1	HOUSE OF REPRESENTATIVES - FLOOR VERSION		
2	STATE OF OKLAHOMA		
3	1st Session of the 56th Legislature (2017)		
4	COMMITTEE SUBSTITUTE FOR		
5	HOUSE BILL NO. 1169 By: McBride		
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8	COMMITTEE SUBSTITUTE		
9	An Act relating to labor; amending 40 O.S. 2011,		
10	Sections 461 and 462, which relate to amusement rides; modifying definition; authorizing Commissioner		
11	of Labor to determine date of inspections; requiring annual registration for certain devices; and providing an effective date.		
12	providing an effective date.		
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14	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:		
15	SECTION 1. AMENDATORY 40 O.S. 2011, Section 461, is		
16	amended to read as follows:		
17	Section 461. As used in Sections 460 through 469 of this title:		
18	1. "Amusement ride" means a device or combination of devices or		
19	elements that carry, convey, or direct a person or persons over or		
20	through a fixed or restricted course or within a defined area for		
21	the primary purpose of amusement or entertainment. Amusement ride		
22	includes any amusement park device that uses <del>treated</del> water as the		
23	means of transportation, including the structure and water quality		
24	of the device. Amusement ride does not include the operation of		

1	articles of h	usbandry incidental to any agricultural operation or
2	the operation	of amusement devices of a permanent nature which are
3	subject to bu	ilding regulations issued by cities or counties and
4	existing appl	icable safety orders. "Amusement ride" shall be
5	divided into	the following four categories:
6	<u>a.</u>	"permanent amusement device" means a device which is
7		used, or intended to be used, as an amusement device
8		that is erected to remain a lasting part of the
9		premises,
10	b.	"temporary amusement device" means a device which is
11		used as an amusement device that is regularly
12		relocated with or without disassembly,
13	<u>C.</u>	"inflatable amusement device" means an inflatable
14		amusement device as defined in Section 472 of this
15		title, and
16	<u>d.</u>	"other amusement device" means amusement devices
17		registered with the Department of Labor that have
18		proof of insurance.
19	The Commission	ner of Labor may, by administrative regulation,
20	designate oth	er rides and attractions that are not included in the
21	definition of	"amusement ride";
22	2. "Oper	ator" or "owner" means a person who owns or controls or
23	has the duty	to control the operation of an amusement ride and
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includes the state and every state agency, and each county, city and
 all private or public corporations and political subdivisions;

3 3. "Certificate of inspection" means a certificate issued by 4 the Commissioner of Labor which indicates that an inspection of the 5 ride has been performed pursuant to rules and regulations adopted by 6 the Department of Labor; and

7 4. "Permanent amusement park ride" means an amusement ride
8 which is stationary or cannot be easily moved and which is located
9 on the same premises on which it is operated for no less than ninety
10 (90) days.

11 SECTION 2. AMENDATORY 40 O.S. 2011, Section 462, is 12 amended to read as follows:

13 Section 462. A. No person shall operate an amusement ride 14 without a certificate of inspection. The Commissioner of Labor 15 shall determine the date and frequency of inspections based on the 16 type of amusement ride. No permanent or temporary amusement device 17 may operate without an initial inspection. On or before March 1 of 18 each year a date specified by the Commissioner of Labor, an operator 19 or owner shall apply for a certificate of inspection on a form 20 furnished by the Commissioner of Labor.

B. All amusement rides shall be inspected before they are
originally put into operation for the use of the public, and
thereafter, at least once each calendar year, unless authorized to
operate under a temporary certificate. Amusement rides must also be

inspected each time they are disassembled and reassembled <u>"Other</u>
amusement devices" as defined in Section 461 of this title, shall be
registered annually with the Department of Labor, and the owner or
operator shall provide to the Department of Labor proof of insurance
as provided under Section 467 of this title. The Commissioner of
Labor may promulgate rules providing for registration of such
devices.

C. The owner or operator may make application to the 8 9 Commissioner for less frequent inspections than are required under 10 subsection B of this section. The Commissioner, upon investigation 11 and/or hearing of the matter, may grant a waiver, provided equal 12 public safety is maintained. Such waiver shall provide specific 13 requirements for inspection in lieu of the requirements of 14 subsection B of this section. The Commissioner shall promulgate 15 rules for the determination of a waiver provided such rules place an 16 affirmative responsibility on the owner/operator for the 17 preservation of public safety.

D. The Commissioner of Labor may cause the inspection herein
provided for to be made by his the Commissioner's safety inspectors
or by any qualified amusement ride inspector employed by an
insurance company.

E. If, after inspection, an amusement ride is found to comply
with the rules and regulations of the Commissioner of Labor, the

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1	Commissioner of Labor shall issue a certificate of inspection which
2	shall authorize the operator or owner to operate the rides.
3	SECTION 3. This act shall become effective November 1, 2017.
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5	COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
6	dated 02/15/2017 - DO PASS, As Amended.
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