

CARNIVAL RIDE INSURANCE ACT

57-25-1. Short title.

This act [57-25-1 to 57-25-6 NMSA 1978] may be cited as the "Carnival Ride Insurance Act".

History: [Laws 1993, ch. 284, § 1.](#)

57-25-2. Definitions.

As used in the Carnival Ride Insurance Act [57-25-1 to 57-25-6 NMSA 1978]:

- A. "carnival ride" means any mechanical device, aquatic device or combination of devices that carries or conveys passengers on, along, around, through or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including bungee jumping facilities and state fair rides, but does not include playground equipment, a single-passenger, coin-operated device secured by a stationary foundation or a small promotional event or operation consisting of fewer than six kiddie rides designed for children twelve years of age or younger, including merry-go-rounds;
- B. "department" means the regulation and licensing department;
- C. "inspection" means a physical examination of a carnival ride by an inspector of the regulation and licensing department prior to issuing a certificate of inspection, including re-inspection;
- D. "operator" means a person actually engaged in or directly controlling the operation of a carnival ride; and
- E. "owner" means a person, including the state or any political subdivision of the state, who owns or leases a carnival ride.

History: [Laws 1993, ch. 284, § 2;](#) [1995, ch. 79, § 1.](#)

57-25-3. Liability insurance required; certificate of inspection required; carnival ride insurance fund created.

- A. No person shall operate a carnival ride without a policy of insurance in an amount not less than three million dollars (\$3,000,000) against liability for injury to persons arising out of the operation of the carnival ride.
- B. Either a copy of the policy furnished to the insured or a certificate stating that the insurance required by this section is in effect shall be filed with the department and a local government entity.
- C. The policy shall contain a schedule listing by name and serial number each carnival ride insured by the policy. In the event of additions or deletions of carnival rides during the policy terms, such changes shall be shown on a change endorsement, a copy of which shall be submitted to the department and the local government entity.
- D. In the event of policy cancellation by either the insured owner or operator or the insurance company, the insured shall furnish notice of the cancellation to the department and the local government entity not later than ten days prior to cancellation.
- E. No person, owner or operator of a carnival ride shall operate any carnival ride without obtaining a certificate of inspection for each ride by an inspector of the department or its designee and filing the certificate of inspection with the local government. The owner or operator shall annually have each carnival ride inspected and annually file the certificate of inspection. The certificate of inspection shall state that the carnival ride operator or owner has had the rides independently inspected by a national amusement ride safety official class 1, 2 or 3 inspector within twelve months of the operation of the ride within the state and whether any deficiencies noted by the engineer have been corrected. In addition, the owner or operator of the ride shall inspect the ride each day the ride is operated before any member of the public is

permitted to board the ride. The owner or operator shall keep a current log of such inspections which shall be available for review by local enforcement officials during operating hours.

- F. The insured shall pay a fifty dollar (\$50.00) per carnival ride per inspection filing fee with the department.
- G. The "carnival ride insurance fund" is created in the state treasury. The fund shall consist of all filing fees received by the department pursuant to the Carnival Ride Insurance Act [57-25-1 to 57-25-6 NMSA 1978]. Money in the carnival ride insurance fund is appropriated to the department for the purpose of carrying out the provisions of the Carnival Ride Insurance Act.

The fund shall not be expended for any purpose other than carrying out the provisions of the Carnival Ride Insurance Act.

History: [Laws 1993, ch. 284, § 3](#); [1995, ch. 79, § 2](#); [1996, ch. 60, § 1](#).

57-25-4. Penalty.

- A. The department or its authorized representative may issue a written order for the temporary cessation of operation of a carnival ride if it has been determined that the owner or operator has not acquired a policy of insurance or has not maintained inspections of his carnival rides. The operation of the ride shall not resume until the requisite insurance is in effect, inspections have been made and the requisite certificates have been filed with the department and the local government entity.
- B. The department may appear in its own name in the district court of Santa Fe county or any other county having jurisdiction to prevent violations or to enforce the provisions of the Carnival Ride Insurance Act [57-25-1 to 57-25-6 NMSA 1978], the orders, rules and regulations, codes and minimum standards made pursuant to this act by injunction, mandamus or any other proper legal proceeding without bond, including an order not to move the carnival ride.

C. The local law enforcement agency shall have the authority to enforce the provisions of the Carnival Ride Insurance Act. Any person who does not maintain liability insurance on a carnival ride, operates a carnival ride or authorizes the operation of a carnival ride that does not have insurance, does not annually have his carnival rides inspected or does not file the proper certificates as set forth in the Carnival Ride Insurance Act is guilty of a misdemeanor and upon conviction the court shall impose a fine of up to one thousand dollars (\$1,000) a day for the operation of each ride.

D. **History:** [Laws 1993, ch. 284, § 4.](#)

57-25-5. Liability; limitations.

No provision of the Carnival Ride Insurance Act [57-25-1 to 57-25-6 NMSA 1978] shall be construed to place any liability on the state or on the department with respect to any claim by any person, firm or corporation relating to a carnival ride or to any injury or damages arising from a carnival ride.

History: [Laws 1993, ch. 284, § 5.](#)

57-25-6. Exemptions.

The provisions of the Carnival Ride Insurance Act [57-25-1 to 57-25-6 NMSA 1978] shall not apply to nonprofit organizations that own and operate a carnival ride ten days or less each year.

History: [Laws 1993, ch. 284, § 6.](#)