

MEMORANDUM

TO: County Clerks and County Attorneys

FROM: Libby McCroskey, CTAS Legal Consultant

DATE: January 12, 2006

RE: **Issuance of annual permits for amusement rides and attractions**

The Amusement Ride and Attraction Safety Act enacted by 2005 Public Chapter 460 amended sections 56-38-102 and -103 of the *Tennessee Code Annotated* effective January 1, 2006. Under prior law, owners of amusement rides or attractions obtained a permit from “the county clerk and/or appropriated municipal authority.” The new law specifies that these permits are to be issued by the county clerk. A new permit must be obtained each year. Prior to issuing a permit the county clerk must obtain (1) proof of liability insurance in the amount of at least one million dollars, and (2) proof of inspection of the amusement ride or attraction by the insurer or its designated representative. The county clerk may charge a fee of \$25.00 for issuance of the annual permit. The insurance policy is required to be on a standardized form approved by the state department of commerce and insurance and issued by a company approved by the department. No particular form for the permit is required. CTAS has developed the attached sample application and permit which counties may use as a guide.

The permit for an amusement attraction covers all rides in the attraction and is to be filed at the main office of the amusement attraction. A permit issued for an amusement ride not located within an amusement attraction is to be displayed on the ride. For traveling rides or attractions, the owner may obtain an annual permit from any county clerk in the state and that permit will be valid statewide.

The “owner” of an amusement ride or attraction is defined in T.C.A. § 56-38-102 as a person who owns, leases, controls or manages the operations. The definitions of “amusement ride” and “amusement attraction” are also found in T.C.A. § 56-38-102, and exceptions are found in T.C.A. § 56-38-104. It is the responsibility of the owner of the ride or attraction to determine whether a particular ride or attraction is covered by the law, and if so, to obtain a permit from the county clerk.

The county clerk is responsible for issuing these permits, but under T.C.A. § 56-38-102(3) the department of commerce and insurance is responsible for enforcing the provisions of the law. Operation without the appropriate permit is a Class C misdemeanor. Any violations or complaints that come to the attention of the county clerk should be reported to the department and/or law enforcement officials.

If you have questions or need additional information, please contact your CTAS county government consultant.

[SAMPLE FORM]

_____ COUNTY, TENNESSEE
APPLICATION FOR AMUSEMENT RIDE OR ATTRACTION ANNUAL PERMIT

Amusement Ride *(or)* Amusement Attraction

Liability Insurance Policy attached PERMIT NO. _____

Proof of Inspection by Insuror attached DATE: _____

Name of Owner: _____

Address of Owner: _____

Location of Ride or Attraction: Fixed Traveling

If fixed, state location: _____

----- (cut here) -----

_____ COUNTY, TENNESSEE
ANNUAL PERMIT

PERMIT NO. _____

Amusement Attraction
(or)

DATE ISSUED: _____

Amusement Ride

This permit is effective for ONE YEAR from date of issuance.

OWNER:
[name and address]

[COUNTY CLERK SEAL]

Permits for individual rides must be prominently displayed on the amusement ride. Permits for amusement attractions must be filed at the main office of the attraction and be available for public inspection during normal business hours.

[Sample Form]

**DESIGNATION OF AUTHORIZED REPRESENTATIVE
FOR INSPECTION OF AMUSEMENT RIDE OR ATTRACTION**

The undersigned insurer, _____, duly authorized to do business in the State of Tennessee, hereby designates _____ as its designated representative pursuant to Tennessee Code Annotated § 56-38-103 to perform an inspection of the amusement ride or attraction insured by said insurer under the following liability insurance policy:

Policy no: _____

Insured: _____

Effective date: _____

Executed this _____ day of _____, 20_____

_____, Insurance Company

By: _____

Title: _____

[ATTACH THIS FORM TO INSPECTION CERTIFICATE]