

and

Thompson of the House

An Act relating to labor; amending 40 O.S. 2001, Section 465, which relates to amusement ride safety; making language gender neutral; stating Department of Labor has jurisdiction over certain accidents and incidents; requiring certain owners, users or operators to notify the Department of certain fatality or injury accidents and to secure certain areas; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 465, is amended to read as follows:

Section 465. A. The Commissioner of Labor may issue a written order for the temporary cessation of operation of an amusement ride if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner of Labor. The Commissioner of Labor or ~~his authorized inspector~~ a designee of the Commissioner may inspect any amusement ride without notice.

B. In addition to other powers confirmed by this act, the Commissioner or ~~his authorized representative~~ a designee of the Commissioner shall have power to order any person, firm, corporation, corporate officers, trustees or any managing official of any municipal corporation, state agency or political subdivision to cease violating any provision of this act, or rule or regulations issued pursuant to this act. A certified copy of such order shall be mailed to the person or entity so violating the provisions of this act.

C. Any order issued by the Commissioner or ~~his authorized representative~~ a designee of the Commissioner may be enforced in the district court in an action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General. Provided further, an injunction, without bond, may be granted by the district court to the Commissioner, for the purpose of enforcing this act.

D. The Department of Labor has jurisdiction over the investigation or inquiry into accidents and incidents arising within the definitions of this act. It shall be mandatory for all owners, users or operators of any amusement ride or device involved in a fatality or injury accident to immediately notify the Department of Labor and secure the total accident or incident area by whatever means is practical until such time as the Department of Labor representative or a designee of the Commissioner arrives on the scene, except in case of the protection of life or limb as a result of the accident or incident.

SECTION 2. This act shall become effective November 1, 2005.

Passed the Senate the 28th day of February, 2005.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives