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AMENDED IN SENATE AUGUST 31, 1999

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AMENDED IN SENATE AUGUST 17, 1999

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AMENDED IN ASSEMBLY MAY 19, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 850**

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**Introduced by Assembly Member Torlakson**  
**(Principal coauthor: Assembly Member Correa)**  
**(Coauthors: Assembly Members Knox, Leach, and Romero)**  
(Coauthor: Senator Speier)

February 24, 1999

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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 establish the Permanent Amusement Ride Safety Inspection Program (the program). 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 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 as (1) a qualified safety inspector for permanent amusement rides who holds a valid license as a professional engineer issued by this state or equivalent license issued by another state *and who holds a certificate of registration as a professional engineer or a temporary authorization for the practice of engineering, as specified* or (2) a person who has demonstrated to the division that he or she has a minimum of 5 years of 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. The bill would require a qualified safety inspector to be certified by the division and to be recertified every 2 years after the initial certification.

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 persons who operate permanent amusement rides to report immediately by telephone to the division each known accident that results in the death of, or serious injury to, any person that results from the failure, malfunction, or operation of the permanent amusement ride, as specified. The bill would authorize a division inspector 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.

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 all fees necessary to cover the cost of administration of the program by charging fees to each person or entity receiving the division's services, as specified. 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 and that violation results in a death or serious injury, 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.

This bill would provide that these provisions relating to annual division inspections do not apply to any permanent amusement ride or rides that are located within a county or other political subdivision of the state that, as of April 1, 1998, has adopted the provisions of the 1994 Uniform Building Code providing for the routine inspection of permanent amusement rides by the county or other political subdivision of the state, provided those inspections meet or exceed specified standards and that the county or political subdivision does not suspend, revoke, or otherwise vacate its provisions.

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

3  
4 PART 8.1. PERMANENT AMUSEMENT RIDE  
5 SAFETY INSPECTION PROGRAM  
6

7 7920. It is the intent of the Legislature in enacting this  
8 part to create a state system for the inspection of  
9 permanent amusement rides. This part shall be known  
10 and may be cited as the Permanent Amusement Ride  
11 Safety Inspection Program.

12 7921. As used in this part:

13 (a) "Permanent amusement ride" means a  
14 mechanical device, aquatic device, or combination of  
15 devices, of a permanent nature that carries or conveys  
16 passengers along, around, or over a fixed or restricted



1 route or course for the purpose of giving its passengers  
2 amusement, pleasure, thrills, or excitement. “Permanent  
3 amusement ride” includes the business of operating  
4 bungee jumping services or providing services to  
5 facilitate bungee jumping, but does not include slides,  
6 playground equipment, coin-operated devices or  
7 conveyances that operate directly on the ground or on a  
8 surface or pavement directly on the ground. The division  
9 shall determine the specific devices that are permanent  
10 amusement rides for the purposes of this part. This  
11 determination shall be made to apply equally to all  
12 operators of similar or identical rides and shall be made  
13 pursuant to a procedure promulgated by the standards  
14 board.

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

20 (c) “Qualified safety inspector” means either of the  
21 following:

22 (1) A person who holds a valid professional engineer  
23 license issued by this state or issued by an equivalent  
24 licensing body in another state, *who has been issued a*  
25 *certificate of registration pursuant to Section 6759 of the*  
26 *Business and Professions Code or a temporary*  
27 *authorization pursuant to Section 6760 of the Business*  
28 *and Professions Code*, and who has been approved by the  
29 division as a qualified safety inspector for permanent  
30 amusement rides.

31 (2) A person who documents to the satisfaction of the  
32 division that he or she meets all of the following  
33 requirements:

34 (A) The person has a minimum of five years  
35 experience in the amusement ride field, at least two years  
36 of which were involved in actual amusement ride  
37 inspection with a manufacturer, government agency,  
38 amusement park, carnival, or insurance underwriter.

39 (B) The person completes not less than 15 hours per  
40 year of continuing education at a school approved by the



1 division, which education shall include inservice industry  
2 or manufacturer updates and seminars.

3 (C) The person has completed at least 80 hours of  
4 formal education during the past five years from a school  
5 approved by the division for amusement ride safety.  
6 Nondestructive-testing training, as determined by the  
7 division, may be substituted for up to one-half of the 80  
8 hours of education.

9 7922. This part does not apply to any of the following:

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

14 (b) Museums or other institutions principally devoted  
15 to the exhibition of products of agriculture, industry,  
16 education, science, religion, or the arts.

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

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

30 7923. (a) The division shall formulate and propose  
31 rules and regulations for adoption by the Occupational  
32 Safety and Health Standards Board for the safe  
33 installation, repair, maintenance, use, operation, and  
34 inspection of all permanent amusement rides as the  
35 division finds necessary for the protection of the general  
36 public using permanent amusement rides. The rules and  
37 regulations shall be in addition to the existing applicable  
38 safety orders and will be concerned with engineering  
39 force stresses, safety devices, and preventative  
40 maintenance. Nothing in this part shall limit the authority



1 of the division to prescribe or enforce general or special  
2 safety orders.

3 (b) It is the Legislature's intent that the rules and  
4 regulations adopted pursuant to this part be consistent  
5 with those adopted by the Occupational Safety and  
6 Health Standards Board for traveling amusement rides,  
7 to the extent that those rules and regulations are found to  
8 be appropriate.

9 7924. (a) On an annual basis, each owner of a  
10 permanent amusement ride shall submit to the division  
11 a certificate of compliance on a form prescribed by the  
12 division, which shall include the following:

13 (1) The legal name and address of the owner and his  
14 or her representative, if any, and the primary place of  
15 business of the owner.

16 (2) A description of, the name of the manufacturer of,  
17 and, if given by the manufacturer, the serial number and  
18 model number of, the permanent amusement ride.

19 (3) A written declaration, executed by a qualified  
20 safety inspector, stating that, within the preceding  
21 12-month period, the permanent amusement ride was  
22 inspected by the qualified safety inspector and that the  
23 permanent amusement ride is in material conformance  
24 with the requirements of this section and all applicable  
25 rules and regulations adopted by the division and  
26 standards board.

27 (b) The owner of multiple permanent amusement  
28 rides at a single site may submit a single certificate of  
29 compliance that provides the information required by  
30 subdivision (a) for each permanent amusement ride at  
31 that site.

32 (c) A certificate of compliance shall not be required  
33 until one year following the promulgation of any rules or  
34 regulations by the division governing the submission of  
35 the certificates.

36 (d) No person shall operate a permanent amusement  
37 ride that has been inspected by a qualified safety  
38 inspector or division inspector and found to be unsafe,  
39 unless all necessary repairs or modifications, or both, to



1 the ride have been completed and certified as completed  
2 by a qualified safety inspector.

3 (e) For the purposes of satisfying this section, a  
4 qualified safety inspector shall meet the requirements in  
5 subdivision (c) of Section 7921 and shall be certified by  
6 the division. Each qualified safety inspector shall be  
7 recertified every two years following his or her initial  
8 certification. A qualified safety inspector may be an  
9 in-house, full-time safety inspector of the owner of the  
10 permanent amusement ride, an employee or agent of the  
11 insurance underwriter or insurance broker of the  
12 permanent amusement ride, an employee or agent of the  
13 manufacturer of the amusement ride, or an independent  
14 consultant or contractor.

15 (f) The owner of a permanent amusement ride shall  
16 maintain all of the records necessary to demonstrate that  
17 the requirements of this section have been met,  
18 including, but not limited to, employee training records  
19 , maintenance, repair, and inspection records for each  
20 permanent amusement ride, and records of accidents of  
21 which the operator has knowledge, resulting from the  
22 failure, malfunction, or operation of a permanent  
23 amusement ride, requiring medical service other than  
24 ordinary first aid, and shall make them available to a  
25 division inspector upon request. The owner shall make  
26 those records available for inspection by the division  
27 during normal business hours at the owner's permanent  
28 place of business. The owner, or representative of the  
29 owner, may be present when the division inspects the  
30 records. In conjunction with an inspection of records  
31 conducted pursuant to this subdivision, the division shall  
32 conduct an inspection of the operation of the rides at the  
33 permanent amusement park.

34 (g) Upon receipt of a certificate of compliance, the  
35 division shall notify the owner of the permanent  
36 amusement ride or rides for which a certificate is  
37 submitted whether the certificate meets all the  
38 requirements of this section, and if not, what  
39 requirements must still be met.



1 (h) The division shall, in addition to the annual  
2 inspection performed by the division pursuant to  
3 subdivision (f), inspect the records for a permanent  
4 amusement ride or the ride, or both, under either of the  
5 following circumstances:

6 (1) The division finds that the certificate of  
7 compliance submitted pursuant to this section for the ride  
8 is fraudulent.

9 (2) The division determines, pursuant to regulations it  
10 has adopted, that a permanent amusement ride has a  
11 disproportionately high incidence of accidents required  
12 to be reported pursuant to Section 7925.

13 (i) The division shall conduct its inspections with the  
14 least disruption to the normal operation of the permanent  
15 park.

16 7925. (a) Each operator of a permanent amusement  
17 ride shall report or cause to be reported to the division  
18 immediately by telephone each known accident where  
19 maintenance, operation, or use of the permanent  
20 amusement ride results in a death or serious injury to any  
21 person unless the injury does not require medical service  
22 other than ordinary first aid. If a death or serious injury  
23 results from the failure, malfunction, or operation of a  
24 permanent amusement ride, the equipment or  
25 conditions that caused the accident shall be preserved for  
26 the purpose of an investigation by the division.

27 (b) A division inspector may inspect any permanent  
28 amusement ride after the report of an accident to the  
29 division. The division may order a cessation of operation  
30 of a permanent amusement ride if it is determined after  
31 inspection to be hazardous or unsafe. Operation shall not  
32 resume until these conditions are corrected to the  
33 satisfaction of the division.

34 (c) Whenever a state, county, or local fire or police  
35 agency is called to an accident involving a permanent  
36 amusement ride covered by this part where a serious  
37 injury or death occurs, the nearest office of the division  
38 shall be notified by telephone immediately by the  
39 responding agency.



1 7926. (a) A person may operate a permanent  
2 amusement ride only if, at the time of operation, one of  
3 the following is in existence:

4 (1) The owner of the permanent amusement ride  
5 provides an insurance policy in an amount not less than  
6 one million dollars (\$1,000,000) per occurrence insuring  
7 the owner or operator against liability for injury or death  
8 to persons arising out of the use of the permanent  
9 amusement ride.

10 (2) The owner of the permanent amusement ride  
11 provides a bond in an amount not less than one million  
12 dollars (\$1,000,000), except that the aggregate liability of  
13 the surety under that bond shall not exceed the face  
14 amount of the bond.

15 (3) The owner of a permanent amusement ride meets  
16 a financial test of self-insurance, as prescribed by rules  
17 and regulations promulgated by the division, to  
18 demonstrate financial responsibility covering liability for  
19 injury suffered by patrons riding the permanent  
20 amusement ride.

21 (b) The insurance policy or bond shall be obtained  
22 from one or more insurers or sureties licensed by the  
23 Department of Insurance to do business in this state, or  
24 by a nonadmitted insurer employed by a surplus lines  
25 broker licensed by the Department of Insurance.

26 7927. Each owner of a permanent amusement ride  
27 shall provide training for its employees in the safe  
28 operation and maintenance of amusement rides, as  
29 required by the standards adopted by the American  
30 Society for Testing Materials, Committee F770-03,  
31 Section 4.1.3, and Committee F853-93, Section 6.2, as  
32 amended or as may be amended from time to time, and  
33 the injury prevention program required under Section  
34 6401.7.

35 7928. The division shall adopt rules and regulations  
36 necessary for the administration of this part. The division  
37 may employ qualified safety inspectors as necessary for  
38 the purposes of this part.

39 7929. The division may fix and collect all fees  
40 necessary to cover the cost of administering this part.



1 Fees shall be charged to a person or entity receiving the  
2 division's services as provided by this part or by  
3 regulations adopted pursuant to this part, including, but  
4 not limited to, approvals, determinations, certifications  
5 and recertifications, receipt and review of certificates,  
6 and inspections. In fixing the amount of these fees, the  
7 division may include a reasonable percentage  
8 attributable to the general cost of the division for  
9 administering this part.

10 7930. If the division determines that any owner or  
11 operator of a permanent amusement ride subject to this  
12 part has willfully or intentionally violated this part or any  
13 rule or regulation promulgated under this part, and that  
14 violation results in a death or serious injury as specified in  
15 Section 7925, the division shall impose on that owner or  
16 operator a civil penalty of not less than twenty-five  
17 thousand dollars (\$25,000) and not more than seventy  
18 thousand dollars (\$70,000).

19 7931. The division shall enforce this part by the  
20 issuance of a citation and notice of civil penalty in a  
21 manner consistent with Section 6317. Any owner or  
22 operator who receives a citation and penalty may appeal  
23 the citation and penalty to the Occupational Safety and  
24 Health Appeals Board in a manner consistent with  
25 Section 6319.

26 7932. (a) The provisions of this part relating to  
27 annual division inspections shall not apply to any  
28 permanent amusement ride located within a county or  
29 other political subdivision of the state that, as of April 1,  
30 1998, has adopted the provisions of Chapter 66  
31 (commencing with Section 6601.1) of the 1994 Uniform  
32 Building Code providing for the routine inspection of  
33 permanent amusement rides by the county or other  
34 political subdivision of the state, provided that the  
35 division determines that these inspections meet or  
36 exceed the inspection standards set forth in this part.

37 (b) If the county or other political subdivision  
38 suspends, revokes, or otherwise vacates its standards for  
39 permanent amusement rides, any permanent  
40 amusement ride located within the county or other



- 1 political subdivision shall be subject to the inspection
- 2 standards set forth in this part.

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