

AMENDED IN ASSEMBLY MAY 6, 1999
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, Leach, and Romero)
(Coauthor: Senator Speier)

February 24, 1999

~~An act to amend Section 7901 of, and to add Part 8.1~~ *An act 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 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 program*). ~~The~~ *This bill would define “permanent amusement ride” for the purposes of the program to mean mechanical devices, aquatic devices, or a combination of devices, of a permanent nature that carry or convey passengers, as specified. The bill would exclude slides, playground equipment, and other equipment from that definition.*

This bill would exclude certain parks and entities from ~~that~~ the 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 inspect the records for a permanent amusement ride or the ride, or both, if the division finds that the certificate of compliance submitted pursuant to this section for the ride is fraudulent or the accident statistics on the ride raise safety concerns or indicate specific trends.

This bill would authorize the division to randomly inspect permanent amusement parks pursuant to this section. The division would be required to inspect 25% of the permanent amusement parks in this state and not less than 25% of the



permanent amusement rides at the park. No amusement park would be inspected more than 2 times in any 5-year period.

The bill would authorize the division to order cessation of operation of a permanent amusement ride that is determined after inspection to be hazardous or unsafe and would prohibit operation of the ride until these conditions are corrected to the satisfaction of the division.

This bill would authorize the division to fix and collect fees for the inspection of permanent amusement rides. The bill would also provide that if the division determines that any owner or operator of a permanent amusement ride has willfully or intentionally violated this part or any rule or regulation promulgated under this part, the division shall impose on that owner or operator a civil penalty of not less than \$25,000 and not more than \$70,000.

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: 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. "Permanent amusement ride"~~
10 ~~includes the business of operating bungee jumping~~
11 ~~services or providing services to facilitate bungee~~
12 ~~jumping, but does not include slides, playground~~
13 ~~equipment, coin-operated devices or conveyances that~~
14 ~~operate directly on the ground or on a surface or~~
15 ~~pavement directly on the ground. The division shall~~
16 ~~determine the specific devices that are amusement rides~~
17 ~~for the purposes of this part. This determination shall be~~



1 made to apply equally to all operators of similar or
2 identical rides and shall be made pursuant to a procedure
3 promulgated by the standards board.

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

9 (c) “Permit” means a document issued by the division
10 which indicates that an inspection of the ride has been
11 performed pursuant to rules and regulations adopted by
12 the division.

13 ~~SEC. 2.—~~

14 SECTION 1. Part 8.1 (commencing with Section
15 7920) is added to Division 5 of the Labor Code, to read:

16

17 PART 8.1. PERMANENT AMUSEMENT RIDE
18 SAFETY INSPECTION PROGRAM

19

20 7920. It is the intent of the Legislature in enacting this
21 part to create a state system for the inspection of
22 permanent amusement rides. This part shall be known
23 and may be cited as the Permanent Amusement Ride
24 Safety Inspection Program.

25 ~~7921. This part applies to permanent amusement
26 rides as defined in Section 7901. This~~

27 7921. (a) *For the purposes of this part, “permanent
28 amusement ride” means a mechanical device, aquatic
29 device, or combination of devices, of a permanent nature
30 that carries or conveys passengers along, around, or over
31 a fixed or restricted route or course for the purpose of
32 giving its passengers amusement, pleasure, thrills, or
33 excitement. “Permanent amusement ride” includes the
34 business of operating bungee jumping services or
35 providing services to facilitate bungee jumping, but does
36 not include slides, playground equipment, coin-operated
37 devices or conveyances that operate directly on the
38 ground or on a surface or pavement directly on the
39 ground. The division shall determine the specific devices
40 that are permanent amusement rides for the purposes of*



1 *this part. This determination shall be made to apply*
 2 *equally to all operators of similar or identical rides and*
 3 *shall be made pursuant to a procedure promulgated by*
 4 *the standards board.*

5 (b) *“Operator” or “owner” means a person who owns*
 6 *or controls or has the duty to control the operation of an*
 7 *amusement ride. It includes the state and every state*
 8 *agency, and each county, city, district, and all public and*
 9 *quasi-public corporations and public agencies therein.*

10 (c) *This part does not apply to any of the following:*

11 ~~(a)~~

12 (1) *Any playground operated by a school or local*
 13 *government if the playground is an incidental amenity*
 14 *and the operating entity is not primarily engaged in*
 15 *providing amusement, pleasure, thrills, or excitement.*

16 ~~(b)~~

17 (2) *Museums or other institutions principally devoted*
 18 *to the exhibition of products of agriculture, industry,*
 19 *education, science, religion, or the arts.*

20 ~~(c)~~

21 (3) *Skating rinks, arcades, laser or paint ball war*
 22 *games, indoor interactive arcade games, bowling alleys,*
 23 *miniature golf courses, mechanical bulls, inflatable rides,*
 24 *trampolines, ball crawls, exercise equipment, jet skis,*
 25 *paddle boats, air boats, helicopters, airplanes, parasails,*
 26 *hot air balloons, whether tethered or untethered,*
 27 *theaters, amphitheaters, batting cages, stationary*
 28 *spring-mounted fixtures, rider-propelled*
 29 *merry-go-rounds, games, slide shows, live animal rides, or*
 30 *live animal shows.*

31 ~~(d)~~

32 (4) *Permanent amusement rides operated at a private*
 33 *event that are not open to the general public and not*
 34 *subject to a separate admission charge.*

35 7922. *For the purposes of this part, “qualified safety*
 36 *inspector” means either of the following:*

37 (a) *A person who holds a valid professional engineer*
 38 *license issued by this state or issued by an equivalent*
 39 *licensing body in another state, and who has been*
 40 *approved by the division as a qualified safety inspector.*



1 (b) A person who documents to the satisfaction of the
2 division that he or she meets all of the following
3 requirements:

4 (1) The person has a minimum of five years
5 experience in the amusement ride field, at least two years
6 of which were involved in actual amusement ride
7 inspection with a manufacturer, government agency,
8 amusement park, carnival, or insurance underwriter.

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

13 (3) The person has completed at least 80 hours of
14 formal education during the past five years from a school
15 approved by the division for amusement ride safety.
16 Nondestructive-testing training, as determined by the
17 division, may be substituted for up to one-half of the 80
18 hours of education.

19 7923. (a) On an annual basis, each owner of a
20 permanent amusement ride shall submit to the division
21 a certificate of compliance on a form prescribed by the
22 division, which shall include the following:

23 (1) The legal name and address of the owner and his
24 or her representative, if any, and the primary place of
25 business of the owner.

26 (2) A description of, the name of the manufacturer of,
27 and, if given by the manufacturer, the serial number and
28 model number of, the permanent amusement ride.

29 (3) A written declaration, executed by a qualified
30 safety inspector, stating that, within the preceding
31 12-month period, the permanent amusement ride was
32 inspected by the qualified safety inspector and that the
33 permanent amusement ride is in material conformance
34 with the requirements of this section and all applicable
35 rules and regulations adopted by the division.

36 (b) The owner of multiple permanent amusement
37 rides at a single site may submit a single declaration that
38 provides the information required by subdivision (a) for
39 each permanent amusement ride at that site.



1 (c) A certificate of compliance shall not be required
2 until one year following the promulgation of any rules or
3 regulations by the division governing the submission of
4 the certificates.

5 (d) No person shall operate a permanent amusement
6 ride that has been inspected by a qualified safety
7 inspector or division inspector and found to be unsafe,
8 unless all necessary repairs or modifications, or both, to
9 the ride have been completed and certified as completed
10 by a qualified safety inspector.

11 (e) For the purposes of satisfying this section, a
12 qualified safety inspector shall meet the requirements in
13 Section 7921 and may be an in-house, full-time safety
14 inspector of the owner of the permanent amusement
15 ride, an employee or agent of the insurance underwriter
16 or insurance broker of the permanent amusement ride,
17 an employee or agent of the manufacturer of the
18 amusement ride, or an independent consultant or
19 contractor.

20 (f) The owner of a permanent amusement ride shall
21 maintain all of the records necessary to demonstrate that
22 the requirements of this section have been met,
23 including, but not limited to, employee training records
24 and maintenance, repair, and inspection records for each
25 permanent amusement ride, and shall make them
26 available to a qualified inspector of the division upon
27 request. The records shall be made available for
28 inspection by the division during normal business hours
29 at the owner's permanent place of business. The owner,
30 or representative of the owner, of the permanent
31 amusement ride or rides shall be present when the
32 division inspects the records. The owner shall make those
33 records available for inspection by the division during
34 normal business hours at the owner's permanent place of
35 business. *In conjunction with an inspection of records*
36 *conducted pursuant to this subdivision, the division shall*
37 *conduct a walk-through review of the amusement park at*
38 *which the permanent amusement ride or rides are*
39 *located.*



1 (g) Upon receipt of a certificate of compliance, the
2 division shall notify the owner of the permanent
3 amusement ride or rides for which a certificate is
4 submitted whether the certificate meets all the
5 requirements of this section, and if not, what
6 requirements must still be met.

7 (h) *The division may inspect the records for a*
8 *permanent amusement ride or the ride, or both, under*
9 *either of the following circumstances:*

10 (1) *The division finds that the certificate of*
11 *compliance submitted pursuant to this section for the ride*
12 *is fraudulent.*

13 (2) *Accident statistics on the ride raise safety concerns*
14 *or indicate specific trends that may raise safety concerns.*

15 7923.5. *The division may randomly inspect*
16 *permanent amusement parks pursuant to this section.*
17 *Each year, the division shall inspect 25 percent of the*
18 *permanent amusement parks in the state. In inspecting*
19 *a permanent amusement park, the division shall inspect*
20 *not less than 25 percent of the permanent amusement*
21 *rides at the park. No amusement park shall be inspected*
22 *pursuant to this section more than two times in any*
23 *five-year period.*

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

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

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

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



1 demonstrate financial responsibility covering liability for
2 injury suffered by patrons riding the permanent
3 amusement ride.

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

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

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

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

- 24 (1) Exceeding the limits of the patron's ability.
- 25 (2) Interfering with the safe operation of the
26 permanent amusement ride.
- 27 (3) Disengaging any safety devices that are provided.
- 28 (4) Disconnecting or attempting to disable any safety
29 or restraining device of a permanent amusement ride,
30 except at the express instruction of the operator.
- 31 (5) Altering or enhancing the intended speed, course,
32 or direction of a permanent amusement ride.
- 33 (6) Using or attempting to use the controls of a
34 permanent amusement ride designed solely to be
35 operated by the operator of the permanent amusement
36 ride.
- 37 (7) Overloading a permanent amusement ride
38 beyond its design capacity.



1 (8) Throwing, intentionally dropping, or expelling an
2 object from a permanent amusement ride, or toward
3 another patron, except as permitted by the ride operator.

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

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

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

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

33 (b) The records required by this section shall be ~~made~~
34 ~~available for inspection by the division upon request~~
35 ~~during normal business hours at the primary place of~~
36 ~~business of the permanent amusement ride owner. The~~
37 ~~owner or a representative of the owner of the permanent~~
38 ~~amusement ride shall be present when the division~~
39 ~~inspects those records filed with the division on an annual~~
40 *basis.* A qualified safety inspector employed by the



1 division may inspect any permanent amusement ride
2 after the report of an accident to the division. *The division*
3 *may order cessation of operation of a permanent*
4 *amusement ride if it has been determined after*
5 *inspection to be hazardous or unsafe. Operation shall not*
6 *resume until these conditions are corrected to the*
7 *satisfaction of the division.*

8 (c) For purposes of this section, “serious injury” ~~means~~
9 ~~overnight hospitalization, of which the owner has~~
10 ~~knowledge, within 24 hours of the injury. Serious injury~~
11 does not include overnight hospitalization for
12 observation, first aid treatment, including, but not
13 limited to, sunburn treatment and subsequent
14 observation of minor scratches, cuts, burns, splinters, and
15 other minor injuries that do not ordinarily require
16 medical care, even if provided by a physician and surgeon
17 or licensed medical personnel.

18 7928. The division shall adopt rules and regulations
19 necessary for the administration of this part. The division
20 may employ qualified safety inspectors as necessary for
21 the purposes of this part.

22 7929. *The division may fix and collect fees for the*
23 *inspection of permanent amusement rides that it deems*
24 *necessary to cover the actual cost of having the inspection*
25 *performed by a division inspector.*

26 7930. *If the division determines that any owner or*
27 *operator of a permanent amusement ride subject to this*
28 *part has willfully or intentionally violated this part or any*
29 *rule or regulation promulgated under this part, the*
30 *division shall impose on that owner or operator a civil*
31 *penalty of not less than twenty-five thousand dollars*
32 *(\$25,000) and not more than seventy thousand dollars*
33 *(\$70,000).*

