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Final Analysis

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UPDATED VERSION*

SUMMARY

Amusement ride safety

Safety inspection standards

- Requires the Director of Agriculture to adopt rules that do both of the following:
 - Alter the amusement ride classification system to identify those rides that need more comprehensive inspection; and
 - Establish 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, when adopting rules, to adopt, by reference, relevant 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.

* This version reflects Revised Code number changes by the LSC Director under R.C. 101.131. (See <https://www.legislature.ohio.gov/download?key=13077&format=pdf>.)

Amusement ride owner duties

Manuals and records

- Generally requires an amusement ride owner to keep a manual for each of the owner's amusement rides and to make the manual available to an inspector when requested.
- 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.

Temporary amusement rides

- Requires a temporary amusement ride owner to submit to the Department of Agriculture (ODA) a list of locations and dates that the temporary ride was either stored for a period longer than 30 days or operated outside Ohio.
- Authorizes ODA 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 a 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 components of the ride may continue to operate if the repairs have not been completed within the time specified in the order.

Safety communications

- Requires certain persons or entities that receive information regarding safety issues pertaining to an amusement ride to forward the information to ODA's Chief Inspector and the Director.
- Requires the Chief Inspector to reinspect an amusement ride after receiving the information if the Chief Inspector determines that reinspection is necessary.

Other provisions

- Adds a registered professional engineer to the Advisory Council on Amusement Ride Safety as a nonvoting member.
- Names the act "Tyler's Law."

DETAILED ANALYSIS

Amusement ride safety

Safety inspection standards

The act 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

1. Alter the 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 ride's safety.
2. Require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the rides' number, size, complexity, and nature;
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 permit for the ride is valid; and
4. Adopt by reference, relevant chapters of the American Society for Testing and Materials (ASTM) regarding amusement ride safety standards and any other equivalent national standard.² (Prior law authorized, but did not require, the Director to adopt the ASTM standards by reference in whole or part.)

Inspector qualifications

The act 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.³

The act retains continuing law's requirement that the Director must employ and provide for training a Chief Inspector and additional inspectors and employees as necessary to administer

¹ R.C. 1711.53(B).

² 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).

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

and enforce the laws governing amusement ride safety. Continuing law also allows the Director to appoint or contract with other persons to perform inspections of amusement rides, provided that they meet the qualifications for inspectors established in rules and they are not owners, or employees of owners, of any amusement ride subject to inspection.⁴

Amusement ride owner duties

Manuals

The act requires an amusement ride owner to keep a manual, either in electronic or written form, for each of the owner's amusement rides that are subject to inspection, if a manual exists and is obtainable. The owner must make each manual available when requested by the Chief Inspector or any additional inspector who is employed by the Department of Agriculture (ODA).⁵

Maintenance, repair, and inspection records

Continuing law requires an amusement ride owner to maintain an up-to-date maintenance, repair, and inspection record for each amusement ride in accordance with rules established by the Director. If an owner fails to keep a record or fails to make records available to ODA, the Director may fine the owner. The fine ranges from up to \$500 to \$5,000 depending on the number of prior violations.⁶

The act 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 required to maintain. The owner also must prepare a detailed written description of each major repair and include those descriptions in the record. If the owner fails to comply with the act's new requirements, the owner may be fined in accordance with the existing fine schedule.⁷

Temporary amusement rides

The act requires a temporary amusement ride owner to submit to ODA a list of locations and dates that the temporary ride was either stored for a period longer than 30 days or operated outside of Ohio. A temporary amusement ride is a ride that is relocated at least once per year, with or without disassembly.⁸ After reviewing the list, ODA may require additional testing, inspections, and documentation to be completed prior to issuing a permit. The Director must adopt rules establishing timetables and procedures for providing and updating the information

⁴ R.C. 1711.53(D)(1).

⁵ R.C. 1711.552(A) and (B).

⁶ R.C. 1711.55(A)(1); Ohio Administrative Code 901:9-1-09.

⁷ R.C. 1711.55(A).

⁸ R.C. 1711.50(B), not in the act.

on the list. Continuing law also requires a temporary amusement ride owner to submit to ODA 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 issues a written order to an amusement ride owner to replace or repair a component of an amusement ride, the owner must respond in writing to ODA within the time specified in the order. Along with the response, the owner must indicate the actions being taken 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 may continue to operate.¹⁰

Amusement ride safety communications

The act requires certain persons and entities (designated as "reporting bodies" under the act) to forward safety-related information received from an amusement ride manufacturer, or other entity responsible for parts or service, to the Chief Inspector and the Director. A reporting body must forward the information within a reasonable time after receiving it. The following persons and entities are reporting bodies under the act:

1. An amusement ride owner;
2. ODA;
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 act also requires the Director to include, on amusement ride inspection forms prescribed by ODA, a line for the amusement ride owner to sign indicating that all relevant safety and maintenance communications from the manufacturer have been forwarded to the Director and the Chief Inspector.¹³

Advisory Council

The act requires the Director, by December 6, 2019, 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

⁹ R.C. 1711.55(C)(1).

¹⁰ R.C. 1711.534.

¹¹ R.C. 1711.533(A).

¹² R.C. 1711.533(B) and 1711.53(F).

¹³ R.C. 1711.533(D).

and all subsequent terms). The act retains the other 15 members of the Council, 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

“Tyler’s Law”

The act is named “Tyler’s Law.”¹⁶

HISTORY

Action	Date
Introduced	04-09-19
Reported, H. Transportation & Public Safety	06-05-19
Passed House (88-6)	06-05-19
Reported, S. Agriculture & Natural Resources	10-22-19
Passed Senate (30-0)	10-23-19

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¹⁴ R.C. 1711.51.

¹⁵ R.C. 1711.52, not in the act.

¹⁶ Section 3.