
SENATE BILL 5307

State of Washington

59th Legislature

2005 Regular Session

By Senators Keiser, Eide and Kohl-Welles

Read first time 01/19/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to amusement rides; amending RCW 67.42.010,
2 67.42.020, 67.42.025, 67.42.030, 67.42.040, 67.42.050, 67.42.060,
3 67.42.070, 67.42.080, 67.42.090, and 19.28.351; adding a new section to
4 chapter 67.42 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 67.42.010 and 1993 c 203 s 2 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1)(a) "Amusement apparatus" means an "amusement structure" or
11 "amusement ride," as defined in subsections (2)(a) and (3)(a) of this
12 section, but does not include any structure, device, ride, or other
13 apparatus excluded from the definition of either "amusement structure"
14 or "amusement ride" under subsection (2)(b) or (3)(b) of this section.

15 (b) An amusement apparatus may be (i) situated inside, outside, or
16 as part of a building; (ii) stationary or mobile; or (iii) temporarily
17 or permanently installed in a location.

18 (2)(a) "Amusement structure" means electrical or mechanical devices
19 or combinations of one or more structures and devices (i) operated for

1 revenue; and ~~((to provide))~~ (ii) providing amusement or entertainment
2 to ~~((viewers or audiences at carnivals, fairs, or amusement parks))~~
3 persons who climb in or upon the structure. "Amusement structure"
4 ~~((also means a bungee jumping device regardless of where located))~~
5 includes climbing walls and inflatable bounce-houses.

6 (b) "Amusement structure" does not include ~~((games in which a~~
7 ~~member of the public must perform an act, nor concessions at which~~
8 ~~customers may make purchases))~~ booths or other enclosures typically
9 found at carnivals, fairs, or amusement parks in or from which are
10 offered (i) games, such as coin-toss, ring-throw, or darts, that do not
11 involve the transportation of the participant; or (ii) concessions.

12 ~~((+2))~~ (3)(a) "Amusement ride" means any vehicle, boat, bungee
13 jumping device, or other mechanical device (i) operated for revenue;
14 (ii) moving independently or upon or within a structure, along cables
15 or rails, through the air by centrifugal force or otherwise, or across
16 water~~((,))~~; and (iii) that is used to convey one or more individuals
17 for amusement, entertainment, diversion, or recreation. "Amusement
18 ride" includes~~((, but is not limited to,))~~ devices commonly known as
19 skyrides, ferris wheels, carousels, parachute towers, tunnels of love,
20 bungee jumping devices, go carts, bumper cars, and roller coasters.

21 (b) "Amusement ride" does not include: ~~((+a))~~ (i) Conveyances for
22 persons in recreational winter sports activities such as ski lifts, ski
23 tows, j-bars, t-bars, and similar devices subject to regulation under
24 chapter ~~((70.88 RCW; (b)))~~ 79A.40 RCW; (ii) any stationary single-
25 passenger or dual passenger coin-operated ride that is manually,
26 mechanically, or electrically operated and customarily placed in a
27 public location and that does not normally require the supervision or
28 services of an operator; ~~((+e))~~ (iii) nonmechanized playground
29 equipment not operated for revenue, including but not limited to,
30 swings, seesaws, stationary spring-mounted animal features, rider-
31 propelled merry-go-rounds, climbers, slides, trampolines, and physical
32 fitness devices; or ~~((+d))~~ (iv) water slides.

33 ~~((+3))~~ (4) "Department" means the department of labor and
34 industries.

35 ~~((+4))~~ (5) "Insurance policy" means an insurance policy written by
36 an insurer authorized to do business in this state under Title 48 RCW.

1 **Sec. 2.** RCW 67.42.020 and 1993 c 203 s 3 are each amended to read
2 as follows:

3 ~~((Before))~~ Except as provided under section 3 of this act, when
4 operating, renting, or leasing any amusement ~~((ride or structure))~~
5 apparatus, the owner or operator of the apparatus shall:

6 (1) ~~((Obtain a permit))~~ Possess a valid amusement apparatus
7 operating decal issued pursuant to RCW 67.42.030;

8 (2) ~~((Have the amusement ride or structure inspected for safety at~~
9 ~~least once annually by an insurer, a person with whom the insurer has~~
10 ~~contracted, or a person who meets the qualifications set by the~~
11 ~~department and obtain from the insurer or person a written certificate~~
12 ~~that the inspection has been made and that the amusement ride or~~
13 ~~structure meets the standards for coverage and is covered by the~~
14 ~~insurer as required by subsection (3) of this section. A bungee~~
15 ~~jumping device, including, but not limited to, the crane, tower,~~
16 ~~balloon or bridge, person lift basket, platforms, bungee cords, end~~
17 ~~attachments, anchors, carabiners or locking devices, harnesses, landing~~
18 ~~devices, and additional ride operation hardware shall be inspected for~~
19 ~~safety prior to beginning operation and annually by an insurer, a~~
20 ~~person with whom the insurer has contracted, or a person authorized by~~
21 ~~the department to inspect bungee jumping devices. The operator of the~~
22 ~~bungee jumping device shall obtain a written certificate which states~~
23 ~~that the required inspection has been made and the bungee jumping~~
24 ~~device meets the standards for coverage and is covered by the insurer~~
25 ~~as required by subsection (3) of this section;~~

26 ~~(3))~~ Have and keep in effect an insurance policy in an amount not
27 less than one million dollars per occurrence insuring: (a) The owner
28 or operator; and (b) any municipality or county on whose property the
29 amusement ~~((ride or structure stands))~~ apparatus is located, or any
30 municipality or county which has contracted with the owner or operator
31 against liability for injury to persons arising out of the use of the
32 amusement ~~((ride or structure))~~ apparatus;

33 ~~((4) File with the department the inspection certificate and~~
34 ~~insurance policy required by this section; and~~

35 ~~(5))~~ (3) File with each sponsor, lessor, landowner, or other
36 person responsible for an amusement ~~((structure or ride))~~ apparatus
37 being offered for use by the public a certificate stating that the

1 insurance required by subsection ~~((+3+))~~ (2) of this section is in
2 effect.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 67.42 RCW
4 to read as follows:

5 Nothing in this chapter shall require that an amusement apparatus
6 operating decal be obtained by:

7 (1) A person operating or otherwise making an amusement apparatus
8 available without charge to the person's family or invitees at his or
9 her place of residence, but only if (i) the person operating the
10 apparatus owns the residence; or (ii) the owner of the residence has
11 authorized the use of the apparatus; or

12 (2) A person, firm, partnership, corporation, or other entity
13 operating an amusement apparatus when the apparatus is part of an act
14 or stage performance to entertain an audience, and access to the
15 apparatus by the general public is prohibited.

16 **Sec. 4.** RCW 67.42.025 and 1986 c 86 s 2 are each amended to read
17 as follows:

18 (1) An amusement ~~((ride))~~ apparatus that has been inspected in any
19 state, territory, or possession of the United States that, in the
20 discretion of the department, has a level of regulation comparable to
21 this chapter, shall be deemed to meet the inspection requirement of
22 this chapter.

23 (2) An amusement ~~((ride))~~ apparatus inspector who is authorized to
24 inspect amusement ~~((rides))~~ apparatus in any state, territory, or
25 possession of the United States, who, in the discretion of the
26 department, has a level of qualifications comparable to those required
27 under this chapter, shall be deemed qualified to inspect amusement
28 ~~((rides))~~ apparatus under this chapter.

29 **Sec. 5.** RCW 67.42.030 and 1985 c 262 s 3 are each amended to read
30 as follows:

31 ~~((Application for an operating permit to operate an amusement
32 ride or structure shall be made on an annual basis by the owner or
33 operator of the amusement ride or structure. The))~~ An application for
34 an amusement apparatus operating decal shall be made on forms or in a

1 manner prescribed by the department and shall include the application
2 fee required by rule and the certificates of insurance and inspection
3 required by RCW 67.42.020(2) and 67.42.030(2).

4 (2) An applicant for an amusement apparatus operating decal shall
5 identify the apparatus for which a decal is being applied and:

6 (a) Certify that all of the components of the apparatus have been
7 inspected for safety (i) after the date of any invalidating event
8 identified in RCW 67.42.040(2) (a) through (d); and (ii) no more than
9 ninety days before the date of the application; and

10 (b) Submit an original or certified copy of a statement from (i)
11 the applicant's insurer; (ii) a qualified inspector retained by the
12 applicant's insurer; or (iii) a person meeting the qualifications for
13 an amusement apparatus inspector as established by the department by
14 rule, verifying the date of the inspection and that the apparatus meets
15 or exceeds the safety standards applicable to the apparatus as adopted
16 by the department under this chapter.

17 (3) If the requirements of this section are met, the department
18 shall issue ((a)) an amusement apparatus operating decal with each
19 permit to the applicant.

20 (4) When the amusement apparatus identified in the application is
21 operated, rented, leased, or otherwise made available to the public,
22 the decal shall be ((affixed on or adjacent to the control panel of the
23 amusement ride or structure)) displayed in a location visible to the
24 patrons of the ((ride or structure)) apparatus.

25 **Sec. 6.** RCW 67.42.040 and 1993 c 203 s 4 are each amended to read
26 as follows:

27 (1) Except as provided in subsection (2) of this section or unless
28 a shorter period is specified by the department, permits issued under
29 RCW 67.42.030 ((are)) is valid for ((a one-year period)) one year from
30 the date of issuance, and is not transferrable.

31 (2) ((If an amusement ride or structure)) An amusement apparatus
32 operating decal becomes invalid immediately when the insurance policy
33 required by RCW 67.42.020(2) is canceled; or when the amusement
34 apparatus for which the decal has been issued:

35 (a) Is materially rebuilt or materially modified so as to change
36 the original action of the amusement ((ride or structure, the amusement

1 ~~ride or structure shall be subject to a new inspection under RCW~~
2 ~~67.42.020 and the owner or operator shall apply for a new permit under~~
3 ~~RCW 67.42.030.~~

4 ~~(3) If an amusement ride or structure for which a permit has been~~
5 ~~issued pursuant to RCW 67.42.030))~~;

6 (b) Is a bungee jumping device or a permanently installed amusement
7 apparatus and the device or apparatus is moved and installed in another
8 ~~((place but is not materially rebuilt or materially modified so as to~~
9 ~~change the original action of the amusement ride or structure, no new~~
10 ~~permit is required prior to the expiration of the permit.~~

11 ~~(4))~~ location;

12 (c) Is a bungee jumping device ((or a)) and any part of ((a)) the
13 device, including, but not limited to, the crane, tower, platforms,
14 bungee cords, end attachments, carabiners or locking devices,
15 harnesses, person lift basket, mobile crane, balloon or balloon basket,
16 anchor or anchor attachment structure, or landing device, ((that is
17 ~~replaced shall be reinspected by an insurer, a person with whom the~~
18 ~~insurer has contracted, or by a person authorized by the department to~~
19 ~~inspect bungee jumping devices, and the owner or operator of the device~~
20 ~~shall apply for a new permit under RCW 67.42.030.~~

21 ~~(5) A bungee jumping operator shall have any bungee jumping device~~
22 ~~or structure that is moved and installed in another location~~
23 ~~reinspected by an insurer, a person with whom the insurer has~~
24 ~~contracted, or a person authorized by the department to inspect bungee~~
25 ~~jumping devices before beginning operation.~~

26 ~~(6) Any new operator who purchases an existing bungee jumping~~
27 ~~device or structure must have the bungee jumping device inspected and~~
28 ~~permitted as required under RCW 67.42.020 before beginning operation))~~
29 is repaired or replaced.

30 (d) Is a climbing wall and any personal restraining device or part
31 of a restraining device is repaired or replaced.

32 (e) Is sold, or ownership of the apparatus is otherwise transferred
33 to a new owner.

34 **Sec. 7.** RCW 67.42.050 and 1985 c 262 s 5 are each amended to read
35 as follows:

36 (1) The department shall adopt rules under chapter 34.05 RCW to
37 administer this chapter, including provisions relating to (a) inspector

1 qualifications and safety standards; (b) issuance of orders and
2 rulings, including demand and findings; (c) citations and penalties,
3 not to exceed ten thousand dollars per violation; and (d) any other
4 actions as may be necessary for the implementation and enforcement of
5 this chapter. Such rules may exempt amusement (~~(rides or structures)~~)
6 apparatus otherwise subject to this chapter if the amusement (~~(rides or~~
7 structures are)) apparatus is located on lands owned by (~~(the)~~) the
8 United States government or its agencies and are required to comply
9 with federal safety standards at least equal to those under this
10 chapter.

11 (2) The department may order in writing the cessation of the
12 operation of an amusement (~~(ride or structure)~~) apparatus:

13 (a) For which no valid permit is in effect (~~(or)~~);

14 (b) For which the owner or operator does not have an insurance
15 policy as required by RCW 67.42.020;

16 (c) Is found by the department to be unsafe; or

17 (d) Incident reporting is required by rule.

18 (3) All proceedings relating to (~~(permits)~~) applications,
19 citations, or orders to cease operation under this chapter shall be
20 conducted pursuant to chapter 34.05 RCW.

21 **Sec. 8.** RCW 67.42.060 and 1993 c 203 s 5 are each amended to read
22 as follows:

23 (1) The department may (~~(charge)~~) establish by rule a reasonable
24 fee (~~(not to exceed ten dollars for each permit issued)~~) to review each
25 application received under RCW 67.42.030.

26 (2) In establishing the fee for reviewing applications received
27 during the first fiscal year after the effective date of this act, the
28 department may (a) exceed the fiscal growth factor limit as provided
29 under RCW 43.135.055, but may not establish a fee exceeding (i) one
30 hundred fifty dollars for each application relating to a bungee jumping
31 device; or (ii) twenty dollars for each application relating to any
32 other amusement apparatus; and (b) provide for a reduced per apparatus
33 fee for reviewing applications submitted at the same time that relate
34 to more than five materially identical apparatus.

35 (3) Subsequent fee changes shall be subject to the fiscal growth
36 factor limit as provided under RCW 43.135.055.

1 (4) All fees, penalties, and other amounts collected by the
2 department under this chapter shall be deposited in the ~~((state~~
3 ~~general))~~ electrical license fund. ~~((This subsection does not apply to~~
4 ~~permits issued under RCW 67.42.030 to operate a bungee jumping device.~~

5 ~~(2) The department may charge a reasonable fee not to exceed one~~
6 ~~hundred dollars for each permit issued under RCW 67.42.030 to operate~~
7 ~~a bungee jumping device. Fees collected under this subsection shall be~~
8 ~~deposited in the state general fund for appropriation for the~~
9 ~~permitting and inspection of bungee jumping devices under this~~
10 ~~chapter.))~~ No amount deposited under the authority of this section may
11 be used for any purpose other than the regulation of amusement
12 apparatus under this chapter.

13 **Sec. 9.** RCW 67.42.070 and 1985 c 262 s 7 are each amended to read
14 as follows:

15 It is a gross misdemeanor for any person ~~((who operates))~~ to
16 operate: (1) An amusement ~~((ride or structure))~~ apparatus without
17 ~~((complying with the requirements of this chapter is guilty of a gross~~
18 ~~misdemeanor))~~ a valid amusement apparatus operating decal, and any
19 person is injured by the operation of the apparatus; or (2) a bungee
20 jumping device from or over any location where written permission of
21 the owner is required by RCW 67.42.090, and the operator has not
22 obtained the written permission of the owner.

23 **Sec. 10.** RCW 67.42.080 and 1985 c 262 s 8 are each amended to read
24 as follows:

25 Nothing contained in this chapter prevents a county or municipality
26 from adopting and enforcing ordinances which relate to the operation of
27 amusement ~~((rides or structures))~~ apparatus and supplement the
28 provisions of this chapter.

29 **Sec. 11.** RCW 67.42.090 and 1993 c 203 s 6 are each amended to read
30 as follows:

31 (1) Bungee jumping from a publicly owned bridge or publicly owned
32 land is ~~((allowed only if))~~ prohibited unless permission has been
33 granted, in writing, by a public officer designated by the chief
34 executive officer of the government body that has jurisdiction over the
35 bridge or land.

1 (2) Bungee jumping over or into publicly owned waters is (~~allowed~~
2 ~~only if~~) prohibited unless permission has been granted, in writing, by
3 a public officer designated by the government body that has
4 jurisdiction over the body of water.

5 (3) Bungee jumping from a privately owned bridge is (~~allowed only~~
6 ~~if~~) prohibited unless permission has been granted, in writing, by the
7 owner of the bridge.

8 **Sec. 12.** RCW 19.28.351 and 2003 1st sp.s. c 25 s 910 are each
9 amended to read as follows:

10 All sums received from licenses, permit fees, or other sources,
11 herein shall be paid to the state treasurer and placed in a special
12 fund designated as the "electrical license fund," and paid out upon
13 vouchers duly and regularly issued therefor and approved by the
14 director of labor and industries or the director's designee following
15 determination by the board that the sums are necessary to accomplish
16 the intent of chapters 19.28 and 67.42 RCW. The treasurer shall keep
17 an accurate record of payments into, or receipts of, the fund, and of
18 all disbursements therefrom, and shall distinguish deposits and
19 disbursement made pursuant to chapter 19.28 RCW from those made
20 pursuant to chapter 67.42 RCW.

21 During the 2003-2005 biennium, the legislature may transfer moneys
22 from the electrical license fund to the state general fund such amounts
23 as reflect the excess fund balance of the fund.

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