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February 17, 2016

AS AMENDED

SENATE BILL NO. 1199

By: Justice

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[ amusement rides - fees and violations -
Commissioner of Labor - revolving fund - codification
- effective date ]
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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

Commissioner of Labor may promulgate rules establishing a schedule

of administrative fees for the registration and inspection of

amusement and other rides. The following fees shall remain in

effect until such rules become effective, at which time the fees

contained in this section shall be superseded by rule. Fees

collected by the Department of Labor for the registration and

inspection of amusement and other rides shall be deposited into the

Department of Labor Revolving Fund.

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

2. The inspection fee shall be:

- a. ~~Kiddie Rides~~ \$25.00
- b. ~~Major Amusement~~ Rides \$50.00
- c.
- b. Other Rides per hour \$100.00

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

C. Any permanent amusement park ride owner or operator shall file a copy of a certificate of insurance with the Commissioner of Labor on or before February 1 of each year. Such certificate of insurance shall be in such form as to reflect the safety inspection requirements for obtaining such insurance and the date of the last inspection. The amount of the premium and the amount of coverage shall not be required to be disclosed in the certificate.

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

D. The Governing Board of the State Fair of Oklahoma, the Tulsa State Fair, and the Muskogee State Fair shall file a copy of a

1 certificate of insurance with the Commissioner of Labor before the
2 rides are put into operation at each location for the use of the
3 public. Such certificate shall be in such form as to reflect the
4 safety inspection requirements for obtaining such insurance and the
5 date of the inspection.

6 The Commissioner may accept such insurance inspection as
7 evidence sufficient to issue a certificate of inspection for the
8 rides.

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

12 There is hereby created in the State Treasury a revolving fund
13 for the Department of Labor to be designated the "Department of
14 Labor Administrative Penalty Revolving Fund". The fund shall be a
15 continuing fund, not subject to fiscal year limitations, and shall
16 consist of all administrative fines collected by the Department for
17 violations of amusement ride safety pursuant to Sections 463 through
18 469 of Title 40 of the Oklahoma Statutes and the rules promulgated
19 thereto. All monies accruing to the credit of the fund are hereby
20 directed to be transferred by the Commissioner of Labor to the State
21 Treasurer for deposit and credit to the General Revenue Fund at the
22 end of each fiscal year.

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

1 Section 469. A. Any violation of the provisions of Sections
2 460 through 468 of this act title shall be a misdemeanor.

3 Conviction thereof shall be punished by a fine not exceeding One
4 Thousand Dollars (\$1,000.00) or by not more than one (1) year in the
5 county jail, or both such fine and imprisonment. Each day of
6 violation shall constitute a separate offense.

7 B. The Commissioner of Labor may promulgate rules establishing
8 a schedule of administrative penalties and fines for violations of
9 Sections 460 through 468 of this title which may be in addition to
10 or in lieu of the criminal penalties provided in this section. The
11 promulgation of an administrative fine schedule shall grant the
12 Commissioner authority to impose those administrative fines for any
13 violation of Sections 460 through 468 of this title. Funds
14 collected as payment from a violator for administrative fines
15 imposed for a violation of Sections 463 through 468 of this title
16 shall be deposited to the Department of Labor Administrative Penalty
17 Revolving Fund created in Section 2 of this act.

18 SECTION 4. This act shall become effective November 1, 2016.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
20 February 17, 2016 - DO PASS AS AMENDED
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