

1                                   **AMUSEMENT RIDE SAFETY INSPECTIONS**

2                                   2018 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Val K. Potter**

5                                   Senate Sponsor: Curtis S. Bramble

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7 **LONG TITLE**

8 **General Description:**

9           This bill enacts provisions related to amusement ride safety.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ defines terms;
- 13           ▶ creates the Utah Office of Amusement Ride Safety within the Labor Commission;
- 14           ▶ provides for the appointment of a director of the Utah Office of Amusement Ride
- 15 Safety;
- 16           ▶ establishes the Amusement Ride Safety Account;
- 17           ▶ grants the Labor Commission certain rulemaking authority to administer the
- 18 provisions of this bill;
- 19           ▶ provides that the Labor Commission shall certify qualified inspectors to perform
- 20 in-person inspections of amusement rides;
- 21           ▶ requires the operator of an amusement ride to obtain an annual amusement ride
- 22 permit;
- 23           ▶ establishes standards and procedures for obtaining an annual amusement ride
- 24 permit;
- 25           ▶ provides for establishing safety standards for amusement rides;
- 26           ▶ requires an operator of an amusement ride to carry certain liability insurance;
- 27           ▶ enacts reporting requirements when a fatality or certain types of injuries occur on or



- 28 during the operation of an amusement ride;
- 29       ▶ addresses enforcement of the provisions of this bill; and
- 30       ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

37       **34A-1-202**, as last amended by Laws of Utah 2013, Chapter 413

38       **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

39 ENACTS:

40       **34A-12-101**, Utah Code Annotated 1953

41       **34A-12-102**, Utah Code Annotated 1953

42       **34A-12-103**, Utah Code Annotated 1953

43       **34A-12-201**, Utah Code Annotated 1953

44       **34A-12-202**, Utah Code Annotated 1953

45       **34A-12-203**, Utah Code Annotated 1953

46       **34A-12-204**, Utah Code Annotated 1953

47       **34A-12-205**, Utah Code Annotated 1953

48       **34A-12-301**, Utah Code Annotated 1953

49       **34A-12-302**, Utah Code Annotated 1953

50       **34A-12-303**, Utah Code Annotated 1953

51       **34A-12-304**, Utah Code Annotated 1953

52       **34A-12-401**, Utah Code Annotated 1953

53       **34A-12-402**, Utah Code Annotated 1953

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55 *Be it enacted by the Legislature of the state of Utah:*

56       Section 1. Section **34A-1-202** is amended to read:

57       **34A-1-202. Divisions and office -- Creation -- Duties -- Labor Relations Board,**  
58 **Appeals Board, councils, and panel.**

59 (1) There is created within the commission the following divisions and ~~[office]~~ offices:

60 (a) the Division of Industrial Accidents that shall administer the regulatory  
61 requirements of this title concerning industrial accidents and occupational disease;

62 (b) the Division of Occupational Safety and Health that shall administer the regulatory  
63 requirements of Chapter 6, Utah Occupational Safety and Health Act;

64 (c) the Division of Boiler and Elevator Safety that shall administer the regulatory  
65 requirements of Chapter 7, Safety;

66 (d) the Division of Antidiscrimination and Labor that shall administer the regulatory  
67 requirements of:

68 (i) Title 34, Labor in General, when specified by statute;

69 (ii) Chapter 5, Utah Antidiscrimination Act;

70 (iii) this title, when specified by statute; and

71 (iv) Title 57, Chapter 21, Utah Fair Housing Act;

72 (e) the Division of Adjudication that shall adjudicate claims or actions brought under  
73 this title; ~~[and]~~

74 (f) the Utah Office of Amusement Ride Safety created in Section 34A-12-201; and

75 ~~[(f)]~~ (g) the Utah Office of Coal Mine Safety created in Section 40-2-201.

76 (2) In addition to the divisions created under this section, within the commission are  
77 the following:

78 (a) the Labor Relations Board created in Section 34-20-3;

79 (b) the Appeals Board created in Section 34A-1-205; and

80 (c) the following program advisory councils:

81 (i) the workers' compensation advisory council created in Section 34A-2-107;

82 (ii) the Mine Safety Technical Advisory Council created in Section 40-2-203; and

83 (iii) the Coal Miner Certification Panel created in Section 40-2-204.

84 (3) In addition to the responsibilities described in this section, the commissioner may  
85 assign to a division a responsibility granted to the commission by law.

86 Section 2. Section 34A-12-101 is enacted to read:

87 **CHAPTER 12. AMUSEMENT RIDE SAFETY STANDARDS ACT**

88 **Part 1. General Provisions**

89 **34A-12-101. Title.**

90 This chapter is known as the "Amusement Ride Safety Standards Act."

91 Section 3. Section **34A-12-102** is enacted to read:

92 **34A-12-102. Definitions.**

93 As used in this chapter:

94 (1) "Account" means the Amusement Ride Safety Account created in Section  
95 34A-12-203.

96 (2) (a) "Amusement ride" means a mechanical device that, for the purpose of giving the  
97 passenger amusement, pleasure, thrills, or excitement:

98 (i) carries one or more passengers along, around, or over a fixed or restricted course or  
99 a defined area; or

100 (ii) allows a passenger to steer or guide the device within an established area.

101 (b) "Amusement ride" includes a roller coaster, whip, ferris wheel, reverse bungee, and  
102 merry-go-round.

103 (c) "Amusement ride" does not include:

104 (i) a water slide, wave pool, or other device that totally or partially immerses an  
105 individual in water;

106 (ii) a coin operated ride that:

107 (A) is manually, mechanically, or electrically operated;

108 (B) is customarily placed in a public location; and

109 (C) does not normally require the supervision or services of an operator;

110 (iii) nonmechanized playground equipment, including a swing, seasaw, stationary  
111 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,  
112 trampoline, and physical fitness device;

113 (iv) an inflatable device;

114 (v) except as provided in Subsection (2)(b), a bungee;

115 (vi) a zipline;

116 (vii) a challenge, exercise, or obstacle course; or

117 (viii) a passenger ropeway as defined in Section 72-11-102.

118 (3) "Annual amusement ride permit" means a permit issued by the commission in  
119 accordance with Section 34A-12-301.

120 (4) "Certificate of compliance" means a certificate that meets the requirements

121 described in Subsection [34A-12-301\(2\)\(e\)](#) and any applicable rules.

122 (5) "Director" means the director of the Utah Office of Amusement Ride Safety  
123 appointed under Section [34A-12-202](#).

124 (6) "Medical treatment" does not include:

125 (a) first aid treatment; or

126 (b) one-time treatment and subsequent observation of a minor injury that does not  
127 ordinarily require medical care, including a minor scratch, cut, burn, or splinter.

128 (7) "Mobile amusement ride" means an amusement ride that is designed or adapted to  
129 be moved from one location to another and is not fixed at a single location.

130 (8) "Office" means the Utah Office of Amusement Ride Safety created in Section  
131 [34A-12-201](#).

132 (9) "Operator" means a person who owns, manages, or controls, or who has the duty to  
133 manage or control, the operation of an amusement ride.

134 (10) "Permanent amusement ride" means an amusement ride that is not a mobile  
135 amusement ride.

136 (11) "Qualified inspector" means an individual who holds a valid qualified inspector  
137 certification, regardless of whether the individual is an employee or independent contractor of  
138 an operator.

139 (12) "Qualified inspector certification" means a certification issued by the commission  
140 in accordance with Section [34A-12-205](#).

141 (13) "Reportable injury" means an injury that:

142 (a) results in death; or

143 (b) requires medical treatment administered by a physician or licensed professional  
144 personnel under the standing orders of a physician.

145 (14) "Severe injury" means a reportable injury that involves death or dismemberment.

146 Section 4. Section **34A-12-103** is enacted to read:

147 **34A-12-103. Scope and administration -- Effect on other laws.**

148 (1) The provisions of this chapter apply to any amusement ride in the state.

149 (2) In accordance with the provisions of this chapter, the commission:

150 (a) shall administer this chapter with the assistance of the office; and

151 (b) has jurisdiction over any amusement ride in the state.

152 (3) The provisions of this chapter do not affect the provisions of Section [78B-4-507](#).

153 Section 5. Section **34A-12-201** is enacted to read:

154 **Part 2. Utah Office of Amusement Ride Safety**

155 **34A-12-201. Utah Office of Amusement Ride Safety created.**

156 (1) There is created within the commission the Utah Office of Amusement Ride Safety.

157 (2) The office, under the direction of the commissioner or the commissioner's designee,  
158 shall assist the commission in administering this chapter.

159 Section 6. Section **34A-12-202** is enacted to read:

160 **34A-12-202. Appointment of director.**

161 (1) The director is the chief officer of the office and serves as the administrative head  
162 of the office.

163 (2) (a) The commissioner shall appoint the director.

164 (b) The commissioner may remove the director at the commissioner's will.

165 (3) The director shall:

166 (a) be experienced in administration and possess additional qualifications as  
167 determined by the commissioner; and

168 (b) receive compensation in accordance with Title 67, Chapter 19, Utah State  
169 Personnel Management Act.

170 Section 7. Section **34A-12-203** is enacted to read:

171 **34A-12-203. Amusement Ride Safety Account.**

172 (1) There is created in the General Fund a restricted account known as the "Amusement  
173 Ride Safety Account."

174 (2) (a) The account is funded from:

175 (i) fees collected by the commission under this chapter; and

176 (ii) money appropriated from the Legislature.

177 (b) Appropriations made from the account are nonlapsing.

178 (3) The commission may use the money deposited in the account to pay for the  
179 administration of this chapter.

180 Section 8. Section **34A-12-204** is enacted to read:

181 **34A-12-204. Rulemaking.**

182 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the

183 provisions of this chapter, the commission shall make rules:

184 (1) establishing:

185 (a) the form of an application and a renewal application for:

186 (i) a qualified inspector certification; and

187 (ii) an annual amusement ride permit;

188 (b) the procedure to apply for and renew:

189 (i) a qualified inspector certification; and

190 (ii) an annual amusement ride permit;

191 (c) safety standards for amusement rides;

192 (d) requirements for a qualified inspector's in-person inspection of an amusement ride;

193 (e) the form of a report of a reportable injury to the commission;

194 (f) the procedure for reporting a reportable injury to the commission;

195 (g) the procedure to suspend and revoke:

196 (i) a qualified inspector certification; and

197 (ii) an annual amusement ride permit;

198 (h) requirements and a process for resuming operation of an amusement ride following

199 a severe injury;

200 (i) a retention schedule that applies to each qualified inspector for records related to a

201 qualified inspector's duties under this chapter; and

202 (j) a retention schedule that applies to each operator for records related to an operator's

203 duties under this chapter;

204 (2) adopting nationally recognized standards for individuals who inspect amusement

205 rides;

206 (3) defining the information necessary to complete an application for and a renewal of:

207 (a) a qualified inspector certification; and

208 (b) an annual amusement ride permit; and

209 (4) governing the acceptance of an out-of-state inspection in lieu of a certificate of

210 compliance under Subsection [34A-12-301\(6\)](#).

211 Section 9. Section **34A-12-205** is enacted to read:

212 **34A-12-205. Certification of inspectors.**

213 (1) To become a qualified inspector, an individual shall obtain and maintain a qualified

214 inspector certification from the commission in accordance with this section.

215 (2) Upon application to the commission, in a form prescribed by the commission, the  
216 commission shall issue a qualified inspector certification to an individual if the individual  
217 meets nationally recognized standards for individuals who inspect amusement rides, as adopted  
218 by rule under Section 34A-12-204.

219 (3) The commission shall charge a fee of \$20 for an application for or renewal of a  
220 qualified inspector certification.

221 (4) A qualified inspector certification expires two years after the day on which the  
222 commission issues the qualified inspector certification.

223 (5) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the  
224 commission may suspend or revoke a qualified inspector certification if an individual fails to  
225 satisfy a requirement of this section or any applicable rule.

226 Section 10. Section 34A-12-301 is enacted to read:

227 **Part 3. Amusement Ride Safety**

228 **34A-12-301. Requirements for operation.**

229 (1) Beginning on March 1, 2019, a person may not operate an amusement ride in the  
230 state unless the person obtains an annual amusement ride permit under this section.

231 (2) To obtain or renew an annual amusement ride permit, an operator shall submit an  
232 application to the commission that contains the following information and is in a form  
233 prescribed by the commission:

234 (a) the operator's name and address;

235 (b) a description of the ride, including the manufacturer's name, the serial number, and  
236 the model number;

237 (c) for a permanent amusement ride, the location of the amusement ride;

238 (d) for a mobile amusement ride, for the duration of the annual amusement ride permit:

239 (i) each location in the state where the operator intends to operate the amusement ride;

240 (ii) the date on which the operator intends to set up the amusement ride at each location  
241 described in Subsection (2)(d)(i); and

242 (iii) the first date on which the operator intends to operate the amusement ride at each  
243 location described in Subsection (2)(d)(i);

244 (e) subject to Subsection (3)(a), a certificate of compliance that:



245 (i) states that no more than 90 days before the day on which the operator submits the  
246 application or renewal, a qualified inspector performed an in-person inspection of the  
247 amusement ride;

248 (ii) states the date on which the qualified inspector performed the in-person inspection;

249 (iii) certifies that at the time of the in-person inspection, the amusement ride satisfied  
250 the safety standards described in Section [34A-12-302](#) and established by commission rule;

251 (iv) is signed by the qualified inspector that performed the in-person inspection; and

252 (v) is in a form prescribed by the commission;

253 (f) proof of compliance with the insurance requirement described in Section  
254 [34A-12-303](#);

255 (g) consent to audit and right of entry by the commission in accordance with Section  
256 [34A-12-401](#); and

257 (h) a fee of \$30.

258 (3) (a) An operator satisfies the certificate of compliance requirement described in  
259 Subsection (2)(e) if the operator presents satisfactory evidence that no more than 90 days  
260 before the day on which the operator submits the application or renewal, the amusement ride  
261 was inspected in another state:

262 (i) by a person with at least equivalent qualifications to a qualified inspector;

263 (ii) using standards at least as stringent as the standards required under this chapter and  
264 any applicable rules; and

265 (iii) as part of a state regulated inspection program.

266 (b) A qualified inspector employed by the operator may complete the in-person  
267 inspection described in Subsection (2)(e).

268 (4) The commission shall grant an annual amusement ride permit for each amusement  
269 ride for which the operator submits a complete application that satisfies the requirements  
270 described in this chapter and any applicable rules.

271 (5) An annual amusement ride permit expires one year after the day on which the  
272 commission issues the annual amusement ride permit.

273 (6) For each amusement ride, the operator shall maintain a copy of a current annual  
274 amusement ride permit and readily make the copy available to a person upon request.

275 Section 11. Section [34A-12-302](#) is enacted to read:

276 **34A-12-302. Safety standards.**

277 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
278 commission shall make rules that establish safety standards for amusement rides:

279 (a) to ensure safety in design, construction, and operation; and

280 (b) subject to Subsection (2), that are consistent with the most recent standards adopted  
281 by the ASTM International Committee F24 as of May 8, 2018.

282 (2) The commission may modify or update the standards described in Subsection (1)(b)  
283 consistent with nationally recognized safety standards for amusement rides.

284 Section 12. Section **34A-12-303** is enacted to read:

285 **34A-12-303. Insurance.**

286 An operator of an amusement ride shall carry liability insurance coverage in at least the  
287 following amounts:

288 (1) \$1,000,000 for bodily injury and \$500,000 for property damage per occurrence; or

289 (2) \$1,500,000 per occurrence combined single limit.

290 Section 13. Section **34A-12-304** is enacted to read:

291 **34A-12-304. Reporting and shutdown certain injuries.**

292 (1) (a) In accordance with commission rule, an operator shall report each reportable  
293 injury to the commission.

294 (b) An operator shall include the following information in a report described in  
295 Subsection (1)(a):

296 (i) the operator's name and contact information;

297 (ii) the location of the amusement ride at the time the reportable injury occurred;

298 (iii) a description of:

299 (A) the amusement ride;

300 (B) the event that caused the reportable injury; and

301 (C) the nature of the reportable injury; and

302 (iv) any other information required by commission rule.

303 (2) An operator shall make a report described in Subsection (1):

304 (a) for a severe injury, within eight hours after the severe injury occurs; or

305 (b) for a reportable injury that is not a severe injury, within 24 hours after the  
306 reportable injury occurs.

307 (3) After a severe injury occurs, the operator may not operate the amusement ride until  
308 the operator receives written authorization from the commission to resume operation.

309 Section 14. Section **34A-12-401** is enacted to read:

310 **Part 4. Enforcement**

311 **34A-12-401. Inspection and audit -- Right of entry.**

312 (1) (a) The commission or the commission's representative, upon presenting  
313 appropriate credentials to the owner, operator, or agent in charge, may enter a premises where  
314 an amusement ride is located for the purpose of:

315 (i) inspecting the amusement ride and auditing compliance with the provisions of this  
316 chapter and any applicable rules; or

317 (ii) investigating a reportable injury in accordance with Section [34A-12-304](#).

318 (b) If an owner, operator, or agent in charge refuses the commission or the  
319 commission's agent right of entry under Subsection (1)(a), the commission may seek a warrant  
320 in accordance with the Utah Rules of Criminal Procedure.

321 (2) (a) The commission or the commission's representative may require the attendance  
322 and testimony of witnesses and the production of evidence under oath.

323 (b) A witness shall receive fees and mileage in accordance with Section [78B-1-119](#).

324 (c) If a person fails or refuses to obey an order of the commission to appear, upon  
325 petition by the commission, a district court where the person is found, resides, or transacts  
326 business may issue an order requiring the person to:

327 (i) appear to produce evidence; and

328 (ii) give testimony relating to the matter under investigation or in question.

329 Section 15. Section **34A-12-402** is enacted to read:

330 **34A-12-402. Penalty for violation.**

331 (1) If an operator violates a provision of this chapter with respect to an amusement  
332 ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the commission  
333 may suspend or revoke the operator's annual amusement ride permit for the amusement ride.

334 (2) Upon a violation of a provision of this chapter, the commission may file an action  
335 in district court to enjoin the operation of an amusement ride.

336 Section 16. Section **63J-1-602.2** is amended to read:

337 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

- 338 (1) Appropriations from the Technology Development Restricted Account created in  
339 Section [31A-3-104](#).
- 340 (2) Appropriations from the Criminal Background Check Restricted Account created in  
341 Section [31A-3-105](#).
- 342 (3) Appropriations from the Captive Insurance Restricted Account created in Section  
343 [31A-3-304](#), except to the extent that Section [31A-3-304](#) makes the money received under that  
344 section free revenue.
- 345 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in  
346 Section [31A-23a-415](#).
- 347 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account  
348 created in Section [31A-30-115](#).
- 349 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created  
350 in Section [31A-31-108](#).
- 351 (7) Appropriations from the Underage Drinking Prevention Media and Education  
352 Campaign Restricted Account created in Section [32B-2-306](#).
- 353 (8) Appropriations from the Amusement Ride Safety Account created in Section  
354 [34A-12-203](#).
- 355 [~~(8)~~] (9) Funding for the General Assistance program administered by the Department  
356 of Workforce Services, as provided in Section [35A-3-401](#).
- 357 [~~(9)~~] (10) The Youth Development Organization Restricted Account created in Section  
358 [35A-8-1903](#).
- 359 [~~(10)~~] (11) The Youth Character Organization Restricted Account created in Section  
360 [35A-8-2003](#).
- 361 [~~(11)~~] (12) Funding for a new program or agency that is designated as nonlapsing under  
362 Section [36-24-101](#).
- 363 [~~(12)~~] (13) Appropriations to the Utah National Guard, created in Title 39, Militia and  
364 Armories.
- 365 [~~(13)~~] (14) Appropriations from the Oil and Gas Conservation Account created in  
366 Section [40-6-14.5](#).
- 367 [~~(14)~~] (15) Appropriations from the Electronic Payment Fee Restricted Account  
368 created by Section [41-1a-121](#) to the Motor Vehicle Division.

369            [~~15~~] (16) Funds available to the Tax Commission under Section 41-1a-1201 for the:  
370            (a) purchase and distribution of license plates and decals; and  
371            (b) administration and enforcement of motor vehicle registration requirements.  
372            [~~16~~] (17) Appropriations from the Motor Vehicle Enforcement Division Temporary  
373 Permit Restricted Account created by Section 41-3-110 to the Tax Commission.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**