



**State Representatives
John Patterson & Louis Blessing III**

House Bill 189
Sponsor Testimony
House Transportation and Public Safety
April 30, 2019

Chairman Green, Vice-Chair McClain, Ranking Member Sheehy, and distinguished members of the House Transportation and Public Safety Committee, thank you for the opportunity to offer sponsor testimony on House Bill 189, legislation that would revise amusement ride operation and safety laws through the expansion of current standards and inspector qualifications.

In July 2017, at the Ohio State Fair, student and future Marine, Tyler Jarrell, lost his life after an amusement ride—The Fireball--malfunctioned. This was a tragedy—a young life cut short, a family left to grieve, an indelible mental and emotional imprint upon those who responded, and the greater community mired in a state of disbelief and shock. There are simply no words to describe the collective loss that all of us felt on so many different levels.

The aim of this legislation, to be certain, is not to focus on the past. Quite simply, that pathway would serve no useful purpose. Rather, HB 189 focuses on the future, to better ensure the safety of Ohioans for years to come by revisiting current legislation to provide a more robust approach to ride safety and inspection. With the blessings of Tyler's parents and with the input of various interested parties, we bring before you this bill to do just that. The focus of HB 189 is three-fold: revise current safety inspection standards, define the qualifications for ride inspectors, and clearly outline and codify the responsibilities of amusement ride owners.

HB 189 narrows the standards for ride inspection in three vital ways. First, it expands the Director of Agriculture's rule-making authority regarding amusement ride safety. Specifically, it requires the Director to adopt rules establishing requirements for the minimum number of inspectors assigned to inspect an amusement ride and the minimum number of inspections to be conducted on each ride. This ensures that inspections are reasonable and adequate given the size, complexity, and nature of each individual ride, including the number of days the ride is in operation during the year.

Second, it requires the Director of Agriculture to adopt rules regarding the existing amusement ride classification system to identify rides that need more comprehensive inspection and testing,

in addition to regular state inspections, are identified. The new protocols for ride classification must take into account hidden components that are integral to the safety of the ride.

Third, HB 189 requires the Director to adopt, by reference, certain chapters of the American Society for Testing and Materials (ASTM) and any other equivalent national standards regarding amusement ride safety.

Through the authority of the Director, HB 189 also addresses the qualifications for newly hired inspectors. The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to individuals holding a level one or higher inspector certification from either the National Association of Amusement Ride Safety Officials (NAARSO), the Amusement Industry Manufacturers and Suppliers (AIMS) International, or another substantially equivalent organization as determined by the Director; or an individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from those or another substantially equivalent organization as determined by the Director.

The bill retains current law's requirement that the Director must employ and provide for training of a Chief Inspector and additional inspectors and employees as may be necessary to administer and enforce the laws governing amusement ride safety. Current law also allows the Director to appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet the qualifications for inspectors established by rules and as long as those persons are not owners, or employees of owners, of any amusement ride subject to inspection.

HB 189 also focuses on the responsibilities of ride owners. Specifically in terms of record keeping, communication with the Department of Agriculture, and adherence to regulations on maintenance and replacement of ride components.

Current law requires an amusement ride owner to maintain a current maintenance, repair, and inspection record for each amusement ride they own. If an amusement ride owner fails to keep a record or fails to make records available to the Department or to any amusement ride inspector, the Director the authority to fine the owner \$500 for the first violation, up to \$2,500 for the second violation, and up to \$5,000 for each subsequent violation that occurs within two years. The current version of HB 189 adds a requirement that ride owners take photographs of the ride subject to any repair prior to and after each repair and include the photographs in the record that the owner is currently required to maintain. The owner also must prepare a detailed written description of each repair and include those descriptions in the record. Please note that this component will revised in a future version to clarify what types of maintenance are subject to photographic record.

Ride owners will also be required to keep a manual, either in electronic or written form, for each amusement ride that is inspected in Ohio, if a manual exists and is obtainable. The owner must make each manual required to be kept available upon request of the Chief Inspector or any additional inspector who is employed by the Department of Agriculture.

HB 189 also seeks to increase communications between ride owners and the Department of Agriculture. Temporary amusement rides, such as those at the fair travel both within and outside of the country over the course of a year. Often, these rides make it as far as the Caribbean in the off- season, and are exposed to conditions that could affect the integrity of the machinery. The bill requires a temporary amusement ride owner to submit to the Department a list of locations and dates where the temporary ride, which is an amusement ride that is relocated at least once per year with or without disassembly, was either stored for a period longer than 30 days or operated outside of Ohio. After review of the list, the Department may require additional testing, inspections, and documentation to be completed prior to issuing a permit. It requires the Director to adopt rules establishing timetables and procedures for providing and updating the information on the list. The bill retains current law that requires a temporary amusement ride owner also to submit, to the Department, a tentative schedule of events at which the owner's ride will operate during the upcoming season.

If an inspector issues a written order to an amusement ride owner to replace or repair a component or components of the amusement ride, the owner must respond in writing to the indicating the action the owner is taking to address the issue. If the replacements or repairs have not been completed within the time specified in the order, the Director must determine whether the amusement ride or component or components of the ride may continue to operate

Finally, the bill requires certain persons or entities that receive any communication regarding safety issues pertaining to an amusement ride from manufacturer, or other entity responsible for parts or service, to forward the communication to the Chief Inspector and the Director. The communication must be forwarded within a reasonable time after receiving the communication. After receiving the communication, the Chief Inspector must provide for a re-inspection of the amusement ride if the Chief Inspector determines it necessary. This also requires the Director to include, on amusement ride inspection forms prescribed by the Department, a line for the amusement ride owner to sign indicating that all relevant safety and maintenance communications from the manufacturer have been forwarded to the Director and the Chief Inspector.

In conclusion, we recognize the critical importance of this legislation, and have worked with the Department of Agriculture and ride owners alike to put the safety of Ohioans first. This is why the bill includes an emergency clause, with the intent that this legislation can be in place for the 2019 Ohio State Fair. Thank you for allowing us to offer sponsor testimony on House Bill 189 today. We would be happy to answer any questions or address any concerns you may have.