

AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 850**

**Introduced by Assembly Member Torlakson**  
*(Principal coauthor: Assembly Member Correa)*  
*(Coauthors: Assembly Members Knox and Romero)*

February 24, 1999

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~~An act to amend Section 7901 of the Labor Code, relating~~  
*An act to amend Section 7901 of, and to add Part 8.1*  
*(commencing with Section 7920) to Division 5 of, the Labor*  
*Code, relating to amusement rides.*

LEGISLATIVE COUNSEL'S DIGEST

AB 850, as amended, Torlakson. Amusement rides: safety.

Under existing law, amusement rides, as defined, are required to be operated under a permit issued by the Division of Occupational Safety and Health of the Department of Industrial Relations. The existing statutory definition of "amusement ride," for purposes of these provisions, excludes the operation of amusement devices of a permanent nature.

~~This bill would make technical changes to that provision.~~

*This bill would expand the definition of amusement rides to also include aquatic devices or a combination of mechanical and aquatic devices of a permanent nature. This bill would define "permanent amusement ride" to include, among other things, bungee jumping services, but would exclude slides, playground equipment, and other equipment from that definition.*

*This bill would establish the Permanent Amusement Ride Safety Program. The bill would exclude certain parks and entities from that program, including, among others, playgrounds operated by a school or local government, museums, skating rinks, live animal shows, and permanent amusement rides operated at a private event, as specified. This bill would define “qualified safety inspector” for the purposes of the program to mean a person approved by the division who holds a valid license as a professional engineer issued by this state or equivalent license issued by another state or who has demonstrated to the division that he or she has a minimum of five years experience in the amusement ride field, as specified, takes continuing education courses, and has completed at least 80 hours of education from a school approved by the division for amusement ride safety.*

*This bill would require each owner of a permanent amusement ride to submit a certificate of compliance on an annual basis to the division that includes, among other things, a written declaration, executed by a qualified safety inspector, stating that within the preceding 12-month period, the permanent amusement ride was inspected by the inspector and that the permanent amusement ride is in material conformance with the program and any rules adopted by the division.*

*This bill would prohibit any person from operating a permanent amusement ride that has been inspected by a qualified safety inspector or a division inspector and found to be unsafe, until all necessary repairs and modifications, or both, have been completed.*

*This bill would provide that the qualified safety inspector making the written declaration may be an in-house, full-time safety inspector employed by the owner of the permanent amusement ride, an employee or agent of the insurance underwriter or insurance broker of the amusement ride, an employee or agent of the manufacturer of the ride, or an independent consultant or contractor.*

*This bill would provide that a person may operate a permanent amusement ride only if at the time of that operation a minimum level of insurance insures the owner or operator against liability arising out of use of the ride, a bond*



is posted in that amount, or the owner is self-insured in a manner established by the division.

This bill would require that the owner of a permanent amusement ride provide specified training to its employees on the safe operation and maintenance of amusement rides.

This bill would require each patron who rides a permanent amusement ride to comply with certain warnings and to refrain from certain behavior that may cause or contribute to the injury of the patron or others, including, among other behavior, interfering with the safe operation of the permanent amusement ride.

This bill would require persons who operate permanent amusement rides to maintain accurate records of each accident of which he or she has knowledge that results in the death of, or serious injury to, a patron or employee, that was caused by the permanent amusement ride, as specified, and would require the owner to immediately notify the division by telephone or in person of that accident. The bill would authorize a qualified safety inspector employed by the division to inspect any amusement ride after the report of an accident to the division.

This bill would authorize the division to adopt rules and regulations necessary for the administration of the program and to employ qualified safety inspectors.

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

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

1 SECTION 1. Section 7901 of the Labor Code is  
 2 amended to read:  
 3 7901. As used in this part:  
 4 (a) "Amusement ride" means a mechanical device,  
 5 aquatic device, or combination of devices, of a permanent  
 6 nature that carries or conveys passengers along, around,  
 7 or over a fixed or restricted route or course for the  
 8 purpose of giving its passengers amusement, pleasure,  
 9 thrills, or excitement. ~~"Amusement~~ "Permanent  
 10 amusement ride" includes the business of operating  
 11 bungee jumping services or providing services to



1 facilitate bungee jumping, but does not include slides,  
 2 playground equipment, coin-operated devices or  
 3 conveyances that operate directly on the ground or on a  
 4 surface or pavement directly on ~~the ground or the~~  
 5 ~~operation of amusement devices of a permanent nature~~  
 6 *the ground*. The division shall determine the specific  
 7 devices that are amusement rides for the purposes of this  
 8 part. This determination shall be made to apply equally  
 9 to all operators of similar or identical rides and shall be  
 10 made pursuant to a procedure promulgated by the  
 11 standards board.

12 (b) “Operator” or “owner” means a person who owns  
 13 or controls or has the duty to control the operation of an  
 14 amusement ride. It includes the state and every state  
 15 agency, and each county, city, district, and all public and  
 16 quasi-public corporations and public agencies therein.

17 (c) “Permit” means a document issued by the division  
 18 which indicates that an inspection of the ride has been  
 19 performed pursuant to rules and regulations adopted by  
 20 the division.

21 *SEC. 2. Part 8.1 (commencing with Section 7920) is*  
 22 *added to Division 5 of the Labor Code, to read:*

23  
 24 *PART 8.1. PERMANENT AMUSEMENT RIDE*  
 25 *SAFETY INSPECTION PROGRAM*  
 26

27 *7920. It is the intent of the Legislature in enacting this*  
 28 *part to create a state system for the inspection of*  
 29 *permanent amusement rides. This part shall be known*  
 30 *and may be cited as the Permanent Amusement Ride*  
 31 *Safety Inspection Program.*

32 *7921. This part applies to permanent amusement*  
 33 *rides as defined in Section 7901. This part does not apply*  
 34 *to any of the following:*

35 (a) *Any playground operated by a school or local*  
 36 *government if the playground is an incidental amenity*  
 37 *and the operating entity is not primarily engaged in*  
 38 *providing amusement, pleasure, thrills, or excitement.*



1 (b) Museums or other institutions principally devoted  
2 to the exhibition of products of agriculture, industry,  
3 education, science, religion, or the arts.

4 (c) Skating rinks, arcades, laser or paint ball war  
5 games, indoor interactive arcade games, bowling alleys,  
6 miniature golf courses, mechanical bulls, inflatable rides,  
7 trampolines, ball crawls, exercise equipment, jet skis,  
8 paddle boats, air boats, helicopters, airplanes, parasails,  
9 hot air balloons, whether tethered or untethered,  
10 theaters, amphitheaters, batting cages, stationary  
11 spring-mounted fixtures, rider-propelled  
12 merry-go-rounds, games, slide shows, live animal rides, or  
13 live animal shows.

14 (d) Permanent amusement rides operated at a private  
15 event that are not open to the general public and not  
16 subject to a separate admission charge.

17 7922. For the purposes of this part, “qualified safety  
18 inspector” means either of the following:

19 (a) A person who holds a valid professional engineer  
20 license issued by this state or issued by an equivalent  
21 licensing body in another state, and who has been  
22 approved by the division as a qualified safety inspector.

23 (b) A person who documents to the satisfaction of the  
24 division that he or she meets all of the following  
25 requirements:

26 (1) The person has a minimum of five years  
27 experience in the amusement ride field, at least two years  
28 of which were involved in actual amusement ride  
29 inspection with a manufacturer, government agency,  
30 amusement park, carnival, or insurance underwriter.

31 (2) The person completes not less than 15 hours per  
32 year of continuing education at a school approved by the  
33 division, which education shall include inservice industry  
34 or manufacturer updates and seminars.

35 (3) The person has completed at least 80 hours of  
36 formal education during the past five years from a school  
37 approved by the division for amusement ride safety.  
38 Nondestructive-testing training, as determined by the  
39 division, may be substituted for up to one-half of the 80  
40 hours of education.



1 7923. (a) On an annual basis, each owner of a  
2 permanent amusement ride shall submit to the division  
3 a certificate of compliance on a form prescribed by the  
4 division, which shall include the following:

5 (1) The legal name and address of the owner and his  
6 or her representative, if any, and the primary place of  
7 business of the owner.

8 (2) A description of, the name of the manufacturer of,  
9 and, if given by the manufacturer, the serial number and  
10 model number of, the permanent amusement ride.

11 (3) A written declaration, executed by a qualified  
12 safety inspector, stating that, within the preceding  
13 12-month period, the permanent amusement ride was  
14 inspected by the qualified safety inspector and that the  
15 permanent amusement ride is in material conformance  
16 with the requirements of this section and all applicable  
17 rules and regulations adopted by the division.

18 (b) The owner of multiple permanent amusement  
19 rides at a single site may submit a single declaration that  
20 provides the information required by subdivision (a) for  
21 each permanent amusement ride at that site.

22 (c) A certificate of compliance shall not be required  
23 until one year following the promulgation of any rules or  
24 regulations by the division governing the submission of  
25 the certificates.

26 (d) No person shall operate a permanent amusement  
27 ride that has been inspected by a qualified safety  
28 inspector or division inspector and found to be unsafe,  
29 unless all necessary repairs or modifications, or both, to  
30 the ride have been completed and certified as completed  
31 by a qualified safety inspector.

32 (e) For the purposes of satisfying this section, a  
33 qualified safety inspector shall meet the requirements in  
34 Section 7921 and may be an in-house, full-time safety  
35 inspector of the owner of the permanent amusement  
36 ride, an employee or agent of the insurance underwriter  
37 or insurance broker of the permanent amusement ride,  
38 an employee or agent of the manufacturer of the  
39 amusement ride, or an independent consultant or  
40 contractor.



1 (f) *The owner of a permanent amusement ride shall*  
2 *maintain all of the records necessary to demonstrate that*  
3 *the requirements of this section have been met,*  
4 *including, but not limited to, employee training records*  
5 *and maintenance, repair, and inspection records for each*  
6 *permanent amusement ride, and shall make them*  
7 *available to a qualified inspector of the division upon*  
8 *request. The records shall be made available for*  
9 *inspection by the division during normal business hours*  
10 *at the owner's permanent place of business. The owner,*  
11 *or representative of the owner, of the permanent*  
12 *amusement ride or rides shall be present when the*  
13 *division inspects the records. The owner shall make those*  
14 *records available for inspection by the division during*  
15 *normal business hours at the owner's permanent place of*  
16 *business.*

17 (g) *Upon receipt of a certificate of compliance, the*  
18 *division shall notify the owner of the permanent*  
19 *amusement ride or rides for which a certificate is*  
20 *submitted whether the certificate meets all the*  
21 *requirements of this section, and if not, what*  
22 *requirements must still be met.*

23 7924. (a) *A person may operate a permanent*  
24 *amusement ride only if, at the time of operation, one of*  
25 *the following is in existence:*

26 (1) *The owner of the permanent amusement ride*  
27 *provides an insurance policy in an amount not less than*  
28 *one million dollars (\$1,000,000) per occurrence insuring*  
29 *the owner or operator against liability for injury or death*  
30 *to persons arising out of the use of the permanent*  
31 *amusement ride.*

32 (2) *The owner of the permanent amusement ride*  
33 *provides a bond in an amount not less than one million*  
34 *dollars (\$1,000,000), except that the aggregate liability of*  
35 *the surety under that bond shall not exceed the face*  
36 *amount of the bond.*

37 (3) *The owner of a permanent amusement ride meets*  
38 *a financial test of self-insurance, as prescribed by rules*  
39 *and regulations promulgated by the division, to*  
40 *demonstrate financial responsibility covering liability for*



1 *injury suffered by patrons riding the permanent*  
2 *amusement ride.*

3 *(b) The insurance policy or bond shall be obtained*  
4 *from one or more insurers or sureties licensed by the*  
5 *Department of Insurance to do business in this state, or*  
6 *by a nonadmitted insurer employed by a surplus lines*  
7 *broker licensed by the Department of Insurance.*

8 *7925. Each owner of a permanent amusement ride*  
9 *shall provide training for its employees in the safe*  
10 *operation and maintenance of amusement rides, as*  
11 *required by the standards adopted by the American*  
12 *Society for Testing Materials, Committee F770-03,*  
13 *Section 4.1.3, and Committee F853-93, Section 6.2, as*  
14 *amended or as may be amended from time to time.*

15 *7926. (a) Each patron who rides a permanent*  
16 *amusement ride shall comply with all warnings and*  
17 *instructions provided by the owner of the permanent*  
18 *amusement ride.*

19 *(b) Each patron who rides a permanent amusement*  
20 *ride shall refrain from behaving in any manner that may*  
21 *cause or contribute to the injury of the patron or others,*  
22 *including all of the following:*

23 *(1) Exceeding the limits of the patron's ability.*

24 *(2) Interfering with the safe operation of the*  
25 *permanent amusement ride.*

26 *(3) Disengaging any safety devices that are provided.*

27 *(4) Disconnecting or attempting to disable any safety*  
28 *or restraining device of a permanent amusement ride,*  
29 *except at the express instruction of the operator.*

30 *(5) Altering or enhancing the intended speed, course,*  
31 *or direction of a permanent amusement ride.*

32 *(6) Using or attempting to use the controls of a*  
33 *permanent amusement ride designed solely to be*  
34 *operated by the operator of the permanent amusement*  
35 *ride.*

36 *(7) Overloading a permanent amusement ride*  
37 *beyond its design capacity.*

38 *(8) Throwing, intentionally dropping, or expelling an*  
39 *object from a permanent amusement ride, or toward*  
40 *another patron, except as permitted by the ride operator.*



1 (9) Purposefully embarking or disembarking from a  
2 permanent amusement ride except at the time and area  
3 designated for such a purpose, or at the direction and  
4 under the direct supervision of an authorized agent or  
5 employee of the ride operator, or in an emergency.

6 (10) Extending arms and legs beyond the carrier or  
7 seating area except at the express direction of the ride  
8 operator.

9 (c) A patron shall not board or attempt to board a  
10 permanent amusement ride unless the patron, or, for a  
11 minor patron, his or her parent or guardian, reasonably  
12 determines that, at a minimum, he or she has sufficient  
13 knowledge to use the amusement ride, knows the range  
14 and limits of his or her ability and that the requirements  
15 of the ride will not exceed those limits, and is not under  
16 the influence of alcohol or any controlled substance that  
17 affects his or her ability to safely use the ride or obey the  
18 posted or oral instructions of the amusement ride  
19 operator.

20 7927. (a) Each person who operates a permanent  
21 amusement ride shall maintain accurate records of each  
22 accident of the permanent amusement ride, of which the  
23 operator has knowledge, that results in death or serious  
24 injury to a patron or employee and that is caused by the  
25 permanent amusement ride. If an accident results in the  
26 death of a patron or employee, the owner of the  
27 permanent amusement ride shall immediately notify the  
28 division by telephone or in person of that accident.

29 (b) The records required by this section shall be made  
30 available for inspection by the division upon request  
31 during normal business hours at the primary place of  
32 business of the permanent amusement ride owner. The  
33 owner or a representative of the owner of the permanent  
34 amusement ride shall be present when the division  
35 inspects those records. A qualified safety inspector  
36 employed by the division may inspect any permanent  
37 amusement ride after the report of an accident to the  
38 division.

39 (c) For purposes of this section, “serious injury” means  
40 overnight hospitalization, of which the owner has



1 *knowledge, within 24 hours of the injury. Serious injury*  
2 *does not include overnight hospitalization for*  
3 *observation, first aid treatment, including, but not*  
4 *limited to, sunburn treatment and subsequent*  
5 *observation of minor scratches, cuts, burns, splinters, and*  
6 *other minor injuries that do not ordinarily require*  
7 *medical care, even if provided by a physician and surgeon*  
8 *or licensed medical personnel.*  
9 *7928. The division shall adopt rules and regulations*  
10 *necessary for the administration of this part. The division*  
11 *may employ qualified safety inspectors as necessary for*  
12 *the purposes of this part.*

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