

# An Act

ENROLLED HOUSE  
BILL NO. 1169

By: McBride of the House

and

Yen of the Senate

An Act relating to labor; amending 40 O.S. 2011, Sections 461 and 462, which relate to amusement rides; modifying definition; authorizing Commissioner of Labor to determine date of inspections; requiring annual registration for certain devices; and providing an effective date.

SUBJECT: Amusement rides

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 461, is amended to read as follows:

Section 461. As used in Sections 460 through ~~469~~ 473 of this title:

1. "Amusement ride" means a device or combination of devices or elements that carry, convey, or direct a person or persons over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. Amusement ride includes any amusement park device that uses ~~treated~~ water as the means of transportation, including the structure ~~and water quality~~ of the device. Amusement ride does not include the operation of articles of husbandry incidental to any agricultural operation or the operation of amusement devices of a permanent nature which are subject to building regulations issued by cities or counties and existing applicable safety orders. Amusement ride shall be divided into the following four categories:

- a. "permanent amusement device" means a device which is used, or intended to be used, as an amusement device that is erected to remain a lasting part of the premises,
- b. "temporary amusement device" means a device which is used as an amusement device that is regularly relocated with or without disassembly,
- c. "inflatable amusement device" means an inflatable amusement device as defined in Section 472 of this title, and
- d. "other amusement device" means amusement devices registered with the Department of Labor that have proof of insurance.

The Commissioner of Labor may, by administrative regulation, designate other rides and attractions that are not included in the definition of amusement ride;

2. "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of an amusement ride and includes the state and every state agency, and each county, city and all private or public corporations and political subdivisions;

3. "Certificate of inspection" means a certificate issued by the Commissioner of Labor which indicates that an inspection of the ride has been performed pursuant to rules and regulations adopted by the Department of Labor; and

4. "Permanent amusement park ride" means an amusement ride which is stationary or cannot be easily moved and which is located on the same premises on which it is operated for no less than ninety (90) days.

SECTION 2. AMENDATORY 40 O.S. 2011, Section 462, is amended to read as follows:

Section 462. A. ~~No person shall operate an amusement ride without a certificate of inspection.~~ The Commissioner of Labor shall determine the date and frequency of inspections based on the type of amusement ride. No permanent or temporary amusement device may operate without an initial inspection. On or before March 1 of each year a date specified by the Commissioner of Labor, an operator

or owner shall apply for a certificate of inspection on a form furnished by the Commissioner of Labor.

~~B. All amusement rides shall be inspected before they are originally put into operation for the use of the public, and thereafter, at least once each calendar year, unless authorized to operate under a temporary certificate. Amusement rides must also be inspected each time they are disassembled and reassembled~~ "Other amusement devices" as defined in Section 461 of this title shall be registered annually with the Department of Labor, and the owner or operator shall provide to the Department of Labor proof of insurance as provided under Section 467 of this title. The Commissioner of Labor may promulgate rules providing for registration of such devices.

C. The owner or operator may make application to the Commissioner for less frequent inspections than are required under subsection B of this section. The Commissioner, upon investigation and/or hearing of the matter, may grant a waiver, provided equal public safety is maintained. Such waiver shall provide specific requirements for inspection in lieu of the requirements of subsection B of this section. The Commissioner shall promulgate rules for the determination of a waiver provided such rules place an affirmative responsibility on the owner/operator for the preservation of public safety.

D. The Commissioner of Labor may cause the inspection herein provided for to be made by ~~his~~ the Commissioner's safety inspectors or by any qualified amusement ride inspector employed by an insurance company.

E. If, after inspection, an amusement ride is found to comply with the rules and regulations of the Commissioner of Labor, the Commissioner of Labor shall issue a certificate of inspection which shall authorize the operator or owner to operate the rides.

SECTION 3. This act shall become effective November 1, 2017.

Passed the House of Representatives the 16th day of May, 2017.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 18th day of May, 2017.

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

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_