

**As Reported by the Senate Agriculture and Natural Resources  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 189**

**Representatives Patterson, Blessing**

**Cosponsors: Representatives Riedel, Kent, West, Miller, A., Crossman, Green,  
Arndt, Hoops, Jones, O'Brien, Baldrige, Boyd, Brent, Brown, Callender,  
Carfagna, Carruthers, Cera, Clites, Crawley, Denson, DeVitis, Galonski, Ghanbari,  
Ginter, Greenspan, Grendell, Hambley, Hicks-Hudson, Holmes, A., Howse, Ingram,  
Kick, Koehler, Lanese, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D.,  
Manning, G., Miller, J., Miranda, Patton, Perales, Richardson, Rogers, Russo,  
Ryan, Sheehy, Smith, K., SobECKi, Strahorn, Upchurch, Weinstein, Wiggam**

**Senators Kunze, Maharath, Fedor, Hackett**

---

**A BILL**

To amend sections 1711.51, 1711.53, and 1711.55 and 1  
to enact sections 1711.532, 1711.533, and 2  
1711.552 of the Revised Code to revise the laws 3  
governing amusement ride operation and safety, 4  
to 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 1711.51, 1711.53, and 1711.55 be 7  
amended and sections 1711.532, 1711.533, and 1711.552 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 1711.51.** (A) There is hereby created within the 10  
department of agriculture an advisory council on amusement ride 11  
safety to consist of the ~~director~~ following members: 12

- (1) The director of agriculture or the director's  
designee, ~~the~~ ; 13  
14
- (2) The general manager of the Ohio state fair or the 15  
general manager's designee, ~~plus the following appointed~~ 16  
~~members: one shall be a~~ ; 17
- (3) The following members appointed by the governor with 18  
the advice and consent of the senate: 19
- (a) A representative of temporary amusement ride owners, ~~one shall be a~~ ; 20  
21
- (b) A representative of the greater Ohio showmen's 22  
association and the owner of a ride, ~~three shall be~~ ; 23
- (c) Three representatives of owners of amusement parks, ~~one shall be a~~ ; 24  
25
- (d) A representative of the Ohio fair managers' 26  
association, ~~one shall be a~~ ; 27
- (e) A representative of the insurance industry, ~~one shall~~ 28  
~~be an~~ ; 29
- (f) An engineer, who has an academic degree in engineering 30  
and who is knowledgeable in the amusement ride industry, ~~one~~ 31  
~~shall be a~~ ; 32
- (g) A representative of the Ohio festivals and events 33  
association, ~~and two shall be representatives~~ ; 34
- (h) Two representatives of the inflatable amusement ride 35  
industry who are owners or operators of inflatable amusement 36  
rides or consultants from the industry; 37
- (4) A person registered as a professional engineer under 38  
Chapter 4733. of the Revised Code who shall serve as a nonvoting 39

member, appointed by the director of agriculture. The director 40  
shall appoint the initial member not later than thirty days 41  
after the effective date of this amendment. 42

(5) One member of the general public, appointed by the 43  
speaker of the house of representatives; 44

(6) One member of the general public appointed by the 45  
president of the senate. Not later than thirty days after the 46  
effective date of this amendment, two additional members shall 47  
be appointed to the council. The additional members shall be 48  
representatives of the inflatable amusement ride industry who 49  
are owners or operators of inflatable amusement rides or 50  
consultants from the industry. 51

~~One~~ (B) Annually, the governor shall designate one member 52  
~~of the council shall be designated annually by the governor as~~ 53  
~~chairperson. The appointed members not representing the general~~ 54  
~~public shall be appointed by the governor, with the advice and~~ 55  
~~consent of the senate. One member representing the general~~ 56  
~~public shall be appointed by the speaker of the house of~~ 57  
~~representatives and the remaining member representing the~~ 58  
~~general public shall be appointed by the president of the~~ 59  
~~senate. The council shall select from its membership a vice-~~ 60  
~~chairperson to act as chairperson in the chairperson's absence.~~ 61

(C) Of the members first appointed by the governor, four 62  
shall be appointed for terms of two years, three for terms of 63  
four years, and two for terms of six years. The members 64  
appointed initially by the speaker of the house of 65  
representatives and the president of the senate shall each serve 66  
terms of six years. Of the additional members appointed by the 67  
governor who are representatives of the inflatable amusement 68  
ride industry, ~~one~~ the governor shall be appointed appoint one 69

for an initial term of four years and ~~one shall be appointed one~~ 70  
for an initial term of six years. The director of agriculture 71  
shall appoint the member who is a professional engineer for an 72  
initial term of six years. All members appointed after the 73  
initial terms shall serve six-year terms. 74

(D) Any member appointed to fill a vacancy occurring prior 75  
to the expiration of the term for which the member's predecessor 76  
was appointed shall hold office for the remainder of that term. 77  
Any member shall continue in office subsequent to the expiration 78  
date of the member's term until the member's successor takes 79  
office. 80

(E) Members of the council shall be residents of this 81  
state and shall be reimbursed for actual and necessary expenses 82  
incurred in attending meetings of the council and in the 83  
performance of their official duties. 84

**Sec. 1711.53.** (A) (1) No person shall operate an amusement 85  
ride within the state without a permit issued by the director of 86  
agriculture under division (A) (2) of this section. The owner of 87  
an amusement ride, whether the ride is a temporary amusement 88  
ride or a permanent amusement ride, who desires to operate the 89  
amusement ride within the state shall, prior to the operation of 90  
the amusement ride and annually thereafter, submit to the 91  
department of agriculture an application for a permit, together 92  
with the appropriate permit and inspection fee, on a form to be 93  
furnished by the department. Prior to issuing any permit the 94  
department shall, within thirty days after the date on which it 95  
receives the application, inspect each amusement ride described 96  
in the application. The owner of an amusement ride shall have 97  
the amusement ride ready for inspection not later than two hours 98  
after the time that is requested by the person for the 99

inspection. 100

(2) For each amusement ride found to comply with the rules 101  
adopted by the director under division (B) of this section and 102  
division (B) of section 1711.551 of the Revised Code, the 103  
director shall issue an annual permit, provided that evidence of 104  
liability insurance coverage for the amusement ride as required 105  
by section 1711.54 of the Revised Code is on file with the 106  
department. 107

(3) The director shall issue with each permit a decal 108  
indicating that the amusement ride has been issued the permit. 109  
The owner of the amusement ride shall affix the decal on the 110  
ride at a location where the decal is easily visible to the 111  
patrons of the ride. A copy of the permit shall be kept on file 112  
at the same address as the location of the amusement ride 113  
identified on the permit, and shall be made available for 114  
inspection, upon reasonable demand, by any person. An owner may 115  
operate an amusement ride prior to obtaining a permit, provided 116  
that the operation is for the purpose of testing the amusement 117  
ride or training amusement ride operators and other employees of 118  
the owner and the amusement ride is not open to the public. 119

(B) (1) The director, in accordance with Chapter 119. of 120  
the Revised Code, shall adopt rules providing for ~~a~~ both of the 121  
following: 122

(a) A schedule of fines, with no fine exceeding five 123  
thousand dollars, for violations of sections 1711.50 to 1711.57 124  
of the Revised Code or any rules adopted under this division ~~and~~ 125  
~~for the~~ i 126

(b) The classification of amusement rides and rules for 127  
the safe operation and inspection of all amusement rides as are 128

necessary for amusement ride safety and for the protection of 129  
the general public. ~~Rules~~ The classification of amusement rides 130  
must identify those rides that need more comprehensive 131  
inspection and testing in addition to regular state inspections, 132  
taking into account hidden components integral to the safety of 133  
the ride. 134

(2) (a) Rules adopted by the director for the safe 135  
operation and inspection of amusement rides shall be reasonable 136  
and shall be based upon generally accepted engineering standards 137  
and practices. The rules shall establish a minimum number of 138  
inspections to be conducted on each ride depending on the size, 139  
complexity, nature of the ride, and the number of days the ride 140  
is in operation during the year for which the applicable permit 141  
is valid. The rules also shall require the minimum number of 142  
inspectors assigned to inspect a ride or rides to be reasonable 143  
and adequate given the number, size, complexity, and nature of 144  
the ride or rides. ~~In~~ 145

(b) In adopting rules under this section, the director may 146  
adopt by reference, in whole or in part, the national fire code 147  
or the national electrical code (NEC) prepared by the national 148  
fire protection association, ~~the standards of the American~~ 149  
~~society for testing and materials (ASTM)~~ or the American 150  
national standards institute (ANSI), or any other principles, 151  
tests, or standards of nationally recognized technical or 152  
scientific authorities. ~~Insofar~~ 153

(c) In adopting rules under this section, the director 154  
shall adopt, by reference, the following chapters of the 155  
American society for testing and materials (ASTM) international 156  
regarding amusement ride safety standards and any other 157  
equivalent national standard: 158

<u>(i) ASTM F1193-18;</u>	159
<u>(ii) ASTM F770-18;</u>	160
<u>(iii) ASTM F2291-18.</u>	161
<u>(d) Insofar as</u> 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. <del>The</del>	162 163 164
<u>(3) The</u> 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.	165 166 167 168 169 170
(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.	171 172 173 174 175 176 177 178 179 180 181 182 183
(D) (1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce sections 1711.50 to 1711.57 of the Revised Code. The director may appoint or	184 185 186 187

contract with other persons to perform inspections of amusement 188  
rides, provided that the persons meet the qualifications for 189  
inspectors established by rules adopted under division (B) of 190  
this section and are not owners, or employees of owners, of any 191  
amusement ride subject to inspection under sections 1711.50 to 192  
1711.57 of the Revised Code. ~~No~~ When employing a new chief 193  
inspector or an additional inspector after the effective date of 194  
this amendment, the director shall give preference to the 195  
following: 196

(a) An individual holding a level one or higher inspector 197  
certification from either the national association of amusement 198  
ride safety officials (NAARSO), the amusement industry 199  
manufacturers and suppliers (AIMS) international, or another 200  
substantially equivalent organization as determined by the 201  
director; and 202

(b) An individual who intends, within one year of being 203  
hired as an inspector, to complete the requirements for issuance 204  
of a level one or higher inspector certification from NAARSO, 205  
AIMS International, or another substantially equivalent 206  
organization as determined by the director. 207

(2) No person shall inspect an amusement ride who, within 208  
six months prior to the date of inspection, was an employee of 209  
the owner of the ride. 210

~~(2)~~ (3) Before the director contracts with other persons 211  
to inspect amusement rides, the director shall seek the advice 212  
of the advisory council on amusement ride safety on whether to 213  
contract with those persons. The advice shall not be binding 214  
upon the director. After having received the advice of the 215  
council, the director may proceed to contract with inspectors in 216  
accordance with the procedures specified in division (E) (2) of 217



section 1711.11 of the Revised Code.		218
<del>(3)</del> <u>(4)</u> With the advice and consent of the advisory		219
council on amusement ride safety, the director may employ a		220
special consultant to conduct an independent investigation of an		221
amusement ride accident. This consultant need not be in the		222
civil service of the state, but shall have qualifications to		223
conduct the investigation acceptable to the council.		224
(E) (1) Except as otherwise provided in division (E) (1) of		225
this section, the department shall charge the following		226
amusement ride fees:		227
Permit	\$ 150	228
Annual inspection and reinspection per ride:		229
Kiddie rides	\$ 100	230
Roller coaster	\$ 1,200	231
Aerial lifts or bungee jumping facilities	\$ 450	232
Go karts, per kart	\$ 5	233
Other rides	\$ 160	234
Midseason operational inspection per ride	\$ 25	235
Expedited inspection per ride	\$ 100	236
Failure to cancel scheduled inspection per ride	\$ 100	237
Failure to have amusement ride ready for inspection		238
per ride	\$ 100	239
The go kart inspection fee is in addition to the		240
inspection fee for the go kart track.		241
The director shall adopt rules in accordance with Chapter		242
119. of the Revised Code establishing an annual fee that is less		243
than one hundred five dollars for an inspection and reinspection		244
of an inflatable ride. In adopting the rules, the director shall		245
ensure that the fee reasonably reflects the costs of inspection		246

and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.

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

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

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

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

(4) The rules adopted under division (B) of this section

shall define "roller coaster," "aerial lifts," "go karts," and 276  
"other rides" for purposes of determining the fees under 277  
division (E) of this section. The rules shall define "other 278  
rides" to include go kart tracks. 279

(F) A reinspection of an amusement ride shall take place 280  
if an accident occurs, if the owner of the ride or the chief 281  
officer of the fair, festival, or event where the ride is 282  
operating requests a reinspection, if the chief inspector 283  
determines reinspection is necessary in accordance with section 284  
1711.532 of the Revised Code, or if the reinspection is required 285  
by division (F) of section 1711.55 of the Revised Code. 286

(G) As a supplement to its annual inspection of a 287  
temporary amusement ride, the department may inspect the ride 288  
during each scheduled event, as listed in the schedule of events 289  
provided to the department by the owner pursuant to division (C) 290  
of section 1711.55 of the Revised Code, at which the ride is 291  
operated in this state. These supplemental inspections are in 292  
addition to any other inspection or reinspection of the ride as 293  
may be required under sections 1711.50 to 1711.57 of the Revised 294  
Code, and the owner of the temporary amusement ride is not 295  
required to pay an inspection or reinspection fee for this 296  
supplemental inspection. Nothing in this division shall be 297  
construed to prohibit the owner of a temporary amusement ride 298  
having a valid permit to operate in this state from operating 299  
the ride at a scheduled event before the department conducts a 300  
supplemental inspection. 301

(H) The department may annually conduct a midseason 302  
operational inspection of every amusement ride upon which it 303  
conducts an annual inspection pursuant to division (A) of this 304  
section. The midseason operational inspection is in addition to 305

any other inspection or reinspection of the amusement ride as 306  
may be required pursuant to sections 1711.50 to 1711.57 of the 307  
Revised Code. The owner of an amusement ride shall submit to the 308  
department, at the time determined by the department, the 309  
midseason operational inspection fee specified in division (E) 310  
of this section. The director, in accordance with Chapter 119. 311  
of the Revised Code, shall adopt rules specifying the time 312  
period during which the department will conduct midseason 313  
operational inspections. 314

Sec. 1711.532. (A) For purposes of this section, 315  
"reporting body" means any of the following persons or entities: 316

(1) The department of agriculture; 317

(2) The Ohio expositions commission; 318

(3) A county agricultural society fair board; 319

(4) An independent agricultural society fair board; 320

(5) An owner of an amusement ride. 321

(B) If a reporting body receives, from an amusement ride 322  
manufacturer or other entity responsible for parts or service 323  
regarding the safety of the ride, any communication addressing 324  
safety issues pertaining to an amusement ride, the reporting 325  
body, within a reasonable time after receiving the 326  
communication, shall forward the communication to the director 327  
of agriculture and to the chief inspector employed by the 328  
department of agriculture in accordance with section 1711.53 of 329  
the Revised Code. 330

(C) The chief inspector shall require the amusement ride 331  
to be reinspected in accordance with section 1711.53 of the 332  
Revised Code after receiving the communication under division 333

(B) of this section if the chief inspector determines that 334  
reinspection is necessary. 335

(D) The director of agriculture shall include, on 336  
amusement ride inspection forms prescribed by the department, a 337  
line for the owner of an amusement ride to sign indicating that 338  
all relevant safety and maintenance communications from the 339  
manufacturer have been forwarded to the director and the chief 340  
inspector in accordance with division (B) of this section. 341

**Sec. 1711.533.** If an inspector employed by or under 342  
contract with the department of agriculture in accordance with 343  
section 1711.53 of the Revised Code issues a written order to an 344  
owner of an amusement ride to replace or repair a component or 345  
components of the amusement ride, the owner shall respond in 346  
writing to the department within the time specified in the order 347  
indicating the action the owner is taking to address the issue. 348

If the replacements or repairs have not been completed 349  
within the time specified in the order, the director shall 350  
determine whether the amusement ride or component or components 351  
of the ride may continue to operate. 352

**Sec. 1711.55.** (A) (1) As used in this section, "major 353  
repair" means a repair that is outside of the normal maintenance 354  
conducted on an amusement ride. 355

(2) The owner of an amusement ride shall maintain a 356  
current maintenance, repair, and inspection record for each 357  
amusement ride in accordance with rules prescribed under 358  
division (B) of section 1711.53 of the Revised Code. The ~~records~~ 359  
owner shall take photographs of the portion of the ride subject 360  
to any major repair prior to and after the major repair. The 361  
owner also shall prepare a detailed written description of each 362

such major repair. The owner shall include the photographs and 363  
such descriptions in the record. The owner also shall ~~contain~~ 364  
include in the record information on the date and nature of all 365  
inspections of the amusement ride made by the department of 366  
agriculture or the owner, and a record of all violations of the 367  
rules issued by the department and actions taken by the owner to 368  
correct such violations.~~The~~ 369

The department or any inspector employed by the department 370  
may request an owner's record at any time and, upon request, the 371  
owner shall make the record available to the department or 372  
inspector. 373

(3) No owner shall fail to keep maintenance, repair, and 374  
inspection ~~and maintenance~~ records as required under division 375  
(A) (1) of this section and no owner shall fail to make ~~them~~ such 376  
records available to the department or any inspector employed by 377  
the department upon request. 378

The owner of a temporary amusement ride shall inspect that 379  
ride in accordance with rules prescribed under division (B) of 380  
section 1711.53 of the Revised Code each time that there is a 381  
reassembly of the ride. 382

(B) The owner of an amusement ride shall maintain records 383  
of all serious injuries involving riders, containing such 384  
information as the department prescribes, on forms prescribed by 385  
the department. These records shall be made available for 386  
inspection by the department on request. In the case of an 387  
accident, the owner of an amusement ride shall immediately 388  
notify the department by telephone or in person and subsequently 389  
file a written report with the department within twenty-four 390  
hours of the accident. 391

(C) ~~(1)~~ The owner of a temporary amusement ride shall 392  
~~provide the department with a~~ submit both of the following to 393  
the department: 394

(a) A list of locations and dates where the ride was 395  
either stored for a period longer than thirty days or operated 396  
outside of this state. Upon review of the list, the department 397  
may require additional testing, inspections, and documentation 398  
to be completed prior to issuing a permit. 399

(b) A tentative schedule of events at which ~~his~~ the 400  
owner's ride will operate during the upcoming season. Rules of 401  
~~the~~ 402

(2) The director shall ~~establish~~ adopt rules establishing 403  
timetables and procedures for ~~the~~ providing and updating of the 404  
~~schedules to the department~~ information required under division 405  
(C) (1) of this section. 406

(D) An amusement ride operator shall be at least sixteen 407  
years of age, shall be in attendance whenever the ride is in 408  
operation, and shall operate no more than one ride at a time. 409  
The owner or amusement ride operator may deny any person 410  
entrance to the amusement ride if ~~he~~ the owner or operator 411  
believes the entry may jeopardize the safety of the person 412  
desiring entry, riders, or other persons. 413

(E) In addition to the annual inspection or reinspection 414  
of an amusement ride for a permit or other reason required by 415  
the rules adopted under division (B) of section 1711.53 of the 416  
Revised Code, the department may inspect any amusement ride 417  
after the report of an accident or in response to a complaint 418  
filed with the department. 419

(F) The director may order in writing a temporary 420

cessation of the operation of an amusement ride that the 421  
department finds by inspection to be unsafe by reason of a 422  
violation of the rules adopted under division (B) of section 423  
1711.53 of the Revised Code. The operation of that amusement 424  
ride shall not resume until the condition causing the violation 425  
has been corrected and the amusement ride is reinspected. Any 426  
reinspection under this division shall take place within twenty- 427  
four hours after notice to the department by the owner that the 428  
condition causing the violation has been corrected. 429

Sec. 1711.552. (A) The owner of an amusement ride shall 430  
keep a manual, either in electronic or written form, for each of 431  
the owner's amusement rides that are subject to inspection in 432  
this state, if such manual exists and is obtainable. 433

(B) The owner shall make each manual required to be kept 434  
under division (A) of this section available upon request of the 435  
chief inspector or any additional inspector who is employed by 436  
the department of agriculture in accordance with division (D) of 437  
section 1711.53 of the Revised Code. 438

**Section 2.** That existing sections 1711.51, 1711.53, and 439  
1711.55 of the Revised Code are hereby repealed. 440

**Section 3.** This act shall be known as "Tyler's Law." 441

**Section 4.** This act is hereby declared to be an emergency 442  
measure necessary for the immediate preservation of the public 443  
peace, health, and safety. The reason for such necessity is that 444  
the act's amusement ride inspection standards should be 445  
implemented prior to the 2019 Ohio State Fair or any 2019 county 446  
or independent agricultural society fair. Therefore, this act 447  
shall go into immediate effect. 448