

AMUSEMENT RIDE SAFETY

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: _____

LONG TITLE

General Description:

This bill revises provisions in the Amusement Ride Safety Act.

Highlighted Provisions:

This bill:

- ▶ amends the definitions;
- ▶ amends provisions of the Utah Amusement Ride Safety Committee's rulemaking authority;
- ▶ provides clarification regarding the Utah Amusement Ride Safety Committee's membership;
- ▶ modifies provisions regarding the hiring of the committee's director;
- ▶ modifies the continuing education requirements for the renewal of a qualified safety inspector certification;
- ▶ allows the director to deny, suspend, or revoke an owner-operator's approval to operate an amusement ride under a multi-ride permit, upon a violation involving the amusement ride; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **72-16-102**, as enacted by Laws of Utah 2019, Chapter 244

31 **72-16-201**, as enacted by Laws of Utah 2019, Chapter 244

32 **72-16-202**, as enacted by Laws of Utah 2019, Chapter 244

33 **72-16-203**, as enacted by Laws of Utah 2019, Chapter 244

34 **72-16-301**, as enacted by Laws of Utah 2019, Chapter 244

35 **72-16-302**, as enacted by Laws of Utah 2019, Chapter 244

36 **72-16-303**, as enacted by Laws of Utah 2019, Chapter 244

37 **72-16-304**, as enacted by Laws of Utah 2019, Chapter 244

38 **72-16-305**, as enacted by Laws of Utah 2019, Chapter 244

39 **72-16-306**, as enacted by Laws of Utah 2019, Chapter 244

40 **72-16-401**, as enacted by Laws of Utah 2019, Chapter 244



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

43 Section 1. Section **72-16-102** is amended to read:

44 **72-16-102. Definitions.**

45 As used in this chapter:

46 (1) "Account" means the Amusement Ride Safety Restricted Account created in
47 Section **72-16-204**.

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

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

52 (3) (a) "Amusement ride" means a device or ~~[attraction]~~ combination of devices or
53 elements that carries or conveys one or more riders along, around, or over a fixed or restricted
54 route or course or allows the riders to steer or guide the device ~~[or attraction]~~ within an
55 established area for the purpose of giving the riders amusement, pleasure, thrills, or excitement.

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

58 ~~[(c)]~~ (b) "Amusement ride" does not include:

- 59 (i) a coin-operated ride that:
- 60 (A) is manually, mechanically, or electrically operated;
- 61 (B) is customarily placed in a public location; and
- 62 (C) does not normally require the supervision or services of an operator;
- 63 (ii) nonmechanized playground equipment, including a swing, seesaw, stationary
- 64 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,
- 65 trampoline, or physical fitness device;
- 66 (iii) an inflatable device;
- 67 (iv) a water-based recreational attraction where complete or partial immersion is
- 68 intended, including a water slide, wave pool, or water park;
- 69 (v) a challenge, exercise, or obstacle course;
- 70 (vi) a passenger ropeway as defined in Section [72-11-102](#);
- 71 (vii) a device or attraction that involves one or more live animals; ~~[or]~~
- 72 (viii) a tractor ride or wagon ride~~[-:];~~ or
- 73 (ix) movie theater motion seats.
- 74 (4) "Committee" means the Utah Amusement Ride Safety Committee created in
- 75 Section [72-16-201](#).
- 76 (5) "Director" means the director of the committee, ~~[appointed]~~ hired under Section
- 77 [72-16-202](#).
- 78 (6) "Mobile amusement ride" means an amusement ride that is:
- 79 (a) designed or adapted to be moved from one location to another;
- 80 (b) not fixed at a single location; and
- 81 (c) relocated at least once each calendar year.
- 82 (7) "Operator" means the individual who controls the starting, stopping, or speed of an
- 83 amusement ride.
- 84 (8) "Owner-operator" means the person who has control over and responsibility for the
- 85 maintenance, setup, and operation of an amusement ride.
- 86 (9) "Permanent amusement ride" means an amusement ride that is not a mobile
- 87 amusement ride.
- 88 (10) "Qualified safety inspector" means an individual who holds a valid qualified
- 89 safety inspector certification.

90 (11) "Qualified safety inspector certification" means a certification issued by the
91 director under Section 72-16-303.

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

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

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

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

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

98 (i) the qualified safety inspector performed an in-person inspection of an amusement
99 ride to check compliance with the safety standards described in Section 72-16-304 and
100 established by rule; and

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

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

104 (B) satisfied the safety standards described in Section 72-16-304 and established by
105 rule; and

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

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

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

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

112 Section 2. Section 72-16-201 is amended to read:

113 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

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

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

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

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

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

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

121 (iv) one member who represents large amusement parks in the state;
122 (v) one member who represents the public at large; and
123 (vi) one member who represents a nationally recognized amusement ride safety or
124 regulatory organization; and

125 (b) one [~~ex-officio~~] nonvoting member appointed by the executive director.

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

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

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

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

134 (b) the department.

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

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

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

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

141 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
142 [63A-3-107](#).

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

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

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

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

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

151 Section 3. Section **72-16-202** is amended to read:

152 **72-16-202. Hiring of director.**

153 (1) (a) The [~~committee~~] executive director, subject to approval by the [~~executive~~
154 ~~director~~] committee, shall [~~appoint~~] hire a director.

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

156 (2) The director shall:

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

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

161 Section 4. Section **72-16-203** is amended to read:

162 **72-16-203. Rulemaking.**

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

165 (a) establishing:

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

167 (A) a qualified safety inspector certification;

168 (B) an annual amusement ride permit; and

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

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

171 (A) a qualified safety inspector certification;

172 (B) an annual amusement ride permit; and

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

174 (iii) standards for a daily inspection under Section [72-16-302](#);

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

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

177 (vi) the procedure to suspend and revoke:

178 (A) a qualified safety inspector certification;

179 (B) an annual amusement ride permit; and

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

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

182 related to a qualified safety inspector's duties under this chapter; [~~and~~]

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

185 (ix) fees;

186 (x) minimum insurance requirements for certified inspectors; and

187 (xi) fines or administrative penalties for lack of compliance with this chapter.

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

190 (c) adopting nationally recognized:

191 (i) amusement ride inspection standards; and

192 (ii) qualified safety inspector qualification standards.

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

196 Section 5. Section 72-16-301 is amended to read:

197 **72-16-301. Requirements for amusement ride operation.**

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

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

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

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

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

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

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

213 (d) for each location identified under Subsection (2)(c), the name and contact

214 information of the fair, show, landlord, or property owner;

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

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

219 (g) proof of compliance with the insurance requirement described in Section
220 [72-16-305](#);

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

223 (i) a fee established by the committee in accordance with Section [63J-1-504](#).

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

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

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

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

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

234 (e) proof of compliance with the insurance requirement described in Section
235 [72-16-305](#);

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

238 (g) a fee established by the committee in accordance with Section [63J-1-504](#).

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

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

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

245 description of each amusement ride;

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

248 (d) proof of compliance with the insurance requirement described in Section
249 72-16-305;

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

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

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

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

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

263 (ii) in an update described in Subsection (5)(a) that the owner-operator submits to the
264 director at least 30 days before the day on which the owner-operator sets up the mobile
265 amusement ride at the location.

266 (6) The director shall issue:

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

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

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

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

- 279 (a) make the copy available for examination; or
- 280 (b) provide a copy of the annual amusement ride permit or multi-ride annual
281 amusement ride permit.

282 Section 6. Section **72-16-302** is amended to read:

283 **72-16-302. Daily inspection required.**

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

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

- 289 (i) before the owner-operator begins operation for use by the general public; and
- 290 (ii) in accordance with rule made under this chapter.

291 (2) The owner-operator shall:

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

294 (b) maintain each record described in Subsection (2)(a) for at least [~~90 days~~] one year
295 after the day on which the inspection is performed.

296 Section 7. Section **72-16-303** is amended to read:

297 **72-16-303. Certification of inspectors.**

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

300 (2) To obtain a qualified safety inspector certification from the director, an individual
301 shall submit an application described in Subsection (3) and a fee established by the committee
302 in accordance with Section [63J-1-504](#).

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

- 305 (a) (i) (A) is a professional engineer, licensed in accordance with Title 58, Chapter 22,
306 Professional Engineers and Professional Land Surveyors Licensing Act, or an engineer with a

307 comparable license from another state as determined by the committee; and

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

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

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

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

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

319 (b) (i) has liability insurance for [~~errors or omissions~~] bodily injury and property
320 damage in compliance with rules made by the committee; or

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

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

324 (4) To obtain a renewal of a qualified safety inspector certification, a qualified safety
325 inspector shall submit to the director a fee established by the committee in accordance with
326 Section [63J-1-504](#) and a renewal application that demonstrates that the qualified safety
327 inspector:

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

329 (b) during the previous [~~12-month~~] two-year period, completed at least [~~six~~] 12 hours
330 of continuing education instruction provided by:

331 (i) a nationally recognized amusement industry organization;

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

333 (iii) an owner-operator, through an owner-operator-run safety program approved by the
334 committee; or

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

336 (5) The director shall issue a qualified safety inspector certification to each individual
337 who submits an application or a renewal application that is in a form prescribed by the director

338 and complies with the requirements of this section and any applicable rules and fees.

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

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

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

346 Section 8. Section **72-16-304** is amended to read:

347 **72-16-304. Safety standards.**

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

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

353 (3) The committee may, upon application or recommendation of the director, amend or
354 exempt a safety standard adopted under this section based upon unique circumstances, if
355 appropriate to ensure public safety.

356 Section 9. Section **72-16-305** is amended to read:

357 **72-16-305. Insurance required.**

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

- 360 (a) \$1,000,000 for bodily injury per occurrence;
- 361 (b) \$250,000 for property damage per occurrence; and
- 362 (c) \$3,000,000 [~~per occurrence combined single limit~~] annual aggregate limit.

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

- 366 (a) \$5,000,000 for bodily injury per occurrence;
- 367 (b) \$1,000,000 for property damage per occurrence; and
- 368 (c) \$10,000,000 [~~per occurrence combined single limit~~] annual aggregate limit.

369 Section 10. Section **72-16-306** is amended to read:

370 **72-16-306. Reporting and shutdown for certain injuries.**

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

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

375 (i) the owner-operator's name and contract information;

376 (ii) the location of the amusement ride at the time the reportable serious injury
377 occurred;

378 (iii) a description of:

379 (A) the amusement ride; and

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

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

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

386 (b) After a reportable serious injury, the owner-operator may not operate the mobile
387 amusement ride until the owner-operator receives written authorization from~~[(i) the fair,~~
388 ~~show, landlord, or owner of the property upon which the amusement ride was located at the~~
389 ~~time the serious injury occurred; or(ii)]~~ the director or the director's designee as required by
390 rule made in accordance with this chapter.

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

396 Section 11. Section **72-16-401** is amended to read:

397 **72-16-401. Penalty for violation.**

398 (1) If an owner-operator or operator violates a provision of this chapter with respect to
399 an amusement ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act,

400 the director may:

401 (a) deny, suspend, or revoke the owner-operator's annual amusement ride permit or
402 multi-ride permit for the amusement ride[-]; or

403 **(b) impose fines or administrative penalties in accordance with rules made by the**
404 **committee.**

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