NEBRASKA ADMINISTRATIVE CODE

TITLE 228 -   DEPARTMENT OF LABOR

CHAPTER 3 -   PERMIT REQUIREMENTS

001.   This chapter is adopted pursuant to *Neb. Rev. Stat.* §48-1803.

002.   No amusement device or ride shall be operated in this state without a current Nebraska permit (permit) having been issued by the commissioner to an owner of such equipment.

003.   Each year an owner or operator shall annually apply to the department for a permit on a form furnished by the department and containing such information as the department may require at least fifteen (15) days prior to its operation in the State of Nebraska during a calendar year.

004.   An application for a permit shall include:

A.   Completed Application for Amusement Ride Operating Permit;

B.   A completed Nebraska Amusement Ride Inspection Report signed by a qualified inspector, to include a state inspection checklist as designated by the commissioner;

C.   Current certificate of insurance written by an insurance company authorized to do business in Nebraska with at least one (1) million dollars minimum liability coverage; and

D.   Permit fee of fifty dollars ($50) per ride.

005.   The ride owner or operator shall affix the permit issued by the department to a basic structure of the ride readily accessible to the public.

006.   Upon the sale or transfer of a permitted amusement ride the current permit holder shall notify the department in writing within five (5) working days of such transaction and provide information concerning the recipient. The permit shall be removed or obliterated before the ride is sold or transferred by the permit holder. The new owner shall comply with the inspection/permit process as outlined in this rule. A permit is not transferable.

007. A renovation of an amusement ride that changes the dynamics or control system of the ride shall require a reinspection by a qualified amusement ride inspector before being operated in Nebraska.

008. Any inspection required pursuant to the Nebraska Amusement Ride Safety Act shall be conducted at a minimum to meet the manufacturer's or engineer's specifications and to follow the applicable national standards including American Society for Testing and Materials (ASTM) Standards on Amusement Rides and Devices 8th edition.

009. Should an owner/operator contract and/or book with more than one carnival, fair, or amusement park within a season which reflects a change and/or elimination of their liability insurance coverage, they will be required to obtain new permits for each booking prior to operation. Such changes will include an insurance company suspending, canceling, and/or a policy expiring as contained under Chapter 7. It is the responsibility of the owner/operator to notify the department whenever it becomes necessary to obtain new permits. Owner/operator(s) that relocate their rides by booking on with each other to operate rides in different locations must verify in writing proof of insurance specifying each ride/device covered by insurance. Should proof of insurance not be made available to the commissioner and/or his/her designee, permits to operate shall be immediately revoked.

010. The commissioner may waive the requirement that an application for a permit must be filed fifteen (15) days prior to operation in Nebraska, if the applicant gives satisfactory proof to the commissioner that he or she could not reasonably comply with the date requirement and if the applicant immediately applies for a permit after the need for a permit is first determined.

011. For the purpose of determining if an amusement ride is in safe operating condition and will provide protection to the public using such ride or device, each amusement ride shall be inspected by a qualified inspector before it is initially placed in operation in Nebraska and shall thereafter be inspected at least once each year as required by *Neb. Rev. Stat.* §48-1804.

012. It is the obligation of each owner/operator to review and know the contents of Nebraska's rules and regulations pertaining to amusement rides prior to operating a mechanized ride or device.