

Oklahoma Department of Labor

Oklahoma Administrative Code
Title 380 – Department of Labor
Chapter 55 – Amusement Ride Safety Rules



Mark Costello
Commissioner of Labor

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SUBCHAPTER 1. GENERAL PROVISIONS

380:55-1-1. Purpose

These rules are promulgated as required by Title 40 O.S. Section 460. They are specific as to definitions, adopted national standards, and rules for the safe installation, repair, maintenance, use, operation, and inspection of amusement rides in Oklahoma.

380:55-1-2. Definitions

The following words and terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means the Amusement Ride Safety Act, 40 O.S. § 460 et seq.

"Actual inspection time" means the time the inspector is at the amusement area to include: unloading, erection, relocating, set up, testing, observation, repair maintenance and delays incident thereto.

"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.

"Amusement area" means that which is commonly referred to as the midway. An area occupied by an activity, exposition show or amusement ride or rides. It is principally devoted to offering amusement exhibits, or entertainment to the public. All structures that receive electrical power from an independent source, which also serves amusement rides and attractions, are included within the amusement area.

"Fees" mean those fees provided for in the Amusement Ride Safety Act and further defined in Subchapter 5 of this Chapter.

"Inspection" means the process by which inspectors determine the safety status of an amusement ride at the scheduled inspection site. It also means attempted inspections of rides registered with the owner that would have been inspected had the show arrived at the site as scheduled.

"Inspector" means an individual determined qualified by the Commissioner of Labor based upon the inspectors background, training and experience who inspects amusement rides covered by the Act. Inspectors so qualified may be issued an appropriate identification card by the Commissioner of Labor.

"Operator" means the person who is physically operating the ride during that period of time when it is open to the public.

"Owner" includes the term "operator" as that term is defined in the Act.

"Red tag" means a red colored tag affixed to a ride or a part thereof, by an inspector indicating to the public and the owner that the ride is in violation of the Act and therefore shall not be operated.

"Registration number" means a number permanently assigned to each amusement ride. The number tag is to be permanently affixed for identification purposes to a main structural member of the ride and shall not be removed unless so directed by an inspector.

"Scope of inspection" includes: access and egress ramps, steps, walkways, the mechanical or physical ride itself to include foundation, supports, and blocking. Also included within the scope are power sources and amusement area or midways which may become hazardous to the public.

"Show" means a group of rides, the property of one or more owners.

"Written order for the temporary cessation of operation" means a written order will be provided to the onsite owner, manager, or operator. It shall be signed by the inspector, identify the safety violation and the correction necessary. It shall be countersigned by the onsite owner, manager, or operator.

SUBCHAPTER 3. ELECTRICAL SAFETY REQUIREMENTS

380:55-3-1. General requirement

The National Electrical Code (ANSI/NFPA 70) is adopted as the electrical code. All electrical wiring, equipment, and apparatus used for amusement devices or for lighting shall be properly installed, operated and maintained by trained, competent people. Electrical equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees or to the general public.

380:55-3-2. Generator grounding

Where electrical power is supplied for an amusement device or a temporary structure by a privately operating generating system, the generator and all equipment shall be properly grounded.

380:55-3-3. Grounding of devices

Each electrically powered amusement device shall be effectively grounded. The grounding shall be made effective as to all noncurrent carrying metal parts which may become energized and which are exposed to contact by any person.

380:55-3-4. Master switch

Each electrically operated amusement device not designed to be controlled directly by the passenger shall be provided with a disconnect power switch accessible to the operator.

380:55-3-5. Overcurrent protection (fuse or circuit breaker)

Conductors shall be provided with overcurrent protective devices in accordance with their ability to safely conduct current and according to load.

No such device shall be installed in neutral or grounding conductors. Overcurrent protection shall be maintained at all times the electrical system is operated.

380:55-3-6. Overhead power lines

All amusement rides shall be placed or erected in accordance with the most current edition of (ANSI/NFPA 70) Article 525-12 (a)(b) of "The National Electric Code."

380:55-3-7. Portable power outlets and midway boxes

Portable power outlets and midway boxes shall be constructed of metal or wood not less than 3/4" thick or other materials approved in advance of operation. Distribution within the box shall be provided by properly lugged terminal bars. Boxes shall be rain tight with exterior openings at least six (6) inches above ground level and shall be provided with protective covers, draining eaves or canvas.

380:55-3-8. Protection of employees

No employee shall be permitted to work in such proximity to any part of an electrical power circuit that he may contact in the course of his work unless he is protected against shock by de-energizing the circuit, grounding it, or guarding it by effective insulation. If protection is supplied by de-energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.

380:55-3-9. Warning signs

Signs warning of High Voltage shall be posted where other than qualified employees might come in contact with live parts.

SUBCHAPTER 5. FEES

380:55-5-1. Three different fees

- (a) There are three different fees effective September 1, 1993:
 - (1) A fee is charged for the annual ride registration.
 - (2) A per ride inspection fee is charged for inspection which includes physical inspection of the ride during erection and/or set up, inspection of the ride prior to and during operation for rides designated KIDDIE (K) and a separate fee for rides designated MAJOR (M).
 - (3) An hourly fee is charged for actual inspection time which includes physical inspection of the ride during erection and/or set up, inspection of the ride prior to and during operation for rides designated OTHER (O).
- (b) In the event that an owner or operator's show will not arrive at the inspection site as scheduled, the Department of Labor shall be notified

24 hours in advance otherwise a fee shall be charged for the scheduled inspection of all active kiddie, major and other (@ 1 hour) rides.

380:55-5-2. No fee for surveillance

No fee will be charged for ride operation surveillance after a certificate of inspection has been issued at the operating site unless in the judgment of the inspector reinspection is necessary.

380:55-5-3. Fees due within 30 days

Fees are due and payable to the Labor Department within thirty (30) days from the date of the invoice. Make checks payable to the Oklahoma Labor Department.

380:55-5-4. Overdue fee accounts

No ride of an owner who has a fee account more than thirty (30) days past due shall be inspected or permitted to operate until the balance of the fee account is paid in full by cashier's check or money order and received by the Department of Labor.

380:55-5-5. Criteria for type determination

Criteria for type determination of amusement rides are as follows:

- (1) KIDDIE RIDES: Primarily designed and/or engineered for children although adults may or may not fit into carriers or tubs. Inflatable rides are kiddie rides.
- (2) MAJOR RIDES: Primarily designed and/or engineered for adults and families. Children usually fit into the carriers or tubs. Water park rides are major rides.
- (3) OTHER RIDES:
 - (A) SIZE:
 - (i) When are erected are large.
 - (ii) May be transported on several tractor-trailer rigs.
 - (iii) Encompass large amounts of ground space.
 - (iv) Usually are exceptionally tall, wide or deep.
 - (B) COMPLEXITY:
 - (i) May have independent self-propelled carriers.
 - (ii) May require several pre-setup inspections at various stages of erection due to many parts or sub-assemblies.
 - (iii) Requires many temporary or permanent fasteners of different types.
 - (iv) Generally have large or many integrated systems involving electronic, hydraulic, mechanical or pneumatic devices.
 - (v) Drive systems usually involve two or more belt, cable, chain, rod or shaft devices.

- (C) The water quality of water park rides shall be included in this category.

SUBCHAPTER 7. FATALITY OR INJURY REPORTING/INVESTIGATION

380:55-7-1. Reporting ride related fatalities or injuries

The following reporting rules pertain to those ride related fatalities or injuries to the public occurring within the inspection scope of the Amusement Ride Safety Act and this Chapter.

- (1) Injuries requiring more medical treatment than "on-site" first aid, and fatalities shall be reported by the owner/operator or his designee to the Commissioner of Labor or designee immediately after the protection of life, limb and property. "On-site" first aid shall be considered that immediate medical attention limited to minor wound dressing, hot or cold compresses, anti-bacterial ointments, etc. which could reasonably be assumed as all treatment needed for an injury.
- (2) Injuries requiring "on-site" first aid medical treatment only shall be reported to the Commissioner of Labor or the Commissioner's designee by the end of the next working day
- (3) All injuries shall be recorded and maintained in a log. This log shall be kept on site and available for review by the State ride inspector during normal business hours. Entries into the log shall contain a minimum amount of information, to include:
 - (A) Date and time injury occurred,
 - (B) Description of injury,
 - (C) Name of ride and area of midway where injury occurred,
 - (D) Name, age, address, and telephone number of injured person(s),
 - (E) Name, age, address, and telephone number of all witnesses to the injury.

380:55-7-2. Investigation of ride related fatalities, injuries, or incidents

The Commissioner of Labor shall have authority to investigate all ride related fatalities and injuries as defined in 380:55-7-1. No ride involved in a fatality or injury as described in 380:55-7-1 (1) shall be operated, moved, repaired, or tampered with, except to protect life, limb and property, until authorized by the Commissioner of Labor or designee. Three (3) work days shall normally be considered sufficient to complete the mechanical inspection portion of the investigation.

SUBCHAPTER 9. INSPECTION

380:55-9-1. Scheduling inspections

- (a) No ride shall be operated without having been first inspected at each operating site; therefore, inspections will be scheduled for owners by date required for inspection on a first come first serve basis within available assigned inspectors.
- (b) When owners request inspection services, the following information shall be provided:
 - (1) Owner's name,
 - (2) Requestor's name,
 - (3) Number or rides to be set up,
 - (4) City and specific location of set up site,
 - (5) Date and hour rides are planned to open for business and length of run.
- (c) Late or last minute contract approvals require a minimum of 72 hours (3 working days) advance notice to the Department of Labor. The availability of inspectors may be limited to accommodate short notice set-up.

380:55-9-2. Inspection of amusement rides

- (a) The Commissioner of Labor or a designee will make onsite inspections of amusement rides. No park or amusement ride owner or employee shall interfere with, obstruct or hinder by threat, force, intimidation or otherwise, the Commissioner of Labor or the Commissioner's designee, or refuse to properly answer questions regarding rides, insurance, etc., or refuse the Commissioner of Labor or the Commissioner's designee admittance to any place where the Amusement Ride Safety Act may apply.
- (b) Inspection includes, but is not limited to, a review of any necessary documentation and inspection or observation of ride assembly or set-up. Inspection of the ride shall include: foundation, blocking, power lines, midway boxes, other electrical sources, fuel containers, and safe operation of the ride. Inspection of the ride may also include after set-up surveillance or reinspection. The scope of inspection is defined in 380:55-1-2.
- (c) Except as otherwise specified, all amusement ride inspections will be performed or supervised onsite by a Department of Labor inspector or an insurance company inspector who is licensed by the Department of Labor.
- (d) Criteria for inspection of rides will be based, at a minimum, upon the ride manufacturer's specifications, industry consensus, common inspection practices, criteria contained in the most current edition of the American Society of Testing of Materials (ASTM) standards, and

the Amusement Ride Safety Rules. Alterations to the ride manufacturer's specifications, by using after market products, will be permitted provided that ride safety is maintained. Where no manufacturer exists or the manufacturer does not provide the Department of Labor adequate specifications, the Commissioner of Labor shall develop inspection criteria with input from owners, operators, the amusement ride industry and other jurisdictions.

- (e) Owners of certain designated amusement rides which must receive a partial inspection prior to erection or set-up will be notified of the requirement in advance if possible. Under normal conditions a partial inspection should not delay the scheduled opening time of a show.
- (f) Amusement ride inspection will not be performed during inclement weather nor after dark unless adequate illumination is provided and, in the judgment of the inspector, a proper inspection can be safely completed.

380:55-9-3. General requirements

(a) Blocking.

- (1) All rides shall be placed on a good, sound foundation.
- (2) Concrete, cinder, or other hollow blocks shall not be used.
- (3) Cribbing or crossing shall be required when more than two tiers high.
- (4) To keep certain rides from walking, tipping, etc., they shall be staked or sandbagged.

(b) Carriers.

- (1) Carriers must be in good, serviceable condition.
- (2) Safety restraints (lap bars, safety belts, chains, gates, etc.) shall be installed where there is a possibility of passengers being ejected, falling out, or receiving other injuries.
- (3) Cushions and padding shall be in good condition and free of tacks, nails, screws, etc.
- (4) All carriers shall be individually identified by a number, alpha character.

(c) Safety pins.

- (1) All pins, bolts, etc., when required, must be safety locked with appropriate "R" keys, cotter keys, spring keys, or any other type of locking device to keep the pins, bolts, etc. in its proper place.
- (2) All pins must be in place and of proper size and type.
- (3) Nails or similar devices not designed for the intended purpose shall not be used.
- (4) The pins and holes shall be reconditioned to the manufacturer's specifications when necessary.
- (5) Load carrying bolts and nuts shall be Industrial Fastener Institute Grade Five (5) or higher unless otherwise specified by

the ride manufacturer, industry consensus, or common inspection practices.

- (d) **Ride support (sweeps, chains, spokes, axles, shafts, etc.).**
 - (1) Such support shall be free of cracks, defects, or rusty, corrosive areas.
 - (2) Testing of critical areas by nondestructive examination, etc., may be necessary for the safety of a ride.
 - (3) In those instances where the ride manufacturer requires periodic nondestructive examination, or when determined necessary by justifiable cause (i.e., cracks, bends, ride history, etc.), such examinations shall be performed at the owner's expense. The examinations shall be read by an American Society of Nondestructive Testing Level II qualified individual and the part or parts certified by him free of hazardous faults or defects. This certificate shall be filed with the Department of Labor before the ride is operated in this state.
 - (4) Additional safety devices such as secondary cable supports, extra bracing, etc. may be required when the inspector determines that such device would enhance the safety of the ride.
- (e) **Speed and overloading.** Rides shall be operated within manufacturers' designed speed or RPM rating. Rides and individual carriers shall not be overloaded. As far as practical, ride loads shall be balanced.
- (f) **Passenger restrictions.** Manufacturers' restrictions to passengers as to height, weight, impaired, or other physical problems shall be complied with. The Commissioner of Labor may require more stringent restrictions.
- (g) **Brakes, clutches, roll backs, safety trips, etc.**
 - (1) Brakes, clutches, roll backs, safety trips, etc. shall be in good working condition,
 - (2) Lining and shoes shall be serviceable,
 - (3) Roll back and safety trips shall be of correct strength and size to hold the load.
- (h) **Guarding.** Moving or hot parts (belts, chains, gears, shafts, knuckle joint, exhaust pipes, etc.) that may be injurious to the ride operator or the public, shall be effectively guarded to prevent contact.
- (i) **Modifications/Alterations.** Minor modifications or alterations may be approved if determined by an inspector that ride safety is not affected and an engineer's evaluation is not necessary. Major modifications or alterations and homemade rides may require the filing of an engineer's evaluation with the Department of Labor.
- (j) **Removable parts.** Any removable part, which may, in the inspector's judgment, become dislodged during operation and thereby fall on a

- passenger or bystander, shall be safe-tied into position (i.e. fluorescent tubes, mirrors, other functional or decorative parts.)
- (k) **Ride clearance and fencing.**
 - (1) All rides shall be fenced unless otherwise protected.
 - (2) Fences shall be constructed to adequately protect the public from hazard.
 - (3) Fences shall be placed so that a person cannot reach over the fence and make contact with the ride or passengers.
 - (4) Rides shall be so placed as to provide adequate clearance between adjacent rides and structures.
 - (5) Rides and other midway structures shall not be placed so as to create a hazard or obstruct fire, medical, or other rescue operations.
 - (l) **Wire Rope.** Wire rope shall be inspected to ride manufacturers' specifications when provided. Where the manufacturer does not provide inspection specifications, wire rope shall be inspected to the applicable industry standard. Wire rope found to be damaged shall be replaced with new rope of proper design and capacity or repaired by proper splicing. Connecting ends of wire rope shall be properly clamped or fitted.
 - (m) **Other Inspections.** Political subdivisions shall provide notice in writing to the Commissioner of Labor on or before February 1st of each year requesting inspection authority. Such subdivisions shall provide evidence of ability to perform inspections. The Commissioner of Labor or designee shall review such requests and reveal his or her findings within thirty (30) days. The Commissioner or designee shall also provide thirty (30) days notice of revocation of such authority.
 - (n) **Exclusions.** Excluded from this Chapter are school playground and public park rides such as swings, see-saw, sliding boards, climbing bars, etc. and small self-service type rides found in shopping centers.

SUBCHAPTER 11. INSURANCE

380:55-11-1. Insurance coverage

- (a) **Permanent parks.** On or before 30 days prior to opening, every permanent park owner or operator shall provide to the Department of Labor a certificate of insurance with inclusive dates, as required by the act. All insurance carriers must be authorized to do business in Oklahoma by the State Insurance Commission. The Oklahoma Labor Department shall be shown as the Certificate Holder and notified of any changes.
- (b) **Other than permanent parks.** All insurance carriers must be authorized to do business in Oklahoma by the State Insurance

Commission. On or before 30 days prior to the intended operation date within this State, the owner or operator shall provide to the Department of Labor documentation of insurance coverage, with inclusive dates, as required by the Act. The Oklahoma Labor Department shall be shown as the Certificate Holder and be notified of any changes.

380:55-11-2. Inspectors

- (a) Insurance Inspectors shall be licensed (no fee) by the Labor Commissioner. The requirements to become licensed are as follows:
 - (1) The inspector shall be a full-time employee of an insurance carrier of loss prevention authorized to do business by the Insurance Commission of Oklahoma.
 - (2) The inspector's most recent 7 years experience shall include 5 years in the field of amusement ride inspection.
 - (3) The application shall be in affidavit form specifying that the inspector will abide by all rules adopted by the Labor Commissioner.
- (b) The license shall be issued for one (1) year, and is renewable on or before January 31 each year, accompanied by proof of continued employment by the insurance carrier. The license may be revoked for cause.

SUBCHAPTER 13. MISCELLANEOUS

380:55-13-1. Competent operator

All amusement rides or devices must be under the control of a competent operator at all times when the ride or device is in operation. Operators shall be trained in the safe operation of the ride. The minimum requirement for training shall be that contained in the most current edition of the American Society for Testing of Materials (ASTM) standards, entitled "Standard Practice for Operation Procedures for Amusement Rides and Devices".

380:55-13-2. Rides kept clean

- (a) Rides shall be kept clean and trash removed to prevent accidents or injury.
- (b) Water quality shall be tested by the Department of Labor personnel in accordance with standards developed by the Oklahoma Department of Health, OAC 310:320.
- (c) Water parks shall maintain the water quality in accordance with standards developed by the Oklahoma Department of Health, OAC 310:320.

380:55-13-3. Briefing

Inspectors may brief hiring officials as to the results of the inspection to include all violations.

380:55-13-4. Fire protection

An approved ABC type fire extinguisher shall be in immediate proximity of any internal combustion engine or other area where combustibles are stored or are in use. Additional fire extinguishers shall be placed as needed.

380:55-13-5. Gasoline use/storage

Gasoline or flammable liquid use and storage procedures are as follows:

- (1) Rides using flammable liquids for engines must not be filled while the engine is running or passengers are on the ride.
- (2) Only fuel containers designed and marketed for flammable liquids shall be used.
- (3) Flammable liquid containers must be kept away from the ride while it is operating.
- (4) The container must be kept away from the public.

380:55-13-6. Guarding of machinery

Machinery used in or with an amusement device shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

380:55-13-7. Inclement weather conditions

All park owners, amusement ride owners, and ride operators during time of inclement weather resulting in high winds, lightning, and/or any other condition that would render a park or ride unsafe shall be required to close the park and/or the ride until weather conditions are safe.

380:55-13-8. Wood components

Footings, splices, uprights, track timbers, ledges, sills, laps, bracing, flooring and all other wood components of rides, devices and structures shall be inspected for deterioration, breaks, or fractures. Emphasis shall be given to insuring tight nails, bolts, lag bolts and other fasteners. A minimum of eighteen (18) inches of soil, with respect to grade, may be removed around piling or wood members embedded in dirt for support to check deterioration. When wood piling requires replacement, ground level concrete piers shall be used. Wood members found to be defective shall be replaced with material of equal strength and capacity.

380:55-13-9. Shut down

Owners and Managers shall authorize ride operators to shut down rides or parts thereof, when the operator determines continued operation of the ride is hazardous. Operators shall also be authorized to refuse loading of passengers who are restricted by 380:55-9-3 (f).

380:55-13-10. Maintenance

- (a) The owner or operator shall perform periodic service and routine maintenance, as required, or recommended by the manufacturer. Where no manufacturer exists the owner or operator shall perform service and maintenance in an ethical, professional, and workmanlike manner. Persons performing regularly scheduled maintenance shall be trained in the safe maintenance of the ride. The minimum requirement for training shall be that contained in the most current edition of the American Society for Testing of Materials (ASTM) standards, entitled "Standard Practice for Maintenance Procedures for Amusement Rides and Devices".
- (b) 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 annual 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. [40 O.S. 460.2]

380:55-13-11. Operators [REVOKED]

380:55-13-12. Bungee Jumping

- (a) Bungee jumping is defined as the practice whereby an individual jumps from a stationary object tethered to such object with an elastic cord.
- (b) Bungee jumping from mobile platforms and cranes and hot air balloons is prohibited in Oklahoma.

SUBCHAPTER 14. SAFETY-RELATED RESPONSIBILITIES

380:55-14-1. Required signage - amusement ride owners

- (a) An amusement ride owner shall display signs indicating the applicable safety responsibilities of riders as set forth in 380:55-14-2 and the location of stations to report injuries. The signs must be located at:
 - (1) each station for reporting an injury,
 - (2) each first aid station, and
 - (3) at each premises entrance and exit.

- (b) An amusement ride owner shall post a sign at each amusement ride that includes:
 - (1) operational instruction, if any,
 - (2) safety guidelines for rider, if any,
 - (3) restrictions of the use of the amusement ride, if any,
 - (4) behavior or activities that are prohibited, if any, and
 - (5) 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 and imprisonment."
- (c) 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.
- (d) As used in this rule, "sign" means any symbol or language reasonably calculated to communicate information to a rider or the parent or guardian of a rider, including placards, prerecorded messages, live public address, stickers, pictures, video, verbal information, and visual signals. [40 O.S. 460.3]

380:55-14-2. Rider responsibility

A rider shall:

- (1) 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:
 - (A) the safety rules are contrary to law or rules, or
 - (B) the oral instructions are contrary to law or rules or the safety rules, and
- (2) refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:
 - (A) exceeding the limits of ability of the rider,
 - (B) interfering with safe operation of the amusement ride,
 - (C) not engaging any safety devices that are provided,
 - (D) disconnecting or disabling a safety device except at the express instruction of the ride operator,
 - (E) altering or enhancing the intended speed, course, or direction of an amusement ride,
 - (F) using the controls of an amusement ride designed solely to operated by the ride operator,
 - (G) extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator,
 - (H) throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator,

- (I) 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,
 - (J) 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.
- (3) 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
- (4) 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. [40 O.S. 460.4]

SUBCHAPTER 15. WAIVER SELF-INSPECTIONS

380:55-15-1. Applicability

Waiver self-inspections are only applicable to shows who operate in Oklahoma for more than 5 (five) sites/locations within the calendar year.

380:55-15-2. Waiver requirements

Waiver self-inspection requirements are as follows:

- (1) Owners/ Operators must retain, on each site, manufacturers' ride manuals with all bulletins and changes updated and Department of Labor approved ride inspection checklists. The ride manuals and ride inspection checklists shall be under control of the waiver inspector. Current copies of the ride inspection checklists shall be provided to the Department of Labor to be retained on file. Owners/Operators must also retain, on each site, a current copy of the Oklahoma Amusement Ride Safety Act.
- (2) For homemade or out-of-production rides, the owner/operator shall develop an inspection checklist, to be approved by the Department of Labor. The inspection checklist shall be retained on site, under the control of the waiver inspector. Current copies of the ride inspection checklist shall be provided to the Department of Labor to be retained on file.
- (3) The ride owner/operator shall cause the initial pre-opening inspections of all amusement rides at each site, including the generator(s), electrical systems, and general midway safety by the approved waiver inspector. The waiver inspector shall be responsible for inspecting all rides on the midway including booked in rides. Inspection documents shall be provided by the owner/operator. The waiver inspector shall also monitor that all rides are being operated in a safe manner on a daily basis. In the event of an unforeseeable emergency or illness, the approved waiver inspector may appoint a substitute waiver inspector who must be approved by the Commissioner of Labor or the Commissioner's designee prior to the inspection.
- (4) The ride owner/operator shall cause the daily pre-opening inspection of each ride, by the operator. Inspection documents shall be maintained by the owner/operator.
- (5) The waiver inspector shall review the operator's daily pre-opening inspection documents on a daily basis. The waiver inspector shall supervise the operators performing daily pre-opening inspections.
- (6) Waiver inspection reports shall be maintained at each site and held for the remainder of the current operating season or calendar year. They shall then be maintained at winter quarters location for not less than 3 (three) years. The Department of Labor may request copies of waiver inspection reports at no charge.
- (7) Waiver self-inspections shall not apply to the Oklahoma State Fair, the Tulsa State Fair, and any midway sites with over 25 (twenty-five) rides.

- (8) The Department of Labor (Safety Standards Division) shall be informed of all show dates and locations within Oklahoma. The Department will also be provided a complete list of all rides owned/operated. The list will include ride name, manufacturer, serial number, and Oklahoma registration number, where possible.
- (9) Waiver requests will be granted on an annual basis.
- (10) Department of Labor inspectors may spot check rides and self-inspection documentation at any time, without prior notification, at no charge.
- (11) If the approved waiver inspector is not the actual ride/show owner, he must have on file with the Department of Labor a formal letter from the ride/show owner that said waiver inspector is empowered to order cessation of ride operation due to unsafe conditions (mechanical or operational) to include booked in rides.
- (12) Non-compliance with waiver requirements, or public safety violations found at the time of the spot checks may result in any or all of the following:
 - (A) Shut down of the ride(s).
 - (B) Department of Labor inspection(s) at next set-up(s).
 - (C) Formal Department of Labor hearing regarding the cancellation of the waiver request for the remainder of the Oklahoma operating season or a period to be determined by the hearing officer.

380:55-15-3. Waiver self-inspection frequency

Waiver self-inspection frequency is determined as follows:

- (1) Non-complex portable rides intended for less than 12 (twelve) patrons and requiring less than 1 (one) man-hour setup time, shall receive a Department of Labor inspection 3 (three) times per operating season or approximately every 60 (sixty) days whichever is more frequent.
- (2) Non-complex portable ride waiver self-inspections are exempt from NAARSO inspector certification requirements.
- (3) All other portable rides shall be Department of Labor inspected at approximately one-third of the locations in Oklahoma. The dates of state inspections are at the total discretion of the Department of Labor.

380:55-15-4. Required Department of Labor inspections

The Department of Labor will conduct ride inspections for the following:

- (1) At the first set-up of the season for portable rides for inspection and registration.

- (2) Any newly designed ride or any ride not familiar to the Department of Labor may require additional inspections after the initial registration and inspection.
- (3) After any modifications or alterations to the ride.
- (4) When the ride manufacturer or other nationally recognized organization(s) issue safety bulletins or recommend safety checks.
- (5) Rides may require additional inspections after reportable accidents.
- (6) Rides may require additional inspections when the Department of Labor is notified of an accident within another jurisdiction.

380:55-15-5. Inspector qualifications

Inspector qualifications are as follows:

- (1) Political Subdivision Inspector
 - (A) Must be employed by city, county, or other recognized governmental entity.
 - (B) Must be empowered to order and enforce cessation of ride operation due to unsafe condition.
 - (C) Must be National Association of Amusement Ride Safety Officials (NAARSO) certified inspector level I (basic).
 - (D) Must pass a written examination covering Oklahoma amusement ride laws.
- (2) Insurance Inspector
 - (A) Must be employed or contracted by an amusement liability insurance carrier listed with the Insurance Commission to do business in Oklahoma.
 - (B) Must be empowered to revoke insurance coverage on rides and attractions because of safety violations and immediately notify the Department of Labor of revocation and noted safety hazards.
 - (C) Must transmit legible copies of inspection reports to the Department of Labor within 7 (seven) calendar days.
 - (D) Must be NAARSO certified inspector Level I (basic); and Level II (advanced) after March 1, 1995.
- (3) Department of Labor Inspector
 - (A) Must be employed by the Oklahoma Department of Labor.
 - (B) Must meet the job qualification as listed by the Office of Personnel Management.
 - (C) Must pass a written examination covering Oklahoma amusement ride laws.
- (4) Waiver Inspector
 - (A) Must be a full time employee of the amusement ride owner/operator or the owner/operator themselves.

- (B) Must be empowered to order cessation of ride operation due to unsafe conditions (mechanical and operational).
 - (C) Must be NAARSO certified inspector Level I (basic), after March 1, 1995.
 - (D) Must pass a written examination covering Oklahoma amusement ride laws.
- (5) All inspectors shall be at least 21 (twenty-one) years of age and be issued a certificate of competency by the Department of Labor attesting that they meet the minimum qualifications.

380:55-15-6. Oklahoma law inspectors examination

- (a) The Oklahoma law inspectors examination will consist of 25 (twenty-five) multiple choice questions covering the Oklahoma amusement ride law and rules. The examination will be the open book type. A passing score will be 90% (ninety percent) correct or better.
- (b) The examination may be administered in the Oklahoma City or Tulsa offices, by Department of Labor field inspector, or transmitted by FAX or mail to the examiner.
- (c) Upon achieving a passing score on the Oklahoma law examination, proof of NAARSO certification, and proof of empowerment, the inspector will be issued a certificate of competency.