

1 **AMUSEMENT RIDE SAFETY**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val K. Potter**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to amusement ride safety.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ creates the Utah Amusement Ride Safety Committee within the Department of
14 Transportation;
- 15 ▶ provides for the appointment of a director of the Utah Amusement Ride Safety
16 Committee;
- 17 ▶ establishes the Amusement Ride Safety Restricted Account;
- 18 ▶ grants the Utah Amusement Ride Safety Committee certain rulemaking authority to
19 administer the provisions of this bill;
- 20 ▶ provides for establishing safety standards for amusement rides;
- 21 ▶ instructs the director of the Utah Amusement Ride Safety Committee shall certify
22 qualified safety inspectors to perform in-person inspections of amusement rides;
- 23 ▶ requires an owner-operator of an amusement ride to:
 - 24 • cause a qualified safety inspector to perform an annual in-person inspection of
25 the amusement ride;
 - 26 • perform or cause to be performed a daily inspection of the amusement ride; and
 - 27 • obtain an annual amusement ride permit;
- 28 ▶ establishes minimum liability insurance requirements;

- 29 ▶ enacts reporting requirements when a fatality or certain types of injuries occur when
- 30 there is a failure or malfunction of an amusement ride;
- 31 ▶ addresses enforcement of the provisions of this bill;
- 32 ▶ classifies certain records as protected for purposes of the Government Records
- 33 Access and Management Act; and
- 34 ▶ makes technical and conforming changes.

35 Money Appropriated in this Bill:

36 None

37 Other Special Clauses:

38 None

39 Utah Code Sections Affected:

40 AMENDS:

41 **63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,

42 319, 352, 409, and 425

43 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and

44 repealed and reenacted by Laws of Utah 2018, Chapter 469

45 ENACTS:

46 **72-16-101**, Utah Code Annotated 1953

47 **72-16-102**, Utah Code Annotated 1953

48 **72-16-103**, Utah Code Annotated 1953

49 **72-16-201**, Utah Code Annotated 1953

50 **72-16-202**, Utah Code Annotated 1953

51 **72-16-203**, Utah Code Annotated 1953

52 **72-16-204**, Utah Code Annotated 1953

53 **72-16-301**, Utah Code Annotated 1953

54 **72-16-302**, Utah Code Annotated 1953

55 **72-16-303**, Utah Code Annotated 1953

- 56 [72-16-304](#), Utah Code Annotated 1953
- 57 [72-16-305](#), Utah Code Annotated 1953
- 58 [72-16-306](#), Utah Code Annotated 1953
- 59 [72-16-401](#), Utah Code Annotated 1953
- 60 [72-16-402](#), Utah Code Annotated 1953

61

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

63 Section 1. Section **63G-2-305** is amended to read:

64 **63G-2-305. Protected records.**

65 The following records are protected if properly classified by a governmental entity:

66 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
67 has provided the governmental entity with the information specified in Section [63G-2-309](#);

68 (2) commercial information or nonindividual financial information obtained from a
69 person if:

70 (a) disclosure of the information could reasonably be expected to result in unfair
71 competitive injury to the person submitting the information or would impair the ability of the
72 governmental entity to obtain necessary information in the future;

73 (b) the person submitting the information has a greater interest in prohibiting access
74 than the public in obtaining access; and

75 (c) the person submitting the information has provided the governmental entity with
76 the information specified in Section [63G-2-309](#);

77 (3) commercial or financial information acquired or prepared by a governmental entity
78 to the extent that disclosure would lead to financial speculations in currencies, securities, or
79 commodities that will interfere with a planned transaction by the governmental entity or cause
80 substantial financial injury to the governmental entity or state economy;

81 (4) records, the disclosure of which could cause commercial injury to, or confer a
82 competitive advantage upon a potential or actual competitor of, a commercial project entity as

83 defined in Subsection [11-13-103\(4\)](#);

84 (5) test questions and answers to be used in future license, certification, registration,
85 employment, or academic examinations;

86 (6) records, the disclosure of which would impair governmental procurement
87 proceedings or give an unfair advantage to any person proposing to enter into a contract or
88 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
89 Subsection (6) does not restrict the right of a person to have access to, after the contract or
90 grant has been awarded and signed by all parties:

91 (a) a bid, proposal, application, or other information submitted to or by a governmental
92 entity in response to:

93 (i) an invitation for bids;

94 (ii) a request for proposals;

95 (iii) a request for quotes;

96 (iv) a grant; or

97 (v) other similar document; or

98 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

99 (7) information submitted to or by a governmental entity in response to a request for
100 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
101 the right of a person to have access to the information, after:

102 (a) a contract directly relating to the subject of the request for information has been
103 awarded and signed by all parties; or

104 (b) (i) a final determination is made not to enter into a contract that relates to the
105 subject of the request for information; and

106 (ii) at least two years have passed after the day on which the request for information is
107 issued;

108 (8) records that would identify real property or the appraisal or estimated value of real
109 or personal property, including intellectual property, under consideration for public acquisition

110 before any rights to the property are acquired unless:

111 (a) public interest in obtaining access to the information is greater than or equal to the
112 governmental entity's need to acquire the property on the best terms possible;

113 (b) the information has already been disclosed to persons not employed by or under a
114 duty of confidentiality to the entity;

115 (c) in the case of records that would identify property, potential sellers of the described
116 property have already learned of the governmental entity's plans to acquire the property;

117 (d) in the case of records that would identify the appraisal or estimated value of
118 property, the potential sellers have already learned of the governmental entity's estimated value
119 of the property; or

120 (e) the property under consideration for public acquisition is a single family residence
121 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
122 the property as required under Section [78B-6-505](#);

123 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
124 compensated transaction of real or personal property including intellectual property, which, if
125 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
126 of the subject property, unless:

127 (a) the public interest in access is greater than or equal to the interests in restricting
128 access, including the governmental entity's interest in maximizing the financial benefit of the
129 transaction; or

130 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
131 the value of the subject property have already been disclosed to persons not employed by or
132 under a duty of confidentiality to the entity;

133 (10) records created or maintained for civil, criminal, or administrative enforcement
134 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
135 release of the records:

136 (a) reasonably could be expected to interfere with investigations undertaken for

137 enforcement, discipline, licensing, certification, or registration purposes;

138 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
139 proceedings;

140 (c) would create a danger of depriving a person of a right to a fair trial or impartial
141 hearing;

142 (d) reasonably could be expected to disclose the identity of a source who is not
143 generally known outside of government and, in the case of a record compiled in the course of
144 an investigation, disclose information furnished by a source not generally known outside of
145 government if disclosure would compromise the source; or

146 (e) reasonably could be expected to disclose investigative or audit techniques,
147 procedures, policies, or orders not generally known outside of government if disclosure would
148 interfere with enforcement or audit efforts;

149 (11) records the disclosure of which would jeopardize the life or safety of an
150 individual;

151 (12) records the disclosure of which would jeopardize the security of governmental
152 property, governmental programs, or governmental recordkeeping systems from damage, theft,
153 or other appropriation or use contrary to law or public policy;

154 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
155 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
156 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

157 (14) records that, if disclosed, would reveal recommendations made to the Board of
158 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
159 Board of Pardons and Parole, or the Department of Human Services that are based on the
160 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
161 jurisdiction;

162 (15) records and audit workpapers that identify audit, collection, and operational
163 procedures and methods used by the State Tax Commission, if disclosure would interfere with

164 audits or collections;

165 (16) records of a governmental audit agency relating to an ongoing or planned audit
166 until the final audit is released;

167 (17) records that are subject to the attorney client privilege;

168 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
169 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
170 quasi-judicial, or administrative proceeding;

171 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
172 from a member of the Legislature; and

173 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
174 legislative action or policy may not be classified as protected under this section; and

175 (b) (i) an internal communication that is part of the deliberative process in connection
176 with the preparation of legislation between:

177 (A) members of a legislative body;

178 (B) a member of a legislative body and a member of the legislative body's staff; or

179 (C) members of a legislative body's staff; and

180 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
181 legislative action or policy may not be classified as protected under this section;

182 (20) (a) records in the custody or control of the Office of Legislative Research and
183 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
184 legislation or contemplated course of action before the legislator has elected to support the
185 legislation or course of action, or made the legislation or course of action public; and

186 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
187 Office of Legislative Research and General Counsel is a public document unless a legislator
188 asks that the records requesting the legislation be maintained as protected records until such
189 time as the legislator elects to make the legislation or course of action public;

190 (21) research requests from legislators to the Office of Legislative Research and

191 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
192 in response to these requests;

193 (22) drafts, unless otherwise classified as public;

194 (23) records concerning a governmental entity's strategy about:

195 (a) collective bargaining; or

196 (b) imminent or pending litigation;

197 (24) records of investigations of loss occurrences and analyses of loss occurrences that
198 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
199 Uninsured Employers' Fund, or similar divisions in other governmental entities;

200 (25) records, other than personnel evaluations, that contain a personal recommendation
201 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
202 personal privacy, or disclosure is not in the public interest;

203 (26) records that reveal the location of historic, prehistoric, paleontological, or
204 biological resources that if known would jeopardize the security of those resources or of
205 valuable historic, scientific, educational, or cultural information;

206 (27) records of independent state agencies if the disclosure of the records would
207 conflict with the fiduciary obligations of the agency;

208 (28) records of an institution within the state system of higher education defined in
209 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
210 retention decisions, and promotions, which could be properly discussed in a meeting closed in
211 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
212 the final decisions about tenure, appointments, retention, promotions, or those students
213 admitted, may not be classified as protected under this section;

214 (29) records of the governor's office, including budget recommendations, legislative
215 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
216 policies or contemplated courses of action before the governor has implemented or rejected
217 those policies or courses of action or made them public;

218 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
219 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
220 recommendations in these areas;

221 (31) records provided by the United States or by a government entity outside the state
222 that are given to the governmental entity with a requirement that they be managed as protected
223 records if the providing entity certifies that the record would not be subject to public disclosure
224 if retained by it;

225 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
226 public body except as provided in Section 52-4-206;

227 (33) records that would reveal the contents of settlement negotiations but not including
228 final settlements or empirical data to the extent that they are not otherwise exempt from
229 disclosure;

230 (34) memoranda prepared by staff and used in the decision-making process by an
231 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
232 other body charged by law with performing a quasi-judicial function;

233 (35) records that would reveal negotiations regarding assistance or incentives offered
234 by or requested from a governmental entity for the purpose of encouraging a person to expand
235 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
236 person or place the governmental entity at a competitive disadvantage, but this section may not
237 be used to restrict access to a record evidencing a final contract;

238 (36) materials to which access must be limited for purposes of securing or maintaining
239 the governmental entity's proprietary protection of intellectual property rights including patents,
240 copyrights, and trade secrets;

241 (37) the name of a donor or a prospective donor to a governmental entity, including an
242 institution within the state system of higher education defined in Section 53B-1-102, and other
243 information concerning the donation that could reasonably be expected to reveal the identity of
244 the donor, provided that:

- 245 (a) the donor requests anonymity in writing;
- 246 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
247 classified protected by the governmental entity under this Subsection (37); and
- 248 (c) except for an institution within the state system of higher education defined in
249 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
250 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
251 over the donor, a member of the donor's immediate family, or any entity owned or controlled
252 by the donor or the donor's immediate family;
- 253 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
254 73-18-13;
- 255 (39) a notification of workers' compensation insurance coverage described in Section
256 34A-2-205;
- 257 (40) (a) the following records of an institution within the state system of higher
258 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
259 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 260 (i) unpublished lecture notes;
- 261 (ii) unpublished notes, data, and information:
- 262 (A) relating to research; and
- 263 (B) of:
- 264 (I) the institution within the state system of higher education defined in Section
265 53B-1-102; or
- 266 (II) a sponsor of sponsored research;
- 267 (iii) unpublished manuscripts;
- 268 (iv) creative works in process;
- 269 (v) scholarly correspondence; and
- 270 (vi) confidential information contained in research proposals;
- 271 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

272 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and
273 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
274 (41) (a) records in the custody or control of the Office of Legislative Auditor General
275 that would reveal the name of a particular legislator who requests a legislative audit prior to the
276 date that audit is completed and made public; and
277 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
278 Office of the Legislative Auditor General is a public document unless the legislator asks that
279 the records in the custody or control of the Office of Legislative Auditor General that would
280 reveal the name of a particular legislator who requests a legislative audit be maintained as
281 protected records until the audit is completed and made public;
282 (42) records that provide detail as to the location of an explosive, including a map or
283 other document that indicates the location of:
284 (a) a production facility; or
285 (b) a magazine;
286 (43) information:
287 (a) contained in the statewide database of the Division of Aging and Adult Services
288 created by Section [62A-3-311.1](#); or
289 (b) received or maintained in relation to the Identity Theft Reporting Information
290 System (IRIS) established under Section [67-5-22](#);
291 (44) information contained in the Management Information System and Licensing
292 Information System described in Title 62A, Chapter 4a, Child and Family Services;
293 (45) information regarding National Guard operations or activities in support of the
294 National Guard's federal mission;
295 (46) records provided by any pawn or secondhand business to a law enforcement
296 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
297 Secondhand Merchandise Transaction Information Act;
298 (47) information regarding food security, risk, and vulnerability assessments performed

299 by the Department of Agriculture and Food;

300 (48) except to the extent that the record is exempt from this chapter pursuant to Section
301 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
302 prepared or maintained by the Division of Emergency Management, and the disclosure of
303 which would jeopardize:

304 (a) the safety of the general public; or

305 (b) the security of:

306 (i) governmental property;

307 (ii) governmental programs; or

308 (iii) the property of a private person who provides the Division of Emergency

309 Management information;

310 (49) records of the Department of Agriculture and Food that provides for the
311 identification, tracing, or control of livestock diseases, including any program established under
312 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
313 of Animal Disease;

314 (50) as provided in Section [26-39-501](#):

315 (a) information or records held by the Department of Health related to a complaint
316 regarding a child care program or residential child care which the department is unable to
317 substantiate; and

318 (b) information or records related to a complaint received by the Department of Health
319 from an anonymous complainant regarding a child care program or residential child care;

320 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
321 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
322 personal mobile phone number, if:

323 (a) the individual is required to provide the information in order to comply with a law,
324 ordinance, rule, or order of a government entity; and

325 (b) the subject of the record has a reasonable expectation that this information will be

326 kept confidential due to:

327 (i) the nature of the law, ordinance, rule, or order; and

328 (ii) the individual complying with the law, ordinance, rule, or order;

329 (52) the name, home address, work addresses, and telephone numbers of an individual

330 that is engaged in, or that provides goods or services for, medical or scientific research that is:

331 (a) conducted within the state system of higher education, as defined in Section

332 [53B-1-102](#); and

333 (b) conducted using animals;

334 (53) in accordance with Section [78A-12-203](#), any record of the Judicial Performance

335 Evaluation Commission concerning an individual commissioner's vote on whether or not to

336 recommend that the voters retain a judge including information disclosed under Subsection

337 [78A-12-203\(5\)\(e\)](#);

338 (54) information collected and a report prepared by the Judicial Performance

339 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter

340 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

341 the information or report;

342 (55) records contained in the Management Information System created in Section

343 [62A-4a-1003](#);

344 (56) records provided or received by the Public Lands Policy Coordinating Office in

345 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

346 (57) information requested by and provided to the 911 Division under Section

347 [63H-7a-302](#);

348 (58) in accordance with Section [73-10-33](#):

349 (a) a management plan for a water conveyance facility in the possession of the Division

350 of Water Resources or the Board of Water Resources; or

351 (b) an outline of an emergency response plan in possession of the state or a county or

352 municipality;

353 (59) the following records in the custody or control of the Office of Inspector General
354 of Medicaid Services, created in Section [63A-13-201](#):

355 (a) records that would disclose information relating to allegations of personal
356 misconduct, gross mismanagement, or illegal activity of a person if the information or
357 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
358 through other documents or evidence, and the records relating to the allegation are not relied
359 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
360 report or final audit report;

361 (b) records and audit workpapers to the extent they would disclose the identity of a
362 person who, during the course of an investigation or audit, communicated the existence of any
363 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
364 regulation adopted under the laws of this state, a political subdivision of the state, or any
365 recognized entity of the United States, if the information was disclosed on the condition that
366 the identity of the person be protected;

367 (c) before the time that an investigation or audit is completed and the final
368 investigation or final audit report is released, records or drafts circulated to a person who is not
369 an employee or head of a governmental entity for the person's response or information;

370 (d) records that would disclose an outline or part of any investigation, audit survey
371 plan, or audit program; or

372 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
373 investigation or audit;

374 (60) records that reveal methods used by the Office of Inspector General of Medicaid
375 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
376 abuse;

377 (61) information provided to the Department of Health or the Division of Occupational
378 and Professional Licensing under Subsection [58-68-304](#)(3) or (4);

379 (62) a record described in Section [63G-12-210](#);

380 (63) captured plate data that is obtained through an automatic license plate reader
381 system used by a governmental entity as authorized in Section 41-6a-2003;

382 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
383 victim, including:

384 (a) a victim's application or request for benefits;

385 (b) a victim's receipt or denial of benefits; and

386 (c) any administrative notes or records made or created for the purpose of, or used to,
387 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
388 Reparations Fund;

389 (65) an audio or video recording created by a body-worn camera, as that term is
390 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
391 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
392 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
393 that term is defined in Section 62A-2-101, except for recordings that:

394 (a) depict the commission of an alleged crime;

395 (b) record any encounter between a law enforcement officer and a person that results in
396 death or bodily injury, or includes an instance when an officer fires a weapon;

397 (c) record any encounter that is the subject of a complaint or a legal proceeding against
398 a law enforcement officer or law enforcement agency;

399 (d) contain an officer involved critical incident as defined in Subsection
400 76-2-408(1)(d); or

401 (e) have been requested for reclassification as a public record by a subject or
402 authorized agent of a subject featured in the recording;

403 (66) a record pertaining to the search process for a president of an institution of higher
404 education described in Section 53B-2-102, except for application materials for a publicly
405 announced finalist; and

406 (67) an audio recording that is:

407 (a) produced by an audio recording device that is used in conjunction with a device or
408 piece of equipment designed or intended for resuscitating an individual or for treating an
409 individual with a life-threatening condition;

410 (b) produced during an emergency event when an individual employed to provide law
411 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

412 (i) is responding to an individual needing resuscitation or with a life-threatening
413 condition; and

414 (ii) uses a device or piece of equipment designed or intended for resuscitating an
415 individual or for treating an individual with a life-threatening condition; and

416 (c) intended and used for purposes of training emergency responders how to improve
417 their response to an emergency situation;

418 (68) records submitted by or prepared in relation to an applicant seeking a
419 recommendation by the Research and General Counsel Subcommittee, the Budget
420 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
421 employment position with the Legislature;

422 (69) work papers as defined in Section 31A-2-204; ~~and~~

423 (70) a record made available to Adult Protective Services or a law enforcement agency
424 under Section 61-1-206[-]; and

425 (71) a record described in Section 72-16-306 that relates to the reporting of an injury
426 involving an amusement ride.

427 Section 2. Section **63J-1-602.1** is amended to read:

428 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

429 Appropriations made from the following accounts or funds are nonlapsing:

430 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
431 and Leadership Restricted Account created in Section 4-42-102.

432 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

433 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in

434 Section 9-18-102.

435 (4) The National Professional Men's Soccer Team Support of Building Communities
436 Restricted Account created in Section 9-19-102.

437 (5) Funds collected for directing and administering the C-PACE district created in
438 Section 11-42a-302.

439 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
440 Section 24-4-117.

441 (7) Funds collected from the program fund for local health department expenses
442 incurred in responding to a local health emergency under Section 26-1-38.

443 (8) Funds collected from the emergency medical services grant program, as provided in
444 Section 26-8a-207.

445 (9) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

446 (10) The Children with Cancer Support Restricted Account created in Section
447 26-21a-304.

448 (11) State funds for matching federal funds in the Children's Health Insurance Program
449 as provided in Section 26-40-108.

450 (12) The Children with Heart Disease Support Restricted Account created in Section
451 26-58-102.

452 (13) The Nurse Home Visiting Restricted Account created in Section 26-62-601.

453 (14) The Technology Development Restricted Account created in Section 31A-3-104.

454 (15) The Criminal Background Check Restricted Account created in Section
455 31A-3-105.

456 (16) The Captive Insurance Restricted Account created in Section 31A-3-304, except
457 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

458 (17) The Title Licensee Enforcement Restricted Account created in Section
459 31A-23a-415.

460 (18) The Health Insurance Actuarial Review Restricted Account created in Section

- 461 [31A-30-115](#).
- 462 (19) The Insurance Fraud Investigation Restricted Account created in Section
- 463 [31A-31-108](#).
- 464 (20) The Underage Drinking Prevention Media and Education Campaign Restricted
- 465 Account created in Section [32B-2-306](#).
- 466 (21) The School Readiness Restricted Account created in Section [35A-3-210](#).
- 467 (22) The Youth Development Organization Restricted Account created in Section
- 468 [35A-8-1903](#).
- 469 (23) The Youth Character Organization Restricted Account created in Section
- 470 [35A-8-2003](#).
- 471 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 472 products or services, as provided in Section [35A-13-202](#).
- 473 (25) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 474 (26) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
- 475 the Motor Vehicle Division.
- 476 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 477 created by Section [41-3-110](#) to the State Tax Commission.
- 478 (28) The Utah Law Enforcement Memorial Support Restricted Account created in
- 479 Section [53-1-120](#).
- 480 (29) The State Disaster Recovery Restricted Account to the Division of Emergency
- 481 Management, as provided in Section [53-2a-603](#).
- 482 (30) The Department of Public Safety Restricted Account to the Department of Public
- 483 Safety, as provided in Section [53-3-106](#).
- 484 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
- 485 [53-8-303](#).
- 486 (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 487 (33) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

488 (34) A certain portion of money collected for administrative costs under the School
489 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

490 (35) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
491 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

492 (36) Certain fines collected by the Division of Occupational and Professional Licensing
493 for violation of unlawful or unprofessional conduct that are used for education and enforcement
494 purposes, as provided in Section [58-17b-505](#).

495 (37) Certain fines collected by the Division of Occupational and Professional Licensing
496 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
497 Section [58-63-103](#).

498 (38) The Relative Value Study Restricted Account created in Section [59-9-105](#).

499 (39) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

500 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
501 check for a mortgage loan license, as provided in Section [61-2c-202](#).

502 (41) Funds paid to the Division of Real Estate for the cost of a criminal background
503 check for principal broker, associate broker, and sales agent licenses, as provided in Section
504 [61-2f-204](#).

505 (42) Certain funds donated to the Department of Human Services, as provided in
506 Section [62A-1-111](#).

507 (43) The National Professional Men's Basketball Team Support of Women and
508 Children Issues Restricted Account created in Section [62A-1-202](#).

509 (44) Certain funds donated to the Division of Child and Family Services, as provided
510 in Section [62A-4a-110](#).

511 (45) The Choose Life Adoption Support Restricted Account created in Section
512 [62A-4a-608](#).

513 (46) Funds collected by the Office of Administrative Rules for publishing, as provided
514 in Section [63G-3-402](#).

- 515 (47) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 516 (48) Money received by the military installation development authority, as provided in
517 Section [63H-1-504](#).
- 518 (49) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 519 (50) The Unified Statewide 911 Emergency Service Account created in Section
520 [63H-7a-304](#).
- 521 (51) The Utah Statewide Radio System Restricted Account created in Section
522 [63H-7a-403](#).
- 523 (52) The Employability to Careers Program Restricted Account created in Section
524 [63J-4-703](#).
- 525 (53) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 526 (54) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
527 as provided under Section [63N-10-301](#).
- 528 (55) Funds collected by the housing of state probationary inmates or state parole
529 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 530 (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
531 and State Lands, as provided in Section [65A-8-103](#).
- 532 (57) The Amusement Ride Safety Restricted Account, as provided in Section
533 [72-16-204](#).
- 534 [~~(57)~~] (58) Certain funds received by the Office of the State Engineer for well drilling
535 fines or bonds, as provided in Section [73-3-25](#).
- 536 [~~(58)~~] (59) The Water Resources Conservation and Development Fund, as provided in
537 Section [73-23-2](#).
- 538 [~~(59)~~] (60) Funds donated or paid to a juvenile court by private sources, as provided in
539 Subsection [78A-6-203\(1\)\(c\)](#).
- 540 [~~(60)~~] (61) Fees for certificate of admission created under Section [78A-9-102](#).
- 541 [~~(61)~~] (62) Funds collected for adoption document access as provided in Sections

542 78B-6-141, 78B-6-144, and 78B-6-144.5.

543 [(62)] (63) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
544 State Park, Jordan River State Park, and Green River State Park, as provided under Section
545 79-4-403.

546 [(63)] (64) Certain funds received by the Division of Parks and Recreation from the
547 sale or disposal of buffalo, as provided under Section 79-4-1001.

548 [(64)] (65) Funds collected for indigent defense as provided in Title 77, Chapter 32,
549 Part 8, Utah Indigent Defense Commission.

550 Section 3. Section 72-16-101 is enacted to read:

551 **CHAPTER 16. AMUSEMENT RIDE SAFETY ACT**

552 **Part 1. General Provisions**

553 **72-16-101. Title.**

554 This chapter is known as the "Amusement Ride Safety Act."

555 Section 4. Section 72-16-102 is enacted to read:

556 **72-16-102. Definitions.**

557 As used in this chapter:

558 (1) "Account" means the Amusement Ride Safety Restricted Account created in
559 Section 72-16-204.

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

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

564 (3) (a) "Amusement ride" means a device or attraction that carries or conveys one or
565 more riders along, around, or over a fixed or restricted route or course or allows the riders to
566 steer or guide the device or attraction within an established area for the purpose of giving the
567 riders amusement, pleasure, thrills, or excitement.

568 (b) "Amusement ride" includes a roller coaster, whip, ferris wheel, merry-go-round,

569 and zipline.

570 (c) "Amusement ride" does not include:

571 (i) a coin-operated ride that:

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

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

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

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

578 (iii) an inflatable device;

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

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

582 (vi) a passenger ropeway as defined in Section [72-11-102](#);

583 (vii) a device or attraction that involves one or more live animals; or

584 (viii) a tractor ride or wagon ride.

585 (4) "Committee" means the Utah Amusement Ride Safety Committee created in
586 Section [72-16-201](#).

587 (5) "Director" means the director of the committee, appointed under Section
588 [72-16-202](#).

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

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

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

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

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

595 (8) "Owner-operator" means the person who has control over and responsibility for the

596 maintenance, setup, and operation of an amusement ride.

597 (9) "Permanent amusement ride" means an amusement ride that is not a mobile
598 amusement ride.

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

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

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

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

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

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

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

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

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

614 (A) was set up in the state for use by the general public; and

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

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

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

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

621 (b) requires immediate admission to a hospital and overnight hospitalization and
622 observation by a licensed physician.

623 Section 5. Section **72-16-103** is enacted to read:

624 **72-16-103. Scope and administration.**

625 (1) The provisions of this chapter apply to any amusement ride in the state.

626 (2) In accordance with the provisions of this chapter, the committee:

627 (a) shall administer this chapter; and

628 (b) has jurisdiction over any amusement ride in the state.

629 Section 6. Section **72-16-201** is enacted to read:

630 **Part 2. Utah Amusement Ride Safety Committee**

631 **72-16-201. Creation of Utah Amusement Ride Safety Committee.**

632 (1) There is created within the department the Utah Amusement Ride Safety
633 Committee.

634 (2) The committee is comprised of the following members:

635 (a) six members as follows, appointed by the governor:

636 (i) one member who represents fairs in the state that employ 25 or more employees;

637 (ii) one member who represents mobile ride operators;

638 (iii) one member who represents permanent ride operators;

639 (iv) one member who represents large amusement parks in the state;

640 (v) one member who represents the public at large; and

641 (vi) one member who represents a nationally recognized amusement ride safety or
642 regulatory organization; and

643 (b) one ex officio member appointed by the executive director.

644 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
645 member described in Subsection (2)(a) to a four-year term.

646 (b) The governor shall, at the time of appointment or reappointment, adjust the length
647 of terms to ensure that the terms of the committee members appointed under Subsection (2)(a)
648 are staggered so that approximately half of the committee is appointed every two years.

649 (4) In making an appointment under Subsection (2)(a), the governor shall request and

650 consider recommendations from:

651 (a) the membership of the interest from which the appointment is to be made; and

652 (b) the department.

653 (5) When a vacancy occurs in the membership of the committee, the governor shall

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

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

657 (a) Section [63A-3-106](#);

658 (b) Section [63A-3-107](#); and

659 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
660 [63A-3-107](#).

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

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

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

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

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

669 Section 7. Section **72-16-202** is enacted to read:

670 **72-16-202. Appointment of director.**

671 (1) (a) The committee, subject to approval by the executive director, shall appoint a
672 director.

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

674 (2) The director shall:

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

677 (b) receive compensation in accordance with Title 67, Chapter 19, Utah State
678 Personnel Management Act.
679 Section 8. Section **72-16-203** is enacted to read:
680 **72-16-203. Rulemaking.**
681 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
682 the provisions of this chapter the committee may make rules:
683 (a) establishing:
684 (i) the form of an application and a renewal application for:
685 (A) a qualified safety inspector certification;
686 (B) an annual amusement ride permit; and
687 (C) a multi-ride annual amusement ride permit;
688 (ii) the procedure to apply for and renew:
689 (A) a qualified safety inspector certification;
690 (B) an annual amusement ride permit; and
691 (C) a multi-ride annual amusement ride permit;
692 (iii) standards for a daily inspection under Section [72-16-302](#);
693 (iv) the form of a report of a reportable serious injury to the director;
694 (v) the procedure for reporting a reportable serious injury to the director;
695 (vi) the procedure to suspend and revoke:
696 (A) a qualified safety inspector certification;
697 (B) an annual amusement ride permit; and
698 (C) a multi-ride annual amusement ride permit;
699 (vii) a retention schedule that applies to each qualified safety inspector for records
700 related to a qualified safety inspector's duties under this chapter; and
701 (viii) a retention schedule that applies to each owner-operator for records related to an
702 owner-operator's duties under this chapter;
703 (b) regarding the experience required to obtain a qualified safety inspector certification

704 under Subsection 72-16-303(3)(a); and
705 (c) adopting nationally recognized:
706 (i) amusement ride inspection standards; and
707 (ii) qualified safety inspector qualification standards.
708 (2) Notwithstanding Subsection 63G-3-301(13), the committee shall initiate
709 rulemaking proceedings, as defined in Section 63G-3-301, to make rules under this section no
710 later than December 1, 2020.

711 Section 9. Section 72-16-204 is enacted to read:

712 **72-16-204. Amusement Ride Safety Restricted Account.**

713 (1) There is created in the General Fund a restricted account known as the "Amusement
714 Ride Safety Restricted Account."

715 (2) (a) The account is funded from:

716 (i) fees collected by the committee under this chapter;

717 (ii) money appropriated by the Legislature; and

718 (iii) interest earned on money in the account.

719 (b) Appropriations made from the account are nonlapsing.

720 (3) Subject to appropriation, the committee may use the money deposited into the
721 account to pay for the administration of this chapter.

722 Section 10. Section 72-16-301 is enacted to read:

723 **Part 3. Amusement Ride Safety**

724 **72-16-301. Requirements for amusement ride operation.**

725 (1) Beginning on April 1, 2021, a person may not operate an amusement ride in the
726 state that is open to the public, unless the person obtains:

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

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

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

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

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

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

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

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

744 (f) the dates on which the owner-operator intends to operate the mobile amusement
745 ride for use by the general public at each location identified under Subsection (2)(c);

746 (g) proof of compliance with the insurance requirement described in Section
747 [72-16-305](#);

748 (h) a safety inspection certification dated no more than 30 days before the day on which
749 the owner-operator submits the application; and

750 (i) a fee established by the committee in accordance with Section [63J-1-504](#).

751 (3) To obtain or renew an annual amusement ride permit for a permanent amusement
752 ride, the owner-operator shall submit an application to the director that contains the following
753 information and is in a form prescribed by the director:

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

755 (b) a description of the permanent amusement ride, including the manufacturer's name,
756 the serial number, and the model number;

757 (c) the location in the state where the owner-operator will operate the permanent

758 amusement ride;

759 (d) the first date on which the owner-operator intends to operate the permanent
760 amusement ride for use by the general public;

761 (e) proof of compliance with the insurance requirement described in Section
762 72-16-305;

763 (f) a safety inspection certification dated no more than 30 days before the day on which
764 the owner-operator submits the application; and

765 (g) a fee established by the committee in accordance with Section 63J-1-504.

766 (4) To obtain or renew a multi-ride annual amusement ride permit for all amusement
767 rides located at an amusement park that employs more than 1,000 individuals in a calendar
768 year, the amusement park shall submit an application to the director that contains the following
769 information and is in a form prescribed by the director:

770 (a) the amusement park's name and address;

771 (b) a list of each amusement ride located at the amusement park, including a
772 description of each amusement ride;

773 (c) the first date on which the amusement park will operate each amusement ride
774 identified in Subsection (4)(b);

775 (d) proof of compliance with the insurance requirement described in Section
776 72-16-305;

777 (e) a safety inspection certification for each amusement ride identified in Subsection
778 (4)(b) that is dated no more than 30 days before the day on which the amusement park submits
779 the application; and

780 (f) a fee for each amusement ride identified under Subsection (4)(b) established by the
781 committee in accordance with Section 63J-1-504.

782 (5) (a) In accordance with committee rule, an owner-operator of a mobile amusement
783 ride shall update the information described in Subsection (2)(c) if the owner-operator learns of
784 a new location where the owner-operator intends to operate the mobile amusement ride during

785 the 12-month period for which the annual amusement ride permit is valid.

786 (b) An owner-operator may not operate a mobile amusement ride that is open to the
787 public at a location in the state, unless the owner-operator includes the location:

788 (i) in the owner-operator's application or renewal for an annual amusement ride permit
789 for the mobile amusement ride in accordance with Subsection (2)(c); or

790 (ii) in an update described in Subsection (5)(a) that the owner-operator submits to the
791 director at least 30 days before the day on which the owner-operator sets up the mobile
792 amusement ride at the location.

793 (6) The director shall issue:

794 (a) an annual amusement ride permit for each amusement ride for which the
795 owner-operator submits a complete application or renewal application that satisfies the
796 requirements of this chapter and any applicable rules; and

797 (b) a multi-ride annual amusement ride permit to each amusement park that employs
798 more than 1,000 individuals in a calendar year and submits a complete application or renewal
799 application that satisfies the requirements of this chapter and any applicable rules.

800 (7) An annual amusement ride permit or a multi-ride annual amusement ride permit
801 expires one year after the day on which the director issues the annual amusement ride permit or
802 the multi-ride annual amusement ride permit.

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

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

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

809 Section 11. Section **72-16-302** is enacted to read:

810 **72-16-302. Daily inspection required.**

811 (1) (a) Each day an owner-operator operates an amusement ride for use by the general

812 public, the owner-operator or the owner-operator's designee shall inspect and operate the
813 amusement ride in accordance with this section and rules established under this chapter.

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

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

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

818 (2) The owner-operator shall:

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

821 (b) maintain each record described in Subsection (2)(a) for at least 90 days after the
822 day on which the inspection is performed.

823 Section 12. Section **72-16-303** is enacted to read:

824 **72-16-303. Certification of inspectors.**

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

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

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

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

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

838 (ii) (A) has at least three years of experience inspecting amusement rides for an

839 owner-operator, manufacturer, government agency, amusement park, carnival, or insurer; and

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

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

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

846 (b) (i) has insurance for errors or omissions; or

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

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

850 (4) To obtain a renewal of a qualified safety inspector certification, a qualified safety
851 inspector shall submit to the director a fee established by the committee in accordance with
852 Section [63J-1-504](#) and a renewal application that demonstrates that the qualified safety
853 inspector:

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

855 (b) during the previous 12-month period, completed at least six hours of continuing
856 education instruction provided by:

857 (i) a nationally recognized amusement industry organization;

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

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

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

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

865 (6) A qualified safety inspector certification expires two years after the day on which

866 the director issues the qualified inspector certification.

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

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

872 Section 13. Section **72-16-304** is enacted to read:

873 **72-16-304. Safety standards.**

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

877 (2) The committee may modify or update the safety standards described in Subsection
878 (1), consistent with nationally recognized amusement ride standards.

879 (3) The committee may, upon application, amend or exempt a safety standard adopted
880 under this section based upon unique circumstances, if appropriate to ensure public safety.

881 Section 14. Section **72-16-305** is enacted to read:

882 **72-16-305. Insurance required.**

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

- 885 (a) \$1,000,000 for bodily injury per occurrence;
- 886 (b) \$250,000 for property damage per occurrence; and
- 887 (c) \$3,000,000 per occurrence combined single limit.

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

- 891 (a) \$5,000,000 for bodily injury per occurrence;
- 892 (b) \$1,000,000 for property damage per occurrence; and

893 (c) \$10,000,000 per occurrence combined single limit.

894 Section 15. Section **72-16-306** is enacted to read:

895 **72-16-306. Reporting and shutdown for certain injuries.**

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

898 (b) An owner-operator shall include the following information in a report described in
899 Subsection (1)(a):

900 (i) the owner-operator's name and contract information;

901 (ii) the location of the amusement ride at the time the reportable serious injury
902 occurred;

903 (iii) a description of:

904 (A) the amusement ride; and

905 (B) the nature of the reportable serious injury; and

906 (iv) any other information required by rule made under this chapter.

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

911 (b) After a serious injury, the owner-operator may not operate the mobile amusement
912 ride until the owner-operator receives written authorization from:

913 (i) the fair, show, landlord, or owner of the property upon which the amusement ride
914 was located at the time the serious injury occurred; or

915 (ii) the director.

916 (3) For purposes of Title 63G, Chapter 2, Government Records Access and
917 Management Act, a report to the director described in this section and any record related to the
918 report is a protected record as defined in Section [63G-2-103](#), except the ride description, the
919 owner-operator, the location of the amusement ride at the time the reportable injury occurred,

920 and the general nature of the reportable injury.

921 Section 16. Section **72-16-401** is enacted to read:

922 **Part 4. Enforcement**

923 **72-16-401. Penalty for violation.**

924 (1) If an owner-operator or operator violates a provision of this chapter with respect to
925 an amusement ride, in accordance with Title 63G, Chapter 4, Administrative Procedures Act,
926 the director may deny, suspend, or revoke the owner-operator's annual amusement ride permit
927 for the amusement ride.

928 (2) Upon a violation of a provision of this chapter, the director may file an action in
929 district court to enjoin the operation of an amusement ride.

930 Section 17. Section **72-16-402** is enacted to read:

931 **72-16-402. Audit -- Right of entry.**

932 The director or the director's representative, upon presenting appropriate credentials to
933 the owner-operator, operator, or agent in charge, may enter a premises where an amusement
934 ride is located for the purpose of auditing compliance with the provisions of this chapter.