

ENROLLED HOUSE
BILL NO. 1934

By: Jackson of the House

and

Myers of the Senate

An Act relating to labor; defining terms; requiring certificate of training for ride operators; providing for training; requiring of maintenance of certain records; providing for voluntary drug and alcohol testing for certain persons; making certain promulgated rules null and void; repealing Section 3, Chapter 260, O.S.L. 2008 (40 O.S. Supp. 2008, Section 471), which relates to training of amusement ride operators; and providing for codification.

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 472 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "ASTM Standards" means the American Society for Testing of Materials International (ASTM) standards entitled "Standard Practice for Ownership and Operation of Amusement Rides and Devices" currently designated F 770, and any amendments, supplements, replacements or substitutions therefor;

2. "Operating fact sheet" means a written description and summary of the manufacturer's recommended operating instructions and specifications and the ride operation policies, procedures, safety procedures and emergency procedures prepared in accordance with the ASTM Standards;

3. "Amusement ride operator" or "ride operator" means a person who is physically in control of the starting, stopping and performance of the amusement ride while in operation; provided however, ride operator shall not include persons fulfilling ancillary functions in connection with the amusement ride such as taking tickets or assisting passengers in loading and unloading;

4. "Amusement ride" means an amusement ride as defined in Section 461 of Title 40 of the Oklahoma Statutes; provided however, the term amusement ride shall not include inflatable amusement devices; and

5. "Inflatable amusement device" means an amusement ride or device consisting of air-filled structures designed for commercial use where the public pays a price to rent or use such a device as specified by the manufacturer, and may include, but not be limited to, bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers and rely upon air pressure to maintain their shape.

B. All amusement rides must be under the control of a competent ride operator or competent ride operators at all times when the amusement ride is in operation. The ride operator must have been issued a certificate of training pursuant to subsection F of this section evidencing that the ride operator has been trained pursuant to subsections C and D of this section within one (1) year from the time of his or her operation of the amusement ride or rides in question. Each such ride operator must wear a name tag identifying the ride operator by name and identifying the fact that such person is a trained ride operator.

C. Each owner/operator shall provide or cause to be provided training for each ride operator in the safe operation of the amusement ride being operated. The minimum requirement for training shall be that specified in the then most current ASTM Standard. Such training shall include, but not be limited to, the following, where applicable:

1. Instruction on ride or device operating procedures pursuant to the operating fact sheet and any manufacturer's operating manual, supplements, alerts and bulletins applicable to the amusement ride;
2. Instructions on specific duties of the assigned position;
3. Instructions on general safety procedures;

4. Instructions on emergency procedures; and
5. Demonstration of the physical ride or device operation.

D. Each owner/operator shall ensure that each ride operator on a ride-specific basis has:

1. Read and understood the operating fact sheet and has satisfactorily demonstrated with on-the-job training and testing that such ride operator is competent and understands the operating fact sheet;

2. Demonstrated how to do pre-startup operational ride checks and daily maintenance inspection;

3. Demonstrated understanding emergency procedures relating to the amusement ride in question and has knowledge of use and function of normal and emergency operating controls; and

4. Demonstrated the physical operation of the amusement ride in question in a safe and satisfactory manner.

E. Each owner/operator shall maintain written records evidencing the compliance with subsections C and D of this section with respect to each ride operator and each amusement ride for which such operator has been trained. These written records shall be maintained on the premises where the amusement ride or amusement rides are being operated and made available upon reasonable request by Department of Labor amusement ride inspectors.

F. In addition to the written records required pursuant to subsection E of this section, the owner/operator shall:

1. Provide to each ride operator trained pursuant to subsections C and D of this section a written certificate stating that the holder of this certificate has been trained in accordance with the requirements of this section. This certificate shall be dated the date on which the training and demonstration of these skills were completed. The certificate may include additional amusement rides as to which such ride operator has been trained, provided that the separate date and location of such training is specified. Each certificate will indicate the applicant's name, address, date of birth and each of the amusement rides such operator

is approved to operate and the signatures of the owner/operator representative and the ride operator; and

2. Maintain the originals or duplicates of the above certificate on the premises and available for inspection by Department of Labor amusement ride inspectors.

G. The Commissioner of Labor may, where there is reasonable grounds to believe that a ride operator is operating an amusement ride while under the influence of drugs or alcohol, require such ride operator to submit for voluntary drug and alcohol testing by a competent, qualified facility and pursuant to standards and procedures consistent with operating a motor vehicle in this state. Failure to submit to a voluntary drug or alcohol test under such circumstance shall result in the termination of such ride operator's certification for a period of ninety (90) days. A positive test for drugs and alcohol pursuant to the foregoing shall result in a loss of such certification for a period of at least thirty (30) days and until the applicant passes a subsequent drug and alcohol test, which retest shall be at the expense of the applicant.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 473 of Title 40, unless there is created a duplication in numbering, reads as follows:

Any rules promulgated pursuant to Section 471 of Title 40 of the Oklahoma Statutes, repealed by Section 3 of this act, shall be null and void and shall have no effect.

SECTION 3. REPEALER Section 3, Chapter 260, O.S.L. 2008 (40 O.S. Supp. 2008, Section 471), is hereby repealed.

Passed the House of Representatives the 20th day of April, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 29th day of April, 2009.

Presiding Officer of the Senate