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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 70

06/12/2020 Authored by Tabke
The bill was referred to the Committee on Labor

1.1 A bill for an act
1.2 relating to employment; making a technical change to an effective date allowing
1.3 certain youth to operate amusement rides and lawn equipment; amending Laws
1.4 2020, chapter 98, sections 1; 3; 4; 5.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6 Section 1. Laws 2020, chapter 98, section 1, is amended to read:
1.7 Section 1. Minnesota Statutes 2018, section 181A.04, is amended by adding a subdivision
1.8 to read:
1.9 Subd. 7. Amusement rides. (a) Minors, 16 or 17 years of age, may be employed in the
1.10 operation of amusement rides or loading and unloading of passengers from amusement rides
1.11 if all of the requirements of this subdivision are met. For the purposes of this subdivision,
1.12 "operation of an amusement ride" does not include maintenance, testing, repair, erection,
1.13 or dismantling of an amusement ride.
1.14 (b) The following requirements must be met in order for an employer to employ a minor
1.15 under this exception:
1.16 (1) employers shall comply with: (i) all other applicable child labor standards in chapter
1.17 181A and Minnesota Rules, chapter 5200; and (ii) all requirements of chapter 184B;
1.18 (2) the amusement ride or rides to be operated by minors 16 or 17 years of age must be
1.19 located in a fixed site amusement park;
1.20 (3) the minor shall not operate or load and unload passengers on more than one
1.21 amusement ride at a time;

2.1 (4) At any time during which a minor is operating an amusement ride or loading and
 2.2 unloading passengers on an amusement ride, the employer shall ensure that a supervisor is
 2.3 present on the employer's premises and is supervising the minor in accordance with the
 2.4 employer's written supervision policy. Supervision required by the policy shall address, at
 2.5 a minimum, the type and design of the ride, the location of the ride in the employer's facility,
 2.6 the location of assigned ride operators on the ride, and the distance between rides in the
 2.7 facility. Notwithstanding the specific job title assigned by the employer, for purposes of
 2.8 this subdivision, "supervisor" is defined as any employee, at least 18 years of age, trained
 2.9 in the operation of the ride being operated by a minor, and who has been assigned by the
 2.10 employer the responsibility of supervising a ride operator's operation of the amusement ride
 2.11 or loading and unloading of passengers on the amusement ride; and

2.12 (5) the incident report log and reporting required by section 184B.045 shall apply to
 2.13 minors allowed to be employed under this subdivision for injuries or illnesses, other than
 2.14 minor injuries and illnesses, resulting from their operation or loading and unloading
 2.15 passengers on an amusement ride.

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.17 Sec. 2. Laws 2020, chapter 98, section 3, is amended to read:

2.18 Sec. 3. Minnesota Statutes 2018, section 184B.021, is amended to read:

2.19 **184B.021 RIDE OPERATOR REQUIREMENTS.**

2.20 (a) The owner of an amusement ride must have a documented training policy for the
 2.21 operation of an amusement ride.

2.22 (b) The documented training policy must include, at a minimum:

2.23 (1) training on the amusement ride's operating procedures;

2.24 (2) specific duties of assigned positions;

2.25 (3) general safety procedures, specific procedures to follow in the event of unusual
 2.26 conditions or an interruption of operations; and

2.27 (4) evacuation plans for the amusement ride.

2.28 (c) The ride owner must maintain a written certification for each person controlling the
 2.29 physical operation of an amusement ride that the person has received the training for the
 2.30 ride that is required by the documented training policy.

3.1 (d) A ride operator shall not operate or load and unload passengers on more than one
3.2 amusement ride at a time.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.4 Sec. 3. Laws 2020, chapter 98, section 4, is amended to read:

3.5 Sec. 4. Minnesota Statutes 2018, section 184B.03, subdivision 1, is amended to read:

3.6 Subdivision 1. **Annual inspections.** (a) An amusement ride must be inspected at least
3.7 once annually by a certified amusement ride inspector. The certified amusement ride inspector
3.8 must be either:

3.9 (1) an employee of the insurance company that insures the amusement ride; or

3.10 (2) an independent inspection service provider that the insurance company or owner, or
3.11 the State Agricultural Society, has contracted with, or an employee of the independent
3.12 inspection service provider. If the certified amusement ride inspector is not an employee or
3.13 agent of the insurance company that insures the amusement ride, then the independent
3.14 inspection service provider must, before performing the inspection, provide proof of liability
3.15 insurance in the amount of \$1,000,000 to the insurance company or owner, or the State
3.16 Agricultural Society, with whom the independent service provider has contracted.

3.17 (b) Amusement rides that are not operated in Minnesota on a continual year-round basis
3.18 must be inspected in the same calendar year and prior to July 1, or the first operation in
3.19 Minnesota, whichever is earlier. Amusement rides that did not pass an inspection required
3.20 by this section in the previous year must be inspected before being operated in Minnesota.

3.21 (c) If an inspection reveals that an amusement ride does not meet the current American
3.22 Society for Testing and Materials (ASTM) Standards on Amusement Rides and Devices,
3.23 F 846-92 and F 893-04, the insurer or independent inspection service provider must notify
3.24 the owner of all defects.

3.25 (d) No person shall operate an amusement ride unless: (1) the amusement ride passed
3.26 the most recent annual inspection required by this section; or (2) all defects identified during
3.27 the most recent annual inspection have been corrected and the amusement ride passed a
3.28 reinspection.

3.29 (e) All inspections and reinspections required by this section must include evaluation
3.30 consistent with the current ASTM Standards on Amusement Rides and Devices, F 846-92
3.31 and F 893-04. All owners and operators must permit reasonable inspection of an amusement

4.1 ride by the certified amusement ride inspector selected by the insurer or independent
4.2 inspection service provider.

4.3 (f) The inspections required by this section are in addition to any other inspections
4.4 required or permitted by law.

4.5 (g) Before the amusement ride is operated, an owner of an amusement ride must file
4.6 with each sponsor, lessor, landowner, or other person who has contracted for the amusement
4.7 ride to be offered to any riders an inspection affidavit attesting that the amusement ride
4.8 passed the most recent inspection or reinspection required by this section. The inspection
4.9 affidavit shall identify the amusement ride by name, manufacturer, and serial number, the
4.10 date inspection was performed, and the inspector's name and certification number.

4.11 (h) An owner of an amusement ride, or the State Agricultural Society on its behalf, must
4.12 also file the affidavit of inspection with the commissioner not later than ten days after the
4.13 completion of each inspection, required by this section, that the amusement ride passes.

4.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.15 Sec. 4. Laws 2020, chapter 98, section 5, is amended to read:

4.16 Sec. 5. Minnesota Statutes 2018, section 184B.03, subdivision 2, is amended to read:

4.17 Subd. 2. **Daily inspections.** No person shall operate an amusement ride unless a daily
4.18 inspection consistent with the current ASTM Standards on Amusement Rides and Devices,
4.19 F 770-93, has been performed according to this section on the day of operation. At a
4.20 minimum, an owner or operator who is 18 years of age or older, or certified amusement
4.21 ride inspector shall perform the daily inspections required by ASTM Standards on
4.22 Amusement Rides and Devices, F 770-93, sections 4.1.4.1 and 4.1.4.4, before the ride is
4.23 put into operation that day. Other daily inspections required by ASTM Standards on
4.24 Amusement Rides and Devices, F 770-93, sections 4.1.4.2 and 4.1.4.3, shall be performed
4.25 by an owner or operator of the amusement ride or certified amusement ride inspector before
4.26 the ride is put into operation that day. Each daily inspection shall be recorded in a daily
4.27 logbook kept for each amusement ride. An owner of the amusement ride, or the State
4.28 Agricultural Society on its behalf, shall maintain the record of daily inspections for a period
4.29 of not less than three years, and shall make the record of daily inspections available to the
4.30 commissioner upon request. An owner or operator shall not knowingly operate, or permit
4.31 to be operated, an amusement ride that has not passed the most recent daily inspection.

4.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective retroactively from May 28, 2020.