

FIRST REGULAR SESSION

# HOUSE BILL NO. 414

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AUSTIN.

1218H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 316, RSMo, by adding thereto one new section relating to the liability of amusement ride owners or operators.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 316, RSMo, is amended by adding thereto one new section, to be known as section 316.260, to read as follows:

**316.260. 1. As used in this section, the following terms mean:**

**(1) "Amusement park", a commercially operated enterprise that offers rides, games, and other forms of entertainment; and**

**(2) "Amusement ride", as defined in section 316.203.**

**2. No action shall be maintained against any amusement park, an owner or operator of an amusement park or amusement ride, or their employees or agents on account of any damages or injuries sustained due to a defect or unsafe condition of or on any real property where the amusement park is located, or any defect or unsafe condition of or on an amusement ride, unless and until the following notices have been given:**

**(1) Written or oral notification to the owner or operator of the amusement park or amusement ride within two business days of such damage or injury. Such notice shall include the location where and the time when such damage or injury occurred and the circumstances surrounding the occurrence; and**

**(2) Written notification to the owner or operator of the amusement park or amusement ride within thirty days of such damage or injury. Such notice shall include the location where and the time when such damage or injury occurred and the circumstances**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 surrounding the occurrence. If written notice was provided in compliance with subdivision  
18 (1) of this subsection, the requirements of this subdivision are waived.

19 3. The notice required under subsection 2 of this section shall be waived if  
20 emergency services responded to the scene of the amusement park or amusement ride to  
21 treat any alleged injuries sustained due to any alleged defect or unsafe condition of such  
22 amusement park or amusement ride.

23 4. Amusement parks to which this section applies shall prominently display at the  
24 main entrance to the park a sign containing letters of not less than one inch and not more  
25 than six inches in height, which shall read:

26 "IF YOU ARE INJURED IN THIS PARK AND WISH TO MAKE A CLAIM  
27 AGAINST THIS PARK, YOU MUST CALL THIS PHONE NUMBER WITHIN TWO (2)  
28 BUSINESS DAYS OF THE INJURY: ( ).".

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