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H.B. 189
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Bill Analysis

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Primary Sponsors: Reps. Patterson and Blessing

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Summary

Amusement ride safety

Safety inspection standards

- Requires the Director of Agriculture to adopt rules regarding the existing amusement ride classification system to provide for the identification of those rides that need more comprehensive inspection.
- Requires the Director to adopt rules establishing requirements governing the minimum number of inspectors assigned to inspect an amusement ride and the minimum number of inspections to be conducted on each ride.
- Requires the Director to adopt, by reference, certain chapters of the American Society for Testing and Materials (ASTM) and any other equivalent national standards regarding amusement ride safety.

Inspector qualifications

- Requires the Director, when employing a new Chief Inspector or additional inspectors, to give preference to individuals who hold or intend to hold (within a year of being hired) a level one or higher inspector certification from certain national organizations.

Amusement ride owner duties

Manuals

- Requires an amusement ride owner to keep a manual for each of the owner's amusement rides, if a manual exists and is obtainable, and to make the manual available to an inspector upon request.

Maintenance, repair, and inspection records for every amusement ride

- Requires an amusement ride owner to take photographs of major ride repairs, prepare a written description of each major repair, and include the photographs and the description in the repair record.
- Authorizes an inspector to request a repair record at any time and requires the owner to make the record available upon the request.

Temporary amusement rides

- Requires a temporary amusement ride owner to submit to the Department of Agriculture a list of locations and dates where the temporary ride was either stored for a period longer than 30 days or operated outside of Ohio.
- Authorizes the Department to require additional inspections based on a review of the list.
- Requires the Director to adopt rules establishing timetables and procedures for providing and updating the list.

Written order to replace or repair an amusement ride

- Requires an amusement ride owner to respond in writing to a written repair order from an inspector, within the time specified in the order, indicating that the required repairs have been made.
- Requires the Director to determine whether the amusement ride or component or components of the ride may continue to operate if the repairs have not been completed within the time specified in the order.

Amusement ride safety communications

- Requires certain persons or entities that receive any communication addressing safety issues pertaining to an amusement ride to forward the communication to the Chief Inspector and the Director.
- Requires the Chief Inspector to reinspect an amusement ride after receiving the communication addressing safety issues if the Chief Inspector determines that reinspection is necessary.

Other provisions

- Adds a registered professional engineer to the Advisory Council on Amusement Ride Safety.
- Declares an emergency.
- Names the bill “Tyler’s Law.”

Detailed Analysis

Amusement ride safety

Safety inspection standards

The bill expands the Director of Agriculture's rulemaking authority regarding amusement ride safety. Specifically, the Director must do all of the following when adopting rules regarding amusement ride safety:

1. Alter the existing amusement ride classification system so that those rides that need more comprehensive inspection and testing in addition to regular state inspections are identified. The new protocols for ride classification must take into account hidden components integral to the safety of the ride;
2. Require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides;
3. Specify the minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid; and
4. Adopt by reference, certain chapters of the American Society for Testing and Materials (ASTM) regarding amusement ride safety standards and any other equivalent national standard.¹ (Current law authorizes, but does not require, the Director to adopt the ASTM standards by reference in whole or part.)²

Inspector qualifications

The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to the following:

1. An individual holding a level one or higher inspector certification from either the National Association of Amusement Ride Safety Officials (NAARSO), the Amusement Industry Manufacturers and Suppliers (AIMS) International, or another substantially equivalent organization as determined by the Director; and
2. An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the Director.³

¹ R.C. 1711.53(B)(2)(c), which requires the adoption of ASTM F1193-18, ASTM F770-18, and ASTM F2291-18 (the 2018 ASTM chapters governing amusement ride safety).

² R.C. 1711.53(A)(2).

³ R.C. 1711.53(D)(1); see <http://www.naarso.com/CERTIFICATION.html> and <http://www.aimsintl.org/pdfs/aimscertificationprogram.pdf>.

The bill retains current law's requirement that the Director must employ and provide for training of a Chief Inspector and additional inspectors and employees as may be necessary to administer and enforce the laws governing amusement ride safety. Current law also allows the Director to appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet the qualifications for inspectors established by rules and those persons are not owners, or employees of owners, of any amusement ride subject to inspection.⁴

Amusement ride owner duties

Manuals

The bill requires an amusement ride owner to keep a manual, either in electronic or written form, for each amusement ride that is inspected in Ohio, if a manual exists and is obtainable. The owner must make each manual available upon request of the Chief Inspector or any additional inspector who is employed by the Department of Agriculture.⁵

Maintenance, repair, and inspection records for every amusement ride

Current law requires an amusement ride owner to maintain a current maintenance, repair, and inspection record ("record") for each amusement ride in accordance with rules established by the Director. Under current law, if an amusement ride owner fails to keep a record or fails to make records available to the Department or to any amusement ride inspector, the Director may fine the owner up to \$500 for the first violation, up to \$2,500 for the second violation, and up to \$5,000 for each subsequent violation that occurs within two years of the second violation or preceding subsequent violation.⁶

The bill requires an amusement ride owner to take photographs of the ride subject to any major repair (meaning a repair that is outside of the normal maintenance conducted on an amusement ride) prior to and after each major repair. The owner must include the photographs in the record that the owner is currently required to maintain. The owner also must prepare a detailed written description of each major repair and include those descriptions in the record. The bill also adds that the Department or any inspector employed by the Department may request an owner's record at any time. Upon request, the owner must make the record available to the Department or inspector. If the owner fails to comply with the bill's new requirements or fails to make the repair record available upon request, the owner may be fined in accordance with the existing fine schedule.⁷

Temporary amusement rides

The bill requires a temporary amusement ride owner to submit to the Department a list of locations and dates where the temporary ride, which is an amusement ride that is relocated

⁴ R.C. 1711.53(D)(1).

⁵ R.C. 1711.552(A) and (B).

⁶ R.C. 1711.55(A)(1); O.A.C. 901:9-1-09.

⁷ R.C. 1711.55(A).

at least once per year with or without disassembly,⁸ was either stored for a period longer than 30 days or operated outside of Ohio. After review of the list, the Department may require additional testing, inspections, and documentation to be completed prior to issuing a permit. It requires the Director to adopt rules establishing timetables and procedures for providing and updating the information on the list. The bill retains current law that requires a temporary amusement ride owner also to submit, to the Department, a tentative schedule of events at which the owner's ride will operate during the upcoming season.⁹

Written order to replace or repair an amusement ride

If an inspector employed by or under contract with the Department issues a written order to an amusement ride owner to replace or repair a component or components of the amusement ride, the owner must respond in writing to the Department within the time specified in the order indicating the action the owner is taking to address the issue. If the replacements or repairs have not been completed within the time specified in the order, the Director must determine whether the amusement ride or component or components of the ride may continue to operate.¹⁰

Amusement ride safety communications

The bill requires certain persons or entities that receive any communication regarding safety issues pertaining to an amusement ride from an amusement ride manufacturer, or other entity responsible for parts or service, to forward the communication to the Chief Inspector and to the Director. The communication must be forwarded within a reasonable time after receiving the communication. The following persons or entities, known as "reporting bodies" under the bill, are required to forward the communication to both the Chief Inspector and to the Director:

1. An amusement ride owner;
2. The Department of Agriculture;
3. The Ohio Expositions Commission;
4. A county agricultural society fair board; and
5. An independent agricultural society fair board.¹¹

After receiving the communication, the Chief Inspector must provide for a reinspection of the amusement ride if the Chief Inspector determines that reinspection is necessary.¹²

The bill also requires the Director to include, on amusement ride inspection forms prescribed by the Department, a line for the amusement ride owner to sign indicating that all

⁸ R.C. 1711.50(B), not in the bill.

⁹ R.C. 1711.55(C)(1).

¹⁰ R.C. 1711.533.

¹¹ R.C. 1711.532(A).

¹² R.C. 1711.532(B) and 1711.53(F).

relevant safety and maintenance communications from the manufacturer have been forwarded to the Director and the Chief Inspector.¹³

Other provisions

The bill requires the Director, within 30 days after the bill's effective date, to appoint a registered professional engineer to the existing Advisory Council on Amusement Ride Safety to serve as a nonvoting member. The membership term for the professional engineer is six years (both the initial term and all subsequent terms). Currently, the Council consists of 15 members, including the Director (or the Director's designee), the General Manager of the Ohio State Fair (or the General Manager's designee), two members of the general public appointed by the leaders of the General Assembly, and 11 appointees of the Governor that represent various organizations and industries.¹⁴

The Council studies any subject pertaining to amusement ride safety, including administrative, engineering, and technical subjects, and makes findings and recommendations to the Director. In addition, prior to the Director adopting any rules pertaining to amusement ride safety, the Council must study the proposed rules, advise the Director, and make findings and recommendations to the Director.¹⁵

The bill is named "Tyler's Law."¹⁶ It also is declared to be an emergency and not subject to the referendum. Thus, upon enactment, it goes into immediate effect.¹⁷

History

Action	Date
Introduced	04-09-19
Reported, H. Transportation and Public Safety	06-05-19
Passed House (88-6)	06-05-19

H0189-PH-133/ec

¹³ R.C. 1711.532(C).

¹⁴ R.C. 1711.51.

¹⁵ R.C. 1711.52, not in the bill.

¹⁶ Section 3.

¹⁷ Section 4.