ACCT 03-2019 Chapter 2 (as applicable by ride type), regardless of date of manufacture or installation.
- (H) Amusement Rides and Devices of site-specific or prototype construction shall be constructed as certified, and maintained and repaired as noted in the As-built plan set from a Professional Engineer. These plan sets must be available for review by the Division.
- (I) Bungee Jumping
  - (1) A system review (structures, cords, harnesses, attachment components, etc.) that includes evaluation and inspection by a Colorado registered professional engineer, with their certification/stamp that the system design is adequate for the intended application, shall be provided to the Division.

## **Section 1-6 Definitions**

The following words when used in these rules and regulations shall mean:

**AERIAL ADVENTURE COURSE:** A patron participatory facility or facilities consisting of one or more elevated walkways, platforms, Zip Lines, nets, ropes, or other elements that require the use of fall hazard personal safety equipment.

Examples include ropes courses, Free Fall Devices, Zip Lines, via ferratas, and Climbing Walls designed as an Amusement Ride and Device.

**AMUSEMENT RIDE AND DEVICE:** Any ride or device or combination of devices which carry, convey, or direct a person(s) along, around, through, or over a fixed or restricted course or within a defined area, for the purpose of amusement, entertainment, thrills, excitement or the opportunity to experience the natural environment.

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

**AMUSEMENT RIDE, CLASS A:** An amusement ride designed primarily for use by children 12 years of age or younger, typically referred to as a "kiddie ride."

**AMUSEMENT RIDE, CLASS B:** Any amusement ride not defined as a Class A amusement ride.

**BRAKE, EMERGENCY:** A brake located on a Zip Line that is engaged upon failure of the primary brake, with no input from the Zip Line participant, in order to prevent serious injury or death resulting from primary brake failure.

**BRAKE SYSTEM:** An arrangement of primary and Emergency Brakes that are designed to function together.

**BUMPER DEVICES:** Devices that are used to bump into each other intentionally as directed by drivers as a form of entertainment.

**BUNGEE TRAMPOLINES:** A type of trampoline where the patron is assisted by a harness attached to bungee cords.

**CERTIFICATE OF INSPECTION:** The documentation of an Amusement Ride and Device Inspection conducted by an Inspector (as defined).

**CIRSA:** Colorado Intergovernmental Risk Sharing Agency

**CLIMBING WALL:** An artificially constructed wall with holds for hands and feet used for climbing. 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.

**CONCESSION GO-KARTS:** A single vehicle which is powered without connection to a common energy source, which is driver controlled with respect to acceleration, speed, braking and steering, which operates within the containment system of a defined track, which simulates competitive motor sports, and which is used by the general public. Concession go-karts typically operate at speeds of up to 25 miles per hour.

**DIVISION:** The Director of the Division of Oil and Public Safety of the Department of Labor and Employment, or any designees thereof which may include certain employees of the Division of Oil and Public Safety or other persons.

**FREE FALL RIDE OR DEVICE:** A ride or component of a ride or device, including when used within an Aerial Adventure Course, which controls a patron's intentional descent from an elevated structure and engineered to allow the patron to experience a rapid initial descent while ensuring a controlled landing through the use of fall hazard personal safety equipment or Impact Attenuation.

**IMPACT ATTENUATION:** A device, material, or system designed to prevent injury to persons by absorbing impacts and/or catching falls from an Amusement Ride and Device.

**INFLATABLE AMUSEMENT RIDE:** An Amusement Ride and Device (as defined) designed for bounce, climb, slide, or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.

**INFORMATION PLATE:** A manufacturer-issued information plate, printed in English, which is permanently affixed to a ride or device in a visible location, and is designed to remain legible for the expected life of a ride or device. The plate shall include, but not be restricted to, the following applicable items:

Ride Serial Number - A manufacturer-issued unique identifying number or code affixed to the ride in a permanent fashion.

Ride Name and Manufacturer - A manufacturer-issued unique identifying ride name, including the name of the manufacturer by city, state, and country.

**Ride Model Number** - A manufacturer-issued unique identifying number or code assigned to each manufactured type of ride having the same structural design or components.

**Date of Manufacture** - The date (month and year) determined by the manufacturer that the given ride or device met his required construction specifications.

**Ride Speed** - Maximum and minimum revolutions per minute, feet per second, or miles per hour, as applicable.

**Direction of Travel** - When the proper direction of travel is essential to the design operation of the ride, the manufacturer shall designate the direction of travel, including reference point for this designation.

**Passenger Capacity by Weight** - Maximum total passenger weight per passenger position.

**Passenger Capacity by Number** - Maximum total number of adult or child passengers per passenger position and per ride.

**INJURY:** Means an injury that results in death or requires immediate medical treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment or one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, or other minor injuries that do not ordinarily require medical care even though treatment is provided by a physician or by registered professional personnel.

**INJURY, REPORTABLE:** Any Injury (as defined) caused by a malfunction or failure of an Amusement Ride and Device, or any Injury (as defined) caused by a Ride Operator or patron error.

**INSPECTION:** A procedure to be conducted, for new installations, Major Modifications, or annually (if an existing ride has not been modified), by an Inspector (as defined) or Division employee to determine whether an Amusement Ride and Device is being constructed, assembled, maintained, tested, operated, and inspected in accordance with the standards adopted by these regulations and the manufacturer's recommendations, as applicable, and that determines the current operational safety of the ride or device. All Inspections shall be documented by a written inspection report to be filed with the Operator.

**INSPECTION, DAILY:** A procedure to be performed and recorded by the Operator of an Amusement Ride and Device, on days the ride or device will be operated that confirms the current operational safety of the ride or device in accordance with these regulations and the manufacturer's recommendations, as applicable.

**INSPECTOR:** An individual certified by the Division, to conduct Inspections of Amusement Rides and Devices in accordance with the standards adopted by these regulations and the manufacturer's recommendations and criteria.

**MAJOR MODIFICATION:** Any change in either the structural or operational characteristics of the ride or device which will alter its performance from that specified in the manufacturer's design criteria.

**NAARSO:** National Association of Amusement Ride Safety Officials.

**OPERATOR:** An individual, corporation, or company or agent thereof who owns, controls or has the duty to control the operation of an Amusement Ride and Device.

**PERMIT YEAR:** The time during which an Operator is registered that begins on the Registration effective date and ends 12 months from the effective date. These dates appear on the signed permit that an Operator receives once the Registration application has been approved.

**PRIVATE EVENT:** An exclusive gathering that is not open to the general public. These events are typically invitation-only such as a private gathering limited to members and guests of a family, membership of an organization or club where access to the Amusement Ride and Device is provided without compensation. Temporary lodging, ticket sales, and/or reservation systems used to manage attendance does not amount to a private event.

**QUALIFIED PERSON:** An individual who, by possession of a recognized degree, certificate, or professional standing; or who, by possession of extensive knowledge, training, and/or experience in the subject field; has successfully demonstrated ability in design, analysis, evaluation, installation, inspection, specification, testing, or training in the subject work, project, or product, in accordance with the standards adopted by these regulations.

**RACE-KARTS:** A go-kart designed for competitive sport racing use in either sanctioned racing on tracks or other areas of competition, or in a racing school facility, and not to be used by the general public in an amusement facility. Race-kart drivers must wear approved safety equipment, consisting of a minimum of a Snell or DOT approved helmet and closed-toed shoes. Race-karts regularly reach maximum speeds in excess of 25 miles per hour.

**REGISTRATION:** The filing of a properly completed application with the Division and approval of the application by the Division.

**RIDE OPERATOR:** The person that has control of the Amusement Ride and Device at all times or is supervising a patron-directed device when it is being operated for the public's use.

**SERVICE PROVEN:** As defined in ASTM F2291-18, "an amusement ride, device, or major modification to an amusement ride or device of which units(s) have been in service to the public for a minimum of five years and unit(s) that have been in service have done so without any significant design related failures or significant design related safety issues that have not been mitigated."

**SIMULATOR:** Any amusement ride that is a self-contained unit that uses a motion picture simulation, along with a mechanical movement which requires the use of manufacturer-provided restraints, to simulate activities that provide amusement or excitement for the patron.

**SPECIAL AMUSEMENT BUILDING:** A building or portion thereof that is temporary, permanent, or mobile and contains a ride or device that conveys patrons where the patrons can be contained or restrained, or provides a walkway along, around, or over a course in any direction as a form of amusement or entertainment, and arranged so that the egress path is not readily apparent due to visual or audio distractions, contains an intentionally confounded egress path, or is not readily available due to the mode of conveyance through the building or structure.

**SUBSIDIARY RELATIONSHIP:** An independent company that is controlled by another company, usually referred to as the parent or holding company.

**TRACKLESS TRAIN:** An articulated vehicle used for the transport of passengers, comprising of a driving vehicle pulling one or more carriages connected by drawbar couplings. Also known as barrel trains.

**TRAMPOLINE, INSTITUTIONAL:** A trampoline intended for use in a commercial or institutional facility.

**TRAMPOLINE COURT OR TC:** A defined area comprising one or more institutional trampolines or a series of institutional trampolines.

**TRAMPOLINE COURT FOAM PIT OR TC FOAM PIT:** A combination style dismount pit designed with a rebound device, covered with loose impact absorbing blocks.



**WATER SLIDES:** Rides intended for use by riders in bathing attire where the action of the ride involves possible and purposeful immersion of the rider's body either in whole or in part in water, and uses circulating water to mobilize or lubricate the rider's transportation along a purpose built path.

**ZIP LINE:** A concession, commercial amusement device where participants attached to a pulley traverse by gravity from one point to another by use of a cable or rope line suspended between support structures.

**ZIP LINE TOUR OR ZIP LINE COURSE:** A guided aerial exploration or transit of a landscape by means of a series of Zip Lines and platforms generally supported by man-made structures.

## **ARTICLE 2      GENERAL REQUIREMENTS**

Amusement Rides and Devices may not open to the public within the State of Colorado unless the Operator has registered with the Division, received a permit from the Division and has satisfied and is continuing to satisfy the requirements as provided herein.

### **Section 2-1      Financial Standards**

- (A) Any person who operates an Amusement Ride and Device must have currently in force an insurance policy written by an insurance company authorized to do business in this state or by a surplus lines insurer, in an amount of not less than \$100,000 per occurrence with a \$300,000 annual aggregate for Class A Amusement Rides and Devices and an amount of not less than \$1 million per occurrence for Class B Amusement Rides and Devices insuring the Operator against liability for injury arising out of the use of the amusement ride.
- (B) For governmental entities, insurance or self-insurance in accordance with 24-10-115 C.R.S. of The Governmental Immunity Act, or participation in a public entity self-insurance pool pursuant to 24-10-115.5 C.R.S. of The Governmental Immunity Act shall be deemed to meet the financial standards of this section.

### **Section 2-2      Access to Records and Devices**

#### **2-2-1      Access**

- (A) Division representative may enter during normal business hours, without advance notice, the premises where Amusement Rides and Devices are located, including places of storage or use, for the purpose of device inspections and/or examining any records or documents required under these regulations.

#### **2-2-2      Records Requirements**

- (A) Every Amusement Ride and Device Operator shall maintain detailed records relating to the construction, repair and maintenance of its operation, including safety, inspection, maintenance records and Ride Operator training activities.
- (B) Records shall be made available to the Division at reasonable times, including during an Inspection upon the Division's request.
- (C) Records of Daily Inspections must be available for inspection at the location where the ride or device is operated.
- (D) All records must be maintained for a period of three years, unless otherwise specified in this regulation.

## **Section 2-3 Registration**

No person shall open to the public and operate any Amusement Ride and Device on property owned or leased by such person until the Operator of the Amusement Ride and Device has first registered and obtained a permit for operation from the Division.

### **2-3-1 Application Submission and Processing**

- (A) The Amusement Rides and Devices application shall be submitted for new installations and annually on the form prescribed by the Division and shall include the following Registration requirements.
  - (1) The name, address, and contact information of the Operator.
    - (a) Operator shall be responsible for notifying the Division of any change in ownership or contact information within 30 days of the change.
  - (2) The number of rides or devices being registered in a permit year.
  - (3) A report of any Injury occurring in any state that meets the definition of a Reportable Injury (as defined) in this regulation.
  - (4) A list of the dates and locations of operation of the Amusement Rides and Devices within the state for the upcoming Permit Year, including the dates at each location. This list may be updated throughout the Permit Year, provided that notification is received by the Division prior to operation.
  - (5) The name of all liability insurance carriers and the insurance policy numbers, and expiration dates. Proof of insurance, as required in Section 2-1 (A), shall be made to the Division upon request.
    - (a) When liability insurance policies expire prior to the end of the registration period, they must be renewed and the updated expiration dates shall be submitted to the Division.
  - (6) A Certificate of Inspection for each Amusement Ride and Device showing the name, serial number, manufacturer of the ride, year of manufacture, type of inspection, the Inspector's name, the Operator name and other information as required by these rules.
    - (a) For annual, new installation, or Major Modification Inspections see Section 2-4.(7) Any other information reasonably related to the standards set forth in Article 1.
- (B) Upon receipt of an application, the Division shall review the application, and upon determining that the provisions of these rules have been met, shall approve the application, register the Amusement Rides and Devices and issue a permit to operate.
- (C) The submittal of a registration application does not guarantee the Registration of any Amusement Ride and Device. The Operator must obtain a permit from the Division prior to opening any ride or device to the public.

## 2-3-2 Application Fees

	<b>Annual Registration Fees</b> The following fee schedule applies to permits issued during the following dates:		
<b>Effective Date:</b>	Registration Fee Per Amusement Ride and Device Operator	<b>+</b> <b>(and)</b>	Registration Fee Per Amusement Ride and Device
On or before December 31, 2024	\$500	<b>+</b> <b>(and)</b>	\$130
<b>January 1 – December 31, 2025</b>	\$600	<b>+</b> <b>(and)</b>	\$180
January 1 – December 31, 2026	\$700	<b>+</b> <b>(and)</b>	\$220
On or after January 1, 2027	\$800	<b>+</b> <b>(and)</b>	\$260

## 2-3-3 Incomplete Applications

- (A) Upon receipt of an incomplete application or an application requiring additional information, the applicant will be notified of the deficiency or additional requirements.
- (B) If the deficiency is not corrected or if the Division does not receive the additional information within 180 days following the date of notification, the application shall be considered abandoned and the Division shall not retain the application.

## 2-3-4 Aerial Adventure Courses

- (A) Each Aerial Adventure Course is generally considered to be one ride or device based on the Information Plate.
- (B) If an Information Plate is not provided, and the Operator registers multiple Aerial Adventure Courses as one device, the following will apply:
  - (1) All Aerial Adventure Courses registered as one device shall be inspected and listed on the Certificate of Inspection as one device by the Inspector.
  - (2) When any one Aerial Adventure Course registered in the device is shut down or inoperative, all other Aerial Adventure Courses included in the device must also be shut down.
- (C) It is the responsibility of the Aerial Adventure Course Operator to correctly register each device being operated.

**2-3-5 Trampoline Courts**

- (A) Each trampoline court is generally considered to be one ride or device based on the Information Plate.

**2-3-6 Zip Lines**

- (A) Each Zip Line is generally considered to be one ride or device based on the Information Plate.
- (B) If an Information Plate is not provided and the Operator registers multiple Zip Lines as one device, the following will apply:
  - (1) All Zip Lines registered as one device shall be inspected and listed on the Certificate of Inspection as one device by the Inspector.
  - (2) When any one Zip Line registered in the device is shut down or inoperative, all other Zip Lines included in the device must also be shut down.
- (C) It is the responsibility of the Zip Line Operator to correctly register each device being operated.

**Section 2-4 Inspections**

**2-4-1 Annual Inspections**

- (A) An annual Inspection by an Inspector must be conducted on each Amusement Ride and Device.
  - (1) Each Amusement Ride and Device must have a current Certificate of Inspection prior to opening to the public.
  - (2) The Inspection shall be conducted with the Amusement Ride and Device in an operable state prior to opening to the public and include an evaluation of the ride or device for a minimum of one complete operating cycle, where applicable.
  - (3) The Inspection shall also include a review of the Operator's Daily Inspection records, inspection and maintenance program records and training records in accordance with the standards adopted by these regulations and the manufacturer's recommendations, as applicable.
- (B) Any Amusement Ride and Device open to the public in the state of Colorado must have a valid Certificate of Inspection on file with the Division.
  - (1) Each item number on the Certificate of Inspection is considered to represent one ride or device.
  - (2) The ride Operator shall be responsible for submitting a completed and signed Certificate of Inspection to the Division for all rides or devices being opened to the public.
  - (3) A grace period of 30 days immediately following the expiration date of a Certificate of Inspection shall exist and that Certificate of Inspection shall continue to be valid during that time period.
  - (4) An inspection report for each Amusement Ride and Device shall be made available to the Division at reasonable times, including during an Inspection, upon the Division's request.

- (C) The Certificate of Inspection shall not be submitted to the Division until all discrepancies have been resolved and all necessary repair(s) or replacement(s) required in accordance with the applicable standards of Section 1-5 have been made.
  - (1) Resolution of discrepancies, repairs and replacements may be documented in writing by the Operator and delivered to the Inspector.
  - (2) The Inspector may corroborate such letter by review thereof, subsequent re-inspection, receipt of additional documentation, or by other means which the Inspector deems appropriate.
  - (3) Corroborated discrepancies, repairs and replacements shall not require further Inspection.
- (D) No person shall open to the public an Amusement Ride and Device that has been inspected by an Inspector or by the Division and found to be unsafe unless:
  - (1) All necessary repairs and modifications to the ride have been completed and certified as completed by an Inspector and
  - (2) A valid Certificate of Inspection is on file with the Division.

#### **2-4-2 Daily Inspections**

- (A) In addition to the Inspection(s) required under this section, the Operator who operates an Amusement Ride and Device must perform and record Daily Inspections of each Amusement Ride and Device, including an evaluation of the ride or device for a minimum of one complete operating cycle, where applicable.
- (B) Records of the Daily Inspections must be available for inspection at the location where the Amusement Ride and Device is operated, and the records must be maintained with the Amusement Ride and Device for a period of three years.
- (C) The Daily Inspection records must include an inspection of equipment identified for Daily Inspection in accordance with the applicable codes and the manufacturer's recommendations.

#### **2-4-3 New Installation and Major Modification Inspections**

- (A) In addition to an annual Inspection, new ride installations and following Major Modifications of existing rides and devices, a signed Certificate of Inspection shall be submitted to the Division before the ride is opened to the public.
- (B) The Operator shall make available to the Division a written statement, completed by a Qualified Person or agent thereof, stating that the ride meets the applicable design requirements set forth in Section 1-5 of these regulations. The Qualified Person or agent thereof shall identify under which standards the ride was evaluated.
- (C) Additionally, the Operator shall make available to the Division for any new installation or structural change, the following:
  - (1) An As-built document.
  - (2) A copy of the certificate of occupancy issued by the local building authority, if the local building authority has such a requirement. This requirement may be fulfilled within 90 days following the issuance of the Registration Permit from the Division.

- (D) For sub-sections (B) and (C) these documents shall be maintained for the life of the ride or device.

## **Section 2-5 Ride Operations**

### **2-5-1 General**

- (A) Ride Operators shall be trained in accordance with these regulations, adopted codes and standards, and any applicable recommendations provided by the Amusement Ride and Device manufacturer.
- (B) Amusement Ride and Device Operators are required to operate each ride or device in accordance with these regulations, adopted codes and any applicable manufacturers' recommendations.
- (C) Consideration shall be given to environmental factors, including humidity, precipitation, temperature and wind effects on patron safety, where applicable.
- (D) Operators shall have a reasonable written plan in place for the management of emergencies, including, but not limited to the following, where applicable:
  - (1) Prevention strategies;
  - (2) Emergency preparedness;
  - (3) Administrative response to emergencies;
  - (4) Field response to medical emergencies;
  - (5) Field response to incidents/accidents and fatalities;
  - (6) Technical rescues;
  - (7) Activating the emergency medical system;
  - (8) Evacuations; and
  - (9) Addressing severe weather.

### **2-5-2 Aerial Adventure Courses**

- (A) Operators of Aerial Adventure Courses shall follow the general requirements listed below:
  - (1) Verify any connection between the patron and the device are properly made.
  - (2) Document these requirements in the operator's manual.
- (B) Additionally, for Zip Line operations, the Operator shall:
  - (1) Have a full understanding of and proficiency in the setup, operation and ongoing monitoring requirements of the Braking System in effect when operating Zip Lines.
  - (2) Ensure that the departure of patrons from dispatch zones is performed in a controlled manner and only when the Zip Line is clear of other persons.

- (3) Ensure that the deceleration and arrest of patrons arriving at landing zones is performed in a controlled manner.
- (4) Ensure that padding used as a protective element in the landing area is not used as a brake component.

**2-5-3 Free Fall Ride or Device**

- (A) For Free Fall Ride or Device operations using personal safety equipment (such as a harness), the Operator shall utilize a secondary attachment method approved by the manufacturer.
- (B) For Free Fall Ride or Device operations using Impact Attenuation (such as airbags), the Operator shall ensure the departure of patrons from the dispatch zone is performed in a controlled manner and in a method approved by the manufacturer.

**2-5-4 Trampolines**

- (A) For Institutional Trampolines, known as competitive/performance trampolines in amusement settings, the Operator shall ensure:
  - (1) The area that contains these trampolines must be able to be secured such that unauthorized patrons in the facility are prevented from access to it.
  - (2) The area must be able to be closed to access when no Qualified Person is present.
  - (3) The device must be directly supervised by a Qualified Person when in use; staff must be able to visually monitor and immediately communicate with patrons.
  - (4) All patrons must participate in education, and demonstrate progressive levels of competency, to use the device and to perform progressively advanced skills/tricks. This training must be conducted by a Qualified Person.
  - (5) Walls around the device shall be smooth, no shelves or places to jump from height onto the trampoline are allowed.
  - (6) Only one jumper per trampoline.
  - (7) Jumpers cannot jump between trampolines.

**ARTICLE 3 INSPECTOR CERTIFICATION**

**Section 3-1 General Requirements**

- (A) This section describes the requirements for the Inspector certification.
- (B) The Division may request documentation in addition to that described in the following sections to verify the accuracy of information provided with a certification application.
- (C) For the annual Certificate of Inspection, the Inspector shall not be affiliated by employment or by a Subsidiary Relationship to the Operator of the Amusement Ride or Device.
- (D) For new installations or Major Modification Certificate of Inspections, the Inspector shall not be affiliated by employment or Subsidiary Relationship to the Operator of the Amusement Ride or Device, or the manufacturer, whose modification or new installation is being inspected.

- (E) For each of the Certification Types in Section 3-2, an Inspector shall have:
- (1) At least 3 years of experience with that type of ride or device as a qualified designer, manufacturer, Operator, Inspector or maintenance professional, to be certified for that type.
    - (a) Applicable related experience will substitute for the experience requirement as evaluated and approved by the Division.
  - (2) A current professional liability insurance policy written by an insurance company or by a surplus lines insurer authorized to do business in this state.
    - (a) Proof of insurance shall be made available upon request by the Division, or the Operator for whom the work is performed.
- (F) To qualify as a professional engineer, applicants must provide a professional engineering license and proof of at least 12 months of experience working in the amusement industry.

**Section 3-2 Certification Types**

- (A) The Division may certify an applicant if the applicant has satisfied certification requirements listed in Sections 3-1 through 3-3. The Inspector certification will indicate the type of rides and devices for which the certification is allowed to inspect per these regulations. The types of rides and devices Inspection endorsements are as follows.
- (1) Type 1: Traditional Amusement Rides or Devices, that are typically found at carnivals and amusement parks which would include but not be limited to roller coasters, ferris wheels and Bumper Devices, and that are not of the types listed in (A)(2) through (5) of this section.
  - (2) Type 2: Aerial Adventure Courses (Climbing Walls, Free Fall Rides or Devices, ropes courses, via ferratas, and Zip Lines).
  - (3) Type 3: Trampoline Courts and Institutional Trampolines.
  - (4) Type 4: Water Slides.
  - (5) Type 5: Special devices. Any specialty devices not listed above (i.e., Trackless Trains).
- (B) A person applying for an Inspector certification shall submit to the Division a completed Inspector Certification application using the form that is provided on the Division's website.

**Section 3-3 Certification Qualifications**

- (A) Qualifications for licensing are as follows:
- (1) Type 1 Inspector certification qualification shall consist of certification through one of the following:
    - (a) NAARSO Level 2 Inspector or higher; or
    - (b) AIMS Inspector Level 2 or higher; or
    - (c) The Pennsylvania Department of Agriculture – General Qualified Inspector; or
    - (d) Qualify as a professional engineer per Section 3-1 (F); or



- (e) Another nationally recognized organization approved by the Division; or
    - (f) Experience evaluated and approved by the Division
  - (2) Type 2 Inspector certification qualification shall consist of certification through one of the following:
    - (a) NAARSO Level 2 Inspector or higher; or
    - (b) AIMS Inspector Level 2 or higher; or
    - (c) ACCT Level 2 Professional Inspector or higher; or
    - (d) Qualify as a professional engineer per Section 3-1 (F); or
    - (e) Another nationally recognized organization approved by the Division; or
    - (f) Experience evaluated and approved by the Division
  - (3) Type 3 Inspector certification qualification shall consist of certification through one of the following:
    - (a) NAARSO Level 2 Inspector or higher; or
    - (b) AIMS Inspector Level 2 or higher; or
    - (c) Qualify as a professional engineer per Section 3-1 (F); or
    - (d) Another nationally recognized organization approved by the Division; or
    - (e) Experience evaluated and approved by the Division
  - (4) Type 4 Inspector certification qualification shall consist of certification through one of the following:
    - (a) Those listed in Section 3-3 (A)(1) (Type 1); or
    - (b) CIRSA certification; or
    - (c) Another nationally recognized organization approved by the Division.
  - (5) Type 5 Inspector certification qualification shall consist of certification that complies with Section 3-3 (A)(1).
- (B) The Division reserves the right to review an applicant or Inspector's experience and certification status at any time to ensure that the applicant or Inspector:
  - (1) Demonstrates sufficient general knowledge of amusement rides to effectively inspect, evaluate, and identify issues with rides that could or will have an impact on public safety;
  - (2) Is fully versed in and able to apply Colorado-specific rules and regulations; and
  - (3) Is able to communicate that information to the amusement ride Operators for whom the Inspection is being carried out.

**Section 3-4 Inspector Certification and Renewal**

- (A) Inspector certifications will expire annually on April 15.
- (B) The Inspector certification issued by the Division shall be valid for up to one year. The Division may issue or renew an Inspector certification, provided the applicant submits the following:
  - (1) A completed Inspector certification application form.
  - (2) Documentation that the applicant is currently certified as listed in Section 3-2 (A) of this section.

**Section 3-5 Revocation, Suspension, or Denial of Inspector Certification**

- (A) A certification may be denied, suspended, or revoked by the Division because of, but not limited to the following:
  - (1) Failure to show sufficient proof of required credentials or experience with Amusement Ride or Device Inspections;
  - (2) Non-compliance with an order issued by the Division within the time specified in such order;
  - (3) Failure to comply with these regulations;
  - (4) Giving false information or a misrepresentation to the Division in order to obtain or maintain a certification;
  - (5) Making a false affidavit or statement under oath to the Division in an application or report; or
  - (6) Other factors which, at the discretion of the Division, indicate an unfitness to hold an Inspector certification in compliance with these regulations.
- (B) The Division shall deny, suspend, or revoke an Inspector certification according to the process described in Section 6-1-3 of these regulations.

**ARTICLE 4 INJURY REPORTING**

**Section 4-1 Reportable Injury**

- (A) State of Colorado regulations require that Amusement Ride and Device Operators notify the Division of any Reportable Injury.
- (B) A Reportable Injury is any Injury (as defined) caused by a malfunction or failure of an Amusement Ride or Device, or any Injury (as defined) caused by an Operator or patron error.
- (C) A Reportable Injury (as defined) must be reported to the Division by calling 303-514-3281 or 303-941-9438 within 24 hours of the time that the Ride Operator or Operator becomes aware of the Injury.
- (D) Injury reports, as provided by the Division or equivalent, shall be maintained and made available to the Division for investigation. Copies must be submitted upon request from the Division.

## **Section 4-2 Reportable Injury Scene Preservation**

If a Reportable Injury occurs, the equipment or conditions that caused the accident shall be preserved for the purpose of an investigation by the Division unless an investigation is deemed unnecessary by the Division.

## **ARTICLE 5 PATRON RESPONSIBILITY**

Patrons are required to follow any written or verbal instructions that are given to them regarding the use of Amusement Rides or Devices.

## **ARTICLE 6 ENFORCEMENT**

### **Section 6-1 Enforcement Program**

The Division provides these regulations to assist Operators and Inspectors with safe and proper operation of Amusement Rides and Devices. The Division may inspect the premises and operation of the Amusement Ride or Device to insure that the financial and safety standards in this regulation have been met. When an Amusement Ride or Device is found to be out of compliance with these regulations, the Division will pursue enforcement actions against the Operator or Inspector who is in violation of these regulations and/or statutes (8-20 C.R.S.).

The enforcement process will include requiring the Operator or Inspector to make repairs and/or upgrades, perform system tests, provide records and complete other actions to bring the Amusement Ride or Device back into compliance. During and following the enforcement process, the Division will continue to assist the Operator or Inspector to remain in compliance. The enforcement process may include monetary penalties of up to one thousand dollars (\$1,000) per violation per day according to statute (8-20-104 C.R.S.) if the enforcement obligations are not implemented according to the required schedule.

#### **6-1-1 Notice of Violation**

- (A) A notice of violation (NOV) may be issued to an Operator when an Amusement Ride or Device is found to be out of compliance with these regulations and/or statutes. The notice of violation may include fines and/or an order to cease and desist operation of the specific Amusement Ride or Device until all violations are satisfactorily corrected.

An NOV may be issued to an Inspector when the Inspector has failed to comply with these regulations and/or statutes. The notice of violation may include fines and/or a suspension of the inspector's certification.

- (B) Within ten working days after an NOV has been issued, the person issued the NOV may file a written request with the Division for an informal conference regarding the NOV. Upon receipt of the request, the Division shall provide the alleged violator with notice of the date, time and place of the informal conference. During the conference, the alleged violator and Division personnel may present information and arguments regarding the allegations and requirements of the NOV.
- (C) Within 20 days after the informal conference, the Division shall uphold, modify, or strike the allegations within the NOV in the form of a settlement agreement or an enforcement order.
- (D) If the alleged violator fails to timely request an informal conference, the terms of the NOV become a binding enforcement order not subject to further review.

**6-1-2 Enforcement Order**

- (A) An enforcement order may be issued when the violations included within an NOV are not resolved within the prescribed time frame or when the schedule set forth in a settlement agreement is not met.
- (B) An enforcement order may include increased fines of up to one thousand dollars (\$1,000) per violation for each day of violation. In addition, the enforcement order may include shut-down of the Amusement Ride or Device and/or suspension or revocation of the permit or Inspector certification.
- (C) An alleged violator may appeal the enforcement order to the Division for a hearing under 24-4-105 C.R.S. The Division shall then issue a final decision which is subject to judicial review under 24-4-106 C.R.S.

**6-1-3 Procedure on Revocation, Suspension, or Denial of Inspector Certification**

- (A) In any case where the Division denies a certification or the applicant or certified Inspector is subject to suspension or revocation for a violation of these regulations, the Division shall notify the applicant or certified Inspector in writing by first-class mail of the grounds for denial for the violation. The notice shall state that the applicant or certified Inspector may request a hearing in accordance with 24-4-104 and 24-4-105 C.R.S.
- (B) The Division may summarily suspend a certification if the Division has objective and reasonable grounds to believe that the public health, safety, or welfare requires emergency action. In such case, the Division shall notify the certified Inspector in writing by first-class mail of the grounds for summary suspension and shall state that the certified Inspector may request a hearing in accordance with 24-4-105 C.R.S.
- (C) Upon notice of the revocation or suspension of any certification, the former Inspector shall immediately surrender to the Division the certification and all copies thereof.
- (D) Any person whose certification has been denied or suspended under Section 3-5 may apply to the Division for a hearing in order to seek relief.
  - (1) The hearing shall be conducted by the Division or an Administrative Law Judge with the Division of Administrative Hearings on behalf of the Division in accordance with the procedures of 24-4-105 C.R.S.
  - (2) The Division may grant the relief requested in the hearing if the Division determines that the circumstances regarding the denial, suspension, or revocation, and the applicant's record and reputation are such that the granting of such relief is not contrary to public safety.
- (E) Any person aggrieved by a decision or order of the Division may seek judicial review pursuant to the provisions of 24-4-106 C.R.S.
- (F) The period of denial, suspension, or revocation shall be within the sound discretion of the Division.
- (G) Any person who has been denied a certification may not reapply to the Division for a certification within one year of the decision, unless exception is made by the Division and the applicant establishes a substantial change in circumstances to indicate fitness to hold an Inspector certification in accordance with the requirements of these regulations.

- (H) In case of revocation or suspension of an Inspector certification, the Division shall notify all certifying associations that have issued said Inspector any certifications used for the approval by the Division, after a final decision has been reached of such revocation or suspension.
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### **Editor's Notes**

#### **History**

Entire rule eff. 12/01/2008.

Rules 1.2 to 2.0, 2.2(a), 3.0, 3.1, 5.0 to 6.0 emer. rules eff. 07/07/2010; expired eff. 11/04/2010.

Entire rule emer. rule eff. 12/30/2010; expired 04/29/2011.

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Entire rule eff. 04/14/2013.

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Entire rule eff. 07/30/2015.

Entire rule eff. 07/15/2019.

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