

## Assembly Bill No. 850

### CHAPTER 585

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

[Approved by Governor October 2, 1999. Filed  
with Secretary of State October 4, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 850, 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 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.

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

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

PART 8.1. PERMANENT AMUSEMENT RIDE SAFETY  
INSPECTION PROGRAM

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

7921. As used in this part:

(a) "Permanent amusement ride" means a mechanical device, aquatic device, or combination of devices, of a permanent nature that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Permanent amusement ride" includes the business of operating bungee jumping services or providing services to facilitate bungee jumping, but does not include slides, playground equipment, coin-operated devices or conveyances that operate directly on the ground or on a surface or pavement directly on the ground. The division shall determine the specific devices that are permanent amusement rides for the purposes of this part. This determination shall be made to apply equally to all operators of similar or identical rides and shall be made pursuant to a procedure promulgated by the standards board.

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

(c) "Qualified safety inspector" means either of the following:



(1) A person who holds a valid professional engineer license issued by this state or issued by an equivalent licensing body in another state, and who has been approved by the division as a qualified safety inspector for permanent amusement rides.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

(3) 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 qualified safety inspector and that the permanent amusement ride is in material conformance with the requirements of this section and all applicable rules and regulations adopted by the division and standards board.

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

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

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

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

(f) The owner of a permanent amusement ride shall maintain all of the records necessary to demonstrate that the requirements of this section have been met, including, but not limited to, employee



training records, maintenance, repair, and inspection records for each permanent amusement ride, and records of accidents of which the operator has knowledge, resulting from the failure, malfunction, or operation of a permanent amusement ride, requiring medical service other than ordinary first aid, and shall make them available to a division inspector upon request. The owner shall make those records available for inspection by the division during normal business hours at the owner's permanent place of business. The owner, or representative of the owner, may be present when the division inspects the records. In conjunction with an inspection of records conducted pursuant to this subdivision, the division shall conduct an inspection of the operation of the rides at the permanent amusement park.

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

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

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

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

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

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

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



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

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

(1) The owner of the permanent amusement ride provides an insurance policy in an amount not less than one million dollars (\$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.

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

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

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

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

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

7929. The division may fix and collect all fees necessary to cover the cost of administering this part. Fees shall be charged to a person or entity receiving the division's services as provided by this part or by regulations adopted pursuant to this part, including, but not limited to, approvals, determinations, certifications and recertifications, receipt and review of certificates, and inspections. In fixing the amount of these fees, the division may include a reasonable percentage attributable to the general cost of the division for administering this part.

7930. If the division determines that any owner or operator of a permanent amusement ride subject to this part 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 as specified in Section 7925, the division shall impose on that owner or operator a civil penalty of not less than twenty-five thousand dollars (\$25,000) and not more than seventy thousand dollars (\$70,000).

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

7932. (a) The provisions of this part relating to annual division inspections shall not apply to any permanent amusement ride located within a county or other political subdivision of the state that, as of April 1, 1998, has adopted the provisions of Chapter 66 (commencing with Section 6601.1) 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 that the division determines that these inspections meet or exceed the inspection standards set forth in this part.

(b) If the county or other political subdivision suspends, revokes, or otherwise vacates its standards for permanent amusement rides, any permanent amusement ride located within the county or other political subdivision shall be subject to the inspection standards set forth in this part.

