

As Passed by the Senate

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, Antonio, Burke, Coley, Craig, Dolan, Eklund, Gavarone, Hoagland, Hottinger, Johnson, Manning, Obhof, O'Brien, Peterson, Roegner, Schuring, Sykes, Thomas, Williams, Wilson, Yuko

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 13
designee, ~~the~~ ; 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~~; 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

<u>equivalent national standard:</u>	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 is practicable and consistent with sections</u>	162
1711.50 to 1711.57 of the Revised Code, rules adopted under this	163
division shall be consistent with the rules of other states. The	164
<u>(3) The department shall cause sections 1711.50 to 1711.57</u>	165
of the Revised Code and the rules adopted in accordance with	166
this division and division (B) of section 1711.551 of the	167
Revised Code to be published in pamphlet form and a copy to be	168
furnished without charge to each owner of an amusement ride who	169
holds a current permit or is an applicant therefor.	170
(C) With respect to an application for a permit for an	171
amusement ride, an owner may apply to the director for a waiver	172
or modification of any rule adopted under division (B) of this	173
section if there are practical difficulties or unnecessary	174
hardships for the amusement ride to comply with the rules. Any	175
application shall set forth the reasons for the request. The	176
director, with the approval of the advisory council on amusement	177
ride safety, may waive or modify the application of a rule to	178
any amusement ride if the public safety is secure. Any	179
authorization by the director under this division shall be in	180
writing and shall set forth the conditions under which the	181
waiver or modification is authorized, and the department shall	182
retain separate records of all proceedings under this division.	183
(D) (1) The director shall employ and provide for training	184
of a chief inspector and additional inspectors and employees as	185
may be necessary to administer and enforce sections 1711.50 to	186

1711.57 of the Revised Code. The director may appoint or 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

~~(3)~~(4) 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 247
permit for an inflatable ride for a time period of less than one 248
year, the director shall charge a prorated fee for the permit 249
equal to one-twelfth of the annual permit fee multiplied by the 250
number of full months for which the permit is issued. 251

The fees for an expedited inspection, failure to cancel a 252
scheduled inspection, and failure to have an amusement ride 253
ready for inspection do not apply to go karts. 254

As used in division (E) (1) of this section, "expedited 255
inspection" means an inspection of an amusement ride by the 256
department not later than ten days after the owner of the 257
amusement ride files an application for a permit under this 258
section. 259

(2) All fees and fines collected by the department under 260
sections 1711.50 to 1711.57 of the Revised Code shall be 261
deposited in the state treasury to the credit of the amusement 262
ride inspection fund, which is hereby created, and shall be used 263
only for the purpose of administering and enforcing sections 264
1711.11 and 1711.50 to 1711.57 of the Revised Code. 265

(3) The owner of an amusement ride shall be required to 266
pay a reinspection fee only if the reinspection was conducted at 267
the owner's request under division (F) of this section, if the 268
reinspection is required by division (F) of this section because 269
of an accident, or if the reinspection is required by division 270
(F) of section 1711.55 of the Revised Code. If a reinspection is 271
conducted at the request of the chief officer of a fair, 272
festival, or event where the ride is operating, the reinspection 273
fee shall be charged to the fair, festival, or event. 274

(4) The rules adopted under division (B) of this section 275
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