

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 783

Introduced by Senator Torlakson

February 23, 2007

An act to amend Sections 7912, 7914, and 7915 of, and to add Sections 7916, 7917, and 7918 to, the Labor Code, relating to amusement rides.

LEGISLATIVE COUNSEL'S DIGEST

SB 783, as amended, Torlakson. Amusement Rides Safety Law.

Under the Amusement Rides Safety Law, the Division of Occupational Safety and Health regulates the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides, as defined, for the protection of the general public using those amusement rides. However, the Permanent Amusement Ride Safety Inspection Program regulates permanent amusement rides, as defined.

The Permanent Amusement *Ride* Safety Inspection Program prohibits the operation of a permanent amusement ride without a policy of insurance in an amount of not less than \$1,000,000 per occurrence insuring the owner or operator against liability for injury or death to persons arising out of the use of the permanent amusement ride. The Amusement Rides Safety Law prohibits the operation of an amusement ride without a policy of insurance in an amount of not less than \$500,000 insuring the owner or operator against liability for injury suffered by persons riding the amusement ride.

This bill would increase the minimum policy of insurance amount under the Amusement Rides Safety Law to \$1,000,000 per occurrence.

Existing law requires an operator of an amusement ride to report or cause to be reported to the division immediately by telephone each

known incident where the maintenance, operation, or use of the amusement ride results in a fatality or injury to a person that requires medical service other than ordinary first aid treatment.

This bill would also require a report for incidents where the maintenance, operation, or use of the amusement ride results in a loss of consciousness that requires medical service other than ordinary first aid treatment, the mechanical malfunction of a safety critical component, or a patron falling from a moving ride or falling from a ride that has temporarily stopped in an elevated position. The bill would additionally require that a written accident report on a form designated by the division be submitted to the division within ~~5 days~~ *24 hours* of any incident.

The Permanent Amusement *Ride* Safety Inspection Program authorizes the division to inspect any permanent amusement ride after the report of an accident to the division. The program also provides that if the ride is determined to be hazardous or unsafe, the division may order a cessation of operation, not to resume until the conditions are corrected to the satisfaction of the division.

This bill would grant similar inspection and regulatory authority to the division with respect to any amusement ride.

The Permanent Amusement *Ride* Safety Inspection Program requires each owner of a permanent amusement ride to provide specified training for its employees in the safe operation and maintenance of amusement rides.

This bill would establish a similar requirement for each owner of any amusement ride. *This bill would additionally require the owner of an amusement ride to maintain all records necessary to demonstrate that these requirements have been met, and make these records available to a division inspector upon request.*

Existing law makes it a misdemeanor for any owner or operator of an amusement ride to fail to comply with any provision of the Amusement Rides Safety Law or any rule or regulation or safety order adopted pursuant to that law.

This bill would delete this provision.

The Permanent Amusement *Ride* Safety Inspection Program authorizes the division to impose on an owner or operator of a permanent amusement ride a civil penalty if the division determines that the owner or operator subject to the program has willfully or intentionally violated the program or any rule or regulation promulgated under that program and that violation results in death or serious injury. The program also

requires the division to enforce the program by the issuance of citations and notices of civil penalty and establishes a process of appeal to the Occupational Safety and Health Appeals Board.

This bill would, under the Amusement Rides Safety Law, grant to the division similar authority to impose civil penalties, would impose similar enforcement requirements upon the division, and would establish a similar process of appeal.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7912 of the Labor Code is amended to
2 read:

3 7912. No person shall operate an amusement ride unless there
4 is in existence and on file with the division a policy of insurance,
5 issued by a company licensed by the Department of Insurance to
6 do business in the state, or by a nonadmitted insurer employed by
7 a surplus lines broker licensed by the Department of Insurance, in
8 an amount of not less than one million dollars (\$1,000,000) per
9 occurrence insuring the owner or operator against liability for
10 injury suffered by persons riding the amusement ride.

11 SEC. 2. Section 7914 of the Labor Code is amended to read:

12 7914. (a) An operator of an amusement ride shall report or
13 cause to be reported to the division immediately by telephone each
14 known incident where the maintenance, operation, or use of the
15 amusement ride results in any of the following:

16 (1) A fatality.

17 (2) A loss of consciousness or injury to a person which requires
18 medical service other than ordinary first aid treatment.

19 (3) The mechanical malfunction of a safety critical component.
20 For purposes of this paragraph, “mechanical malfunction” means
21 a structural failure of a load bearing element, a mechanical or
22 electrical failure of a drive or control system component, or a
23 failure of a restraint system that materially compromises ride safety.

24 (4) A patron falling from a moving ride or from a ride that has
25 temporarily stopped in an elevated position.

26 (b) If a fatality, injury, or mechanical malfunction, is caused by
27 the failure, malfunction, or operation of an amusement ride, the

1 equipment or conditions that caused the accident shall be preserved
2 for the purpose of investigation by the division.

3 (c) In addition to the report by telephone required under
4 subdivision (a), an operator of an amusement ride shall submit a
5 written accident report to the division ~~within five days~~ *24 hours*
6 of an incident on a form designated by the division.

7 (d) A division inspector may inspect an amusement ride upon
8 receipt of the report of an incident. The division may order a
9 cessation of operation of an amusement ride if, after inspection,
10 the division determines that the ride is hazardous or unsafe.
11 Operation of the ride shall not resume until these conditions are
12 corrected to the satisfaction of the division.

13 (e) Whenever a state, county, or local fire or police agency is
14 called to an accident involving an amusement ride covered by this
15 part in which a serious injury or illness, or death occurs, the nearest
16 office of the division shall be notified by telephone immediately
17 by the responding agency.

18 SEC. 3. Section 7915 of the Labor Code is amended to read:

19 7915. (a) Whenever an owner or operator of any amusement
20 ride fails to pay any fee required under Section 7904 within 60
21 days after notification, the owner or operator shall pay, in addition
22 to the fee required, a penalty fee equal to 100 percent of the
23 required fee. For purposes of this section, the date of the invoice
24 shall be considered the date of notification.

25 (b) The division shall not issue any permit to any owner or
26 operator of any amusement ride who fails to pay any fee until the
27 fee is paid.

28 SEC. 4. Section 7916 is added to the Labor Code, to read:

29 7916. (a) An owner of an amusement ride shall provide
30 training for its employees in the safe operation and maintenance
31 of amusement rides, as required ~~by the standards adopted by the~~
32 ~~American Society for Testing Materials, Committee F770-03,~~
33 ~~Section 4.1.3, and Committee F853-93, Section 6.2, as amended~~
34 *Sections 4, 6, 7, and 8 of ASTM F770-06, Standard Practice for*
35 *Ownership and Operation of Amusement Rides and Devices,*
36 *adopted by the American Society for Testing and Materials, as*
37 *amended or as may be amended from time to time, and the injury*
38 *prevention program required under Section 6401.7.*

39 (b) *The owner of an amusement ride shall maintain all of the*
40 *records necessary to demonstrate that the requirements of*

1 *subdivision (a) have been met, including employee training records*
2 *and maintenance, repair, inspection, and injury and illness records*
3 *for each amusement ride, as specified in ASTM F770-06 referenced*
4 *in subdivision (a), and shall make them available to a division*
5 *inspector upon request.*

6 SEC. 5. Section 7917 is added to the Labor Code, to read:

7 7917. If the division determines that an owner or operator of
8 an amusement ride subject to this part has willfully or intentionally
9 violated this part or a rule or regulation promulgated under this
10 part, and that the violation resulted in a death or serious injury as
11 specified in Section 7914, the division shall impose on that owner
12 or operator a civil penalty of not less than twenty-five thousand
13 dollars (\$25,000) and not more than seventy thousand dollars
14 (\$70,000).

15 SEC. 6. Section 7918 is added to the Labor Code, to read:

16 7918. The division shall enforce this part by the issuance of a
17 citation and notice of civil penalty in a manner consistent with that
18 specified in Section 6317. An owner or operator who receives a
19 citation and penalty may appeal the citation and penalty to the
20 Occupational Safety and Health Appeals Board in a manner
21 consistent with that specified in Section 6319.