

TABLE OF CONTENTS

AMUSEMENT RIDE SAFETY LAWS

SEC 460	-	RULES AND REGULATIONS.
SEC 461	-	DEFINITIONS.
SEC 462	-	CERTIFICATE OF INSPECTION - INSPECTIONS.
SEC 463	-	FEES - CERTIFICATION OF RIDES - CERTIFICATE OF INSURANCE.
SEC 464	-	NOTICE OF ERECTION OF RIDE OR ADDITIONS OR ALTERATIONS.
SEC 465	-	TEMPORARY CESSATION OF RIDE - ORDERS - ENFORCEMENT.
SEC 466	-	MODIFICATION OF RULES AND REGULATIONS - GROUNDS.
SEC 467	-	LIABILITY INSURANCE.
SEC 468	-	POLITICAL SUBDIVISIONS - REGULATION OF RIDES - INSPECTIONS.
SEC 469	-	VIOLATIONS - PENALTIES.

CHAPTER 55. AMUSEMENT RIDE SAFETY RULES

	Subchapter	Section
1.	General Provisions	380:55-1-1
3.	Electrical Safety Requirements	380:55-3-1
5.	Fees	380:55-5-1
7.	Fatality or Injury Reporting/Investigation	380:55-7-1
9.	Inspection	380:55-9-1
11.	Insurance	380:55-11-1
13.	Miscellaneous	380:55-13-1
15.	Waiver Self-Inspections	380:55-15-1

[**Authority:** 40 O.S. Section 460 et seq.]

[**Source:** Codified 12-31-91]

§ 460. Rules and regulations

The Commissioner of Labor shall promulgate rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all amusement rides necessary for the protection of the general public using amusement rides.

Added by Laws 1982, c. 145, § 1.

Section II of Laws 1982, c. 145 directs codification and section 12 provides for an effective date.

Renumbered as this section to avoid a duplication in numbering.

Title of Act:

An Act relating to labor; providing for amusement ride safety; defining terms; authorizing Commissioner of Labor to implement rules and regulations; requiring certification; providing procedures for inspection, insurance fees and issuance of certificate of inspection; requiring notice; providing for cessation of operation and method of enforcement; requiring insurance; authorizing modification of rules and regulations; providing penalties; directing codification; and providing an effective date. Laws 1982, c. 145.

§ 460.1. Rules for definition of “alteration”

A. Pursuant to the authority granted to the Commission of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding the definition of alteration.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

“Alteration” means any change in either the structural or operational characteristics of the amusement ride which will alter its performance from that specified in the design criteria of the manufacturer.

§ 460.2. Rules regarding amusement ride maintenance, inspection, and repair records

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding amusement ride maintenance, inspection, and repair records.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

The owner of an amusement ride shall maintain up-to-date maintenance, inspection, and repair records between inspection periods for each amusement ride in the manner provided by the Commissioner of Labor. The records shall contain a copy of all inspection reports commencing with the last inspection, a description of all maintenance performed, and a description of any mechanical or structural failures or operational breakdowns and the types of actions taken to rectify these conditions.

§ 460.3 Rules regarding use of signage — Definition of sign

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding the use of signage concerning amusement rides.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

1. An amusement ride owner shall display signs indicating the applicable safety responsibilities of riders as set forth by the Commissioner of Labor and the location of stations to report injuries. The signs must be located at:
 - a. each station for reporting an injury,
 - b. each first aid station, and
 - c. at each premises entrance and exit;
2. An amusement ride owner shall post a sign at each amusement ride that includes:
 - a. operational instruction, if any,
 - b. safety guidelines for rider, if any,
 - c. restrictions of the use of the amusement ride, if any,
 - d. behavior or activities that are prohibited, if any, and
 - e. a legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Failure to comply is punishable by fine or imprisonment.";
3. Any sign required by this rule must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design; and
4. As used in the rule "sign" means any symbol or language reasonable calculated to communicate information to a rider, the parent, or guardian of a rider, including placards, prerecorded messages, live public address, stickers, pictures, video, verbal information, and visual signals.

§ 460.4 Rules regarding use of amusement rides by riders — Definition of "rider"

A. Pursuant to the authority granted to the Commissioner of Labor under Section 460 of Title 40 of the Oklahoma Statutes to promulgate rules for the safe installation, repair, maintenance, use operation, and inspection of all amusement rides necessary for the protection of the general public using amusement rides, the Commissioner of Labor shall promulgate rules regarding the use of amusement rides by riders.

B. Rules promulgated pursuant to subsection A of this section shall include the following language:

1. A rider shall:
 - a. obey the reasonable safety rules posted in accordance with law and oral instructions for an amusement ride issued by the owner or the employee of the owner, unless:
 - (1) the safety rules are contrary to law or rules, or
 - (2) the oral instructions are contrary to the law or rules or the safety rules, and
 - b. refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:
 - (1) exceeding the limits of ability of rider,
 - (2) interfering with safe operation of the amusement ride,
 - (3) not engaging any safety devices that are provided,
 - (4) disconnecting or disabling a safety device except at the express instruction of the ride operator,
 - (5) altering or enhancing the intended speed, course, or direction of an amusement ride,
 - (6) using the controls of an amusement ride designed solely to be operated by the ride operator or,
 - (7) extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator,
 - (8) throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator,
 - (9) getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency, and
 - (10) not reasonably controlling the speed or direction of the person of the rider or an amusement ride that requires the rider to control or direct the person of the rider or a device;
2. A rider may not get on or attempt to get on an amusement ride unless the rider or the parent or guardian of the rider reasonably determines that the rider:
 - a. has sufficient knowledge to use, get on, and get off the amusement ride safely without instruction

- or has requested and received before getting on the ride sufficient information to get on, use and get off safely,
 - b. has located, reviewed, and understood any signs in the vicinity of the ride and has satisfied any posted height, medical, or other restrictions,
 - c. knows the range and limits of the ability of the rider and knows the requirements of the amusement ride will not exceed those limits,
 - d. is not under the influence of alcohol or any drug that affects the ability of the rider to safely use the amusement ride or obey the posted rules or oral instructions, and
 - e. is authorized by the amusement ride owner or the authorized employee of the amusement ride owner to get on the amusement ride; and
3. As used in this rule, "rider" means any person who is:
- a. waiting in the immediate vicinity to get on an amusement ride,
 - b. getting on an amusement ride,
 - c. using an amusement ride,
 - d. getting off an amusement ride, or
 - e. leaving an amusement ride and still in its immediate vicinity.

§ 461. Definitions

As used in Sections 1 through 10 of this Act:¹

- 1. "Amusement ride" device or combination of devices or elements that carry, convey, or direct a person or persons over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. Amusement ride does not include the operation of articles of husbandry incidental to any agricultural operation or the operation of amusement devices of a permanent nature which are subject to building regulations issued by cities or counties and existing applicable safety orders;
- 2. "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of an amusement ride and includes the state and every state agency, and each county, city and all private or public corporations and political subdivisions;
- 3. "Certificate of inspection" means a certificate issued by the Commissioner of Labor which indicates that an inspection of the ride has been performed pursuant to rules and regulations adopted by the Department of Labor; and
- 4. "Permanent amusement park ride" means an amusement ride which is stationary or cannot be easily moved and which is located on the same premises on which it is operated for no less than ninety (90) days.

Added by Laws 1982, c. 145, § 2.

¹Sections 460 to 469 of this title. Renumbered as this section to avoid a duplication in numbering.

§ 462. Certificate of inspection - Inspections

- A. No person shall operate an amusement ride without a certificate of inspection. On or before March 1 of each year, an operator or owner shall apply for a certificate of inspection on a form 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.

- C. The owner or operator may make application to the Commissioner for less frequent inspections than are required under subsection B of this section. The Commissioner, upon investigation and/or hearing of the matter, may grant a waiver, provided equal public safety is maintained. Such waiver shall provide specific requirements for inspection in lieu of the requirements of subsection B of this section. The Commissioner shall promulgate rules for the determination of a waiver provided such rules place an affirmative responsibility on the owner/operator for the preservation of public safety.
- D. The Commissioner of Labor may cause the inspection herein provided for to be made by his 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 Commissioner of Labor shall issue a certificate of inspection which shall authorize the operator or owner to operate the rides.

Added by Laws 1982, c. 145 § 3.

(C) Added by Enr. S.B. No. 915 - Effective July 1, 1994.

Renumbered as this section to avoid a duplication in numbering.

§ 463. Fees - Certificate of rides - Certificate of Insurance

- A. No fees shall be charged to public agencies. The fees provided for in this subsection shall not apply to amusement parks owned and operated by nonprofit corporations.
 - 1. The annual ride registration fee shall be: \$25.00
 - 2. The inspection fee shall be:
 - a. Kiddie Rides \$25.00
 - b. Major Rides \$50.00
 - c. Other Rides per hour \$100.00
- B. The Commissioner of Labor shall not issue an original certificate of inspection for an amusement ride until he receives certification in writing that such amusement rides meet the requirements established by the Commissioner of Labor for amusement rides. The Commissioner of Labor shall designate by rule and regulation pursuant to Section 460 of this title the qualifications of the inspectors making the inspections required by this section.
- C. Any permanent amusement park ride owner or operator shall file a copy of a certificate of insurance with the Commissioner of Labor on or before February 1 of each year. Such certificate of insurance shall be in such form as to reflect the safety inspection requirements for obtaining such insurance and the date of the last inspection. The amount of the premium and the amount of coverage shall not be required to be disclosed in the certificate.

The Commissioner may accept such certificate and insurance inspection as evidence sufficient to issue a certificate of inspection for the permanent amusement park ride.
- D. The Governing Board of the State Fair of Oklahoma, the Tulsa State Fair, and the Muskogee State Fair shall file a copy of a certificate of insurance with the Commissioner of Labor before the rides are put into operation at each location for the use of the public. Such certificates shall be in such form as to reflect the safety inspection requirements for obtaining such insurance and the date of the inspection.

The Commissioner may accept such insurance inspection as evidence sufficient to issue a certificate of inspection for the rides.

Added by Laws 1982, c. 145, § 4. Laws 1983, c. 101, § 1, eff. May 9, 1983; Laws 1991, c.122, § 3, eff. July 1, 1991; Laws 1991, c. 215, § 15, eff. July 1, 1991; Laws 1993, c. 270, § 47, eff. Sept. 1, 1993.

Renumbered as this section to avoid a duplication in numbering.

§ 464. Notice of erection of ride or additions or alterations

Before a new amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any amusement ride, the operator or owner shall file with the Commissioner of Labor a notice of his intention and any plans or diagrams requested by the Commissioner of Labor

Added by Laws 1982, c. 145, § 5.

Renumbered as this section to avoid a duplication in numbering.

§ 465. Temporary cessation of ride - Orders - Enforcement

- A. The Commissioner of Labor may issue a written order for the temporary cessation of operation of an amusement ride if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner of Labor. The Commissioner of Labor or his authorized inspector may inspect any amusement ride without notice.
- B. In addition to other powers conferred by this act, the Commissioner or his authorized representative shall have power to order any person, firm, corporation, corporate officers, trustees or any managing official of any municipal corporation, state agency or political subdivision to cease violating any provision of this act, or rule or regulations issued pursuant to this act. A certified copy of such order shall be mailed to the person or entity so violating the provisions of this act.
- C. Any order issued by the Commissioner or his authorized representative may be enforced in the district court in an action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General. Provided further, an injunction, without bond, may be granted by the district court to the Commissioner, for the purpose of enforcing this act.

Added by Laws 1982, c. 145, § 6.

Renumbered as this section to avoid a duplication in numbering.

§ 466. Modification of rules and regulations - Grounds

The Commissioner of Labor may modify the application of rules or regulations to an operator who demonstrates a hardship resulting from such application if the public safety will remain secure. Any owner or operator may make a written request to the Commissioner of Labor specifying the hardships which are his grounds for requesting such modification. Any authorization by the Commissioner of Labor shall be in writing and shall describe the conditions under which the modifications shall be permitted. A permanent record of all modifications shall be kept in the Department of Labor for public inspection.

Added by Laws 1982, c. 145, § 7.

Renumbered as this section to avoid a duplication in numbering.

§ 467. Liability Insurance

No person shall operate an amusement ride unless at the time there exists a policy of insurance in an amount of not less than \$1,000,000.00 insuring the owner or operator against liability for injury suffered by persons riding the amusement ride.

Added by Laws 1982, c. 145, § 8.

Renumbered as this section to avoid a duplication in numbering.

§ 468. Political subdivisions - Regulation of rides - Inspections

- A. Nothing contained in this act shall prevent cities and counties from regulating amusement rides nor prevent them from enacting ordinances in addition to the rules and regulations promulgated by the Commissioner of Labor which may be more restrictive than this act with respect to amusement rides.
- B. If a political subdivision presents satisfactory evidence to the Commissioner of Labor that it can perform the inspections required by this act, the Commissioner of Labor may delegate his power of inspection.
- C. The delegation of power is subject to an agreement entered into by the Commissioner of Labor and the agency, political subdivision or municipality.
- D. The Commissioner of Labor may revoke the agreement or retain the right to monitor the inspection.

Added by Laws 1982, c. 145, § 9.

Renumbered as this section to avoid a duplication in numbering.

§ 469. Violations - Penalties

Any violation of the provisions of this act shall be a misdemeanor. Conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or not more than one (1) year in the county jail, or both such fine and imprisonment. Each day of violation shall constitute a separate offense.

Added by Laws 1982, c. 145, § 10.

Renumbered as this section to avoid a duplication in numbering.