

**EHB 2115**

**THE STATE SENATE**  
**Monday, April 3, 2000**

**ENGROSSED**

**House Bill No. 2115**

**As Amended**

ENGROSSED HOUSE BILL NO. 2115 - By: FIELDS of the House and LONG of the Senate.

**[ amusement rides - minimum insurance requirements - 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

1 its performance from that specified in the design criteria of the  
2 manufacturer.

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

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

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

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

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

4 A. Pursuant to the authority granted to the Commissioner of  
5 Labor under Section 460 of Title 40 of the Oklahoma Statutes to  
6 promulgate rules for the safe installation, repair, maintenance,  
7 use, operation, and inspection of all amusement rides necessary for  
8 the protection of the general public using amusement rides, the  
9 Commissioner of Labor shall promulgate rules regarding the use of  
10 signage concerning amusement rides.

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

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

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

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

- 22 a. operational instruction, if any,
- 23 b. safety guidelines for rider, if any,

- 1 c. restrictions of the use of the amusement ride, if any,  
2 d. behavior or activities that are prohibited, if any,  
3 and  
4 e. a legend providing that "State law requires riders to  
5 obey all warnings and directions for this ride and  
6 behave in a manner that will not cause or contribute  
7 to injuring themselves or others. Failure to comply  
8 is punishable by fine and imprisonment.";

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

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

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

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

1 the protection of the general public using amusement rides, the  
2 Commissioner of Labor shall promulgate rules regarding the use of  
3 amusement rides by riders.

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

6 1. A rider shall:

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

11 (1) the safety rules are contrary to law or rules, or

12 (2) the oral instructions are contrary to law or  
13 rules or the safety rules, and

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

16 (1) exceeding the limits of ability of the rider,

17 (2) interfering with safe operation of the amusement  
18 ride,

19 (3) not engaging any safety devices that are  
20 provided,

21 (4) disconnecting or disabling a safety device except  
22 at the express instruction of the ride operator,

- 1 (5) altering or enhancing the intended speed, course,  
2 or direction of an amusement ride,  
3 (6) using the controls of an amusement ride designed  
4 solely to be operated by the ride operator,  
5 (7) extending arms and legs beyond the carrier or  
6 seating area except at the express direction of  
7 the ride operator,  
8 (8) throwing, dropping, or expelling an object from  
9 or toward an amusement ride except as permitted  
10 by the ride operator,  
11 (9) getting on or off an amusement ride except at the  
12 designated time and area, if any, at the  
13 direction of the ride operator or in an  
14 emergency, and  
15 (10) not reasonably controlling the speed or direction  
16 of the person of the rider or an amusement ride  
17 that requires the rider to control or direct the  
18 person of the rider or a device;

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

- 22 a. has sufficient knowledge to use, get on, and get off  
23 the amusement ride safely without instruction or has

- 1 requested and received before getting on the ride  
2 sufficient information to get on, use, and get off  
3 safely,
- 4 b. has located, reviewed, and understood any signs in the  
5 vicinity of the ride and has satisfied any posted  
6 height, medical, or other restrictions,
- 7 c. knows the range and limits of the ability of the rider  
8 and knows the requirements of the amusement ride will  
9 not exceed those limits,
- 10 d. is not under the influence of alcohol or any drug that  
11 affects the ability of the rider to safely use the  
12 amusement ride or obey the posted rules or oral  
13 instructions, and
- 14 e. is authorized by the amusement ride owner or the  
15 authorized employee of the amusement ride owner to get  
16 on the amusement ride; and
- 17 3. As used in this rule, "rider" means any person who is:
- 18 a. waiting in the immediate vicinity to get on an  
19 amusement ride,
- 20 b. getting on an amusement ride,
- 21 c. using an amusement ride,
- 22 d. getting off an amusement ride, or

1 e. leaving an amusement ride and still in its immediate  
2 vicinity.

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

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

10 SECTION 6. This act shall become effective November 1, 2000.

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-27-00 -  
12 DO PASS, As Amended.