

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3358

(SENATE AUTHORS: RUUD and Pratt)

DATE	D-PG	OFFICIAL STATUS
02/20/2020	4837	Introduction and first reading Referred to Jobs and Economic Growth Finance and Policy
03/04/2020	5151a	Comm report: To pass as amended
	5223	Second reading
04/20/2020	5811a	Special Order: Amended
	5813	Third reading Passed
05/15/2020	7048	Returned from House with amendment
	7049	Laid on table
05/16/2020		Taken from table
		Senate concurred and repassed bill
		Third reading

1.1 A bill for an act

1.2 relating to employment; providing for the minimum age for safe amusement ride

1.3 operation; allowing 16- and 17-year-olds to be employed to operate certain lawn

1.4 care equipment; amending Minnesota Statutes 2018, sections 181A.04, by adding

1.5 a subdivision; 184B.021; 184B.03, subdivisions 1, 2; proposing coding for new

1.6 law in Minnesota Statutes, chapter 181A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 181A.04, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 7. **Amusement rides.** (a) Minors, 16 or 17 years of age, may be employed in the

1.11 operation of amusement rides or loading and unloading of passengers from amusement rides

1.12 if all of the requirements of this subdivision are met. For the purposes of this subdivision,

1.13 "operation of an amusement ride" does not include maintenance, testing, repair, erection,

1.14 or dismantling of an amusement ride.

1.15 (b) The following requirements must be met in order for an employer to employ a minor

1.16 under this exception:

1.17 (1) employers shall comply with: (i) all other applicable child labor standards in chapter

1.18 181A and Minnesota Rules, chapter 5200; and (ii) all requirements of chapter 184B;

1.19 (2) the amusement ride or rides to be operated by minors 16 or 17 years of age must be

1.20 located in a fixed site amusement park;

1.21 (3) the minor shall not operate or load and unload passengers on more than one

1.22 amusement ride at a time;

2.1 (4) At any time during which a minor is operating an amusement ride or loading and
 2.2 unloading passengers on an amusement ride, the employer shall ensure that a supervisor is
 2.3 present on the employer's premises and is supervising the minor in accordance with the
 2.4 employer's written supervision policy. Supervision required by the policy shall address, at
 2.5 a minimum, the type and design of the ride, the location of the ride in the employer's facility,
 2.6 the location of assigned ride operators on the ride, and the distance between rides in the
 2.7 facility. Notwithstanding the specific job title assigned by the employer, for purposes of
 2.8 this subdivision, "supervisor" is defined as any employee, at least 18 years of age, trained
 2.9 in the operation of the ride being operated by a minor, and who has been assigned by the
 2.10 employer the responsibility of supervising a ride operator's operation of the amusement ride
 2.11 or loading and unloading of passengers on the amusement ride; and

2.12 (5) the incident report log and reporting required by section 184B.045 shall apply to
 2.13 minors allowed to be employed under this subdivision for injuries or illnesses, other than
 2.14 minor injuries and illnesses, resulting from their operation or loading and unloading
 2.15 passengers on an amusement ride.

2.16 **Sec. 2. [181A.116] OPERATION OF LAWN CARE EQUIPMENT.**

2.17 (a) Notwithstanding section 181A.04, subdivision 5, minors of at least 16 years of age
 2.18 may be employed to operate lawn care equipment. For the purposes of this section, "lawn
 2.19 care equipment" means lawn trimmers, weed cutters, and machines designed to cut grass
 2.20 and weeds that meet safety specifications of the American National Standards
 2.21 Institute/Outdoor Power Equipment Institute's (ANSI/OPEI) B71.1 2017 definition of
 2.22 pedestrian-controlled mowers and ride-on mowers.

2.23 (b) A 16- or 17-year-old employed under this section must:

2.24 (1) prior to operating lawn care equipment, be trained in the safe operation of each type
 2.25 of lawn care equipment listed in paragraph (a) to be operated by the 16- or 17-year-old; and

2.26 (2) wear personal protective equipment, including, but not limited to, safety glasses,
 2.27 hearing protection, gloves, safety vest, and work boots, as necessary, at all times when
 2.28 operating the lawn care equipment listed in paragraph (a).

2.29 (c) An employer employing a 16- or 17-year-old under this section shall:

2.30 (1) ensure that lawn care equipment operators that are ages 16 or 17 follow all safety
 2.31 rules and instructions provided in the equipment's operator manual, including prohibiting
 2.32 the operation of lawn care equipment on a slope greater than is recommended by the
 2.33 operator's manual; and

3.1 (2) ensure required safety equipment is in place and operational on all lawn care
 3.2 equipment, including roll-over protection, seat belts, operator presence control systems,
 3.3 interlocks, guards, and shields.

3.4 (d) The exception under this section allowing minors 16 and 17 years of age to be
 3.5 employed to operate lawn care equipment is limited to the following:

3.6 (1) minors who are directly employed by a golf course, resort, or municipality to perform
 3.7 lawn care on golf courses, resort grounds, and municipal grounds; and

3.8 (2) minors who are directly employed by a rental property owner and the minor performs
 3.9 lawn care on the owner's rental property.

3.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.11 Sec. 3. Minnesota Statutes 2018, section 184B.021, is amended to read:

3.12 **184B.021 RIDE OPERATOR REQUIREMENTS.**

3.13 (a) The owner of an amusement ride must have a documented training policy for the
 3.14 operation of an amusement ride.

3.15 (b) The documented training policy must include, at a minimum:

3.16 (1) training on the amusement ride's operating procedures;

3.17 (2) specific duties of assigned positions;

3.18 (3) general safety procedures, specific procedures to follow in the event of unusual
 3.19 conditions or an interruption of operations; and

3.20 (4) evacuation plans for the amusement ride.

3.21 (c) The ride owner must maintain a written certification for each person controlling the
 3.22 physical operation of an amusement ride that the person has received the training for the
 3.23 ride that is required by the documented training policy.

3.24 (d) A ride operator shall not operate or load and unload passengers on more than one
 3.25 amusement ride at a time.

3.26 Sec. 4. Minnesota Statutes 2018, section 184B.03, subdivision 1, is amended to read:

3.27 Subdivision 1. **Annual inspections.** (a) An amusement ride must be inspected at least
 3.28 once annually by a certified amusement ride inspector. The certified amusement ride inspector
 3.29 must be either:

4.1 (1) an employee of the insurance company that insures the amusement ride; or

4.2 (2) an independent inspection service provider that the insurance company or owner, or
4.3 the State Agricultural Society, has contracted with, or an employee of the independent
4.4 inspection service provider. If the certified amusement ride inspector is not an employee or
4.5 agent of the insurance company that insures the amusement ride, then the independent
4.6 inspection service provider must, before performing the inspection, provide proof of liability
4.7 insurance in the amount of \$1,000,000 to the insurance company or owner, or the State
4.8 Agricultural Society, with whom the independent service provider has contracted.

4.9 (b) Amusement rides that are not operated in Minnesota on a continual year-round basis
4.10 must be inspected in the same calendar year and prior to July 1, or the first operation in
4.11 Minnesota, whichever is ~~later~~ earlier. Amusement rides that did not pass an inspection
4.12 required by this section in the previous year must be inspected before being operated in
4.13 Minnesota.

4.14 (c) If an inspection reveals that an amusement ride does not meet the current American
4.15 Society for Testing and Materials (ASTM) Standards on Amusement Rides and Devices,
4.16 F 846-92 and F 893-04, the insurer or independent inspection service provider must notify
4.17 the owner of all defects.

4.18 (d) No person shall operate an amusement ride unless: (1) the amusement ride passed
4.19 the most recent annual inspection required by this section; or (2) all defects identified during
4.20 the most recent annual inspection have been corrected and the amusement ride passed a
4.21 reinspection.

4.22 (e) All inspections and reinspections required by this section must include evaluation
4.23 consistent with the current ASTM Standards on Amusement Rides and Devices, F 846-92
4.24 and F 893-04. All owners and operators must permit reasonable inspection of an amusement
4.25 ride by the certified amusement ride inspector selected by the insurer or independent
4.26 inspection service provider.

4.27 (f) The inspections required by this section are in addition to any other inspections
4.28 required or permitted by law.

4.29 (g) Before the amusement ride is operated, an owner of an amusement ride must file
4.30 with each sponsor, lessor, landowner, or other person who has contracted for the amusement
4.31 ride to be offered to any riders an inspection affidavit attesting that the amusement ride
4.32 passed the most recent inspection or reinspection required by this section. The inspection
4.33 affidavit shall identify the amusement ride by name, manufacturer, and serial number, the
4.34 date inspection was performed, and the inspector's name and certification number.

5.1 (h) An owner of an amusement ride, or the State Agricultural Society on its behalf, must
5.2 also file the affidavit of inspection with the commissioner not later than ten days after the
5.3 completion of each inspection, required by this section, that the amusement ride passes.

5.4 Sec. 5. Minnesota Statutes 2018, section 184B.03, subdivision 2, is amended to read:

5.5 Subd. 2. **Daily inspections.** No person shall operate an amusement ride unless a daily
5.6 inspection consistent with the current ASTM Standards on Amusement Rides and Devices,
5.7 F 770-93, has been performed according to this section on the day of operation. At a
5.8 minimum, an owner or operator ~~of the amusement ride~~ who is 18 years of age or older, or
5.9 certified amusement ride inspector shall perform the daily ~~inspection~~ inspections required
5.10 by ASTM Standards on Amusement Rides and Devices, F 770-93, sections 4.1.4.1 and
5.11 4.1.4.4, before the ride is put into operation that day. ~~The daily inspection shall be consistent~~
5.12 ~~with the current ASTM Standards on Amusement Rides and Devices, F 770-93.~~ Other daily
5.13 inspections required by ASTM Standards on Amusement Rides and Devices, F 770-93,
5.14 sections 4.1.4.2 and 4.1.4.3, shall be performed by an owner or operator of the amusement
5.15 ride or certified amusement ride inspector before the ride is put into operation that day.
5.16 Each daily inspection shall be recorded in a daily logbook kept for each amusement ride.
5.17 An owner of the amusement ride, or the State Agricultural Society on its behalf, shall
5.18 maintain the record of daily inspections for a period of not less than three years, and shall
5.19 make the record of daily inspections available to the commissioner upon request. An owner
5.20 or operator shall not knowingly operate, or permit to be operated, an amusement ride that
5.21 has not passed the most recent daily inspection.