

1   **AMUSEMENT RIDE SAFETY**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Timothy D. Hawkes**

5   Senate Sponsor: Kirk A. Cullimore

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7   **LONG TITLE**

8   **General Description:**

9           This bill revises provisions in the Amusement Ride Safety Act.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ amends the definitions;
- 13           ▶ amends provisions of the Utah Amusement Ride Safety Committee's rulemaking
- 14 authority;
- 15           ▶ provides clarification regarding the Utah Amusement Ride Safety Committee's
- 16 membership;
- 17           ▶ modifies provisions regarding the hiring of the committee's director;
- 18           ▶ modifies the continuing education requirements for the renewal of a qualified safety
- 19 inspector certification;
- 20           ▶ allows the director to deny, suspend, or revoke an owner-operator's approval to
- 21 operate an amusement ride under a multi-ride permit, upon a violation involving the
- 22 amusement ride; and
- 23           ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25       None

26 **Other Special Clauses:**

27       None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **72-16-102**, as enacted by Laws of Utah 2019, Chapter 244
- 31 **72-16-201**, as enacted by Laws of Utah 2019, Chapter 244
- 32 **72-16-202**, as enacted by Laws of Utah 2019, Chapter 244
- 33 **72-16-203**, as enacted by Laws of Utah 2019, Chapter 244
- 34 **72-16-301**, as enacted by Laws of Utah 2019, Chapter 244
- 35 **72-16-302**, as enacted by Laws of Utah 2019, Chapter 244
- 36 **72-16-303**, as enacted by Laws of Utah 2019, Chapter 244
- 37 **72-16-304**, as enacted by Laws of Utah 2019, Chapter 244
- 38 **72-16-305**, as enacted by Laws of Utah 2019, Chapter 244
- 39 **72-16-306**, as enacted by Laws of Utah 2019, Chapter 244
- 40 **72-16-401**, as enacted by Laws of Utah 2019, Chapter 244



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **72-16-102** is amended to read:

44 **72-16-102. Definitions.**

45 As used in this chapter:

46 (1) "Account" means the Amusement Ride Safety Restricted Account created in  
47 Section **72-16-204**.

48 (2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where  
49 one or more amusement rides are available for use by the general public.

50 (b) "Amusement park" does not include a traveling show, carnival, or public  
51 fairground.

52 (3) (a) "Amusement ride" means a device or ~~[attraction]~~ combination of devices or  
53 elements that carries or conveys one or more riders along, around, or over a fixed or restricted  
54 route or course or allows the riders to steer or guide the device ~~[or attraction]~~ within an  
55 established area for the purpose of giving the riders amusement, pleasure, thrills, or excitement.

56 ~~[(b) "Amusement ride" includes a roller coaster, whip, ferris wheel, merry-go-round,~~  
57 ~~and zipline.]~~

58 [(e)] (b) "Amusement ride" does not include:

59 (i) a coin-operated ride that:

60 (A) is manually, mechanically, or electrically operated;

61 (B) is customarily placed in a public location; and

62 (C) does not normally require the supervision or services of an operator;

63 (ii) nonmechanized playground equipment, including a swing, seesaw, stationary  
64 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,  
65 trampoline, or physical fitness device;

66 (iii) an inflatable device;

67 (iv) a water-based recreational attraction where complete or partial immersion is  
68 intended, including a water slide, wave pool, or water park;

69 (v) a challenge, exercise, or obstacle course;

70 (vi) a passenger ropeway as defined in Section 72-11-102;

71 (vii) a device or attraction that involves one or more live animals; [or]

72 (viii) a tractor ride or wagon ride[-]; or

73 (ix) motion seats in a movie theater for which the manufacturer does not require a  
74 restraint.

75 (4) "Committee" means the Utah Amusement Ride Safety Committee created in  
76 Section 72-16-201.

77 (5) "Director" means the director of the committee, ~~appointed~~ hired under Section  
78 72-16-202.

79 (6) "Mobile amusement ride" means an amusement ride that is:

80 (a) designed or adapted to be moved from one location to another;

81 (b) not fixed at a single location; and

82 (c) relocated at least once each calendar year.

83 (7) "Operator" means the individual who controls the starting, stopping, or speed of an  
84 amusement ride.

85 (8) "Owner-operator" means the person who has control over and responsibility for the  
86 maintenance, setup, and operation of an amusement ride.

87 (9) "Permanent amusement ride" means an amusement ride that is not a mobile  
88 amusement ride.

89 (10) "Qualified safety inspector" means an individual who holds a valid qualified  
90 safety inspector certification.

91 (11) "Qualified safety inspector certification" means a certification issued by the  
92 director under Section [72-16-303](#).

93 (12) "Reportable serious injury" means an injury to a rider that:

94 (a) occurs when there is a failure or malfunction of an amusement ride; and

95 (b) results in death, dismemberment, permanent disfigurement, permanent loss of the  
96 use of a body organ, member, function, or system, or a compound fracture.

97 (13) "Safety inspection certification" means a written document that:

98 (a) is signed by a qualified safety inspector certifying that:

99 (i) the qualified safety inspector performed an in-person inspection of an amusement  
100 ride to check compliance with the safety standards described in Section [72-16-304](#) and  
101 established by rule; and

102 (ii) at the time the qualified safety inspector performed the in-person inspection, the  
103 amusement ride:

104 (A) was set up [~~in the state~~] for use by the general public; and

105 (B) satisfied the safety standards described in Section [72-16-304](#) and established by  
106 rule; and

107 (b) includes the date on which the qualified safety inspector performed the in-person  
108 inspection.

109 (14) "Serious injury" means an injury to a rider that:

- 110 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 111 (b) requires immediate admission to a hospital and overnight hospitalization and
- 112 observation by a licensed physician.

113 Section 2. Section **72-16-201** is amended to read:

114 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

- 115 (1) There is created within the department the Utah Amusement Ride Safety
- 116 Committee.
- 117 (2) The committee is comprised of the following members:
  - 118 (a) six members as follows, appointed by the governor:
    - 119 (i) one member who represents fairs in the state that employ 25 or more employees;
    - 120 (ii) one member who represents mobile ride operators;
    - 121 (iii) one member who represents permanent ride operators;
    - 122 (iv) one member who represents large amusement parks in the state;
    - 123 (v) one member who represents the public at large; and
    - 124 (vi) one member who represents a nationally recognized amusement ride safety or
    - 125 regulatory organization; and
  - 126 (b) one [~~ex-officio~~] nonvoting member appointed by the executive director.
- 127 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
- 128 member described in Subsection (2)(a) to a four-year term.
  - 129 (b) The governor shall, at the time of appointment or reappointment, adjust the length
  - 130 of terms to ensure that the terms of the committee members appointed under Subsection (2)(a)
  - 131 are staggered so that approximately half of the committee is appointed every two years.
- 132 (4) In making an appointment under Subsection (2)(a), the governor shall request and
- 133 consider recommendations from:
  - 134 (a) the membership of the interest from which the appointment is to be made; and
  - 135 (b) the department.
- 136 (5) When a vacancy occurs in the membership of the committee, the governor shall

137 appoint a replacement for the remainder of the unexpired term.

138 (6) A member of the committee may not receive compensation or benefits for the  
139 member's service, but may receive per diem and travel expenses in accordance with:

140 (a) Section 63A-3-106;

141 (b) Section 63A-3-107; and

142 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
143 63A-3-107.

144 (7) The department shall supply the committee with office space, equipment, and staff  
145 the executive director finds appropriate.

146 (8) (a) The committee shall select a chair annually from the committee members.

147 (b) Four voting members constitute a quorum for conducting committee business.

148 (c) A majority vote of a quorum present at a meeting constitutes an action of the  
149 committee.

150 (9) The committee shall meet at least quarterly and at the call of the chair or of a  
151 majority of the members.

152 Section 3. Section 72-16-202 is amended to read:

153 **72-16-202. Hiring of director.**

154 (1) (a) The [~~committee~~] executive director, subject to approval by the [~~executive~~  
155 ~~director~~] committee, shall [~~appoint~~] hire a director.

156 (b) The executive director may remove the director at the executive director's will.

157 (2) The director shall:

158 (a) be experienced in administration and possess additional qualifications as  
159 determined by the committee and the executive director; and

160 (b) receive compensation in accordance with Title 67, Chapter 19, Utah State  
161 Personnel Management Act.

162 Section 4. Section 72-16-203 is amended to read:

163 **72-16-203. Rulemaking.**

164 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
165 the provisions of this chapter the committee may make rules:

166 (a) establishing:

167 (i) the form of an application and a renewal application for:

168 (A) a qualified safety inspector certification;

169 (B) an annual amusement ride permit; and

170 (C) a multi-ride annual amusement ride permit;

171 (ii) the procedure to apply for and renew:

172 (A) a qualified safety inspector certification;

173 (B) an annual amusement ride permit; and

174 (C) a multi-ride annual amusement ride permit;

175 (iii) standards for a daily inspection under Section 72-16-302;

176 (iv) the form of a report of a reportable serious injury to the director;

177 (v) the procedure for reporting a reportable serious injury to the director;

178 (vi) the procedure to suspend and revoke:

179 (A) a qualified safety inspector certification;

180 (B) an annual amusement ride permit; and

181 (C) a multi-ride annual amusement ride permit;

182 (vii) a retention schedule that applies to each qualified safety inspector for records

183 related to a qualified safety inspector's duties under this chapter; ~~and~~

184 (viii) a retention schedule that applies to each owner-operator for records related to an

185 owner-operator's duties under this chapter;

186 (ix) fees;

187 (x) minimum insurance requirements for certified inspectors; and

188 (xi) fines or administrative penalties for lack of compliance with this chapter.

189 (b) regarding the experience required to obtain a qualified safety inspector certification

190 under Subsection 72-16-303(3)(a); and

191 (c) adopting nationally recognized:  
192 (i) amusement ride inspection standards; and  
193 (ii) qualified safety inspector qualification standards.  
194 (2) Notwithstanding Subsection 63G-3-301(13), the committee shall initiate  
195 rulemaking proceedings, as defined in Section 63G-3-301, to make rules under this section no  
196 later than December 1, 2020.

197 Section 5. Section 72-16-301 is amended to read:

198 **72-16-301. Requirements for amusement ride operation.**

199 (1) Beginning on April 1, [~~2021~~] 2022, a person may not operate an amusement ride in  
200 the state that is open to the public, unless the person obtains:

201 (a) an annual amusement ride permit for the amusement ride in accordance with this  
202 section; or

203 (b) a multi-ride annual amusement ride permit that includes the amusement ride, in  
204 accordance with this section.

205 (2) To obtain or renew an annual amusement ride permit for a mobile amusement ride,  
206 the owner-operator shall submit an application to the director that contains the following and is  
207 in a form prescribed by the director:

208 (a) the owner-operator's name and address;

209 (b) a description of the mobile amusement ride, including the manufacturer's name, the  
210 serial number, and the model number;

211 (c) each known location in the state where the owner-operator intends to operate the  
212 mobile amusement ride during the 12-month period for which the annual amusement ride  
213 permit is valid, updated in accordance with Subsection (5);

214 (d) for each location identified under Subsection (2)(c), the name and contact  
215 information of the fair, show, landlord, or property owner;

216 (e) the date on which the owner-operator intends to set up the mobile amusement ride  
217 at each location identified under Subsection (2)(c);



- 218 (f) the dates on which the owner-operator intends to operate the mobile amusement
- 219 ride for use by the general public at each location identified under Subsection (2)(c);
- 220 (g) proof of compliance with the insurance requirement described in Section
- 221 72-16-305;
- 222 (h) a safety inspection certification dated no more than 30 days before the day on which
- 223 the owner-operator submits the application; and
- 224 (i) a fee established by the committee in accordance with Section 63J-1-504.
- 225 (3) To obtain or renew an annual amusement ride permit for a permanent amusement
- 226 ride, the owner-operator shall submit an application to the director that contains the following
- 227 information and is in a form prescribed by the director:
- 228 (a) the owner-operator's name and address;
- 229 (b) a description of the permanent amusement ride, including the manufacturer's name,
- 230 the serial number, and the model number;
- 231 (c) the location in the state where the owner-operator will operate the permanent
- 232 amusement ride;
- 233 (d) the first date on which the owner-operator intends to operate the permanent
- 234 amusement ride for use by the general public;
- 235 (e) proof of compliance with the insurance requirement described in Section
- 236 72-16-305;
- 237 (f) a safety inspection certification dated no more than 30 days before the day on which
- 238 the owner-operator submits the application; and
- 239 (g) a fee established by the committee in accordance with Section 63J-1-504.
- 240 (4) To obtain or renew a multi-ride annual amusement ride permit for all amusement
- 241 rides located at an amusement park that employs more than 1,000 individuals in a calendar
- 242 year, the amusement park shall submit an application to the director that contains the following
- 243 information and is in a form prescribed by the director:
- 244 (a) the amusement park's name and address;

- 245 (b) a list of each amusement ride located at the amusement park, including a  
246 description of each amusement ride;
- 247 (c) the first date on which the amusement park will operate each amusement ride  
248 identified in Subsection (4)(b);
- 249 (d) proof of compliance with the insurance requirement described in Section  
250 72-16-305;
- 251 (e) a safety inspection certification for each amusement ride identified in Subsection  
252 (4)(b) that is dated no more than 30 days before the day on which the amusement park submits  
253 the application; and
- 254 (f) a fee for each amusement ride identified under Subsection (4)(b) established by the  
255 committee in accordance with Section 63J-1-504.
- 256 (5) (a) In accordance with committee rule, an owner-operator of a mobile amusement  
257 ride shall update the information described in Subsection (2)(c) if the owner-operator learns of  
258 a new location where the owner-operator intends to operate the mobile amusement ride during  
259 the 12-month period for which the annual amusement ride permit is valid.
- 260 (b) An owner-operator may not operate a mobile amusement ride that is open to the  
261 public at a location in the state, unless the owner-operator includes the location:
- 262 (i) in the owner-operator's application or renewal for an annual amusement ride permit  
263 for the mobile amusement ride in accordance with Subsection (2)(c); or
- 264 (ii) in an update described in Subsection (5)(a) that the owner-operator submits to the  
265 director at least 30 days before the day on which the owner-operator sets up the mobile  
266 amusement ride at the location.
- 267 (6) The director shall issue:
- 268 (a) an annual amusement ride permit for each amusement ride for which the  
269 owner-operator submits a complete application or renewal application that satisfies the  
270 requirements of this chapter and any applicable rules and fees; and
- 271 (b) a multi-ride annual amusement ride permit to each amusement park that employs

272 more than 1,000 individuals in a calendar year and submits a complete application or renewal  
273 application that satisfies the requirements of this chapter and any applicable rules and fees.

274 (7) An annual amusement ride permit or a multi-ride annual amusement ride permit  
275 expires one year after the day on which the director issues the annual amusement ride permit or  
276 the multi-ride annual amusement ride permit.

277 (8) An owner-operator or amusement park shall maintain a copy of a current annual  
278 amusement ride permit or multi-ride annual amusement ride permit and upon request,  
279 reasonable notice, and payment of reasonable copying expense, if applicable:

280 (a) make the copy available for examination; or

281 (b) provide a copy of the annual amusement ride permit or multi-ride annual  
282 amusement ride permit.

283 Section 6. Section **72-16-302** is amended to read:

284 **72-16-302. Daily inspection required.**

285 (1) (a) Each day an owner-operator operates an amusement ride for use by the general  
286 public, the owner-operator or the owner-operator's designee shall inspect and operate the  
287 amusement ride in accordance with this section and rules established under this chapter.

288 (b) The owner-operator or the owner-operator's designee shall complete the inspection  
289 and operation described in Subsection (1)(a):

290 (i) before the owner-operator begins operation for use by the general public; and

291 (ii) in accordance with rule made under this chapter.

292 (2) The owner-operator shall:

293 (a) make a record of each daily inspection that is signed by the individual who  
294 performed the inspection; and

295 (b) maintain each record described in Subsection (2)(a) for at least [~~90 days~~] one year  
296 after the day on which the inspection is performed.

297 Section 7. Section **72-16-303** is amended to read:

298 **72-16-303. Certification of inspectors.**

299 (1) To become a qualified safety inspector, an individual shall obtain and maintain a  
300 qualified safety inspector certification from the director in accordance with this section.

301 (2) To obtain a qualified safety inspector certification from the director, an individual  
302 shall submit an application described in Subsection (3) and a fee established by the committee  
303 in accordance with Section 63J-1-504.

304 (3) An application for a qualified safety inspector certification shall be in a form  
305 prescribed by the director and include information that demonstrates the applicant:

306 (a) (i) (A) is a professional engineer, licensed in accordance with Title 58, Chapter 22,  
307 Professional Engineers and Professional Land Surveyors Licensing Act, or an engineer with a  
308 comparable license from another state as determined by the committee; and

309 (B) has at least three years of experience in the amusement ride industry, at least two of  
310 which include actual inspection of amusement rides for an owner-operator, manufacturer,  
311 government agency, amusement park, carnival, or insurer;

312 (ii) (A) has at least three years of experience inspecting amusement rides for an  
313 owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and

314 (B) is certified by a nationally recognized organization in the amusement ride safety  
315 industry approved by the committee; or

316 (iii) (A) has at least three years of experience inspecting amusement rides for an  
317 owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and

318 (B) is employed by an amusement park that employs more than 1,000 individuals in a  
319 calendar year;

320 (b) (i) has liability insurance for ~~errors or omissions~~ bodily injury and property  
321 damage in compliance with rules made by the committee; or

322 (ii) is an employee or authorized agent of an insurance company; and

323 (c) is a member of and actively participates in an entity that develops standards  
324 applicable to the operation of amusement rides.

325 (4) To obtain a renewal of a qualified safety inspector certification, a qualified safety

326 inspector shall submit to the director a fee established by the committee in accordance with  
327 Section 63J-1-504 and a renewal application that demonstrates that the qualified safety  
328 inspector:

329 (a) satisfies the requirements described in Subsection (3); and

330 (b) during the previous [~~12-month~~] two-year period, completed at least [~~six~~] 12 hours  
331 of continuing education instruction provided by:

332 (i) a nationally recognized amusement industry organization;

333 (ii) a nationally recognized organization in a relevant technical field;

334 (iii) an owner-operator, through an owner-operator-run safety program approved by the  
335 committee; or

336 (iv) an amusement park that employs more than 1,000 individuals in a calendar year.

337 (5) The director shall issue a qualified safety inspector certification to each individual  
338 who submits an application or a renewal application that is in a form prescribed by the director  
339 and complies with the requirements of this section and any applicable rules and fees.

340 (6) A qualified safety inspector certification expires two years after the day on which  
341 the director issues the qualified inspector certification.

342 (7) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the  
343 director may deny, suspend, or revoke a qualified safety inspector certification if an individual  
344 fails to satisfy a requirement of this chapter or any applicable rule.

345 (8) A qualified safety inspector who is employed by the owner-operator of an  
346 amusement ride may complete an inspection of the amusement ride.

347 Section 8. Section **72-16-304** is amended to read:

348 **72-16-304. Safety standards.**

349 (1) Subject to Subsections (2) and (3) and in accordance with Title 63G, Chapter 3,  
350 Utah Administrative Rulemaking Act, the committee shall make rules adopting the relevant  
351 safety standards developed by the ASTM International Committee F24.

352 (2) The committee may modify or update the safety standards described in Subsection

353 (1), consistent with nationally recognized amusement ride standards.

354 (3) The committee may~~[, upon application,]~~ amend or exempt a safety standard  
355 adopted under this section based upon unique circumstances, if appropriate to ensure public  
356 safety.

357 Section 9. Section **72-16-305** is amended to read:

358 **72-16-305. Insurance required.**

359 (1) An owner-operator of an amusement ride shall carry liability insurance coverage in  
360 at least the following amounts:

- 361 (a) \$1,000,000 for bodily injury per occurrence;
- 362 (b) \$250,000 for property damage per occurrence; and
- 363 (c) \$3,000,000 ~~[per occurrence combined single limit]~~ annual aggregate limit.

364 (2) An owner-operator of an amusement ride located in an amusement park that  
365 employs more than 1,000 individuals in a calendar year shall carry liability insurance coverage  
366 in at least the following amounts:

- 367 (a) \$5,000,000 for bodily injury per occurrence;
- 368 (b) \$1,000,000 for property damage per occurrence; and
- 369 (c) \$10,000,000 ~~[per occurrence combined single limit]~~ annual aggregate limit.

370 Section 10. Section **72-16-306** is amended to read:

371 **72-16-306. Reporting and shutdown for certain injuries.**

372 (1) (a) An owner-operator shall report each known reportable serious injury to the  
373 director within eight hours after the owner-operator learns of the reportable serious injury.

374 (b) An owner-operator shall include the following information in a report described in

375 Subsection (1)(a):

- 376 (i) the owner-operator's name and contract information;
- 377 (ii) the location of the amusement ride at the time the reportable serious injury  
378 occurred;
- 379 (iii) a description of:

- 380 (A) the amusement ride; and
- 381 (B) the nature of the reportable serious injury; and
- 382 (iv) any other information required by rule made under this chapter.

383 (2) (a) In addition to the requirement described in Subsection (1), an owner-operator of  
 384 a mobile amusement ride shall report each known reportable serious injury and serious injury  
 385 to the fair, show, landlord, or owner of the property upon which the mobile amusement ride  
 386 was located at the time the reportable serious injury or serious injury occurred.

387 (b) After a reportable serious injury, the owner-operator may not operate the mobile  
 388 amusement ride until the owner-operator receives written authorization from~~[(i) the fair,~~  
 389 ~~show, landlord, or owner of the property upon which the amusement ride was located at the~~  
 390 ~~time the serious injury occurred; or(ii)]~~ the director or the director's designee as required by  
 391 rule made in accordance with this chapter.

392 (3) For purposes of Title 63G, Chapter 2, Government Records Access and  
 393 Management Act, a report to the director described in this section and any record related to the  
 394 report is a protected record as defined in Section 63G-2-103, except the ride description, the  
 395 owner-operator, the location of the amusement ride at the time the reportable serious injury  
 396 occurred, and the general nature of the reportable serious injury.

397 Section 11. Section **72-16-401** is amended to read:

398 **72-16-401. Penalty for violation.**

399 (1) If an owner-operator or operator violates a provision of this chapter with respect to  
 400 an amusement ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act,  
 401 the director may:

402 (a) deny, suspend, or revoke, in whole or in part, the owner-operator's annual  
 403 amusement ride permit or multi-ride permit for the amusement ride~~[-];~~ or

404 (b) impose fines or administrative penalties in accordance with rules made by the  
 405 committee.

406 (2) Upon a violation of a provision of this chapter, the director may file an action in

407 district court to enjoin the operation of an amusement ride.