

Representative Val K. Potter proposes the following substitute bill:

AMUSEMENT RIDE SAFETY

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Kirk A. Cullimore

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



26 **Other Special Clauses:**

27 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 [(~~e~~)] (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) motion seats in a movie theater that do not have a manufacturer recommended

74 restraint.

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

76 Section 72-16-201.

77 (5) "Director" means the director of the committee, [~~appointed~~] hired under Section

78 72-16-202.

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

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

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

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

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

84 amusement ride.

85 (8) "Owner-operator" means the person who has control over and responsibility for the

86 maintenance, setup, and operation of an amusement ride.

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

88 amusement ride.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

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

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

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

- 119 (i) one member who represents fairs in the state that employ 25 or more employees;
- 120 (ii) one member who represents mobile ride operators;
- 121 (iii) one member who represents permanent ride operators;
- 122 (iv) one member who represents large amusement parks in the state;
- 123 (v) one member who represents the public at large; and
- 124 (vi) one member who represents a nationally recognized amusement ride safety or

125 regulatory organization; and

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

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

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

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

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

135 (b) the department.

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

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

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

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

142 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
143 [63A-3-107](#).

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

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

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

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

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

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

153 **72-16-202. Hiring of director.**

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

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

157 (2) The director shall:

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

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

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

163 **72-16-203. Rulemaking.**

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

166 (a) establishing:

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

168 (A) a qualified safety inspector certification;

169 (B) an annual amusement ride permit; and

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

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

172 (A) a qualified safety inspector certification;

173 (B) an annual amusement ride permit; and

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

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

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

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

178 (vi) the procedure to suspend and revoke:

179 (A) a qualified safety inspector certification;

180 (B) an annual amusement ride permit; and

- 181 (C) a multi-ride annual amusement ride permit;
- 182 (vii) a retention schedule that applies to each qualified safety inspector for records
183 related to a qualified safety inspector's duties under this chapter; [~~and~~]
- 184 (viii) a retention schedule that applies to each owner-operator for records related to an
185 owner-operator's duties under this chapter;
- 186 (ix) fees;
- 187 (x) minimum insurance requirements for certified inspectors; and
- 188 (xi) fines or administrative penalties for lack of compliance with this chapter.
- 189 (b) regarding the experience required to obtain a qualified safety inspector certification
190 under Subsection 72-16-303(3)(a); and
- 191 (c) adopting nationally recognized:
- 192 (i) amusement ride inspection standards; and
- 193 (ii) qualified safety inspector qualification standards.
- 194 (2) Notwithstanding Subsection 63G-3-301(13), the committee shall initiate
195 rulemaking proceedings, as defined in Section 63G-3-301, to make rules under this section no
196 later than December 1, 2020.

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

198 **72-16-301. Requirements for amusement ride operation.**

- 199 (1) Beginning on April 1, [~~2021~~] 2022, a person may not operate an amusement ride in
200 the state that is open to the public, unless the person obtains:
- 201 (a) an annual amusement ride permit for the amusement ride in accordance with this
202 section; or
- 203 (b) a multi-ride annual amusement ride permit that includes the amusement ride, in
204 accordance with this section.
- 205 (2) To obtain or renew an annual amusement ride permit for a mobile amusement ride,
206 the owner-operator shall submit an application to the director that contains the following and is
207 in a form prescribed by the director:
- 208 (a) the owner-operator's name and address;
- 209 (b) a description of the mobile amusement ride, including the manufacturer's name, the
210 serial number, and the model number;
- 211 (c) each known location in the state where the owner-operator intends to operate the

212 mobile amusement ride during the 12-month period for which the annual amusement ride
213 permit is valid, updated in accordance with Subsection (5);

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

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

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

220 (g) proof of compliance with the insurance requirement described in Section
221 72-16-305;

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

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

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

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

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

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

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

235 (e) proof of compliance with the insurance requirement described in Section
236 72-16-305;

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

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

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

243 information and is in a form prescribed by the director:

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

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

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

249 (d) proof of compliance with the insurance requirement described in Section
250 72-16-305;

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

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

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

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

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

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

267 (6) The director shall issue:

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

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

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

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

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

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

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

284 **72-16-302. Daily inspection required.**

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

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

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

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

292 (2) The owner-operator shall:

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

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

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

298 **72-16-303. Certification of inspectors.**

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

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

304 (3) An application for a qualified safety inspector certification shall be in a form

305 prescribed by the director and include information that demonstrates the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

332 (i) a nationally recognized amusement industry organization;

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

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

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

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

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

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

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

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

348 **72-16-304. Safety standards.**

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

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

354 (3) The committee may~~[, upon application,]~~ amend or exempt a safety standard
355 adopted under this section based upon unique circumstances, if appropriate to ensure public
356 safety.

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

358 **72-16-305. Insurance required.**

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

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

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

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

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

371 **72-16-306. Reporting and shutdown for certain injuries.**

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

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

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

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

379 (iii) a description of:

380 (A) the amusement ride; and

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

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

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

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

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

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

398 **72-16-401. Penalty for violation.**

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

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

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

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