

AN ACT

To amend sections 1711.51, 1711.53, and 1711.55 and to enact sections 1711.532, 1711.533, and 1711.552 of the Revised Code to revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1711.51, 1711.53, and 1711.55 be amended and sections 1711.532, 1711.533, and 1711.552 of the Revised Code be enacted to read as follows:

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

- (1) The director of agriculture or the director's designee, ~~the~~;
- (2) The general manager of the Ohio state fair or the general manager's designee, ~~plus the following appointed members: one shall be a~~;
- (3) The following members appointed by the governor with the advice and consent of the senate:
 - (a) A representative of temporary amusement ride owners, ~~one shall be a~~;
 - (b) A representative of the greater Ohio showmen's association and the owner of a ride, ~~three shall be~~;
 - (c) Three representatives of owners of amusement parks, ~~one shall be a~~;
 - (d) A representative of the Ohio fair managers' association, ~~one shall be a~~;
 - (e) A representative of the insurance industry, ~~one shall be an~~;
 - (f) An engineer, who has an academic degree in engineering and who is knowledgeable in the amusement ride industry, ~~one shall be a~~;
 - (g) A representative of the Ohio festivals and events association, ~~and two shall be representatives~~;
 - (h) Two representatives of the inflatable amusement ride industry who are owners or operators of inflatable amusement rides or consultants from the industry;
- (4) A person registered as a professional engineer under Chapter 4733. of the Revised Code who shall serve as a nonvoting member, appointed by the director of agriculture. The director shall appoint the initial member not later than thirty days after the effective date of this amendment.
- (5) One member of the general public, appointed by the speaker of the house of representatives;
- (6) One member of the general public appointed by the president of the senate. Not later than thirty days after the effective date of this amendment, two additional members shall be appointed to the council. The additional members shall be representatives of the inflatable amusement ride

industry who are owners or operators of inflatable amusement rides or consultants from the industry.

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

~~(C) Of the members first appointed by the governor, four shall be appointed for terms of two years, three for terms of four years, and two for terms of six years. The members appointed initially by the speaker of the house of representatives and the president of the senate shall each serve terms of six years. Of the additional members appointed by the governor who are representatives of the inflatable amusement ride industry, one the governor shall be appointed appoint one for an initial term of four years and one shall be appointed one for an initial term of six years. The director of agriculture shall appoint the member who is a professional engineer for an initial term of six years. All members appointed after the initial terms shall serve six-year terms.~~

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

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

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

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

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an

amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

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

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

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

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

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

~~(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) international regarding amusement ride safety standards and any other equivalent national standard:~~

~~(i) ASTM F1193-18;~~

~~(ii) ASTM F770-18;~~

~~(iii) ASTM F2291-18.~~

~~(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~~

~~(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.~~

(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.

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

(a) An individual 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; and

(b) 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 NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

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

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

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| 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 |

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| 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 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.

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 "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

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

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

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

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

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

- (1) The department of agriculture;
- (2) The Ohio expositions commission;
- (3) A county agricultural society fair board;
- (4) An independent agricultural society fair board;
- (5) An owner of an amusement ride.

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

(C) The chief inspector shall require the amusement ride to be reinspected in accordance with section 1711.53 of the Revised Code after receiving the communication under division (B) of this section if the chief inspector determines that reinspection is necessary.

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

Sec. 1711.533. If an inspector employed by or under contract with the department of agriculture in accordance with section 1711.53 of the Revised Code issues a written order to an owner of an amusement ride to replace or repair a component or components of the amusement ride, the owner shall respond in writing to the department within the time specified in the order 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 shall determine whether the amusement ride or component or components of the ride may continue to operate.

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

- (2) The owner of an amusement ride shall maintain a current maintenance, repair, and

inspection record for each amusement ride in accordance with rules prescribed under division (B) of section 1711.53 of the Revised Code. ~~The records~~ owner shall take photographs of the portion of the ride subject to any major repair prior to and after the major repair. The owner also shall prepare a detailed written description of each such major repair. The owner shall include the photographs and such descriptions in the record. The owner also shall ~~contain~~ include in the record information on the date and nature of all inspections of the amusement ride made by the department of agriculture or the owner, and a record of all violations of the rules issued by the department and actions taken by the owner to correct such violations. ~~The~~

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. That existing sections 1711.51, 1711.53, and 1711.55 of the Revised Code are hereby repealed.

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

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____