

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2115

By: Fields of the House

and

Long of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to labor; clarifying power of the Commissioner of Labor to promulgate rules relating to certain subjects concerning amusement ride safety; amending 40 O.S. 1991, Section 467, which relates to liability insurance for amusement rides; modifying minimum insurance requirements; amending 40 O.S. 1991, Section 141.13, which relates to the Boiler and Pressure Vessel Safety Act; allowing certain inspections of boilers and pressure vessels at a single location to be conducted at the same time; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 460.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding the definition of alteration.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

"Alteration" means any change in either the structural or operational characteristics of the amusement ride which will alter its performance from that specified in the design criteria of the manufacturer.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 460.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding amusement ride maintenance, inspection, and repair records.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

The owner of an amusement ride shall maintain up-to-date maintenance, inspection, and repair records between inspection periods for each amusement ride in the manner provided by the Commissioner of Labor. The records shall contain a copy of all inspection reports commencing with the last annual inspection, a description of all maintenance performed, and a description of any mechanical or structural failures or operational breakdowns and the types of actions taken to rectify these conditions.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 460.3 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the

Commissioner of Labor shall promulgate rules regarding the use of signage concerning amusement rides.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

1. An amusement ride owner shall display signs indicating the applicable safety responsibilities of riders as set forth by the Commissioner of Labor and the location of stations to report injuries. The signs must be located at:

- a. each station for reporting an injury,
- b. each first aid station, and
- c. at each premises entrance and exit;

2. An amusement ride owner shall post a sign at each amusement ride that includes:

- a. operational instruction, if any,
- b. safety guidelines for rider, if any,
- c. restrictions of the use of the amusement ride, if any,
- d. behavior or activities that are prohibited, if any,  
and
- e. a legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Failure to comply is punishable by fine and imprisonment.";

3. Any sign required by this rule must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design; and

4. As used in this rule, "sign" means any symbol or language reasonably calculated to communicate information to a rider or the parent or guardian of a rider, including placards, prerecorded messages, live public address, stickers, pictures, video, verbal information, and visual signals.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 460.4 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding the use of amusement rides by riders.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

1. A rider shall:

a. obey the reasonable safety rules posted in accordance with law and oral instructions for an amusement ride issued by the owner or the employee of the owner, unless:

- (1) the safety rules are contrary to law or rules, or
- (2) the oral instructions are contrary to law or rules or the safety rules, and

b. refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:

- (1) exceeding the limits of ability of the rider,
- (2) interfering with safe operation of the amusement ride,
- (3) not engaging any safety devices that are provided,
- (4) disconnecting or disabling a safety device except at the express instruction of the ride operator,
- (5) altering or enhancing the intended speed, course, or direction of an amusement ride,

- (6) using the controls of an amusement ride designed solely to be operated by the ride operator,
- (7) extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator,
- (8) throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator,
- (9) getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency, and
- (10) not reasonably controlling the speed or direction of the person of the rider or an amusement ride that requires the rider to control or direct the person of the rider or a device;

2. A rider may not get on or attempt to get on an amusement ride unless the rider or the parent or guardian of the rider reasonably determines that the rider:

- a. has sufficient knowledge to use, get on, and get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use, and get off safely,
- b. has located, reviewed, and understood any signs in the vicinity of the ride and has satisfied any posted height, medical, or other restrictions,
- c. knows the range and limits of the ability of the rider and knows the requirements of the amusement ride will not exceed those limits,
- d. is not under the influence of alcohol or any drug that affects the ability of the rider to safely use the

amusement ride or obey the posted rules or oral instructions, and

- e. is authorized by the amusement ride owner or the authorized employee of the amusement ride owner to get on the amusement ride; and

3. As used in this rule, "rider" means any person who is:

- a. waiting in the immediate vicinity to get on an amusement ride,
- b. getting on an amusement ride,
- c. using an amusement ride,
- d. getting off an amusement ride, or
- e. leaving an amusement ride and still in its immediate vicinity.

SECTION 5. AMENDATORY 40 O.S. 1991, Section 467, is amended to read as follows:

Section 467. No person shall operate an amusement ride unless at the time there exists a policy of insurance in an amount of not less than ~~Three Hundred Thousand Dollars (\$300,000.00)~~ One Million Dollars (\$1,000,000.00) insuring the owner or operator against liability for injury suffered by persons riding the amusement ride.

SECTION 6. AMENDATORY 40 O.S. 1991, Section 141.13, is amended to read as follows:

Section 141.13 A. The Commissioner of Labor or the chief boiler inspector, or any deputy inspector, shall have free access, during reasonable hours, to any premises in the state where a boiler or pressure vessel is being constructed for use in, or is being installed in this state for the purpose of ascertaining whether such boiler or pressure vessel is being constructed and installed in accordance with the provisions of ~~this act~~ the Boiler and Pressure Vessel Safety Act.

B. ~~On the effective date of this act, each~~ Each boiler and pressure vessel covered by ~~this act~~ the Boiler and Pressure Vessel

Safety Act shall be thoroughly inspected as to its construction, installation and condition as follows:

1. Power boilers and high pressure high temperature water boilers shall receive an inspection annually which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible. Such boilers shall also be externally inspected annually preferably while under pressure;

2. Low pressure steam or vapor heating boilers shall receive an external inspection annually with an internal inspection at least every two (2) years where construction permits;

3. Hot water heating and hot water supply boilers shall receive an external inspection annually with an internal inspection at the discretion of the inspector;

4. Pressure vessels, excluding those within the scope of the American Petroleum Institute Pressure Vessel Inspection Code, subject to internal corrosion and waste heat steam generators shall receive an internal inspection triennially where construction permits. Pressure vessels not subject to internal corrosion shall receive an inspection at intervals set by the Commissioner. Frequency of external inspections of pressure vessels shall be set by the Commissioner;

5. A grace period of two (2) months beyond the periods specified in paragraphs 1, 2, 3 and 4 of this subsection is permitted between inspections; however, the inspection due date shall not be affected; provided, however, for an entity with two or more boilers or pressure vessels, the Commissioner may allow all inspections of the boilers or pressure vessels to be conducted at that location at the same time;

6. The Commissioner of Labor may provide for longer periods between inspections in the rules ~~and regulations~~ for specific boilers and pressure vessels; and

7. Under the provisions of ~~this act~~ the Boiler and Pressure Vessel Safety Act, the Commissioner of Labor is responsible to provide rules for the safety of life, limb and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules ~~and regulations~~. Inspection during construction and installation shall certify as to the minimum requirement for safety as defined in the American Society of Mechanical Engineers Code or other construction standards acceptable to the Commissioner of Labor. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service condition, such as:

- a. previous experience, based on records of inspection, performance and maintenance,
- b. location, with respect to personnel hazard,
- c. quality of inspection and operating personnel,
- d. provision for related safe operating controls, and
- e. interrelation with other operations outside the scope of ~~this act~~ the Boiler and Pressure Vessel Safety Act.

Based upon the documentation of such actual service conditions by the owner or user of the operating equipment, the Commissioner of Labor may, at his discretion, permit variations in the inspection requirements.

C. The inspections herein required shall be made by the Commissioner, chief boiler inspector, deputy inspector or a special inspector as provided for in ~~this act~~ the Boiler and Pressure Vessel Safety Act.

D. Owner-user inspection of boilers and pressure vessels is permitted provided the owner-user inspection service is regularly established and is under the supervision of one or more individuals whose qualifications are satisfactory to the Commissioner of Labor and said owner-user causes the pressure vessels to be inspected in

conformance with the National Board Inspection Code or American Petroleum Institute Pressure Vessel Inspection Code as applicable.

E. If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it shall be made by the owner or user or his licensed representative and witnessed by an inspector as authorized by ~~this act~~ the Boiler and Pressure Vessel Safety Act, before a certificate of operation is issued.

F. All boilers, other than cast iron sectional boilers, and pressure vessels to be installed in this state after the twelve-month period from the date upon which the rules ~~and regulations~~ of the Commissioner become effective, shall be inspected during construction as required by the applicable rules ~~and regulations~~ by an inspector authorized to inspect boilers and pressure vessels in this state, or if constructed outside of the state, by an inspector holding a valid commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

G. No person, firm or corporation shall in any manner interfere with the performance of the official duties of any inspector authorized by ~~this act~~ the Boiler and Pressure Vessel Safety Act.

SECTION 7. This act shall become effective November 1, 2000.

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