

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 189

Representatives Patterson, Blessing

Cosponsors: Representatives Riedel, Kent, West, Miller, A., Crossman

A BILL

To amend sections 1711.53 and 1711.55 and to enact 1
sections 1711.532, 1711.533, and 1711.552 of the 2
Revised Code to revise the laws governing 3
amusement ride operation and safety, to 4
designate this act as "Tyler's Law," and to 5
declare an emergency. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1711.53 and 1711.55 be amended 7
and sections 1711.532, 1711.533, and 1711.552 of the Revised 8
Code be enacted to read as follows: 9

Sec. 1711.53. (A) (1) No person shall operate an amusement 10
ride within the state without a permit issued by the director of 11
agriculture under division (A) (2) of this section. The owner of 12
an amusement ride, whether the ride is a temporary amusement 13
ride or a permanent amusement ride, who desires to operate the 14
amusement ride within the state shall, prior to the operation of 15
the amusement ride and annually thereafter, submit to the 16
department of agriculture an application for a permit, together 17
with the appropriate permit and inspection fee, on a form to be 18

furnished by the department. Prior to issuing any permit the 19
department shall, within thirty days after the date on which it 20
receives the application, inspect each amusement ride described 21
in the application. The owner of an amusement ride shall have 22
the amusement ride ready for inspection not later than two hours 23
after the time that is requested by the person for the 24
inspection. 25

(2) For each amusement ride found to comply with the rules 26
adopted by the director under division (B) of this section and 27
division (B) of section 1711.551 of the Revised Code, the 28
director shall issue an annual permit, provided that evidence of 29
liability insurance coverage for the amusement ride as required 30
by section 1711.54 of the Revised Code is on file with the 31
department. 32

(3) The director shall issue with each permit a decal 33
indicating that the amusement ride has been issued the permit. 34
The owner of the amusement ride shall affix the decal on the 35
ride at a location where the decal is easily visible to the 36
patrons of the ride. A copy of the permit shall be kept on file 37
at the same address as the location of the amusement ride 38
identified on the permit, and shall be made available for 39
inspection, upon reasonable demand, by any person. An owner may 40
operate an amusement ride prior to obtaining a permit, provided 41
that the operation is for the purpose of testing the amusement 42
ride or training amusement ride operators and other employees of 43
the owner and the amusement ride is not open to the public. 44

(B) (1) The director, in accordance with Chapter 119. of 45
the Revised Code, shall adopt rules providing for ~~a~~ both of the 46
following: 47

(a) A schedule of fines, with no fine exceeding five 48

thousand dollars, for violations of sections 1711.50 to 1711.57 49
of the Revised Code or any rules adopted under this division ~~and~~ 50
~~for the~~; 51

(b) The classification of amusement rides and rules for 52
the safe operation and inspection of all amusement rides as are 53
necessary for amusement ride safety and for the protection of 54
the general public. ~~Rules~~ The classification of amusement rides 55
must identify those rides that need more comprehensive 56
inspection and testing in addition to regular state inspections, 57
taking into account hidden components integral to the safety of 58
the ride. 59

(2) (a) Rules adopted by the director for the safe 60
operation and inspection of amusement rides shall be reasonable 61
and shall be based upon generally accepted engineering standards 62
and practices. The rules shall establish a minimum number of 63
inspections to be conducted on each ride depending on the size, 64
complexity, nature of the ride, and the number of days the ride 65
is in operation during the year for which the applicable permit 66
is valid. The rules also shall require the minimum number of 67
inspectors assigned to inspect a ride or rides to be reasonable 68
and adequate given the number, size, complexity, and nature of 69
the ride or rides. ~~In~~ 70

(b) In adopting rules under this section, the director may 71
adopt by reference, in whole or in part, the national fire code 72
or the national electrical code (NEC) prepared by the national 73
fire protection association, ~~the standards of the American~~ 74
~~society for testing and materials (ASTM)~~ or the American 75
national standards institute (ANSI), or any other principles, 76
tests, or standards of nationally recognized technical or 77
scientific authorities. ~~Insofar~~ 78

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) regarding amusement ride safety standards and any other equivalent national standard: 79
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(i) ASTM F1193; (ii) ASTM F770; (iii) ASTM F2291. 84

(d) Insofar as is practicable and consistent with sections 1711.50 to 1711.57 of the Revised Code, rules adopted under this division shall be consistent with the rules of other states. ~~The~~ 85
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(3) The department shall cause sections 1711.50 to 1711.57 of the Revised Code and the rules adopted in accordance with this division and division (B) of section 1711.551 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor. 88
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(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division. 94
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(D) (1) The director shall employ and provide for training 107

of a chief inspector and additional inspectors and employees as 108
may be necessary to administer and enforce sections 1711.50 to 109
1711.57 of the Revised Code. The director may appoint or 110
contract with other persons to perform inspections of amusement 111
rides, provided that the persons meet the qualifications for 112
inspectors established by rules adopted under division (B) of 113
this section and are not owners, or employees of owners, of any 114
amusement ride subject to inspection under sections 1711.50 to 115
1711.57 of the Revised Code. No When employing a new chief 116
inspector or an additional inspector after the effective date of 117
this amendment, the director shall give preference to the 118
following: 119

(a) An individual holding a level one or higher inspector 120
certification from either the national association of amusement 121
ride safety officials (NAARSO), the amusement industry 122
manufacturers and suppliers (AIMS) international, or another 123
substantially equivalent organization as determined by the 124
director; and 125

(b) An individual who intends, within one year of being 126
hired as an inspector, to complete the requirements for issuance 127
of a level one or higher inspector certification from NAARSO, 128
AIMS International, or another substantially equivalent 129
organization as determined by the director. 130

(2) No person shall inspect an amusement ride who, within 131
six months prior to the date of inspection, was an employee of 132
the owner of the ride. 133

~~(2)~~ (3) Before the director contracts with other persons 134
to inspect amusement rides, the director shall seek the advice 135
of the advisory council on amusement ride safety on whether to 136
contract with those persons. The advice shall not be binding 137

upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E) (2) of section 1711.11 of the Revised Code.

~~(3)~~ (4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E) (1) Except as otherwise provided in division (E) (1) of this section, the department shall charge the following amusement ride fees:

Permit	\$	150
Annual inspection and reinspection per ride:		
Kiddie rides	\$	100
Roller coaster	\$	1,200
Aerial lifts or bungee jumping facilities	\$	450
Go karts, per kart	\$	5
Other rides	\$	160
Midseason operational inspection per ride	\$	25
Expedited inspection per ride	\$	100
Failure to cancel scheduled inspection per ride	\$	100
Failure to have amusement ride ready for inspection per ride	\$	100

The go kart inspection fee is in addition to the inspection fee for the go kart track.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less

than one hundred five dollars for an inspection and reinspection 167
of an inflatable ride. In adopting the rules, the director shall 168
ensure that the fee reasonably reflects the costs of inspection 169
and reinspection of an inflatable ride. If the director issues a 170
permit for an inflatable ride for a time period of less than one 171
year, the director shall charge a prorated fee for the permit 172
equal to one-twelfth of the annual permit fee multiplied by the 173
number of full months for which the permit is issued. 174

The fees for an expedited inspection, failure to cancel a 175
scheduled inspection, and failure to have an amusement ride 176
ready for inspection do not apply to go karts. 177

As used in division (E) (1) of this section, "expedited 178
inspection" means an inspection of an amusement ride by the 179
department not later than ten days after the owner of the 180
amusement ride files an application for a permit under this 181
section. 182

(2) All fees and fines collected by the department under 183
sections 1711.50 to 1711.57 of the Revised Code shall be 184
deposited in the state treasury to the credit of the amusement 185
ride inspection fund, which is hereby created, and shall be used 186
only for the purpose of administering and enforcing sections 187
1711.11 and 1711.50 to 1711.57 of the Revised Code. 188

(3) The owner of an amusement ride shall be required to 189
pay a reinspection fee only if the reinspection was conducted at 190
the owner's request under division (F) of this section, if the 191
reinspection is required by division (F) of this section because 192
of an accident, or if the reinspection is required by division 193
(F) of section 1711.55 of the Revised Code. If a reinspection is 194
conducted at the request of the chief officer of a fair, 195
festival, or event where the ride is operating, the reinspection 196

fee shall be charged to the fair, festival, or event. 197

(4) The rules adopted under division (B) of this section 198
shall define "roller coaster," "aerial lifts," "go karts," and 199
"other rides" for purposes of determining the fees under 200
division (E) of this section. The rules shall define "other 201
rides" to include go kart tracks. 202

(F) A reinspection of an amusement ride shall take place 203
if an accident occurs, if the owner of the ride or the chief 204
officer of the fair, festival, or event where the ride is 205
operating requests a reinspection, if the chief inspector 206
determines reinspection is necessary in accordance with section 207
1711.532 of the Revised Code, or if the reinspection is required 208
by division (F) of section 1711.55 of the Revised Code. 209

(G) As a supplement to its annual inspection of a 210
temporary amusement ride, the department may inspect the ride 211
during each scheduled event, as listed in the schedule of events 212
provided to the department by the owner pursuant to division (C) 213
of section 1711.55 of the Revised Code, at which the ride is 214
operated in this state. These supplemental inspections are in 215
addition to any other inspection or reinspection of the ride as 216
may be required under sections 1711.50 to 1711.57 of the Revised 217
Code, and the owner of the temporary amusement ride is not 218
required to pay an inspection or reinspection fee for this 219
supplemental inspection. Nothing in this division shall be 220
construed to prohibit the owner of a temporary amusement ride 221
having a valid permit to operate in this state from operating 222
the ride at a scheduled event before the department conducts a 223
supplemental inspection. 224

(H) The department may annually conduct a midseason 225
operational inspection of every amusement ride upon which it 226

conducts an annual inspection pursuant to division (A) of this 227
section. The midseason operational inspection is in addition to 228
any other inspection or reinspection of the amusement ride as 229
may be required pursuant to sections 1711.50 to 1711.57 of the 230
Revised Code. The owner of an amusement ride shall submit to the 231
department, at the time determined by the department, the 232
midseason operational inspection fee specified in division (E) 233
of this section. The director, in accordance with Chapter 119. 234
of the Revised Code, shall adopt rules specifying the time 235
period during which the department will conduct midseason 236
operational inspections. 237

Sec. 1711.532. (A) If one of the following persons or 238
entities receives, from an amusement ride manufacturer or other 239
entity responsible for parts or service regarding the safety of 240
the ride, any communication addressing safety issues pertaining 241
to an amusement ride, the person or entity, within a reasonable 242
time after receiving the communication, shall forward the 243
communication to the chief inspector employed by the department 244
of agriculture in accordance with section 1711.53 of the Revised 245
Code and the director of agriculture: 246

(1) The department of agriculture; 247

(2) The Ohio expositions commission; 248

(3) A county agricultural society fair board; 249

(4) An independent agricultural society fair board; 250

(5) An owner of an amusement ride. 251

(B) The chief inspector shall require the amusement ride 252
to be reinspected in accordance with section 1711.53 of the 253
Revised Code after receiving the communication under division 254
(A) of this section if the chief inspector determines that 255

reinspection is necessary. 256

(C) The director of agriculture shall include, on 257
amusement ride inspection forms prescribed by the department, a 258
line for the owner of an amusement ride to sign indicating that 259
all relevant safety and maintenance communications from the 260
manufacturer have been forwarded to the director and the chief 261
inspector in accordance with division (A) of this section. 262

Sec. 1711.533. If an inspector employed by or under 263
contract with the department of agriculture in accordance with 264
section 1711.53 of the Revised Code issues a written order to an 265
owner of an amusement ride to replace or repair a component or 266
components of the amusement ride, the owner shall respond in 267
writing to the department within the time specified in the order 268
indicating the action the owner is taking to address the issue. 269

If the replacements or repairs have not been completed 270
within the time specified in the order, the director shall 271
determine whether the amusement ride or component or components 272
of the ride may continue to operate. 273

Sec. 1711.55. (A) (1) The owner of an amusement ride shall 274
maintain a current maintenance, repair, and inspection record 275
for each amusement ride in accordance with rules prescribed 276
under division (B) of section 1711.53 of the Revised Code. The 277
~~records~~ owner shall take photographs of the portion of the ride 278
subject to any repair prior to and after the repair. The owner 279
also shall prepare a detailed written description of each such 280
repair. The owner shall include the photographs and such 281
descriptions in the record. The owner also shall ~~contain~~ include 282
in the record information on the date and nature of all 283
inspections of the amusement ride made by the department of 284
agriculture or the owner, and a record of all violations of the 285

rules issued by the department and actions taken by the owner to 286
correct such violations. ~~The~~ 287

The department or any inspector employed by the department 288
may request an owner's record at any time and, upon request, the 289
owner shall make the record available to the department or 290
inspector. 291

(2) No owner shall fail to keep maintenance, repair, and 292
inspection and maintenance records as required under division 293
(A)(1) of this section and no owner shall fail to make them such 294
records available to the department or any inspector employed by 295
the department upon request. 296

The owner of a temporary amusement ride shall inspect that 297
ride in accordance with rules prescribed under division (B) of 298
section 1711.53 of the Revised Code each time that there is a 299
reassembly of the ride. 300

(B) The owner of an amusement ride shall maintain records 301
of all serious injuries involving riders, containing such 302
information as the department prescribes, on forms prescribed by 303
the department. These records shall be made available for 304
inspection by the department on request. In the case of an 305
accident, the owner of an amusement ride shall immediately 306
notify the department by telephone or in person and subsequently 307
file a written report with the department within twenty-four 308
hours of the accident. 309

(C) (1) The owner of a temporary amusement ride shall 310
provide the department with a submit both of the following to 311
the department: 312

(a) A list of locations and dates where the ride was 313
either stored for a period longer than thirty days or operated 314

outside of this state. Upon review of the list, the department 315
may require additional testing, inspections, and documentation 316
to be completed prior to issuing a permit. 317

(b) A tentative schedule of events at which ~~his~~ the 318
owner's ride will operate during the upcoming season. Rules of 319
the 320

(2) The director shall ~~establish~~ adopt rules establishing 321
timetables and procedures for the providing and updating of the 322
schedules to the department information required under division 323
(C) (1) of this section. 324

(D) An amusement ride operator shall be at least sixteen 325
years of age, shall be in attendance whenever the ride is in 326
operation, and shall operate no more than one ride at a time. 327
The owner or amusement ride operator may deny any person 328
entrance to the amusement ride if he the owner or operator 329
believes the entry may jeopardize the safety of the person 330
desiring entry, riders, or other persons. 331

(E) In addition to the annual inspection or reinspection 332
of an amusement ride for a permit or other reason required by 333
the rules adopted under division (B) of section 1711.53 of the 334
Revised Code, the department may inspect any amusement ride 335
after the report of an accident or in response to a complaint 336
filed with the department. 337

(F) The director may order in writing a temporary 338
cessation of the operation of an amusement ride that the 339
department finds by inspection to be unsafe by reason of a 340
violation of the rules adopted under division (B) of section 341
1711.53 of the Revised Code. The operation of that amusement 342
ride shall not resume until the condition causing the violation 343

has been corrected and the amusement ride is reinspected. Any 344
reinspection under this division shall take place within twenty- 345
four hours after notice to the department by the owner that the 346
condition causing the violation has been corrected. 347

Sec. 1711.552. (A) The owner of an amusement ride shall 348
keep a manual, either in electronic or written form, for each of 349
the owner's amusement rides that are subject to inspection in 350
this state, if such manual exists and is obtainable. 351

(B) The owner shall make each manual required to be kept 352
under division (A) of this section available upon request of the 353
chief inspector or any additional inspector who is employed by 354
the department of agriculture in accordance with division (D) of 355
section 1711.53 of the Revised Code. 356

Section 2. That existing sections 1711.53 and 1711.55 of 357
the Revised Code are hereby repealed. 358

Section 3. This act shall be known as "Tyler's Law." 359

Section 4. This act is hereby declared to be an emergency 360
measure necessary for the immediate preservation of the public 361
peace, health, and safety. The reason for such necessity is that 362
the act's amusement ride inspection standards should be 363
implemented prior to the 2019 Ohio State Fair or any 2019 county 364
or independent agricultural society fair. Therefore, this act 365
shall go into immediate effect. 366