

As Reported by the House Agriculture Committee

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H. B. No. 433

Representatives Klopfenstein, Fowler Arthur

**Cosponsors: Representatives John, Newman, Gross, Glassburn, Thomas, D.,
Daniels, Miller, J.**

To amend sections 993.01 and 993.04 of the Revised	1
Code to alter the current amusement ride	2
classification structure for purposes of the	3
annual inspection and reinspection fees.	4

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

Section 1. That sections 993.01 and 993.04 of the Revised	5
Code be amended to read as follows:	6

Sec. 993.01. As used in this chapter:	7
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(A) "Amusement ride" means any mechanical, aquatic, or	8
inflatable device, or combination of those devices that carries	9
or conveys passengers on, along, around, over, or through a	10
fixed or restricted course or within a defined area for the	11
purpose of providing amusement, pleasure, or excitement.	12
"Amusement ride" includes carnival rides, bungee jumping	13
facilities, and fair rides, but does not include passenger	14
tramways as defined in section 4169.01 of the Revised Code,	15
manufactured rock climbing walls in climbing facilities	16
regulated under Chapter 4175. of the Revised Code, or amusement	17
rides operated solely at trade shows for a limited period of	18
time. For purposes of this division, "trade show" means a place	19

of exhibition not open to the general public where amusement 20
ride manufacturers display, promote, operate, and sell amusement 21
rides to prospective purchasers. 22

(B) "Temporary amusement ride" means an amusement ride 23
that is relocated at least once per year with or without 24
disassembly. 25

(C) "Permanent amusement ride" means an amusement ride 26
that is erected to remain a lasting part of the premises. 27

(D) "Owner" means any person who owns or leases and 28
controls or manages the operation of an amusement ride, and 29
includes individuals, partnerships, corporations, both profit 30
and nonprofit, and the state and any of its political 31
subdivisions and their departments or agencies. 32

(E) "Operation" means the use or operation, or both, of an 33
amusement ride with riders. 34

(F) "Rider" means any person who sits, stands, or is 35
otherwise conveyed or carried as a passenger on an amusement 36
ride, but does not include employees or agents of the owner of 37
the amusement ride. 38

(G) "Amusement ride operator" means any person causing the 39
amusement ride to go, stop, or perform its function. 40

(H) "Reassembly" means the installation, erection, or 41
reconstruction of the main mechanical, safety, electrical, or 42
electronic components of an amusement ride following 43
transportation or storage and prior to operation. Replacement of 44
mechanical, safety, electrical, or electronic components of an 45
amusement ride for the purpose of repair or maintenance is not 46
reassembly. 47

(I) "Repair" means to restore an amusement ride to a 48
condition equal to or better than original design 49
specifications. 50

(J) "Maintenance" means the preservation and upkeep of an 51
amusement ride for the purpose of maintaining its designed 52
operational capability. 53

(K) "Inspection" means a physical examination of an 54
amusement ride by an inspector for the purpose of approving the 55
application for a permit. "Inspection" includes a reinspection. 56

(L) "Accident" means an occurrence during the operation of 57
an amusement ride that results in death or injury requiring 58
immediate hospital admission. 59

(M) "Serious injury" means an injury that does not require 60
immediate hospital admission but does require medical treatment, 61
other than first aid, by a physician. 62

(N) "First aid" means the one-time treatment or subsequent 63
observation of scratches, cuts not requiring stitches, burns, 64
splinters, and contusions or a diagnostic procedure, including 65
examinations and x-rays, that does not ordinarily require 66
medical treatment even though provided by a physician or other 67
licensed professional personnel. 68

(O) "Advisory council" means the advisory council on 69
amusement ride safety created by section 993.02 of the Revised 70
Code. 71

(P) "Safe operation" means, except as provided in section 72
993.10 of the Revised Code, the practical application of 73
maintenance, inspection, and operational processes, as indicated 74
by the manufacturer, owner, or advisory council, that secures a 75
rider from threat of physical danger, harm, or loss. 76

(Q) "Private facility" means any facility that is 77
accessible only to members of the facility and not accessible to 78
the general public, even upon payment of a fee or charge, and 79
that requires approval for membership by a membership committee 80
representing the current members who have a policy requiring 81
monetary payment to belong to the facility. 82

(R) "Bungee jumping" means a fall or jump from a height by 83
an individual who is attached to an elastic cord that prevents 84
the individual from hitting the ground, water, or other solid, 85
semi-solid, liquid, or elastic surface. 86

(S) "Bungee jumping facility" means a device or structure 87
utilized for bungee jumping. 88

(T) ~~"Kiddie ride" means an amusement ride designed for use 89
by children under thirteen years of age who are unaccompanied by 90
another person. "Kiddie ride" includes a roller coaster that is 91
not more than forty feet in elevation at any point on the ride. 92~~

~~(U) "Climbing facility" has the same meaning as in section 93
4175.01 of the Revised Code. 94~~

Sec. 993.04. (A) (1) No person shall operate an amusement 95
ride within the state without a permit issued by the director of 96
agriculture under division (A) (2) of this section. The owner of 97
an amusement ride, whether the ride is a temporary amusement 98
ride or a permanent amusement ride, who desires to operate the 99
amusement ride within the state shall, prior to the operation of 100
the amusement ride and annually thereafter, submit to the 101
department of agriculture an application for a permit, together 102
with the appropriate permit and inspection fee, on a form to be 103
furnished by the department. Prior to issuing any permit the 104
department shall, within thirty days after the date on which it 105

receives the application, inspect each amusement ride described 106
in the application. The owner of an amusement ride shall have 107
the amusement ride ready for inspection not later than two hours 108
after the time that is requested by the person for the 109
inspection. 110

(2) For each amusement ride found to comply with the rules 111
adopted by the director under division (B) of this section and 112
division (B) of section 993.08 of the Revised Code, the director 113
shall issue an annual permit, provided that evidence of 114
liability insurance coverage for the amusement ride as required 115
by section 993.06 of the Revised Code is on file with the 116
department. 117

(3) The director shall issue with each permit a decal 118
indicating that the amusement ride has been issued the permit. 119
The owner of the amusement ride shall affix the decal on the 120
ride at a location where the decal is easily visible to the 121
patrons of the ride. A copy of the permit shall be kept on file 122
at the same address as the location of the amusement ride 123
identified on the permit, and shall be made available for 124
inspection, upon reasonable demand, by any person. An owner may 125
operate an amusement ride prior to obtaining a permit, provided 126
that the operation is for the purpose of testing the amusement 127
ride or training amusement ride operators and other employees of 128
the owner and the amusement ride is not open to the public. 129

(B) (1) The director, in accordance with Chapter 119. of 130
the Revised Code, shall adopt rules providing for both of the 131
following: 132

(a) A schedule of fines, with no fine exceeding five 133
thousand dollars, for violations of this chapter or any rules 134
adopted under this division; 135

(b) The classification of amusement rides and rules for 136
the safe operation and inspection of all amusement rides as are 137
necessary for amusement ride safety and for the protection of 138
the general public. The classification of amusement rides must 139
identify those rides that need more comprehensive inspection and 140
testing in addition to regular state inspections, taking into 141
account hidden components integral to the safety of the ride. 142

(2) (a) Rules adopted by the director for the safe 143
operation and inspection of amusement rides shall be reasonable 144
and shall be based upon generally accepted engineering standards 145
and practices. The rules shall establish a minimum number of 146
inspections to be conducted on each ride depending on the size, 147
complexity, nature of the ride, and the number of days the ride 148
is in operation during the year for which the applicable permit 149
is valid. The rules also shall require the minimum number of 150
inspectors assigned to inspect a ride or rides to be reasonable 151
and adequate given the number, size, complexity, and nature of 152
the ride or rides. 153

(b) In adopting rules under this section, the director may 154
adopt by reference, in whole or in part, the national fire code 155
or the national electrical code (NEC) prepared by the national 156
fire protection association or the American national standards 157
institute (ANSI), or any other principles, tests, or standards 158
of nationally recognized technical or scientific authorities. 159

(c) In adopting rules under this section, the director 160
shall adopt, by reference, the following chapters of the 161
American society for testing and materials (ASTM) international 162
regarding amusement ride safety standards and any other 163
equivalent national standard: 164

(i) ASTM F1193-18; 165

(ii) ASTM F770-18;	166
(iii) ASTM F2291-18.	167
(d) Insofar as is practicable and consistent with this	168
chapter, rules adopted under this division shall be consistent	169
with the rules of other states.	170
(3) The department shall cause this chapter and the rules	171
adopted in accordance with this division and division (B) of	172
section 993.08 of the Revised Code to be published in pamphlet	173
form and a copy to be furnished without charge to each owner of	174
an amusement ride who holds a current permit or is an applicant	175
therefor.	176
(C) With respect to an application for a permit for an	177
amusement ride, an owner may apply to the director for a waiver	178
or modification of any rule adopted under division (B) of this	179
section if there are practical difficulties or unnecessary	180
hardships for the amusement ride to comply with the rules. Any	181
application shall set forth the reasons for the request. The	182
director, with the approval of the advisory council on amusement	183
ride safety, may waive or modify the application of a rule to	184
any amusement ride if the public safety is secure. Any	185
authorization by the director under this division shall be in	186
writing and shall set forth the conditions under which the	187
waiver or modification is authorized, and the department shall	188
retain separate records of all proceedings under this division.	189
(D) (1) The director shall employ and provide for training	190
of a chief inspector and additional inspectors and employees as	191
may be necessary to administer and enforce this chapter. The	192
director may appoint or contract with other persons to perform	193
inspections of amusement rides, provided that the persons meet	194

the qualifications for inspectors established by rules adopted 195
under division (B) of this section and are not owners, or 196
employees of owners, of any amusement ride subject to inspection 197
under this chapter. When employing a new chief inspector or an 198
additional inspector after November 6, 2019, the director shall 199
give preference to the following: 200

(a) An individual holding a level one or higher inspector 201
certification from either the national association of amusement 202
ride safety officials (NAARSO), the amusement industry 203
manufacturers and suppliers (AIMS) international, or another 204
substantially equivalent organization as determined by the 205
director; and 206

(b) An individual who intends, within one year of being 207
hired as an inspector, to complete the requirements for issuance 208
of a level one or higher inspector certification from NAARSO, 209
AIMS International, or another substantially equivalent 210
organization as determined by the director. 211

(2) No person shall inspect an amusement ride who, within 212
six months prior to the date of inspection, was an employee of 213
the owner of the ride. 214

(3) Before the director contracts with other persons to 215
inspect amusement rides, the director shall seek the advice of 216
the advisory council on amusement ride safety on whether to 217
contract with those persons. The advice shall not be binding 218
upon the director. After having received the advice of the 219
council, the director may proceed to contract with inspectors in 220
accordance with the procedures specified in division (E) (2) of 221
section 1711.11 of the Revised Code. 222

(4) With the advice and consent of the advisory council on 223

amusement ride safety, the director may employ a special 224
consultant to conduct an independent investigation of an 225
amusement ride accident. This consultant need not be in the 226
civil service of the state, but shall have qualifications to 227
conduct the investigation acceptable to the council. 228

(E) (1) Except as otherwise provided in division (E) (1) of 229
this section, the department shall charge the following 230
amusement ride fees: 231
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A	Permit, <u>non-inflatable ride</u>	\$225
B	<u>Permit, inflatable ride</u>	<u>\$100</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	Roller coaster <u>Large roller coasters</u>	\$1,200 <u>\$4,000</u>

K	Aerial lifts or bungee jumping facilities	\$450
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$100 per inflatable ride</u>
N	<u>Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$75 per inflatable ride</u>
O	<u>Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$50 per inflatable ride</u>
P	Other rides	\$160
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 233
inspection fee for the go kart track. 234

~~The director shall adopt rules in accordance with Chapter~~ 235

~~119. of the Revised Code establishing an annual fee that is less 236~~
~~than one hundred five dollars for an inspection and reinspection 237~~
~~of an inflatable ride. In adopting the rules, the director shall 238~~
~~ensure that the fee reasonably reflects the costs of inspection 239~~
~~and reinspection of an inflatable ride. If the director issues a 240~~
~~permit for an inflatable ride for a time period of less than one 241~~
~~year, the director shall charge a prorated fee for the permit 242~~
~~equal to one twelfth of the annual permit fee multiplied by the 243~~
~~number of full months for which the permit is issued. 244~~

The fees for an expedited inspection, failure to cancel a 245
scheduled inspection, and failure to have an amusement ride 246
ready for inspection do not apply to go karts. 247

As used in division (E)(1) of this section, "expedited 248
inspection" means an inspection of an amusement ride by the 249
department not later than ten days after the owner of the 250
amusement ride files an application for a permit under this 251
section. 252

(2) All fees and fines collected by the department under 253
this chapter shall be deposited in the state treasury to the 254
credit of the amusement ride inspection fund, which is hereby 255
created, and shall be used only for the purpose of administering 256
and enforcing section 1711.11 of the Revised Code and this 257
chapter. 258

(3) The owner of an amusement ride shall be required to 259
pay a reinspection fee only if the reinspection is required by 260
division (B)(2) of this section or rules adopted under that 261
division, if the reinspection was conducted at the owner's 262
request under division (F) of this section, if the reinspection 263
is required by division (F) of this section because of an 264
accident, or if the reinspection is required by division (F) of 265

section 993.07 of the Revised Code. If a reinspection is 266
conducted at the request of the chief officer of a fair, 267
festival, or event where the ride is operating, the reinspection 268
fee shall be charged to the fair, festival, or event. 269

(4) The rules adopted under division (B) of this section 270
shall define ~~"roller coaster," "aerial lifts," "inflatable ride,"~~ 271
~~"go karts," and "other rides"~~ "kiddie ride," "family ride," 272
"major ride," "spectacular ride," "family/portable roller 273
coaster," "tower ride," and "large roller coaster" for purposes 274
of determining the fees under division (E) of this section. ~~The~~ 275
~~rules shall define "other rides" to include go kart tracks.~~ 276

(F) A reinspection of an amusement ride shall take place 277
if an accident occurs, if the owner of the ride or the chief 278
officer of the fair, festival, or event where the ride is 279
operating requests a reinspection, if the chief inspector 280
determines reinspection is necessary in accordance with section 281
993.042 of the Revised Code, or if the reinspection is required 282
by division (F) of section 993.07 of the Revised Code. 283

(G) As a supplement to its annual inspection of a 284
temporary amusement ride, the department may inspect the ride 285
during each scheduled event, as listed in the schedule of events 286
provided to the department by the owner pursuant to division (C) 287
of section 993.07 of the Revised Code, at which the ride is 288
operated in this state. These supplemental inspections are in 289
addition to any other inspection or reinspection of the ride as 290
may be required under this chapter or rules adopted under it, 291
and the owner of the temporary amusement ride is not required to 292
pay an inspection or reinspection fee for this supplemental 293
inspection unless the supplemental inspection is being conducted 294
pursuant to division (B) (2) of this section or rules adopted 295

under that division. Nothing in this division shall be construed 296
to prohibit the owner of a temporary amusement ride having a 297
valid permit to operate in this state from operating the ride at 298
a scheduled event before the department conducts a supplemental 299
inspection. 300

(H) The department may annually conduct a midseason 301
operational inspection of every amusement ride upon which it 302
conducts an annual inspection pursuant to division (A) of this 303
section. The midseason operational inspection is in addition to 304
any other inspection or reinspection of the amusement ride as 305
may be required pursuant to this chapter. The owner of an 306
amusement ride shall submit to the department, at the time 307
determined by the department, the midseason operational 308
inspection fee specified in division (E) of this section. The 309
director, in accordance with Chapter 119. of the Revised Code, 310
shall adopt rules specifying the time period during which the 311
department will conduct midseason operational inspections. 312

Section 2. That existing sections 993.01 and 993.04 of the 313
Revised Code are hereby repealed. 314