

398 a law enforcement officer or law enforcement agency;

399 (d) contain an officer involved critical incident as defined in Subsection

400 [76-2-408\(1\)\(d\)](#); or

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

402 authorized agent of a subject featured in the recording;

403 (66) a record pertaining to the search process for a president of an institution of higher

404 education described in Section [53B-2-102](#), except for application materials for a publicly

405 announced finalist; and

406 (67) an audio recording that is:

407 (a) produced by an audio recording device that is used in conjunction with a device or

408 piece of equipment designed or intended for resuscitating an individual or for treating an

409 individual with a life-threatening condition;

410 (b) produced during an emergency event when an individual employed to provide law

411 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

412 (i) is responding to an individual needing resuscitation or with a life-threatening

413 condition; and

414 (ii) uses a device or piece of equipment designed or intended for resuscitating an

415 individual or for treating an individual with a life-threatening condition; and

416 (c) intended and used for purposes of training emergency responders how to improve

417 their response to an emergency situation;

418 (68) records submitted by or prepared in relation to an applicant seeking a

419 recommendation by the Research and General Counsel Subcommittee, the Budget

420 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an

421 employment position with the Legislature;

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

423 (70) a record made available to Adult Protective Services or a law enforcement agency

424 under Section [61-1-206](#)[~~;~~]; and

425 (71) a record described in ~~§~~ → [~~Subsection 72-15-306(4)~~] Section 72-16-306 ← ~~§~~ that relates

425a to the reporting of an

426 injury involving an amusement ride.

427 Section 2. Section **63J-1-602.1** is amended to read:

428 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

522 63H-7a-403.

523 (52) The Employability to Careers Program Restricted Account created in Section

524 63J-4-703.

525 (53) The Motion Picture Incentive Account created in Section 63N-8-103.

526 (54) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
527 as provided under Section 63N-10-301.

528 (55) Funds collected by the housing of state probationary inmates or state parole
529 inmates, as provided in Subsection 64-13e-104(2).

530 (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
531 and State Lands, as provided in Section 65A-8-103.

532 (57) The Amusement Ride Safety Restricted Account, as provided in Section

533 ~~§~~ → [72-15-204] 72-16-204 ← ~~§~~ .

534 [~~(57)~~] (58) Certain funds received by the Office of the State Engineer for well drilling
535 fines or bonds, as provided in Section 73-3-25.

536 [~~(58)~~] (59) The Water Resources Conservation and Development Fund, as provided in
537 Section 73-23-2.

538 [~~(59)~~] (60) Funds donated or paid to a juvenile court by private sources, as provided in
539 Subsection 78A-6-203(1)(c).

540 [~~(60)~~] (61) Fees for certificate of admission created under Section 78A-9-102.

541 [~~(61)~~] (62) Funds collected for adoption document access as provided in Sections
542 78B-6-141, 78B-6-144, and 78B-6-144.5.

543 [~~(62)~~] (63) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
544 State Park, Jordan River State Park, and Green River State Park, as provided under Section
545 79-4-403.

546 [~~(63)~~] (64) Certain funds received by the Division of Parks and Recreation from the
547 sale or disposal of buffalo, as provided under Section 79-4-1001.

548 [~~(64)~~] (65) Funds collected for indigent defense as provided in Title 77, Chapter 32,
549 Part 8, Utah Indigent Defense Commission.

550 Section 3. Section 72-16-101 is enacted to read:

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

552 **Part 1. General Provisions**

553 72-16-101. Title.

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

555 Section 4. Section **72-16-102** is enacted to read:

556 72-16-102. Definitions.

557 As used in this chapter:

558 (1) "Account" means the Amusement Ride Safety Restricted Account created in

559 Section ~~§~~ → [72-15-204] 72-16-204 ← ~~§~~ .

560 (2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where

561 one or more amusement rides are available for use by the general public.

562 (b) "Amusement park" does not include a traveling show, carnival, or public

563 fairground.

564 (3) (a) "Amusement ride" means a device or attraction that carries or conveys one or

565 more riders along, around, or over a fixed or restricted route or course or allows the riders to

566 steer or guide the device or attraction within an established area ~~§~~ → [or] for ← ~~§~~ the purpose of

566a giving the

567 riders amusement, pleasure, thrills, or excitement.

568 (b) "Amusement ride" includes a roller coaster, whip, ferris wheel, merry-go-round,

569 and zipline.

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

571 (i) a coin-operated ride that:

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

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

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

575 (ii) nonmechanized playground equipment, including a swing, seesaw, stationary

576 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,

577 trampoline, or physical fitness device;

578 (iii) an inflatable device;

579 (iv) a water-based recreational attraction where complete or partial immersion is

580 intended, including a water slide, wave pool, or water park;

581 (v) a challenge, exercise, or obstacle course;

582 (vi) a passenger ropeway as defined in Section 72-11-102;

583 (vii) a device or attraction that involves one or more live animals; or

584 (viii) a tractor ride or wagon ride.

585 (4) "Committee" means the Utah Amusement Ride Safety Committee created in

586 Section ~~§~~ → [72-15-201] 72-16-201 ← ~~§~~ .

587 (5) "Director" means the director of the committee, appointed under Section

588 ~~§~~ → [72-11-202] 72-16-202 ← ~~§~~ .

589 (6) "Mobile amusement ride" means an amusement ride that is:

590 (a) designed or adapted to be moved from one location to another;

591 (b) not fixed at a single location; and

592 (c) relocated at least once each calendar year.

593 (7) "Operator" means the individual who controls the starting, stopping, or speed of an
594 amusement ride.

595 (8) "Owner-operator" means the person who has control over and responsibility for the
596 maintenance, setup, and operation of an amusement ride.

597 (9) "Permanent amusement ride" means an amusement ride that is not a mobile
598 amusement ride.

599 (10) "Qualified safety inspector" means an individual who holds a valid qualified
600 safety inspector certification.

601 (11) "Qualified safety inspector certification" means a certification issued by the

602 ~~§~~ → [committee] director ← ~~§~~ under Section ~~§~~ → [72-15-303] 72-16-303 ← ~~§~~ .

603 (12) "Reportable serious injury" means an injury to a rider that:

604 (a) occurs when there is a failure or malfunction of an amusement ride; and

605 (b) results in death, dismemberment, permanent loss of the use of a body organ,
606 member, function, or system, or a compound fracture.

607 (13) "Safety inspection certification" means a written document that:

608 (a) is signed by a qualified safety inspector certifying that:

609 (i) the qualified safety inspector performed an in-person inspection of an amusement
610 ride to check compliance with the safety standards described in Section

610a ~~§~~ → [72-15-304] 72-16-304 ← ~~§~~ and

611 established by rule; and

612 (ii) at the time the qualified safety inspector performed the in-person inspection, the
613 amusement ride:

614 (A) was set up in the state for use by the general public; and

615 (B) satisfied the safety standards described in Section §→ [72-15-304] 72-16-304 ←§ and
 615a established by
 616 rule; and

617 (b) includes the date on which the qualified safety inspector performed the in-person
 618 inspection.

619 (14) "Serious injury" means an injury to a rider that:

620 (a) occurs when there is a failure or malfunction of an amusement ride; and

621 (b) requires immediate admission to a hospital and overnight hospitalization and
 622 observation by a licensed physician.

623 Section 5. Section **72-16-103** is enacted to read:

624 **72-16-103. Scope and administration.**

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

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

627 (a) shall administer this chapter; and

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

629 Section 6. Section **72-16-201** is enacted to read:

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

631 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

632 (1) There is created within the department the Utah Amusement Ride Safety
 633 Committee.

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

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

636 (i) one member who represents fairs in the state that employ 25 or more employees;

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

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

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

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

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

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

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

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

679 Section 8. Section **72-16-203** is enacted to read:

680 **72-16-203. Rulemaking.**

681 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 682 the provisions of this chapter the committee may make rules:

683 (a) establishing:

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

685 (A) a qualified safety inspector certification;

686 (B) an annual amusement ride permit; and

687 (C) a multi-ride annual amusement ride permit;

688 (ii) the procedure to apply for and renew:

689 (A) a qualified safety inspector certification;

690 (B) an annual amusement ride permit; and

691 (C) a multi-ride annual amusement ride permit;

692 (iii) standards for a daily inspection under Section ~~§~~ → [72-15-302] 72-16-302 ← ~~§~~ ;

693 (iv) the form of a report of a reportable serious injury to the director;

694 (v) the procedure for reporting a reportable serious injury to the director;

695 (vi) the procedure to suspend and revoke:

696 (A) a qualified safety inspector certification;

697 (B) an annual amusement ride permit; and

698 (C) a multi-ride annual amusement ride permit;

699 (vii) a retention schedule that applies to each qualified safety inspector for records

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

701 (viii) a retention schedule that applies to each owner-operator for records related to an
 702 owner-operator's duties under this chapter;

703 (b) regarding the experience required to obtain a qualified safety inspector certification
 704 under Subsection [72-16-303\(3\)\(a\)](#); and

705 (c) adopting nationally recognized:

706 (i) amusement ride inspection standards; and

707 (ii) qualified safety inspector qualification standards.

708 (2) Notwithstanding Subsection 63G-3-301(13), the committee shall initiate
709 rulemaking proceedings, as defined in Section 63G-3-301, to make rules under this section no
710 later than December 1, 2020.

711 Section 9. Section 72-16-204 is enacted to read:

712 **72-16-204. Amusement Ride Safety Restricted Account.**

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

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

716 (i) fees collected by the committee under this chapter; ~~§~~ → [and] ← ~~§~~

717 (ii) money appropriated by the Legislature; and

718 (iii) interest earned on money in the account.

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

720 (3) Subject to appropriation, the committee may use the money deposited into the
721 account to pay for the administration of this chapter.

722 Section 10. Section 72-16-301 is enacted to read:

723 **Part 3. Amusement Ride Safety**

724 **72-16-301. Requirements for amusement ride operation.**

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

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

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

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

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

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

737 (c) each known location in the state where the owner-operator intends to operate the
738 mobile amusement ride during the 12-month period for which the annual amusement ride

739 permit is valid, updated in accordance with Subsection (5):

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

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

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

746 (g) proof of compliance with the insurance requirement described in Section

747 **§→** [72-15-305] 72-16-305 ←§ ;

748 (h) a safety inspection certification dated no more than 30 days before the day on which
749 the owner-operator submits the application; and

750 (i) a fee established by the committee in accordance with Section 63J-1-504.

751 (3) To obtain or renew an annual amusement ride permit for a permanent amusement
752 ride, the owner-operator shall submit an application to the director that contains the following
753 information and is in a form prescribed by the director:

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

755 (b) a description of the permanent amusement ride, including the manufacturer's name,
756 the serial number, and the model number;

757 (c) the location in the state where the owner-operator will operate the permanent
758 amusement ride;

759 (d) the first date on which the owner-operator intends to operate the permanent
760 amusement ride for use by the general public;

761 (e) proof of compliance with the insurance requirement described in Section

762 **§→** [72-15-305] 72-16-305 ←§ ;

763 (f) a safety inspection certification dated no more than 30 days before the day on which
764 the owner-operator submits the application; and

765 (g) a fee established by the committee in accordance with Section 63J-1-504.

766 (4) To obtain or renew a multi-ride annual amusement ride permit for all amusement
767 rides located at an amusement park that employs more than 1,000 individuals in a calendar
768 year, the amusement park shall submit an application to the director that contains the following
769 information and is in a form prescribed by the director:

- 770 (a) the amusement park's name and address;
771 (b) a list of each amusement ride located at the amusement park, including a
772 description of each amusement ride;
773 (c) the first date on which the amusement park will operate each amusement ride
774 identified in Subsection (4)(b);
775 (d) proof of compliance with the insurance requirement described in Section
776 §→ [72-15-305] 72-16-305 ←§ ;
777 (e) a safety inspection certification for each amusement ride identified in Subsection
778 (4)(b) that is dated no more than 30 days before the day on which the amusement park submits
779 the application; and
780 (f) a fee for each amusement ride identified under Subsection (4)(b) established by the
781 committee in accordance with Section 63J-1-504.
782 (5) (a) In accordance with committee rule, an owner-operator of a mobile amusement
783 ride shall update the information described in Subsection (2)(c) if the owner-operator learns of
784 a new location where the owner-operator intends to operate the mobile amusement ride during
785 the 12-month period for which the annual amusement ride permit is valid.
786 (b) An owner-operator may not operate a mobile amusement ride that is open to the
787 public at a location in the state, unless the owner-operator includes the location:
788 (i) in the owner-operator's application or renewal for an annual amusement ride permit
789 for the mobile amusement ride in accordance with Subsection (2)(c); or
790 (ii) in an update described in Subsection (5)(a) that the owner-operator submits to the
791 director at least 30 days before the day on which the owner-operator sets up the mobile
792 amusement ride at the location.
793 (6) The director shall issue:
794 (a) an annual amusement ride permit for each amusement ride for which the
795 owner-operator submits a complete application or renewal application that satisfies the
796 requirements of this chapter and any applicable rules; and
797 (b) a multi-ride annual amusement ride permit to each amusement park that employs
798 more than 1,000 individuals in a calendar year and submits a complete application or renewal
799 application that satisfies the requirements of this chapter and any applicable rules.
800 (7) An annual amusement ride permit or a multi-ride annual amusement ride permit

863 who submits an application or a renewal application that is in a form prescribed by the director
 864 and complies with the requirements of this section and any applicable rules.

865 (6) A qualified safety inspector certification expires two years after the day on which
 866 the director issues the qualified inspector certification.

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

870 (8) A qualified safety inspector who is employed by the owner-operator ~~§~~ → [or] ← ~~§~~ of an
 871 amusement ride may complete an inspection of the amusement ride.

872 Section 13. Section **72-16-304** is enacted to read:

873 **72-16-304. Safety standards.**

874 (1) Subject to Subsections (2) and (3) and in accordance with Title 63G, Chapter 3,
 875 Utah Administrative Rulemaking Act, the committee shall make rules adopting the relevant
 876 safety standards developed by the ASTM International Committee F24.

877 (2) The committee may modify or update the safety standards described in Subsection
 878 (1), consistent with nationally recognized amusement ride standards.

879 (3) The committee may, upon application, amend or exempt a safety standard adopted
 880 under this section based upon unique circumstances, if appropriate to ensure public safety.

881 Section 14. Section **72-16-305** is enacted to read:

882 **72-16-305. Insurance required.**

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

885 (a) \$1,000,000 for bodily injury per occurrence;

886 (b) \$250,000 for property damage per occurrence; and

887 (c) \$3,000,000 per occurrence combined single limit.

888 (2) An owner-operator of an amusement ride located in an amusement park that
 889 employs more than 1,000 individuals in a calendar year shall carry liability insurance coverage
 890 in at least the following amounts:

891 (a) \$5,000,000 for bodily injury per occurrence;

892 (b) \$1,000,000 for property damage per occurrence; and

893 (c) \$10,000,000 per occurrence combined single limit.