

Park Law

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It's all fun and games...

The risks associated with amusement rides are well known and parks take extraordinary steps to ensure their rides are safe: extensive operator and attendant training, daily inspections, maintenance protocols, diligent record-keeping, but what about other aspects of the guest experience? Games and other non-ride attractions can pose risks to guests but usually get relatively little attention.

With regard to games of skill in particular, risks are often not considered. Granted, the majority of games pose little to no risk of injury – so it's easy to understand that they are not at the forefront of park management's mind when safety is the topic. However, some games – such as the classic strongman (or 'test your strength') game or 'sharpshooter' games utilising air guns, for example – can involve risk of injury to a guest and should be maintained and operated in much the same ways as a ride.

For instance, the strongman game and mallets should be inspected on a regular basis, in accordance with the manufacturer's manual. Have you ever seen or heard of a mallet bounce-back? They can, and do, happen. Discard mallets and guns that are worn and replace them with equipment directly from the game manufacturer. Make sure mallet heads are secure and air guns are not 'jamming' and are free of debris. As importantly, inspections of your games should be thoroughly documented the same as you document ride inspections. Games should be tested for proper operation daily before being opened and, again, this should be documented. Document repairs made to the game. Although the repairs may be entirely unrelated to safety (i.e., replacement of a light bulb), the fact that you document all repairs will go a long way to evidencing that you inspect, maintain, and repair the game regularly. While it may initially seem funny if a mallet bounces back and strikes the player, the humour is quickly gone when he files a lawsuit and claims a traumatic brain injury as a result of the impact of the mallet to his head. Similarly, an air gun that somehow 'jams' and results in an accident is no laughing matter. Ensure that games involving mallets, items being thrown, and guns of any kind have restricted access to the play area so bystanders are not also at risk of injury.

Likewise, the training of game attendants should be performed regularly and follow

a written protocol. Document the training of game attendants just as you do the training of ride operators and attendants. Maintain that training documentation for the same time period as you do other training documents. Make sure the rules for the game – including what is expected of the game attendant – are available at each game.

Signage at games is just as important as it is at rides. Post the game rules and restrictions. For instance, if only one player is allowed in a fenced game area, that should be clearly stated on highly visible signage. If a game attendant is supposed

to hand the player the equipment to play the game, post that clearly so guests don't take the liberty of grabbing equipment (and potentially the incorrect equipment) themselves.

Finally, if you've discovered a potential danger in a game because an incident has occurred, contact the game manufacturer to discuss what occurred and ask it to try to determine what happened and develop a suggested warning or rule that can be posted at the game to reduce the risk of reoccurrence. You would prefer that the manufacturer decide what the risk is and develop the language of the warning or rule. But, either way, warnings and/or rules should be posted if you are aware that a particular type of accident can occur on one of your games.

In short, treat your games as you do your rides. If a guest is injured at your park, it will make no difference that it was while playing a game as opposed to riding an attraction. The experience will be ruined for the guest and he may be severely injured, the lawsuit is just as costly to defend, and the risk of bad publicity and an adverse verdict is just as real.

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