

NEBRASKA ADMINISTRATIVE CODE

TITLE 228 - DEPARTMENT OF LABOR

CHAPTER 6 - CESSATION ORDER

- 001. This chapter is adopted pursuant to *Neb. Rev. Stat. §48-1803*.
- 002. The commissioner may order, in writing, a temporary cessation of operation of any amusement ride or related electrical equipment if it has been determined after inspection and/or observation to be hazardous or unsafe.
- 003. Operation of the amusement ride or related electrical equipment shall not resume until the unsafe or hazardous condition is corrected to the satisfaction of the commissioner.
- 004. Personal injuries and deaths.

An owner/operator shall submit a report in writing to the commissioner due to an accident resulting in injury to any person within forty-eight hours after occurrence of the incident. The report of an accident shall be a duplicate copy of the report submitted to insurance companies. The operator shall immediately report by telephone any accident in which a fatality occurs or a person suffers a fracture, concussion, laceration, or other traumatic injury requiring immediate surgical or medical care. The commissioner, after consultation and determination with the owner and/or operator, may require that the scene of such an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured persons. If a ride is removed from service by the commissioner, he/she shall order an immediate investigation and the ride or device shall be released for repair and operation only after complete investigation. In such cases that resulted in death, formal written release of the ride must be given by the commissioner to the owner prior to resuming operation.

- 005. Mechanical failure reports.

The operator shall immediately report to the commissioner a major breakdown after occurrence of the incident by telephone. Upon being advised of such an incident, the commissioner or his/her designee, after reviewing the circumstances, may order the ride or device to be withheld from operation and, in such cases, the commissioner shall conduct an immediate investigation. The ride or device shall be released for repair and operation only after the complete investigation by the commissioner's representative.

006. A. If a qualified inspector finds a condition on an amusement ride which does not comply with the rules, he/she will notify the owner. The amusement ride shall not be operated or permitted until the condition is corrected and the amusement ride is reinspected by a qualified inspector. If the qualified inspector determines the safety hazard is limited to an individual tub/cart and the ride may be operated safely without occupation of the tub/cart, the amusement ride may be operated without the use of the impacted tub/cart.
- B. In a situation where a spot inspection reveals a condition that is a direct and immediate severe hazard to health or a direct and imminent danger to life, the department inspector or designee shall verbally stop the operation of an amusement ride/amusement device immediately. The department inspector or designee shall notify the commissioner of the action taken. The operator shall eliminate the cause of hazard prior to again restarting the amusement ride/amusement device. The department inspector or designee shall make an emergency inspection and issue a recommended mechanical repair prior to operation.
007. When a ride is issued an order pursuant to paragraph (006)(B) of this chapter, the fair official, sponsor of event, and/or responsible party will be notified of the order.