

1 **SENATE FLOOR VERSION**

2 February 16, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 580

5 By: Yen

6
7 An Act relating to amusement rides; amending 40 O.S.
8 2011, Sections 461 and 462, which relate to
9 definitions and inspections; adding definition for
10 certain devices; authorizing additional device
11 definitions by rule; deleting certain date for
12 certificate of inspections; authorizing the
13 Commissioner of Labor to set inspection frequency;
14 requiring annual registration of certain other
15 devices; authorizing promulgation of rules and fees
16 for certain devices; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 40 O.S. 2011, Section 461, is
19 amended to read as follows:

20 Section 461. A. As used in Sections 460 through 469 of this
21 title:

22 1. "Amusement ride" means a device or combination of devices or
23 elements that carry, convey, or direct a person or persons over or
24 through a fixed or restricted course or within a defined area for
the primary purpose of amusement or entertainment. Amusement ride
includes any amusement park device that uses ~~treated~~ water as the
means of transportation, including the structure ~~and water quality~~

1 of the device. Amusement ride does not include the operation of
2 articles of husbandry incidental to any agricultural operation or
3 the operation of amusement devices of a permanent nature which are
4 subject to building regulations issued by cities or counties and
5 existing applicable safety orders;

6 2. The term amusement ride shall be divided in to four
7 categories defined as follows:

8 a. "permanent amusement device" means a device which is
9 used, or intended to be used, as an amusement device
10 that is erected to remain a lasting part of the
11 premises,

12 b. "temporary amusement device" means a device which is
13 used as an amusement device that is regularly
14 relocated with or without disassembly,

15 c. "inflatable amusement device" means an inflatable
16 amusement device as defined in Section 472 of this
17 title, and

18 d. "other amusement device" means amusement devices
19 registered with the Department of Labor that have
20 proof of insurance;

21 3. "Operator" or "owner" means a person who owns or controls or
22 has the duty to control the operation of an amusement ride and
23 includes the state and every state agency, and each county, city and
24 all private or public corporations and political subdivisions;

1 ~~3.~~ 4. "Certificate of inspection" means a certificate issued by
2 the Commissioner of Labor which indicates that an inspection of the
3 ride has been performed pursuant to rules and regulations adopted by
4 the Department of Labor; and

5 ~~4.~~ 5. "Permanent amusement park ride" means an amusement ride
6 which is stationary or cannot be easily moved and which is located
7 on the same premises on which it is operated for no less than ninety
8 (90) days.

9 B. The Commissioner of Labor may designate other rides and
10 attractions that are not included in the above-stated definitions of
11 amusement ride or categories of devices through the promulgation of
12 an agency administrative rule.

13 SECTION 2. AMENDATORY 40 O.S. 2011, Section 462, is
14 amended to read as follows:

15 Section 462. A. ~~No person shall operate an amusement ride~~
16 ~~without a certificate of inspection. On or before March 1 of each~~
17 ~~year, an~~ The Commissioner of Labor shall determine the date and
18 frequency of inspections based on the type of amusement ride. No
19 permanent or temporary amusement device may operate without an
20 initial inspection. An operator or owner shall apply for a
21 certificate of inspection on a form furnished by the Commissioner of
22 Labor.

23 ~~B. All amusement rides shall be inspected before they are~~
24 ~~originally put into operation for the use of the public, and~~

1 ~~thereafter, at least once each calendar year, unless authorized to~~
2 ~~operate under a temporary certificate. Amusement rides must also be~~
3 ~~inspected each time they are disassembled and reassembled~~ Other
4 amusement devices must be registered annually with the Department of
5 Labor and the owner or operator must provide to the Department proof
6 of insurance as provided by Section 467 of this title. The
7 Commissioner of Labor may promulgate rules providing for
8 registration of such devices and establish registration fees.

9 C. The owner or operator may make application to the
10 Commissioner for less frequent inspections than are required under
11 subsection B of this section. The Commissioner, upon investigation
12 and/or hearing of the matter, may grant a waiver, provided equal
13 public safety is maintained. Such waiver shall provide specific
14 requirements for inspection in lieu of the requirements of
15 subsection B of this section. The Commissioner shall promulgate
16 rules for the determination of a waiver provided such rules place an
17 affirmative responsibility on the owner/operator for the
18 preservation of public safety.

19 D. The Commissioner of Labor may cause the inspection herein
20 provided for to be made by ~~his~~ their safety inspectors or by any
21 qualified amusement ride inspector employed by an insurance company.

22 E. If, after inspection, an amusement ride is found to comply
23 with the rules and regulations of the Commissioner of Labor, the
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1 Commissioner of Labor shall issue a certificate of inspection which
2 shall authorize the operator or owner to operate the rides.

3 SECTION 3. This act shall become effective November 1, 2017.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
5 February 16, 2017 - DO PASS AS AMENDED
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