Oklahoma Department of Labor
Amusement Ride Safety Statutes
40 O.S. § 460, *et seq*.
Amusement Ride Safety Rules
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Leslie Osborn
Commissioner of Labor

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Amusement Ride Safety Statutes and Rules

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AMUSEMENT RIDE SAFETY STATUTES

40 O.S. § 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.

40 O.S. § 460.1 Rules for Definition of Alteration

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 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.

40 O.S. § 460.2 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 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. § 460.3 Signage

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 and 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 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. § 460.4 Use of Amusement Rides by Riders

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 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 the 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,
   (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.

40 O.S. § 461 Definitions

As used in Sections 460 through 469 of this title:

1. "Amusement ride" means a 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 includes any amusement park device that uses water as the means of transportation, including the structure of the device. 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. Amusement ride shall be divided into the following four categories:
a. "permanent amusement device" means a device which is used, or intended to be used, as an amusement device that is erected to remain a lasting part of the premises,
b. "temporary amusement device" means a device which is used as an amusement device that is regularly relocated with or without disassembly,
c. "inflatable amusement device" means an inflatable amusement device as defined in Section 472 of this title, and
d. "other amusement device" means amusement devices registered with the Department of Labor that have proof of insurance.

The Commissioner of Labor may, by administrative regulation, designate other rides and attractions that are not included in the definition of amusement ride;

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.

40 O.S. § 462 Certificate of Inspection – Inspections

A. The Commissioner of Labor shall determine the date and frequency of inspections based on the type of amusement ride. No permanent or temporary amusement device may operate without an initial inspection. On or before a date specified by the Commissioner of Labor, an operator or owner shall apply for a certificate of inspection on a form furnished by the Commissioner of Labor.

B. "Other amusement devices" as defined in Section 461 of this title shall be registered annually with the Department of Labor, and the owner or operator shall provide to the Department of Labor proof of insurance as provided under Section 467 of this title. The Commissioner of Labor may promulgate rules providing for registration of such devices.

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 the Commissioner's 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.

40 O.S. § 463 Fees – Certification of Rides – Certificate of Insurance

A. The Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the registration and inspection of amusement and other rides. The following fees shall remain in effect until such rules become effective, at which time the fees contained in this section shall be superseded by rule. Fees collected by the Department of Labor for the registration and inspection of amusement and other rides shall be deposited into the Department of Labor Revolving Fund.
   1. The annual ride registration fee shall be: $25.00
   2. The inspection fee shall be:
      a. Amusement Rides $50.00
      b. 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 certificate 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.

40 O.S. § 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.

40 O.S. § 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 confirmed 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.

40 O.S. § 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.

40 O.S. § 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 One Million Dollars ($1,000,000.00) insuring the owner or operator against liability for injury suffered by persons riding the amusement ride.

40 O.S. § 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.

40 O.S. § 469 Violations – Penalties

A. Any violation of the provisions of Sections 460 through 468 of this title shall be a misdemeanor. Conviction thereof shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00) or by 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.

B. The Commissioner of Labor may promulgate rules establishing a schedule of administrative penalties and fines for violations of Sections 460 through 468 of this title which may be in addition to or in lieu of the criminal penalties provided in this section. The promulgation of an administrative fine schedule shall grant the Commissioner authority to impose those administrative fines for any violation of Sections 460 through 468 of this title. Funds collected as payment from a violator for administrative fines imposed for a violation of Sections 463 through 468 of this title shall be deposited to the Department of Labor Administrative Penalty Revolving Fund created in Section 2 of this act.

40 O.S. § 470

There is hereby created in the State Treasury a revolving fund for the Department of Labor to be designated the "Department of Labor Administrative Penalty Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all administrative fines collected by the Department for violations of amusement ride safety pursuant to Sections 463 through 469 of Title 40 of the Oklahoma Statutes and the rules promulgated thereto. All monies accruing to the credit of the fund are hereby directed to be transferred by the Commissioner of Labor to the State Treasurer for deposit and credit to the General Revenue Fund at the end of each fiscal year.

40 O.S. § 471 Certification of Amusement Ride Operators – Rules [REVOKED]

40 O.S. § 472 Rides to be Under Control of Competent Operator – Training – Drug and Alcohol Testing – Compliance Records

A. As used in this section:

1. "ASTM Standards" means the American Society for Testing of Materials International (ASTM) standards entitled "Standard Practice for Ownership and Operation of Amusement Rides and Devices" currently designated F 770, and any amendments, supplements, replacements or substitutions therefor;
2. "Operating fact sheet" means a written description and summary of the manufacturer's recommended operating instructions and specifications and the ride operation policies, procedures, safety procedures and emergency procedures prepared in accordance with the ASTM Standards;
3. "Amusement ride operator" or "ride operator" means a person who is physically in control of the starting, stopping and performance of the amusement ride while in operation; provided however, ride operator shall not include persons fulfilling ancillary functions in connection with the amusement ride such as taking tickets or assisting passengers in loading and unloading;
4. "Amusement ride" means an amusement ride as defined in Section 461 of Title 40 of the Oklahoma Statutes; provided however, the term amusement ride shall not include inflatable amusement devices; and
5. "Inflatable amusement device" means an amusement ride or device consisting of air-filled structures designed for commercial use where the public pays a price to rent or use such a device as specified by the manufacturer, and may include, but not be limited to, bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers and rely upon air pressure to maintain their shape.

B. All amusement rides must be under the control of a competent ride operator or competent ride operators at all times when the amusement ride is in operation. The ride operator must have been issued a certificate of training pursuant to subsection F of this section evidencing that the ride operator has been trained pursuant to subsections C and D of this section within one (1) year from the time of his or her operation of the amusement ride or rides in question. Each such ride operator must wear a name tag identifying the ride

operator by name and identifying the fact that such person is a trained ride operator.

C. Each owner/operator shall provide or cause to be provided training for each ride operator in the safe operation of the amusement ride being operated. The minimum requirement for training shall be that specified in the then most current ASTM Standard. Such training shall include, but not be limited to, the following, where applicable:
   1. Instruction on ride or device operating procedures pursuant to the operating fact sheet and any manufacturer's operating manual, supplements, alerts and bulletins applicable to the amusement ride;
   2. Instructions on specific duties of the assigned position;
   3. Instructions on general safety procedures;
   4. Instructions on emergency procedures; and
   5. Demonstration of the physical ride or device operation.

D. Each owner/operator shall ensure that each ride operator on a ride-specific basis has:
   1. Read and understood the operating fact sheet and has satisfactorily demonstrated with on-the-job training and testing that such ride operator is competent and understands the operating fact sheet;
   2. Demonstrated how to do pre-startup operational ride checks and daily maintenance inspection;
   3. Demonstrated understanding emergency procedures relating to the amusement ride in question and has knowledge of use and function of normal and emergency operating controls; and
   4. Demonstrated the physical operation of the amusement ride in question in a safe and satisfactory manner.

E. Each owner/operator shall maintain written records evidencing the compliance with subsections C and D of this section with respect to each ride operator and each amusement ride for which such operator has been trained. These written records shall be maintained on the premises where the amusement ride or amusement rides are being operated and made available upon reasonable request by Department of Labor amusement ride inspectors.

F. In addition to the written records required pursuant to subsection E of this section, the owner/operator shall:
   1. Provide to each ride operator trained pursuant to subsections C and D of this section a written certificate stating that the holder of this certificate has been trained in accordance with the requirements of this section. This certificate shall be dated the date on which the training and demonstration of these skills were completed. The certificate may include additional amusement rides as to which such ride operator has been

trained, provided that the separate date and location of such training is specified. Each certificate will indicate the applicant's name, address, date of birth and each of the amusement rides such operator is approved to operate and the signatures of the owner/operator representative and the ride operator; and

2. Maintain the originals or duplicates of the above certificate on the premises and available for inspection by Department of Labor amusement ride inspectors.

G. The Commissioner of Labor may, where there is reasonable grounds to believe that a ride operator is operating an amusement ride while under the influence of drugs or alcohol, require such ride operator to submit for voluntary drug and alcohol testing by a competent, qualified facility and pursuant to standards and procedures consistent with operating a motor vehicle in this state. Failure to submit to a voluntary drug or alcohol test under such circumstance shall result in the termination of such ride operator's certification for a period of ninety (90) days. A positive test for drugs and alcohol pursuant to the foregoing shall result in a loss of such certification for a period of at least thirty (30) days and until the applicant passes a subsequent drug and alcohol test, which retest shall be at the expense of the applicant.

40 O.S. § 473 Nullification of Rules Promulgated Pursuant to 40 O.S. § 471

Any rules promulgated pursuant to Section 471 of Title 40 of the Oklahoma Statutes, repealed by Section 3 of this act, shall be null and void and shall have no effect.

ADMINISTRATIVE RULES

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.

380:55-1-3. Penalties

(a) For any violation of the Oklahoma amusement ride safety statutes or rules, the Commissioner may assess an administrative fine of not more than one thousand dollars ($1000.00) per violation, per day, which fine may be assessed in addition to any other penalty provided pursuant to this Act. All funds received as payment for administrative fines shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.

(b) Payment for the fines set forth in subsection (a) of this section shall be due within thirty (30) days of issuance of a citation by the Commissioner or designee. Any person wishing to contest any of the aforementioned fines shall, within thirty (30) days of issuance of the fine or fines, petition the Commissioner or designee, in writing, for an administrative hearing. If requested, the hearing shall then be scheduled by the Commissioner or designee as provided in the Administrative Procedures Act.

(c) Any person failing to comply with a fine assessment or other administrative order of the Department within ninety (90) days of issuance of such assessment or order shall be subject to suspension and/or revocation of all certificates of inspection issued to the person by the Department of Labor. The Department may not renew a certificate of inspection until all outstanding fine assessments have been paid unless timely appeal of the assessment(s) was made and the appeal is still pending.

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 15, 2017:
  (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, set up, and/or during operation.
  (3) An annual safety compliance audit fee may be charged, which includes a review of safety-related processes and documentation.

(b) In the event that an owner or operator's show will delay the inspection 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 rides at $100.00 per hour.

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) Permanent amusement device: a device which is used, or intended to be used, as an amusement device that is erected to remain a lasting part of the premises.
  (2) Temporary amusement device: a device which is used as an amusement device that is regularly relocated with or without disassembly.
    (A) Complex: any temporary amusement device with a setup time of one man-hour or more.
    (B) Non-complex: any temporary amusement device with a setup time of less than one man-hour.

(3) Inflatable amusement device: an amusement ride or device consisting of air-filled structures designed for commercial use where the public pays a price to rent or use such a device as specified by the manufacturer, and may include, but not be limited to, bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers and rely upon air pressure to maintain their shape.

(4) Substantial amusement device: a device which is used as an amusement device and is substantial in its size or complexity, such that an inspection of the device is complex.

(5) Water amusement device: an amusement device that uses water as a means of transport or entertainment and its height exceeds 18 feet or its structure is complex.

(6) Other amusement device: all other amusement devices not classified in paragraphs (1)-(5) of this subsection.

380:55-5-6. Fees

(a) The annual amusement ride registration fee shall be up to $100.00.

(b) The annual inflatable registration fee shall be up to $50.00.

(c) The inspection fee shall be:

(1) up to $100.00 per amusement ride, per inspection;

(2) up to $50.00 per inflatable, per inspection, when 1-20 inflatables are inspected at one time;

(3) up to $35.00 per inflatable, per inspection, when more than 20 inflatables are inspected at one time;

(4) up to $500.00 per substantial amusement device, per inspection;

(5) up to $50.00, for one seasonal safety compliance audit;

(6) up to $100.00 per water park ride, per dry inspection;

(7) up to $50.00 per water park ride, per wet inspection;

(8) up to $300.00 per other ride, per inspection;

(d) The licensing fee for third party inspectors shall be $50.00.

(e) Prior to the beginning of each calendar year, the Commissioner of Labor shall prepare a schedule of fees to be charged during the following year for the registration and inspection, by amusement ride type, of all amusement rides in this state. No fee shall exceed the maximum fee listed in this section for each amusement ride type. The fee schedule shall be posted on the Department of Labor's publicly accessible website and shall be made available at the Department of Labor's office. The schedule of fees shall be accompanied by an explanation of the Amusement Ride Safety Program's revenue and expenses for the preceding fiscal year and the Amusement Ride Safety Program's expected revenue and expenses for the upcoming fiscal

year. The schedule of fees shall be designed to generate revenues sufficient to implement and enforce the Department of Labor's Amusement Ride Safety Program but projected fiscal year revenues should not exceed projected fiscal year expenses.

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 must, at a minimum, have a current NAARSO level I certification and must provide the Department of Labor with a copy of the certification.
  (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.

(c) Insurance inspectors shall transmit legible copies of inspection reports to the Department of Labor within seven (7) calendar days after inspection.

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

The Department of Labor has developed a waiver self-inspection program for companies operating temporary amusement devices in order to decrease inspection burdens on owners and operators of temporary amusement devices. Waiver self-inspections are only applicable to owners

and/or operators who operate in Oklahoma for more than 5 (five) sites/locations within the calendar year.

380:55-15-2. Waiver requirements

(a) 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) After the initial Department of Labor inspection and waiver approval, 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 operators' 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 shall be informed of all show dates and locations within Oklahoma. The ride owner/operator must provide the Department with itinerary updates with new additions, cancellations, or other changes. 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.

(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.

(D) Issuance of an administrative penalty.

(13) Only approved Department of Labor waiver inspectors may conduct waiver inspections. The Department shall maintain a list of persons who are approved to act as a waiver inspector. No other person may act as, or perform any part of, the waiver inspection.

(b) In addition to the requirements contained in subsection (a), complex temporary amusement device waiver inspections must meet the following requirements:

(1) All complex temporary amusement devices shall have the initial inspection completed by the Department of Labor prior to final waiver approval or operation. After the Oklahoma Department of Labor completes initial inspection, the Department will conduct one mid-season inspection and an annual safety compliance

audit. The dates of state inspections are at the discretion of the Department of Labor. The designated waiver inspector for an owner/operator of complex temporary amusement devices shall be required to perform waiver self-inspections on rides that are included in the initial inspection conducted by Department of Labor.

(2) Owners may add new devices to their current waiver cycle only after they have submitted a revised ride list and have been inspected by the Department of Labor.

(3) Complex temporary amusement device waiver self-inspections are subject to NAARSO inspector certification requirements.

(c) In addition to the requirements contained in subsection (a), non-complex temporary amusement device waiver inspections must meet the following requirements:

(1) Non-complex temporary amusement devices shall have the initial inspection completed by the Department of Labor prior to final waiver approval or operation. After the Department of Labor completes the initial inspection, rides requiring less than one (1) man-hour setup time shall receive one Department of Labor mid-season inspection and a Department of Labor annual safety compliance audit.

(2) Owners may add new devices to their current waiver cycle only after they have submitted a revised ride list and have been inspected by the Department of Labor.

(3) Non-complex temporary amusement device self-inspections are exempt from NAARSO inspector certification requirements and may be inspected by the business owner designee who must maintain all inspection records and make said records available to the Department of Labor.

(d) Inflatable amusement devices must meet the following requirements:

(1) At the beginning of each year, and any time an owner or operator of inflatable amusement devices adds a new inflatable device for operation, the owner or operator shall provide an inventory to the Department of Labor and shall pay the registration fee for each inflatable. If the inflatable device is set up with temporary amusement devices or permanent amusement devices, the inspection schedule will coincide with the temporary and/or permanent amusement devices.

(2) The Department of Labor shall inspect any and all inflatable devices at least annually. The Department of Labor may inspect any and all inflatable devices at any time upon complaint, or at the request of the owner/operator or the public, or if the Commissioner of Labor determines inspection is necessary for the safety of the public.

(3) An inflatable amusement device is subject to all the other provisions regarding amusement devices included in these rules and the Oklahoma Statutes including requirements for maintaining liability insurance and reporting injuries.

380:55-15-3. Waiver self-inspection frequency [REVOKED]

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 office, by Department of Labor field inspector, or transmitted by FAX, e-mail, 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.