

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 ENGROSSED SENATE

5 BILL NO. 1199

By: Justice of the Senate

and

McBride of the House

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9 An Act relating to amusement rides; amending 40 O.S.
10 2011, Sections 463 and 469, which relate to fees and
11 violations; deleting kiddie ride fee; providing for
12 fees to be set by rule; granting rulemaking authority
13 to Commissioner of Labor; creating a revolving fund
14 for the Department of Labor; naming fund the
15 "Department of Labor Administrative Penalty Revolving
16 Fund"; stating purpose of fund; providing for
17 deposits and transfer of funds to the General Revenue
18 Fund each fiscal year; granting authority to the
19 Commissioner of Labor to establish by rule a schedule
20 of administrative penalties and fines for violations;
21 making administrative fines in addition to criminal
22 fines; directing deposit of certain fees collected;
23 providing for codification; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 463, is
amended to read as follows:

Section 463. A. ~~No fees shall be charged to public agencies.~~
~~The fees provided for in this subsection shall not apply to~~
~~amusement parks owned and operated by nonprofit corporations~~ The

1 Commissioner of Labor may promulgate rules establishing a schedule
2 of administrative fees for the registration and inspection of
3 amusement and other rides. The following fees shall remain in
4 effect until such rules become effective, at which time the fees
5 contained in this section shall be superseded by rule. Fees
6 collected by the Department of Labor for the registration and
7 inspection of amusement and other rides shall be deposited into the
8 Department of Labor Revolving Fund.

9 1. The annual ride registration fee shall be: \$25.00

10 2. The inspection fee shall be:

11 a. ~~Kiddie Rides~~ \$25.00

12 ~~b. Major Amusement Rides~~ \$50.00

13 ~~c.~~

14 b. Other Rides per hour \$100.00

15 B. The Commissioner of Labor shall not issue an original
16 certificate of inspection for an amusement ride until he receives
17 certification in writing that such amusement rides meet the
18 requirements established by the Commissioner of Labor for amusement
19 rides. The Commissioner of Labor shall designate by rule and
20 regulation pursuant to Section 460 of this title the qualifications
21 of the inspectors making the inspections required by this section.

22 C. Any permanent amusement park ride owner or operator shall
23 file a copy of a certificate of insurance with the Commissioner of
24 Labor on or before February 1 of each year. Such certificate of

1 insurance shall be in such form as to reflect the safety inspection
2 requirements for obtaining such insurance and the date of the last
3 inspection. The amount of the premium and the amount of coverage
4 shall not be required to be disclosed in the certificate.

5 The Commissioner may accept such certificate and insurance
6 inspection as evidence sufficient to issue a certificate of
7 inspection for the permanent amusement park ride.

8 D. The Governing Board of the State Fair of Oklahoma, the Tulsa
9 State Fair, and the Muskogee State Fair shall file a copy of a
10 certificate of insurance with the Commissioner of Labor before the
11 rides are put into operation at each location for the use of the
12 public. Such certificate shall be in such form as to reflect the
13 safety inspection requirements for obtaining such insurance and the
14 date of the inspection.

15 The Commissioner may accept such insurance inspection as
16 evidence sufficient to issue a certificate of inspection for the
17 rides.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 470 of Title 40, unless there is
20 created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Department of Labor to be designated the "Department of
23 Labor Administrative Penalty Revolving Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all administrative fines collected by the Department for
2 violations of amusement ride safety pursuant to Sections 463 through
3 469 of Title 40 of the Oklahoma Statutes and the rules promulgated
4 thereto. All monies accruing to the credit of the fund are hereby
5 directed to be transferred by the Commissioner of Labor to the State
6 Treasurer for deposit and credit to the General Revenue Fund at the
7 end of each fiscal year.

8 SECTION 3. AMENDATORY 40 O.S. 2011, Section 469, is
9 amended to read as follows:

10 Section 469. A. Any violation of the provisions of Sections
11 460 through 468 of this act title shall be a misdemeanor.
12 Conviction thereof shall be punished by a fine not exceeding One
13 Thousand Dollars (\$1,000.00) or by not more than one (1) year in the
14 county jail, or both such fine and imprisonment. Each day of
15 violation shall constitute a separate offense.

16 B. The Commissioner of Labor may promulgate rules establishing
17 a schedule of administrative penalties and fines for violations of
18 Sections 460 through 468 of this title which may be in addition to
19 or in lieu of the criminal penalties provided in this section. The
20 promulgation of an administrative fine schedule shall grant the
21 Commissioner authority to impose those administrative fines for any
22 violation of Sections 460 through 468 of this title. Funds
23 collected as payment from a violator for administrative fines
24 imposed for a violation of Sections 463 through 468 of this title

1 shall be deposited to the Department of Labor Administrative Penalty
2 Revolving Fund created in Section 2 of this act.

3 SECTION 4. This act shall become effective November 1, 2016.
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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
6 03/31/2016 - DO PASS.
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