

## HB0381S01 compared with HB0381

~~{deleted text}~~ shows text that was in HB0381 but was deleted in HB0381S01.

Inserted text shows text that was not in HB0381 but was inserted into HB0381S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Val K. Potter proposes the following substitute bill:

### AMUSEMENT RIDE SAFETY

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val K. Potter**

Senate Sponsor: ~~{ }~~ Curtis S. Bramble

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#### 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}~~ Utah Amusement Ride Safety Committee certain rulemaking authority to administer the

## HB0381S01 compared with HB0381

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

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316, 319, 352, 409, and 425

**63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and repealed and reenacted by Laws of Utah 2018, Chapter 469

ENACTS:

**72-16-101**, Utah Code Annotated 1953

**72-16-102**, Utah Code Annotated 1953

**72-16-103**, Utah Code Annotated 1953

**72-16-201**, Utah Code Annotated 1953

## HB0381S01 compared with HB0381

72-16-202, Utah Code Annotated 1953  
72-16-203, Utah Code Annotated 1953  
72-16-204, Utah Code Annotated 1953  
72-16-301, Utah Code Annotated 1953  
72-16-302, Utah Code Annotated 1953  
72-16-303, Utah Code Annotated 1953  
72-16-304, Utah Code Annotated 1953  
72-16-305, Utah Code Annotated 1953  
72-16-306, Utah Code Annotated 1953  
72-16-401, Utah Code Annotated 1953  
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;

## HB0381S01 compared with HB0381

(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 entity in response to:

- (i) an invitation for bids;
- (ii) a request for proposals;
- (iii) a request for quotes;
- (iv) a grant; or
- (v) other similar document; or

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

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

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

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

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

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

(a) public interest in obtaining access to the information is greater than or equal to the

## HB0381S01 compared with HB0381

governmental entity's need to acquire the property on the best terms possible;

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

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

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

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

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

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

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

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

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

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

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

(d) reasonably could be expected to disclose the identity of a source who is not

## HB0381S01 compared with HB0381

generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

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

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

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

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

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

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

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

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

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

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

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of

## HB0381S01 compared with HB0381

legislative action or policy may not be classified as protected under this section; and

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

(A) members of a legislative body;

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

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

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

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

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

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

(22) drafts, unless otherwise classified as public;

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

(a) collective bargaining; or

(b) imminent or pending litigation;

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

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

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of

## **HB0381S01 compared with HB0381**

valuable historic, scientific, educational, or cultural information;

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

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

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

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

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

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

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

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

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the



## HB0381S01 compared with HB0381

person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

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

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

(a) the donor requests anonymity in writing;

(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

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

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

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

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

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

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

(II) a sponsor of sponsored research;

## HB0381S01 compared with HB0381

- (iii) unpublished manuscripts;
- (iv) creative works in process;
- (v) scholarly correspondence; and
- (vi) confidential information contained in research proposals;

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

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

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

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

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

- (a) a production facility; or
- (b) a magazine;

(43) information:

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

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

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

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

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

## HB0381S01 compared with HB0381

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

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

(a) the safety of the general public; or

(b) the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Emergency Management information;

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

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

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

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

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

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

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

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

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

## **HB0381S01 compared with HB0381**

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

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

(b) conducted using animals;

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

(54) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

(55) records contained in the Management Information System created in Section 62A-4a-1003;

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

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

(58) in accordance with Section 73-10-33:

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

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

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

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

## HB0381S01 compared with HB0381

report or final audit report;

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

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

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

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

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

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

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

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

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

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

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

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

(65) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care

## HB0381S01 compared with HB0381

facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 62A-2-101, except for recordings that:

- (a) depict the commission of an alleged crime;
  - (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
  - (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
  - (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(d); or
  - (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;
- (66) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist; and
- (67) an audio recording that is:
    - (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;
    - (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
      - (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
      - (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and
    - (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;
- (68) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;

## HB0381S01 compared with HB0381

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

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

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

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

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

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-302.

(6) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(7) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

(8) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.

(9) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

(10) The Children with Cancer Support Restricted Account created in Section 26-21a-304.

(11) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(12) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

(13) The Nurse Home Visiting Restricted Account created in Section 26-62-601.

## **HB0381S01 compared with HB0381**

- (14) The Technology Development Restricted Account created in Section 31A-3-104.
- (15) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- (16) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- (17) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- (18) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- (19) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- (20) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- (21) The School Readiness Restricted Account created in Section 35A-3-210.
- (22) The Youth Development Organization Restricted Account created in Section 35A-8-1903.
- (23) The Youth Character Organization Restricted Account created in Section 35A-8-2003.
- (24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.
- (25) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- (26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.
- (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- (28) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.
- (29) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- (30) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.



## **HB0381S01 compared with HB0381**

(31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(32) The DNA Specimen Restricted Account created in Section 53-10-407.

(33) The Canine Body Armor Restricted Account created in Section 53-16-201.

(34) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

(36) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(37) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(38) The Relative Value Study Restricted Account created in Section 59-9-105.

(39) The Cigarette Tax Restricted Account created in Section 59-14-204.

(40) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(41) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(42) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(43) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

(44) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(45) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(46) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

## HB0381S01 compared with HB0381

(47) The Immigration Act Restricted Account created in Section 63G-12-103.

(48) Money received by the military installation development authority, as provided in Section 63H-1-504.

(49) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

(50) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

(51) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

(52) The Employability to Careers Program Restricted Account created in Section 63J-4-703.

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

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

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

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

(57) The Amusement Ride Safety Restricted Account, as provided in Section 72-15-204.

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

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

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

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

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

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

## HB0381S01 compared with HB0381

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

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

Section ~~{2}~~3. Section 72-16-101 is enacted to read:

### CHAPTER 16. AMUSEMENT RIDE SAFETY ACT

#### Part 1. General Provisions

##### 72-16-101. Title.

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

Section ~~{3}~~4. Section 72-16-102 is enacted to read:

##### 72-16-102. Definitions.

As used in this chapter:

(1) "Account" means the Amusement Ride Safety Restricted Account created in Section 72-15-204.

(2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where one or more amusement rides are available for use by the general public.

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

(3) (a) "Amusement ride" means a device or attraction that carries or conveys ~~{passengers}~~one or more riders along, around, or over a fixed or restricted route or course or allows the ~~{passenger}~~riders to steer or guide the device or attraction within an established area of the purpose of giving the ~~{passengers}~~riders amusement, pleasure, thrills, or excitement.

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

(c) "Amusement ride" does not include:

(i) a coin-operated ride that:

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

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

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

(ii) nonmechanized playground equipment, including a swing, seesaw, stationary spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,

## HB0381S01 compared with HB0381

trampoline, or physical fitness device;

(iii) an inflatable device;

(iv) a water-based recreational attraction where complete or partial immersion is intended, including a water slide, wave pool, or water park;

(v) a challenge, exercise, or obstacle course;~~for~~

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

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

(viii) a tractor ride or wagon ride.

(4) "Committee" means the Utah Amusement Ride Safety Committee created in Section 72-15-201.

(5) "Director" means the director of the committee, appointed under Section 72-11-202.

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

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

(b) not fixed at a single location; and

(c) relocated at least once each calendar year.

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

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

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

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

(11) "Qualified safety inspector certification" means a certification issued by the committee under Section 72-15-303.

(12) "Reportable serious injury" means an injury to a ~~ride participant~~ rider that:

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

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

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

## HB0381S01 compared with HB0381

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

(i) the qualified safety inspector performed an in-person inspection of an amusement ride to check compliance with the safety standards described in Section 72-15-304 and established by rule; and

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

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

(B) satisfied the safety standards described in Section 72-15-304 and established by rule; and

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

(14) "Serious injury" means an injury to a ~~{ride participant}~~rider that:

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

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

Section ~~{4}~~5. Section **72-16-103** is enacted to read:

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

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

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

(a) shall administer this chapter; and

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

Section ~~{5}~~6. Section **72-16-201** is enacted to read:

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

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

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

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

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

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

(ii) one member who represents mobile ride operators;

(iii) one member who represents permanent ride operators;

## HB0381S01 compared with HB0381

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

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

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

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

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

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

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

(a) the membership of the interest from which the appointment is to be made; and

(b) the department.

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

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

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

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

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

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

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

Section ~~67~~7. Section **72-16-202** is enacted to read:

## HB0381S01 compared with HB0381

### 72-16-202. Appointment of director.

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

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

(2) The director shall:

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

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

Section ~~{7}~~8. Section **72-16-203** is enacted to read:

### 72-16-203. Rulemaking.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter ~~{, the executive director, based on recommendations by}~~ the committee ~~{,}~~ may make rules:

~~{ff}~~a establishing:

~~{fa}~~i the form of an application and a renewal application for:

~~{fi}~~A a qualified safety inspector certification;

~~{fii}~~B an annual amusement ride permit; and

~~{fiit}~~C a multi-ride annual amusement ride permit;

~~{fb}~~ii the procedure to apply for and renew:

~~{fi}~~A a qualified safety inspector certification;

~~{fii}~~B an annual amusement ride permit; and

~~{fiit}~~C a multi-ride annual amusement ride permit;

~~{fc}~~iii standards for a daily inspection under Section 72-15-302;

~~{fd}~~iv the form of a report of a reportable serious injury to the director;

~~{fe}~~v the procedure for reporting a reportable serious injury to the director;

~~{ff}~~vi the procedure to suspend and revoke:

~~{fi}~~A a qualified safety inspector certification;

~~{fii}~~B an annual amusement ride permit; and

~~{fiit}~~C a multi-ride annual amusement ride permit;

~~{fg}~~vii a retention schedule that applies to each qualified safety inspector for records

## HB0381S01 compared with HB0381

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

(~~f1~~viii) a retention schedule that applies to each owner-operator for records related to an owner-operator's duties under this chapter;

(b) regarding the experience required to obtain a qualified safety inspector certification under Subsection 72-16-303(3)(a); and

(~~f2~~c) adopting nationally recognized:

(~~f~~a)i) amusement ride inspection standards; and

(~~f~~b)ii) qualified safety inspector qualification standards.

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

Section ~~f8~~9. Section **72-16-204** is enacted to read:

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

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

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

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

(ii) money appropriated by the Legislature ~~f3~~; and

(iii) interest earned on money in the account.

(b) Appropriations made from the account are nonlapsing.

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

Section ~~f9~~10. Section **72-16-301** is enacted to read:

### **Part 3. Amusement Ride Safety**

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

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

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

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



## HB0381S01 compared with HB0381

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

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

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

(c) each ~~known~~ location in the state where the owner-operator intends to operate the mobile amusement ride during the 12-month period for which the annual amusement ride permit is valid, ~~updated in accordance with Subsection (5)~~;

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

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

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

(g) proof of compliance with the insurance requirement described in Section 72-15-305;

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

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

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

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

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

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

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

## HB0381S01 compared with HB0381

(e) proof of compliance with the insurance requirement described in Section 72-15-305;

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

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

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

(a) the amusement park's name and address;

(b) a list of each amusement ride located at the amusement park, including a description of each amusement ride;

(c) the first date on which the amusement park will operate each amusement ride identified in Subsection (4)(b);

(d) proof of compliance with the insurance requirement described in Section 72-15-305;

(e) a safety inspection certification for each amusement ride identified in Subsection (4)(b) that is dated no more than 30 days before the day on which the amusement park submits the application; and

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

(5) (a) In accordance with committee rule, an owner-operator of a mobile amusement ride shall update the information described in Subsection (2)(c) if the owner-operator learns of a new location where the owner-operator intends to operate the mobile amusement ride during the 12-month period for which the annual amusement ride permit is valid.

(b) An owner-operator may not operate a mobile amusement ride that is open to the public at a location in the state, unless the owner-operator includes the location:

(i) in the owner-operator's application or renewal for an annual amusement ride permit for the mobile amusement ride in accordance with Subsection (2)(c); or

(ii) in an update described in Subsection (5)(a) that the owner-operator submits to the

## HB0381S01 compared with HB0381

director at least 30 days before the day on which the owner-operator sets up the mobile amusement ride at the location.

(~~5~~6) The director shall issue:

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

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

(~~6~~7) An annual amusement ride permit or a multi-ride annual amusement ride permit expires one year after the day on which the director issues the annual amusement ride permit or the multi-ride annual amusement ride permit.

(~~7~~8) An owner-operator or amusement park shall maintain a copy of a current annual amusement ride permit or multi-ride annual amusement ride permit and upon request, reasonable notice, and payment of reasonable copying expense, if applicable:

(a) make the copy available for examination; or

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

Section (~~10~~11. Section **72-16-302** is enacted to read:

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

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

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

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

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

(2) The owner-operator shall:

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

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

## HB0381S01 compared with HB0381

day on which the inspection is performed.

Section ~~{11}~~12. Section **72-16-303** is enacted to read:

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

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

(2) To obtain a qualified safety inspector certification from the director, an individual shall submit an application ~~{to the director}~~described in Subsection (3) and a fee established by the committee in accordance with Section 63J-1-504.

(3) An application for a qualified safety inspector certification shall be in a form prescribed by the director and include information that demonstrates the ~~{individual}~~applicant:

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

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

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

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

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

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

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

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

(c) is a member of and actively participates in an entity that develops standards applicable to the operation of amusement rides.

~~{3}~~4 To obtain a renewal of a qualified safety inspector certification, a qualified safety inspector shall submit to the director a fee established by the committee in accordance

## HB0381S01 compared with HB0381

with Section 63J-1-504 and a renewal application that demonstrates that the qualified safety inspector:

(a) satisfies the requirements described in Subsection (~~2~~3); and

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

(i) a nationally recognized amusement industry organization;

(ii) a nationally recognized organization in a relevant technical field;

(iii) an owner-operator, through an owner-operator-run safety program approved by the ~~executive director~~ committee; or

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

(~~4~~5) The director shall issue a qualified safety inspector certification to each individual who submits an application or a renewal application that is in a form prescribed by the ~~executive~~ director and complies with the requirements of this section and any applicable rules.

(~~5~~6) A qualified safety inspector certification expires two years after the day on which the director issues the qualified inspector certification.

(~~6~~7) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the director may deny, suspend, or revoke a qualified safety inspector certification if an individual fails to satisfy a requirement of this chapter or any applicable rule.

(~~7~~8) A qualified safety inspector who is employed by the owner-operator or of an amusement ride may complete an inspection of the amusement ride.

Section ~~12~~13. Section 72-16-304 is enacted to read:

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

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

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

(3) The ~~executive director, based on recommendations by the~~ committee ~~,~~ may,

## HB0381S01 compared with HB0381

upon application, amend or exempt a safety standard adopted under this section based upon unique circumstances, if appropriate to ensure public safety.

Section ~~{13}~~14. Section **72-16-305** is enacted to read:

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

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

- (a) \$1,000,000 for bodily injury per occurrence;
- (b) \$250,000 for property damage per occurrence; and
- (c) \$3,000,000 per occurrence combined single limit.

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

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

Section ~~{14}~~15. Section **72-16-306** is enacted to read:

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

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

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

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

(iii) a description of:

- (A) the amusement ride; and
- (B) the nature of the reportable serious injury; and

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

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

## HB0381S01 compared with HB0381

serious injury occurred.

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

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

(ii) the director.

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

Section ~~{15}~~16. Section **72-16-401** is enacted to read:

### **Part 4. Enforcement**

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

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

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

Section ~~{16}~~17. Section **72-16-402** is enacted to read:

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

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