

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 631**

**Representatives Hughes, Patterson**

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**A BILL**

To amend sections 1711.53, 1711.55, and 1711.99 and 1  
to enact section 1711.552 of the Revised Code to 2  
revise the laws governing amusement ride 3  
operation and safety, to designate this act as 4  
"Tyler's Law," and to declare an emergency. 5

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

**Section 1.** That sections 1711.53, 1711.55, and 1711.99 be 6  
amended and section 1711.552 of the Revised Code be enacted to 7  
read as follows: 8

**Sec. 1711.53.** (A) (1) No person shall operate an amusement 9  
ride within the state without a permit issued by the director of 10  
agriculture under division (A) (2) of this section. The owner of 11  
an amusement ride, whether the ride is a temporary amusement 12  
ride or a permanent amusement ride, who desires to operate the 13  
amusement ride within the state shall, prior to the operation of 14  
the amusement ride and annually thereafter, submit to the 15  
department of agriculture an application for a permit, together 16  
with the appropriate permit and inspection fee, on a form to be 17  
furnished by the department. Prior to issuing any permit the 18  
department shall, within thirty days after the date on which it 19

receives the application, inspect each amusement ride described 20  
in the application. The owner of an amusement ride shall have 21  
the amusement ride ready for inspection not later than two hours 22  
after the time that is requested by the person for the 23  
inspection. 24

(2) For each amusement ride found to comply with the rules 25  
adopted by the director under division (B) of this section and 26  
division (B) of section 1711.551 of the Revised Code, the 27  
director shall issue an annual permit, provided that evidence of 28  
liability insurance coverage for the amusement ride as required 29  
by section 1711.54 of the Revised Code is on file with the 30  
department. 31

(3) The director shall issue with each permit a decal 32  
indicating that the amusement ride has been issued the permit. 33  
The owner of the amusement ride shall affix the decal on the 34  
ride at a location where the decal is easily visible to the 35  
patrons of the ride. A copy of the permit shall be kept on file 36  
at the same address as the location of the amusement ride 37  
identified on the permit, and shall be made available for 38  
inspection, upon reasonable demand, by any person. An owner may 39  
operate an amusement ride prior to obtaining a permit, provided 40  
that the operation is for the purpose of testing the amusement 41  
ride or training amusement ride operators and other employees of 42  
the owner and the amusement ride is not open to the public. 43

(B) (1) The director, in accordance with Chapter 119. of 44  
the Revised Code, shall adopt rules providing for a schedule of 45  
fines, with no fine exceeding five thousand dollars, for 46  
violations of sections 1711.50 to 1711.57 of the Revised Code or 47  
any rules adopted under this division and for the classification 48  
of amusement rides and rules for the safe operation and 49

inspection of all amusement rides as are necessary for amusement 50  
ride safety and for the protection of the general public. ~~Rules~~ 51

(2) (a) Rules adopted by the director for the safe 52  
operation and inspection of amusement rides shall be reasonable 53  
and shall be based upon generally accepted engineering standards 54  
and practices. The rules shall require the minimum number of 55  
inspectors assigned to inspect a ride or rides to be reasonable 56  
and adequate given the number, size, complexity, and nature of 57  
the ride or rides. ~~In~~ 58

(b) In adopting rules under this section, the director may 59  
adopt by reference, in whole or in part, the national fire code 60  
or the national electrical code (NEC) prepared by the national 61  
fire protection association, ~~the standards of the American~~ 62  
~~society for testing and materials (ASTM)~~ or the American 63  
national standards institute (ANSI), or any other principles, 64  
tests, or standards of nationally recognized technical or 65  
scientific authorities. ~~Insofar~~ 66

(c) In adopting rules under this section, the director 67  
shall adopt by reference, in whole, the standards of the 68  
American society for testing and materials (ASTM) or any other 69  
equivalent standards of nationally recognized technical or 70  
scientific authorities. 71

(d) Insofar as is practicable and consistent with sections 72  
1711.50 to 1711.57 of the Revised Code, rules adopted under this 73  
division shall be consistent with the rules of other states. The 74  
department shall cause sections 1711.50 to 1711.57 of the 75  
Revised Code and the rules adopted in accordance with this 76  
division and division (B) of section 1711.551 of the Revised 77  
Code to be published in pamphlet form and a copy to be furnished 78  
without charge to each owner of an amusement ride who holds a 79

current permit or is an applicant therefor. 80

(C) With respect to an application for a permit for an 81  
amusement ride, an owner may apply to the director for a waiver 82  
or modification of any rule adopted under division (B) of this 83  
section if there are practical difficulties or unnecessary 84  
hardships for the amusement ride to comply with the rules. Any 85  
application shall set forth the reasons for the request. The 86  
director, with the approval of the advisory council on amusement 87  
ride safety, may waive or modify the application of a rule to 88  
any amusement ride if the public safety is secure. Any 89  
authorization by the director under this division shall be in 90  
writing and shall set forth the conditions under which the 91  
waiver or modification is authorized, and the department shall 92  
retain separate records of all proceedings under this division. 93

(D) (1) The director shall employ and provide for training 94  
of a chief inspector and additional inspectors and employees as 95  
may be necessary to administer and enforce sections 1711.50 to 96  
1711.57 of the Revised Code. The director may appoint or 97  
contract with other persons to perform inspections of amusement 98  
rides, provided that the persons meet the qualifications for 99  
inspectors established by rules adopted under division (B) of 100  
this section and are not owners, or employees of owners, of any 101  
amusement ride subject to inspection under sections 1711.50 to 102  
1711.57 of the Revised Code. No When employing a new chief 103  
inspector or an additional inspector after the effective date of 104  
this amendment, the director shall give preference to 105  
individuals who are professional engineers registered under 106  
Chapter 4733. of the Revised Code. If no registered professional 107  
engineer seeks employment for such a position, the director 108  
shall give preference to individuals who have been issued a 109  
level one or higher inspector certification from the national 110

association of amusement ride safety officials (NAARSO). 111

(2) No person shall inspect an amusement ride who, within 112  
six months prior to the date of inspection, was an employee of 113  
the owner of the ride. 114

~~(2)~~ (3) Before the director contracts with other persons 115  
to inspect amusement rides, the director shall seek the advice 116  
of the advisory council on amusement ride safety on whether to 117  
contract with those persons. The advice shall not be binding 118  
upon the director. After having received the advice of the 119  
council, the director may proceed to contract with inspectors in 120  
accordance with the procedures specified in division (E) (2) of 121  
section 1711.11 of the Revised Code. 122

~~(3)~~ (4) With the advice and consent of the advisory 123  
council on amusement ride safety, the director may employ a 124  
special consultant to conduct an independent investigation of an 125  
amusement ride accident. This consultant need not be in the 126  
civil service of the state, but shall have qualifications to 127  
conduct the investigation acceptable to the council. 128

(E) (1) Except as otherwise provided in division (E) (1) of 129  
this section, the department shall charge the following 130  
amusement ride fees: 131

Permit \$ 150 132

Annual inspection and reinspection per ride: 133

Kiddie rides \$ 100 134

Roller coaster \$ 1,200 135

Aerial lifts or bungee jumping facilities \$ 450 136

Go karts, per kart \$ 5 137

Other rides \$ 160 138

Midseason operational inspection per ride \$ 25 139

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| Expedited inspection per ride                       | \$ 100 | 140 |
| Failure to cancel scheduled inspection per ride     | \$ 100 | 141 |
| Failure to have amusement ride ready for inspection |        | 142 |
| per ride  | \$ 100 | 143 |

The go kart inspection fee is in addition to the inspection fee for the go kart track. 144  
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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 of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection 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. 146  
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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. 156  
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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. 159  
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(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 164  
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1711.11 and 1711.50 to 1711.57 of the Revised Code. 169

(3) The owner of an amusement ride shall be required to 170  
pay a reinspection fee only if the reinspection was conducted at 171  
the owner's request under division (F) of this section, if the 172  
reinspection is required by division (F) of this section because 173  
of an accident, or if the reinspection is required by division 174  
(F) of section 1711.55 of the Revised Code. If a reinspection is 175  
conducted at the request of the chief officer of a fair, 176  
festival, or event where the ride is operating, the reinspection 177  
fee shall be charged to the fair, festival, or event. 178

(4) The rules adopted under division (B) of this section 179  
shall define "roller coaster," "aerial lifts," "go karts," and 180  
"other rides" for purposes of determining the fees under 181  
division (E) of this section. The rules shall define "other 182  
rides" to include go kart tracks. 183

(F) A reinspection of an amusement ride shall take place 184  
if an accident occurs, if the owner of the ride or the chief 185  
officer of the fair, festival, or event where the ride is 186  
operating requests a reinspection, or if the reinspection is 187  
required by division (F) of section 1711.55 of the Revised Code. 188

(G) As a supplement to its annual inspection of a 189  
temporary amusement ride, the department may inspect the ride 190  
during each scheduled event, as listed in the schedule of events 191  
provided to the department by the owner pursuant to division (C) 192  
of section 1711.55 of the Revised Code, at which the ride is 193  
operated in this state. These supplemental inspections are in 194  
addition to any other inspection or reinspection of the ride as 195  
may be required under sections 1711.50 to 1711.57 of the Revised 196  
Code, and the owner of the temporary amusement ride is not 197  
required to pay an inspection or reinspection fee for this 198

supplemental inspection. Nothing in this division shall be 199  
construed to prohibit the owner of a temporary amusement ride 200  
having a valid permit to operate in this state from operating 201  
the ride at a scheduled event before the department conducts a 202  
supplemental inspection. 203

(H) The department may annually conduct a midseason 204  
operational inspection of every amusement ride upon which it 205  
conducts an annual inspection pursuant to division (A) of this 206  
section. The midseason operational inspection is in addition to 207  
any other inspection or reinspection of the amusement ride as 208  
may be required pursuant to sections 1711.50 to 1711.57 of the 209  
Revised Code. The owner of an amusement ride shall submit to the 210  
department, at the time determined by the department, the 211  
midseason operational inspection fee specified in division (E) 212  
of this section. The director, in accordance with Chapter 119. 213  
of the Revised Code, shall adopt rules specifying the time 214  
period during which the department will conduct midseason 215  
operational inspections. 216

**Sec. 1711.55.** (A) (1) The owner of an amusement ride shall 217  
maintain a current maintenance, repair, and inspection record 218  
for each amusement ride in accordance with rules prescribed 219  
under division (B) of section 1711.53 of the Revised Code. The 220  
~~records~~ director of agriculture may require the owner to take 221  
photographs prior to and after each repair and include the 222  
photographs in the record. The director also may require the 223  
owner to prepare detailed written descriptions of all repairs 224  
and include such descriptions in the record. Each record shall 225  
contain information on the date and nature of all inspections of 226  
the amusement ride made by the department of agriculture or the 227  
owner, and a record of all violations of the rules issued by the 228  
department and actions taken by the owner to correct such 229



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| violations. <del>The</del>  | 230 |
| (2) No owner shall <u>fail to keep maintenance, repair, and</u>                 | 231 |
| inspection <del>and maintenance records</del> <u>as required under division</u> | 232 |
| <u>(A)(1) of this section and no owner shall fail to make them such</u>         | 233 |
| <u>records</u> available to the department <u>or any inspector employed by</u>  | 234 |
| <u>the department</u> upon request.   | 235 |
| The owner of a temporary amusement ride shall inspect that                      | 236 |
| ride in accordance with rules prescribed under division (B) of                  | 237 |
| section 1711.53 of the Revised Code each time that there is a                   | 238 |
| reassembly of the ride.   | 239 |
| (B) The owner of an amusement ride shall maintain records                       | 240 |
| of all serious injuries involving riders, containing such                       | 241 |
| information as the department prescribes, on forms prescribed by                | 242 |
| the department. These records shall be made available for                       | 243 |
| inspection by the department on request. In the case of an                      | 244 |
| accident, the owner of an amusement ride shall immediately                      | 245 |
| notify the department by telephone or in person and subsequently                | 246 |
| file a written report with the department within twenty-four                    | 247 |
| hours of the accident.  | 248 |
| (C) The owner of a temporary amusement ride shall provide                       | 249 |
| the department with a tentative schedule of events at which <del>his</del>      | 250 |
| <u>the owner's</u> ride will operate during the upcoming season. Rules          | 251 |
| of the director shall establish timetables and procedures for                   | 252 |
| the providing and updating of the schedules to the department.                  | 253 |
| (D) An amusement ride operator shall be at least sixteen                        | 254 |
| years of age, shall be in attendance whenever the ride is in                    | 255 |
| operation, and shall operate no more than one ride at a time.                   | 256 |
| The owner or amusement ride operator may deny any person                        | 257 |
| entrance to the amusement ride if <del>he</del> <u>the owner or operator</u>    | 258 |

believes the entry may jeopardize the safety of the person 259  
desiring entry, riders, or other persons. 260

(E) In addition to the annual inspection or reinspection 261  
of an amusement ride for a permit or other reason required by 262  
the rules adopted under division (B) of section 1711.53 of the 263  
Revised Code, the department may inspect any amusement ride 264  
after the report of an accident or in response to a complaint 265  
filed with the department. 266

(F) The director may order in writing a temporary 267  
cessation of the operation of an amusement ride that the 268  
department finds by inspection to be unsafe by reason of a 269  
violation of the rules adopted under division (B) of section 270  
1711.53 of the Revised Code. The operation of that amusement 271  
ride shall not resume until the condition causing the violation 272  
has been corrected and the amusement ride is reinspected. Any 273  
reinspection under this division shall take place within twenty- 274  
four hours after notice to the department by the owner that the 275  
condition causing the violation has been corrected. 276

Sec. 1711.552. The chief inspector and any additional 277  
inspector who is employed by the department of agriculture in 278  
accordance with division (D) of section 1711.53 of the Revised 279  
Code shall keep an electronic manual for each amusement ride 280  
that is inspected in this state, if such manual is available. 281

**Sec. 1711.99.** (A) Whoever violates section 1711.11 of the 282  
Revised Code shall be fined not less than one hundred nor more 283  
than five hundred dollars. 284

(B) Whoever violates section 1711.12 of the Revised Code 285  
shall be fined not less than ten nor more than fifty dollars. 286

(C) Whoever knowingly violates division (A) (2) of section 287

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| <u>1711.55 of the Revised Code shall be fined not less than one</u> | 288 |
| <u>hundred nor more than five hundred dollars.</u>                  | 289 |
| <u>(D)</u> Whoever violates section 1711.551 of the Revised Code    | 290 |
| is guilty of a minor misdemeanor; on each subsequent offense        | 291 |
| such person is guilty of a misdemeanor of the fourth degree.        | 292 |
| <b>Section 2.</b> That existing sections 1711.53, 1711.55, and      | 293 |
| 1711.99 of the Revised Code are hereby repealed.                    | 294 |
| <b>Section 3.</b> This act shall be known as "Tyler's Law."         | 295 |
| <b>Section 4.</b> This act is hereby declared to be an emergency    | 296 |
| measure necessary for the immediate preservation of the public      | 297 |
| peace, health, and safety. The reason for such necessity is that    | 298 |
| the act's amusement ride inspection standards should be             | 299 |
| implemented prior to the 2018 Ohio State Fair or any 2018 county    | 300 |
| or independent agricultural society fair. Therefore, this act       | 301 |
| shall go into immediate effect.                                     | 302 |