

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1199

By: Justice

AS INTRODUCED

An Act relating to amusement rides; amending 40 O.S. 2011, Sections 463 and 469, which relate to fees and violations; deleting kiddie ride fee; providing for fees to be set by rule; granting rulemaking authority to Commissioner of Labor; creating a revolving fund for the Department of Labor; naming fund the "Department of Labor Administrative Penalty Revolving Fund"; stating purpose of fund; providing for deposits and transfer of funds to the General Revenue Fund each fiscal year; granting authority to the Commissioner of Labor to establish by rule a schedule of administrative penalties and fines for violations; making administrative fines in addition to criminal fines; directing deposit of certain fees collected; providing for codification; and providing an 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 Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the registration and inspection of

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3 contained in this section shall be superseded by rule.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

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

8 2. The inspection fee shall be:

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

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

11 ~~c.~~

12 b. Other Rides per hour \$100.00

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

20 C. Any permanent amusement park ride owner or operator shall
21 file a copy of a certificate of insurance with the Commissioner of
22 Labor on or before February 1 of each year. Such certificate of
23 insurance shall be in such form as to reflect the safety inspection
24 requirements for obtaining such insurance and the date of the last

1 inspection. The amount of the premium and the amount of coverage
2 shall not be required to be disclosed in the certificate.

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

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

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

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

19 There is hereby created in the State Treasury a revolving fund
20 for the Department of Labor to be designated the "Department of
21 Labor Administrative Penalty Revolving Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all administrative fines collected by the Department for
24 violations of amusement ride safety pursuant to Section 463 through

1 469 of Title 40 of the Oklahoma Statutes and the rules promulgated
2 thereto. All monies accruing to the credit of the fund are hereby
3 directed to be transferred by the Commissioner of Labor to the State
4 Treasurer for deposit and credit to the General Revenue Fund at the
5 end of each fiscal year.

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

8 Section 469. A. Any violation of the provisions of Sections
9 460 through 468 of this act title shall be a misdemeanor.

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

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

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

55-2-2094 NP 2/18/2016 6:52:47 PM