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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 189
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 189's Bill Analysis](#)

Version: As Enacted

Primary Sponsors: Reps. Patterson and Blessing

Local Impact Statement Procedure Required: No

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Highlights

- The Division of Amusement Ride Safety and Fairs within the Department of Agriculture will incur administrative costs to adopt and implement the additional rules required by the bill. This would include determining rides that need more comprehensive inspection, the minimum number of inspectors assigned to inspect a ride, and the minimum number of inspections to be conducted on each ride.
- Expenses resulting from the bill are provided for in H.B. 166 of the 133rd General Assembly, the main operating budget act, which increased funding for the Division by (1) increasing the fee for amusement ride permits to provide additional revenue to the Amusement Ride Inspection Fund (Fund 5780), and (2) appropriating \$400,000 in both FY 2020 and FY 2021 under new GRF line item 700511, Ride Inspection.
- The bill may also result in additional fine revenue collected by the Department if an amusement ride operator violates any of the bill's provisions. Fines are up to \$500 for the first violation, up to \$2,500 for the second violation, and up to \$5,000 for each subsequent violation. Fine revenues are deposited into Fund 5780.

Detailed Analysis

Amusement ride safety

The Division of Amusement Ride Safety and Fairs within the Department of Agriculture will incur administrative costs to adopt and implement the additional rules regarding amusement ride safety required under the bill. The Department will hire an additional two inspectors to help handle these duties. These and other costs resulting from the bill will be paid from the Amusement Ride Inspection Fund (Fund 5780) and the GRF, as both funds are used to pay for Division operations in the FY 2020-FY 2021 biennium. For detail on appropriations to the Division under H.B. 166, the main operating budget act, see the final section below.

Rules that must be adopted under the bill pertain to (1) identifying rides that need more comprehensive inspection based on the existing amusement ride classification system, and (2) the minimum number of inspectors assigned to inspect an amusement ride and the minimum number of inspections to be conducted on each ride. In addition to adopting rules, the bill also requires a temporary amusement ride owner to submit a list of locations and dates where the temporary ride was either stored for a period longer than 30 days or operated outside of the state. The bill authorizes the Department to require additional inspections after reviewing this list. Overall, in CY 2018, the Department inspected over 2,500 temporary rides.

Fines

The bill may also result in additional fine revenue deposited into Fund 5780. 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 owner may be fined 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. The bill adds that an owner may be fined in accordance with this existing fine schedule if the amusement ride owner violates any of the bill's provisions pertaining to maintenance and repair. These provisions include requiring the owner to (1) take photographs of the ride subject to any repair prior to and after each repair and include the photographs in the record the amusement ride owner is required to maintain, and (2) prepare a detailed written description of each repair and include those descriptions in the record.

Advisory Council on Amusement Ride Safety

Lastly, the bill requires the Director of Agriculture to appoint a registered professional engineer to the existing Advisory Council on Amusement Ride Safety to serve as a nonvoting member. Members of the Council are reimbursed under Fund 5780 for actual and necessary expenses incurred in attending Council meetings and in the performance of their official duties.

H.B. 166 funding for the Division of Amusement Ride Safety and Fairs

There are eight full-time and three part-time employees who cover ongoing duties of the Division. Increased appropriations in H.B. 166 of the 133rd General Assembly, the FY 2020-FY 2021 main operating budget act, will allow the Division to hire two additional inspectors in the biennium to support the duties involved with the adoption and implementation of the new rules required under H.B. 189.

H.B. 166 provided total FY 2020 appropriations for the Division of approximately \$2.2 million, an increase of over \$758,000 (51.6%) compared to FY 2019 expenditures of approximately \$1.5 million. To pay for the additional appropriations, H.B. 166 both (1) increased the fee for amusement ride permits by \$75, from \$150 to \$225, deposited into the Amusement Ride Inspection Fund (Fund 5780), and (2) appropriated \$400,000 in both FY 2020 and FY 2021 under new GRF line item 700511, Ride Inspection.