

AMUSEMENT RIDE SAFETY

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts provisions related to amusement ride safety.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Utah Amusement Ride Safety Committee within the Department of Transportation;
- ▶ provides for the appointment of a director of the Utah Amusement Ride Safety Committee;
- ▶ establishes the Amusement Ride Safety Restricted Account;
- ▶ grants the executive director of the Department of Transportation certain rulemaking authority to administer the provisions of this bill;
- ▶ provides for establishing safety standards for amusement rides;
- ▶ instructs the director of the Utah Amusement Ride Safety Committee shall certify qualified safety inspectors to perform in-person inspections of amusement rides;
- ▶ requires an owner-operator of an amusement ride to:
 - cause a qualified safety inspector to perform an annual in-person inspection of the amusement ride;
 - perform or cause to be performed a daily inspection of the amusement ride; and
 - obtain an annual amusement ride permit;



- 28 ▶ establishes minimum liability insurance requirements;
- 29 ▶ enacts reporting requirements when a fatality or certain types of injuries occur when
- 30 there is a failure or malfunction of an amusement ride;
- 31 ▶ addresses enforcement of the provisions of this bill;
- 32 ▶ classifies certain records as protected for purposes of the Government Records
- 33 Access and Management Act; and
- 34 ▶ makes technical and conforming changes.

35 Money Appropriated in this Bill:

36 None

37 Other Special Clauses:

38 None

39 Utah Code Sections Affected:

40 AMENDS:

41 **63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,

42 319, 352, 409, and 425

43 ENACTS:

- 44 **72-16-101**, Utah Code Annotated 1953
- 45 **72-16-102**, Utah Code Annotated 1953
- 46 **72-16-103**, Utah Code Annotated 1953
- 47 **72-16-201**, Utah Code Annotated 1953
- 48 **72-16-202**, Utah Code Annotated 1953
- 49 **72-16-203**, Utah Code Annotated 1953
- 50 **72-16-204**, Utah Code Annotated 1953
- 51 **72-16-301**, Utah Code Annotated 1953
- 52 **72-16-302**, Utah Code Annotated 1953
- 53 **72-16-303**, Utah Code Annotated 1953
- 54 **72-16-304**, Utah Code Annotated 1953
- 55 **72-16-305**, Utah Code Annotated 1953
- 56 **72-16-306**, Utah Code Annotated 1953
- 57 **72-16-401**, Utah Code Annotated 1953
- 58 **72-16-402**, Utah Code Annotated 1953

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

Section 1. Section **63G-2-305** is amended to read:

63G-2-305. Protected records.

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret has provided the governmental entity with the information specified in Section [63G-2-309](#);

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section [63G-2-309](#);

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection [11-13-103\(4\)](#);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental

90 entity in response to:

91 (i) an invitation for bids;

92 (ii) a request for proposals;

93 (iii) a request for quotes;

94 (iv) a grant; or

95 (v) other similar document; or

96 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

97 (7) information submitted to or by a governmental entity in response to a request for
98 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
99 the right of a person to have access to the information, after:

100 (a) a contract directly relating to the subject of the request for information has been
101 awarded and signed by all parties; or

102 (b) (i) a final determination is made not to enter into a contract that relates to the
103 subject of the request for information; and

104 (ii) at least two years have passed after the day on which the request for information is
105 issued;

106 (8) records that would identify real property or the appraisal or estimated value of real
107 or personal property, including intellectual property, under consideration for public acquisition
108 before any rights to the property are acquired unless:

109 (a) public interest in obtaining access to the information is greater than or equal to the
110 governmental entity's need to acquire the property on the best terms possible;

111 (b) the information has already been disclosed to persons not employed by or under a
112 duty of confidentiality to the entity;

113 (c) in the case of records that would identify property, potential sellers of the described
114 property have already learned of the governmental entity's plans to acquire the property;

115 (d) in the case of records that would identify the appraisal or estimated value of
116 property, the potential sellers have already learned of the governmental entity's estimated value
117 of the property; or

118 (e) the property under consideration for public acquisition is a single family residence
119 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
120 the property as required under Section [78B-6-505](#);

121 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
122 compensated transaction of real or personal property including intellectual property, which, if
123 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
124 of the subject property, unless:

125 (a) the public interest in access is greater than or equal to the interests in restricting
126 access, including the governmental entity's interest in maximizing the financial benefit of the
127 transaction; or

128 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
129 the value of the subject property have already been disclosed to persons not employed by or
130 under a duty of confidentiality to the entity;

131 (10) records created or maintained for civil, criminal, or administrative enforcement
132 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
133 release of the records:

134 (a) reasonably could be expected to interfere with investigations undertaken for
135 enforcement, discipline, licensing, certification, or registration purposes;

136 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
137 proceedings;

138 (c) would create a danger of depriving a person of a right to a fair trial or impartial
139 hearing;

140 (d) reasonably could be expected to disclose the identity of a source who is not
141 generally known outside of government and, in the case of a record compiled in the course of
142 an investigation, disclose information furnished by a source not generally known outside of
143 government if disclosure would compromise the source; or

144 (e) reasonably could be expected to disclose investigative or audit techniques,
145 procedures, policies, or orders not generally known outside of government if disclosure would
146 interfere with enforcement or audit efforts;

147 (11) records the disclosure of which would jeopardize the life or safety of an
148 individual;

149 (12) records the disclosure of which would jeopardize the security of governmental
150 property, governmental programs, or governmental recordkeeping systems from damage, theft,
151 or other appropriation or use contrary to law or public policy;

152 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
153 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
154 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

155 (14) records that, if disclosed, would reveal recommendations made to the Board of
156 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
157 Board of Pardons and Parole, or the Department of Human Services that are based on the
158 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
159 jurisdiction;

160 (15) records and audit workpapers that identify audit, collection, and operational
161 procedures and methods used by the State Tax Commission, if disclosure would interfere with
162 audits or collections;

163 (16) records of a governmental audit agency relating to an ongoing or planned audit
164 until the final audit is released;

165 (17) records that are subject to the attorney client privilege;

166 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
167 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
168 quasi-judicial, or administrative proceeding;

169 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
170 from a member of the Legislature; and

171 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
172 legislative action or policy may not be classified as protected under this section; and

173 (b) (i) an internal communication that is part of the deliberative process in connection
174 with the preparation of legislation between:

175 (A) members of a legislative body;

176 (B) a member of a legislative body and a member of the legislative body's staff; or

177 (C) members of a legislative body's staff; and

178 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
179 legislative action or policy may not be classified as protected under this section;

180 (20) (a) records in the custody or control of the Office of Legislative Research and
181 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
182 legislation or contemplated course of action before the legislator has elected to support the

183 legislation or course of action, or made the legislation or course of action public; and
184 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
185 Office of Legislative Research and General Counsel is a public document unless a legislator
186 asks that the records requesting the legislation be maintained as protected records until such
187 time as the legislator elects to make the legislation or course of action public;

188 (21) research requests from legislators to the Office of Legislative Research and
189 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
190 in response to these requests;

191 (22) drafts, unless otherwise classified as public;

192 (23) records concerning a governmental entity's strategy about:

193 (a) collective bargaining; or
194 (b) imminent or pending litigation;

195 (24) records of investigations of loss occurrences and analyses of loss occurrences that
196 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
197 Uninsured Employers' Fund, or similar divisions in other governmental entities;

198 (25) records, other than personnel evaluations, that contain a personal recommendation
199 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
200 personal privacy, or disclosure is not in the public interest;

201 (26) records that reveal the location of historic, prehistoric, paleontological, or
202 biological resources that if known would jeopardize the security of those resources or of
203 valuable historic, scientific, educational, or cultural information;

204 (27) records of independent state agencies if the disclosure of the records would
205 conflict with the fiduciary obligations of the agency;

206 (28) records of an institution within the state system of higher education defined in
207 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
208 retention decisions, and promotions, which could be properly discussed in a meeting closed in
209 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
210 the final decisions about tenure, appointments, retention, promotions, or those students
211 admitted, may not be classified as protected under this section;

212 (29) records of the governor's office, including budget recommendations, legislative
213 proposals, and policy statements, that if disclosed would reveal the governor's contemplated

214 policies or contemplated courses of action before the governor has implemented or rejected
215 those policies or courses of action or made them public;

216 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
217 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
218 recommendations in these areas;

219 (31) records provided by the United States or by a government entity outside the state
220 that are given to the governmental entity with a requirement that they be managed as protected
221 records if the providing entity certifies that the record would not be subject to public disclosure
222 if retained by it;

223 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
224 public body except as provided in Section 52-4-206;

225 (33) records that would reveal the contents of settlement negotiations but not including
226 final settlements or empirical data to the extent that they are not otherwise exempt from
227 disclosure;

228 (34) memoranda prepared by staff and used in the decision-making process by an
229 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
230 other body charged by law with performing a quasi-judicial function;

231 (35) records that would reveal negotiations regarding assistance or incentives offered
232 by or requested from a governmental entity for the purpose of encouraging a person to expand
233 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
234 person or place the governmental entity at a competitive disadvantage, but this section may not
235 be used to restrict access to a record evidencing a final contract;

236 (36) materials to which access must be limited for purposes of securing or maintaining
237 the governmental entity's proprietary protection of intellectual property rights including patents,
238 copyrights, and trade secrets;

239 (37) the name of a donor or a prospective donor to a governmental entity, including an
240 institution within the state system of higher education defined in Section 53B-1-102, and other
241 information concerning the donation that could reasonably be expected to reveal the identity of
242 the donor, provided that:

243 (a) the donor requests anonymity in writing;

244 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

245 classified protected by the governmental entity under this Subsection (37); and

246 (c) except for an institution within the state system of higher education defined in
247 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
248 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
249 over the donor, a member of the donor's immediate family, or any entity owned or controlled
250 by the donor or the donor's immediate family;

251 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
252 73-18-13;

253 (39) a notification of workers' compensation insurance coverage described in Section
254 34A-2-205;

255 (40) (a) the following records of an institution within the state system of higher
256 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
257 or received by or on behalf of faculty, staff, employees, or students of the institution:

258 (i) unpublished lecture notes;

259 (ii) unpublished notes, data, and information:

260 (A) relating to research; and

261 (B) of:

262 (I) the institution within the state system of higher education defined in Section
263 53B-1-102; or

264 (II) a sponsor of sponsored research;

265 (iii) unpublished manuscripts;

266 (iv) creative works in process;

267 (v) scholarly correspondence; and

268 (vi) confidential information contained in research proposals;

269 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
270 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

271 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

272 (41) (a) records in the custody or control of the Office of Legislative Auditor General
273 that would reveal the name of a particular legislator who requests a legislative audit prior to the
274 date that audit is completed and made public; and

275 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

276 Office of the Legislative Auditor General is a public document unless the legislator asks that
277 the records in the custody or control of the Office of Legislative Auditor General that would
278 reveal the name of a particular legislator who requests a legislative audit be maintained as
279 protected records until the audit is completed and made public;

280 (42) records that provide detail as to the location of an explosive, including a map or
281 other document that indicates the location of:

282 (a) a production facility; or

283 (b) a magazine;

284 (43) information:

285 (a) contained in the statewide database of the Division of Aging and Adult Services
286 created by Section [62A-3-311.1](#); or

287 (b) received or maintained in relation to the Identity Theft Reporting Information
288 System (IRIS) established under Section [67-5-22](#);

289 (44) information contained in the Management Information System and Licensing
290 Information System described in Title 62A, Chapter 4a, Child and Family Services;

291 (45) information regarding National Guard operations or activities in support of the
292 National Guard's federal mission;

293 (46) records provided by any pawn or secondhand business to a law enforcement
294 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
295 Secondhand Merchandise Transaction Information Act;

296 (47) information regarding food security, risk, and vulnerability assessments performed
297 by the Department of Agriculture and Food;

298 (48) except to the extent that the record is exempt from this chapter pursuant to Section
299 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
300 prepared or maintained by the Division of Emergency Management, and the disclosure of
301 which would jeopardize:

302 (a) the safety of the general public; or

303 (b) the security of:

304 (i) governmental property;

305 (ii) governmental programs; or

306 (iii) the property of a private person who provides the Division of Emergency

307 Management information;

308 (49) records of the Department of Agriculture and Food that provides for the
309 identification, tracing, or control of livestock diseases, including any program established under
310 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
311 of Animal Disease;

312 (50) as provided in Section 26-39-501:

313 (a) information or records held by the Department of Health related to a complaint
314 regarding a child care program or residential child care which the department is unable to
315 substantiate; and

316 (b) information or records related to a complaint received by the Department of Health
317 from an anonymous complainant regarding a child care program or residential child care;

318 (51) unless otherwise classified as public under Section 63G-2-301 and except as
319 provided under Section 41-1a-116, an individual's home address, home telephone number, or
320 personal mobile phone number, if:

321 (a) the individual is required to provide the information in order to comply with a law,
322 ordinance, rule, or order of a government entity; and

323 (b) the subject of the record has a reasonable expectation that this information will be
324 kept confidential due to:

325 (i) the nature of the law, ordinance, rule, or order; and

326 (ii) the individual complying with the law, ordinance, rule, or order;

327 (52) the name, home address, work addresses, and telephone numbers of an individual
328 that is engaged in, or that provides goods or services for, medical or scientific research that is:

329 (a) conducted within the state system of higher education, as defined in Section
330 53B-1-102; and

331 (b) conducted using animals;

332 (53) in accordance with Section 78A-12-203, any record of the Judicial Performance
333 Evaluation Commission concerning an individual commissioner's vote on whether or not to
334 recommend that the voters retain a judge including information disclosed under Subsection
335 78A-12-203(5)(e);

336 (54) information collected and a report prepared by the Judicial Performance
337 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

338 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
339 the information or report;

340 (55) records contained in the Management Information System created in Section
341 [62A-4a-1003](#);

342 (56) records provided or received by the Public Lands Policy Coordinating Office in
343 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

344 (57) information requested by and provided to the 911 Division under Section
345 [63H-7a-302](#);

346 (58) in accordance with Section [73-10-33](#):

347 (a) a management plan for a water conveyance facility in the possession of the Division
348 of Water Resources or the Board of Water Resources; or

349 (b) an outline of an emergency response plan in possession of the state or a county or
350 municipality;

351 (59) the following records in the custody or control of the Office of Inspector General
352 of Medicaid Services, created in Section [63A-13-201](#):

353 (a) records that would disclose information relating to allegations of personal
354 misconduct, gross mismanagement, or illegal activity of a person if the information or
355 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
356 through other documents or evidence, and the records relating to the allegation are not relied
357 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
358 report or final audit report;

359 (b) records and audit workpapers to the extent they would disclose the identity of a
360 person who, during the course of an investigation or audit, communicated the existence of any
361 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
362 regulation adopted under the laws of this state, a political subdivision of the state, or any
363 recognized entity of the United States, if the information was disclosed on the condition that
364 the identity of the person be protected;

365 (c) before the time that an investigation or audit is completed and the final
366 investigation or final audit report is released, records or drafts circulated to a person who is not
367 an employee or head of a governmental entity for the person's response or information;

368 (d) records that would disclose an outline or part of any investigation, audit survey

369 plan, or audit program; or

370 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
371 investigation or audit;

372 (60) records that reveal methods used by the Office of Inspector General of Medicaid
373 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
374 abuse;

375 (61) information provided to the Department of Health or the Division of Occupational
376 and Professional Licensing under Subsection 58-68-304(3) or (4);

377 (62) a record described in Section 63G-12-210;

378 (63) captured plate data that is obtained through an automatic license plate reader
379 system used by a governmental entity as authorized in Section 41-6a-2003;

380 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
381 victim, including:

382 (a) a victim's application or request for benefits;

383 (b) a victim's receipt or denial of benefits; and

384 (c) any administrative notes or records made or created for the purpose of, or used to,
385 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
386 Reparations Fund;

387 (65) an audio or video recording created by a body-worn camera, as that term is
388 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
389 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
390 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
391 that term is defined in Section 62A-2-101, except for recordings that:

392 (a) depict the commission of an alleged crime;

393 (b) record any encounter between a law enforcement officer and a person that results in
394 death or bodily injury, or includes an instance when an officer fires a weapon;

395 (c) record any encounter that is the subject of a complaint or a legal proceeding against
396 a law enforcement officer or law enforcement agency;

397 (d) contain an officer involved critical incident as defined in Subsection
398 76-2-408(1)(d); or

399 (e) have been requested for reclassification as a public record by a subject or

400 authorized agent of a subject featured in the recording;

401 (66) a record pertaining to the search process for a president of an institution of higher
402 education described in Section 53B-2-102, except for application materials for a publicly
403 announced finalist; and

404 (67) an audio recording that is:

405 (a) produced by an audio recording device that is used in conjunction with a device or
406 piece of equipment designed or intended for resuscitating an individual or for treating an
407 individual with a life-threatening condition;

408 (b) produced during an emergency event when an individual employed to provide law
409 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

410 (i) is responding to an individual needing resuscitation or with a life-threatening
411 condition; and

412 (ii) uses a device or piece of equipment designed or intended for resuscitating an
413 individual or for treating an individual with a life-threatening condition; and

414 (c) intended and used for purposes of training emergency responders how to improve
415 their response to an emergency situation;

416 (68) records submitted by or prepared in relation to an applicant seeking a
417 recommendation by the Research and General Counsel Subcommittee, the Budget
418 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
419 employment position with the Legislature;

420 (69) work papers as defined in Section 31A-2-204; [~~and~~]

421 (70) a record made available to Adult Protective Services or a law enforcement agency
422 under Section 61-1-206[-]; and

423 (71) a record described in Subsection 72-15-306(4) that relates to the reporting of an
424 injury involving an amusement ride.

425 Section 2. Section 72-16-101 is enacted to read:

426 **CHAPTER 16. AMUSEMENT RIDE SAFETY ACT**

427 **Part 1. General Provisions**

428 **72-16-101. Title.**

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

430 Section 3. Section 72-16-102 is enacted to read:

431 **72-16-102. Definitions.**432 As used in this chapter:433 (1) "Account" means the Amusement Ride Safety Restricted Account created in
434 Section [72-15-204](#).435 (2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where
436 one or more amusement rides are available for use by the general public.437 (b) "Amusement park" does not include a traveling show, carnival, or public
438 fairground.439 (3) (a) "Amusement ride" means a device or attraction that carries or conveys
440 passengers along, around, or over a fixed or restricted route or course or allows the passenger
441 to steer or guide the device or attraction within an established area of the purpose of giving the
442 passengers amusement, pleasure, thrills, or excitement.443 (b) "Amusement ride" includes a roller coaster, whip, ferris wheel, merry-go-round,
444 and zipline.445 (c) "Amusement ride" does not include:446 (i) a coin-operated ride that:447 (A) is manually, mechanically, or electrically operated;448 (B) is customarily placed in a public location; and449 (C) does not normally require the supervision or services of an operator;450 (ii) nonmechanized playground equipment, including a swing, seesaw, stationary
451 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,
452 trampoline, or physical fitness device;453 (iii) an inflatable device;454 (iv) a water-based recreational attraction where complete or partial immersion is
455 intended, including a water slide, wave pool, or water park;456 (v) a challenge, exercise, or obstacle course; or457 (vi) a passenger ropeway as defined in Section [72-11-102](#).458 (4) "Committee" means the Utah Amusement Ride Safety Committee created in
459 Section [72-15-201](#).460 (5) "Director" means the director of the committee, appointed under Section
461 [72-11-202](#).

- 462 (6) "Mobile amusement ride" means an amusement ride that is:
- 463 (a) designed or adapted to be moved from one location to another;
- 464 (b) not fixed at a single location; and
- 465 (c) relocated at least once each calendar year.
- 466 (7) "Operator" means the individual who controls the starting, stopping, or speed of an
- 467 amusement ride.
- 468 (8) "Owner-operator" means the person who has control over and responsibility for the
- 469 maintenance, setup, and operation of an amusement ride.
- 470 (9) "Permanent amusement ride" means an amusement ride that is not a mobile
- 471 amusement ride.
- 472 (10) "Qualified safety inspector" means an individual who holds a valid qualified
- 473 safety inspector certification.
- 474 (11) "Qualified safety inspector certification" means a certification issued by the
- 475 committee under Section [72-15-303](#).
- 476 (12) "Reportable serious injury" means an injury to a ride participant that:
- 477 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 478 (b) results in death, dismemberment, permanent loss of the use of a body organ,
- 479 member, function, or system, or a compound fracture.
- 480 (13) "Safety inspection certification" means a written document that:
- 481 (a) is signed by a qualified safety inspector certifying that:
- 482 (i) the qualified safety inspector performed an in-person inspection of an amusement
- 483 ride to check compliance with the safety standards described in Section [72-15-304](#) and
- 484 established by rule; and
- 485 (ii) at the time the qualified safety inspector performed the in-person inspection, the
- 486 amusement ride:
- 487 (A) was set up in the state for use by the general public; and
- 488 (B) satisfied the safety standards described in Section [72-15-304](#) and established by
- 489 rule; and
- 490 (b) includes the date on which the qualified safety inspector performed the in-person
- 491 inspection.
- 492 (14) "Serious injury" means an injury to a ride participant that:

- 493 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 494 (b) requires immediate admission to a hospital and overnight hospitalization and
- 495 observation by a licensed physician.

496 Section 4. Section **72-16-103** is enacted to read:

497 **72-16-103. Scope and administration.**

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

499 (2) In accordance with the provisions of this chapter, the committee:

500 (a) shall administer this chapter; and

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

502 Section 5. Section **72-16-201** is enacted to read:

503 **Part 2. Utah Amusement Ride Safety Committee**

504 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

505 (1) There is created within the department the Utah Amusement Ride Safety
506 Committee.

507 (2) The committee is comprised of the following members:

508 (a) six members as follows, appointed by the governor:

509 (i) one member who represents fairs in the state;

510 (ii) one member who represents mobile ride operators;

511 (iii) one member who represents permanent ride operators;

512 (iv) one member who represents large amusement parks in the state;

513 (v) one member who represents the public at large; and

514 (vi) one member who represents a nationally recognized amusement ride safety or
515 regulatory organization; and

516 (b) one ex officio member appointed by the executive director.

517 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
518 member described in Subsection (2)(a) to a four-year term.

519 (b) The governor shall, at the time of appointment or reappointment, adjust the length
520 of terms to ensure that the terms of the committee members appointed under Subsection (2)(a)
521 are staggered so that approximately half of the committee is appointed every two years.

522 (4) In making an appointment under Subsection (2)(a), the governor shall request and
523 consider recommendations from:

524 (a) the membership of the interest from which the appointment is to be made; and
525 (b) the department.

526 (5) When a vacancy occurs in the membership of the committee, the governor shall
527 appoint a replacement for the remainder of the unexpired term.

528 (6) A member of the committee may not receive compensation or benefits for the
529 member's service, but may receive per diem and travel expenses in accordance with:

530 (a) Section [63A-3-106](#);

531 (b) Section [63A-3-107](#); and

532 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
533 [63A-3-107](#).

534 (7) The department shall supply the committee with office space, equipment, and staff
535 the executive director finds appropriate.

536 (8) (a) The committee shall select a chair annually from the committee members.

537 (b) Four members constitute a quorum for conducting committee business.

538 (c) A majority vote of a quorum present at a meeting constitutes an action of the
539 committee.

540 (9) The committee shall meet at least quarterly and at the call of the chair or of a
541 majority of the members.

542 Section 6. Section **72-16-202** is enacted to read:

543 **72-16-202. Appointment of director.**

544 (1) (a) The committee, subject to approval by the executive director, shall appoint a
545 director.

546 (b) The executive director may remove the director at the executive director's will.

547 (2) The director shall:

548 (a) be experienced in administration and possess additional qualifications as
549 determined by the committee and the executive director; and

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

552 Section 7. Section **72-16-203** is enacted to read:

553 **72-16-203. Rulemaking.**

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

555 provisions of this chapter, the executive director, based on recommendations by the committee,
556 may make rules:

557 (1) establishing:

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

559 (i) a qualified safety inspector certification;

560 (ii) an annual amusement ride permit; and

561 (iii) a multi-ride annual amusement ride permit;

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

563 (i) a qualified safety inspector certification;

564 (ii) an annual amusement ride permit; and

565 (iii) a multi-ride annual amusement ride permit;

566 (c) standards for a daily inspection under Section [72-15-302](#);

567 (d) the form of a report of a reportable serious injury to the director;

568 (e) the procedure for reporting a reportable serious injury to the director;

569 (f) the procedure to suspend and revoke:

570 (i) a qualified safety inspector certification;

571 (ii) an annual amusement ride permit; and

572 (iii) a multi-ride annual amusement ride permit;

573 (g) a retention schedule that applies to each qualified safety inspector for records

574 related to a qualified safety inspector's duties under this chapter; and

575 (h) a retention schedule that applies to each owner-operator for records related to an

576 owner-operator's duties under this chapter; and

577 (2) adopting nationally recognized:

578 (a) amusement ride inspection standards; and

579 (b) qualified safety inspector qualification standards.

580 Section 8. Section **72-16-204** is enacted to read:

581 **72-16-204. Amusement Ride Safety Restricted Account.**

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

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

585 (i) fees collected by the committee under this chapter; and

- 586 (ii) money appropriated by the Legislature.
587 (b) Appropriations made from the account are nonlapsing.
588 (3) Subject to appropriation, the committee may use the money deposited into the
589 account to pay for the administration of this chapter.

590 Section 9. Section **72-16-301** is enacted to read:

591 **Part 3. Amusement Ride Safety**

592 **72-16-301. Requirements for amusement ride operation.**

593 (1) Beginning on April 1, 2021, a person may not operate an amusement ride in the
594 state that is open to the public, unless the person obtains:

595 (a) an annual amusement ride permit for the amusement ride in accordance with this
596 section; or

597 (b) a multi-ride annual amusement ride permit that includes the amusement ride, in
598 accordance with this section.

599 (2) To obtain or renew an annual amusement ride permit for a mobile amusement ride,
600 the owner-operator shall submit an application to the director that contains the following and is
601 in a form prescribed by the executive director:

602 (a) the owner-operator's name and address;

603 (b) a description of the mobile amusement ride, including the manufacturer's name, the
604 serial number, and the model number;

605 (c) each location in the state where the owner-operator intends to operate the mobile
606 amusement ride during the 12-month period for which the annual amusement ride permit is
607 valid;

608 (d) for each location identified under Subsection (2)(c), the name and contact
609 information of the fair, show, landlord, or property owner;

610 (e) the date on which the owner-operator intends to set up the mobile amusement ride
611 at each location identified under Subsection (2)(c);

612 (f) the dates on which the owner-operator intends to operate the mobile amusement
613 ride for use by the general public at each location identified under Subsection (2)(c);

614 (g) proof of compliance with the insurance requirement described in Section
615 [72-15-305](#);

616 (h) a safety inspection certification dated no more than 30 days before the day on which

617 the owner-operator submits the application; and
618 (i) a fee established by the executive director in accordance with Section [63J-1-504](#).
619 (3) To obtain or renew an annual amusement ride permit for a permanent amusement
620 ride, the owner-operator shall submit an application to the director that contains the following
621 information and is in a form prescribed by the executive director:
622 (a) the owner-operator's name and address;
623 (b) a description of the permanent amusement ride, including the manufacturer's name,
624 the serial number, and the model number;
625 (c) the location in the state where the owner-operator will operate the permanent
626 amusement ride;
627 (d) the first date on which the owner-operator intends to operate the permanent
628 amusement ride for use by the general public;
629 (e) proof of compliance with the insurance requirement described in Section
630 [72-15-305](#);
631 (f) a safety inspection certification dated no more than 30 days before the day on which
632 the owner-operator submits the application; and
633 (g) a fee established by the executive director in accordance with Section [63J-1-504](#).
634 (4) To obtain or renew a multi-ride annual amusement ride permit for all amusement
635 rides located at an amusement park that employs more than 1,000 individuals in a calendar
636 year, the amusement park shall submit an application to the director that contains the following
637 information and is in a form prescribed by the executive director:
638 (a) the amusement park's name and address;
639 (b) a list of each amusement ride located at the amusement park, including a
640 description of each amusement ride;
641 (c) the first date on which the amusement park will operate each amusement ride
642 identified in Subsection (4)(b);
643 (d) proof of compliance with the insurance requirement described in Section
644 [72-15-305](#);
645 (e) a safety inspection certification for each amusement ride identified in Subsection
646 (4)(b) that is dated no more than 30 days before the day on which the amusement park submits
647 the application; and

648 (f) a fee for each amusement ride identified under Subsection (4)(b) established by the
649 executive director in accordance with Section [63J-1-504](#).

650 (5) The director shall issue:

651 (a) an annual amusement ride permit for each amusement ride for which the
652 owner-operator submits a complete application or renewal application that satisfies the
653 requirements of this chapter and any applicable rules; and

654 (b) a multi-ride annual amusement ride permit to each amusement park that employs
655 more than 1,000 individuals in a calendar year and submits a complete application or renewal
656 application that satisfies the requirements of this chapter and any applicable rules.

657 (6) An annual amusement ride permit or a multi-ride annual amusement ride permit
658 expires one year after the day on which the director issues the annual amusement ride permit or
659 the multi-ride annual amusement ride permit.

660 (7) An owner-operator or amusement park shall maintain a copy of a current annual
661 amusement ride permit or multi-ride annual amusement ride permit and upon request,
662 reasonable notice, and payment of reasonable copying expense, if applicable:

663 (a) make the copy available for examination; or

664 (b) provide a copy of the annual amusement ride permit or multi-ride annual
665 amusement ride permit.

666 Section 10. Section **72-16-302** is enacted to read:

667 **72-16-302. Daily inspection required.**

668 (1) (a) Each day an owner-operator operates an amusement ride for use by the general
669 public, the owner-operator or the owner-operator's designee shall inspect and operate the
670 amusement ride in accordance with this section and rules established under this chapter.

671 (b) The owner-operator or the owner-operator's designee shall complete the inspection
672 and operation described in Subsection (1)(a):

673 (i) before the owner-operator begins operation for use by the general public; and

674 (ii) in accordance with rule made under this chapter.

675 (2) The owner-operator shall:

676 (a) make a record of each daily inspection that is signed by the individual who
677 performed the inspection; and

678 (b) maintain each record described in Subsection (2)(a) for at least 90 days after the

679 day on which the inspection is performed.

680 Section 11. Section **72-16-303** is enacted to read:

681 **72-16-303. Certification of inspectors.**

682 (1) To become a qualified safety inspector, an individual shall obtain and maintain a
683 qualified safety inspector certification from the director in accordance with this section.

684 (2) To obtain a qualified safety inspector certification from the director, an individual
685 shall submit an application to the director that demonstrates the individual:

686 (a) (i) (A) is a professional engineer, licensed in accordance with Title 58, Chapter 22,
687 Professional Engineers and Professional Land Surveyors Licensing Act, or an engineer with a
688 comparable license from another state as determined by the executive director; and

689 (B) has at least three years of experience in the amusement ride industry, at least two of
690 which include actual inspection of amusement rides for an owner-operator, manufacturer,
691 government agency, amusement park, carnival, or insurer;

692 (ii) (A) has at least three years of experience inspecting amusement rides for an
693 owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and

694 (B) is certified by a nationally recognized organization in the amusement ride safety
695 industry approved by the committee; or

696 (iii) (A) has at least three years of experience inspecting amusement rides for an
697 owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and

698 (B) is employed by an amusement park that employs more than 1,000 individuals in a
699 calendar year;

700 (b) (i) has insurance for errors or omissions; or

701 (ii) is an employee or authorized agent of an insurance company; and

702 (c) is a member of and actively participates in an entity that develops standards

703 applicable to the operation of amusement rides.

704 (3) To obtain a renewal of a qualified safety inspector certification, a qualified safety
705 inspector shall submit to the director a renewal application that demonstrates that the qualified
706 safety inspector:

707 (a) satisfies the requirements described in Subsection (2); and

708 (b) during the previous 12-month period, completed at least six hours of continuing
709 education instruction provided by:

710 (i) a nationally recognized amusement industry organization;
711 (ii) a nationally recognized organization in a relevant technical field;
712 (iii) an owner-operator, through an owner-operator-run safety program approved by the
713 executive director; or

714 (iv) an amusement park that employs more than 1,000 individuals in a calendar year.

715 (4) The director shall issue a qualified safety inspector certification to each individual
716 who submits an application or a renewal application that is in a form prescribed by the
717 executive director and complies with the requirements of this section and any applicable rules.

718 (5) A qualified safety inspector certification expires two years after the day on which
719 the director issues the qualified inspector certification.

720 (6) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
721 director may deny, suspend, or revoke a qualified safety inspector certification if an individual
722 fails to satisfy a requirement of this chapter or any applicable rule.

723 (7) A qualified safety inspector who is employed by the owner-operator or of an
724 amusement ride may complete an inspection of the amusement ride.

725 Section 12. Section **72-16-304** is enacted to read:

726 **72-16-304. Safety standards.**

727 (1) Subject to Subsections (2) and (3) and in accordance with Title 63G, Chapter 3,
728 Utah Administrative Rulemaking Act, the executive director, based on recommendations by the
729 committee, shall make rules adopting the relevant safety standards developed by the ASTM
730 International Committee F24 as of April 1, 2020.

731 (2) The executive director, based on recommendations by the committee, may modify
732 or update the safety standards described in Subsection (1), consistent with nationally
733 recognized amusement ride standards.

734 (3) The executive director, based on recommendations by the committee, may, upon
735 application, amend or exempt a safety standard adopted under this section based upon unique
736 circumstances, if appropriate to ensure public safety.

737 Section 13. Section **72-16-305** is enacted to read:

738 **72-16-305. Insurance required.**

739 (1) An owner-operator of an amusement ride shall carry liability insurance coverage in
740 at least the following amounts:

741 (a) \$1,000,000 for bodily injury per occurrence;
742 (b) \$250,000 for property damage per occurrence; and
743 (c) \$3,000,000 per occurrence combined single limit.
744 (2) An owner-operator of an amusement ride located in an amusement park that
745 employs more than 1,000 individuals in a calendar year shall carry liability insurance coverage
746 in at least the following amounts:

747 (a) \$5,000,000 for bodily injury per occurrence;
748 (b) \$1,000,000 for property damage per occurrence; and
749 (c) \$10,000,000 per occurrence combined single limit.

750 Section 14. Section **72-16-306** is enacted to read:

751 **72-16-306. Reporting and shutdown for certain injuries.**

752 (1) (a) An owner-operator shall report each known reportable serious injury to the
753 director within eight hours after the owner-operator learns of the reportable serious injury.

754 (b) An owner-operator shall include the following information in a report described in
755 Subsection (1)(a):

756 (i) the owner-operator's name and contract information;
757 (ii) the location of the amusement ride at the time the reportable serious injury
758 occurred;

759 (iii) a description of:

760 (A) the amusement ride; and

761 (B) the nature of the reportable serious injury; and

762 (iv) any other information required by rule made under this chapter.

763 (2) (a) In addition to the requirement described in Subsection (1), an owner-operator of
764 a mobile amusement ride shall report each known serious injury to the fair, show, landlord, or
765 owner of the property upon which the mobile amusement ride was located at the time the
766 serious injury occurred.

767 (b) After a serious injury, the owner-operator may not operate the mobile amusement
768 ride until the owner-operator receives written authorization from:

769 (i) the fair, show, landlord, or owner of the property upon which the amusement ride
770 was located at the time the serious injury occurred; or

771 (ii) the director.

772 (3) For purposes of Title 63G, Chapter 2, Government Records Access and
773 Management Act, a report to the director described in this section and any record related to the
774 report is a protected record as defined in Section 63G-2-103, except the ride description, the
775 owner-operator, the location of the amusement ride at the time the reportable injury occurred,
776 and the general nature of the reportable injury.

777 Section 15. Section **72-16-401** is enacted to read:

778 **Part 4. Enforcement**

779 **72-16-401. Penalty for violation.**

780 (1) If an owner-operator or operator violates a provision of this chapter with respect to
781 an amusement ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act,
782 the director may deny, suspend, or revoke the owner-operator's annual amusement ride permit
783 for the amusement ride.

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

786 Section 16. Section **72-16-402** is enacted to read:

787 **72-16-402. Audit -- Right of entry.**

788 The director or the director's representative, upon presenting appropriate credentials to
789 the owner-operator, operator, or agent in charge, may enter a premises where an amusement
790 ride is located for the purpose of auditing compliance with the provisions of this chapter.