

# SENATE BILL REPORT

## SB 5633

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As Reported by Senate Committee On:  
Labor, Commerce & Consumer Protection, February 23, 2009

**Title:** An act relating to amusement rides.

**Brief Description:** Concerning amusement parks.

**Sponsors:** Senators Swecker, Haugen and Stevens.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/19/09, 2/23/09 [DPS, w/oRec].

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, King and Kline.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Holmquist, Ranking Minority Member; Honeyford.

**Staff:** Mac Nicholson (786-7445)

**Background:** Before operating an amusement ride or structure, an owner or operator must do the following:

- obtain an annual operating permit and decal from the Department of Labor and Industries (L&I);
- have an annual inspection conducted by an insurer or another qualified person;
- maintain an insurance policy of at least \$1 million per occurrence;
- file an inspection certificate and insurance policy with the L&I; and
- file a certificate of compliance with the sponsor or other person responsible for the event at which the rides or structures are used.

An applicant for an operating permit must submit an application to L&I, including the certificate of insurance. Permits and decals will be issued upon application approval and are valid for one year. The decal must be affixed on or adjacent to the control panel of the ride or structure.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

"Amusement ride" is defined as a vehicle, boat, bungee jumping device, or other mechanical device moving upon cables, rails, or through the air to convey one or more individuals for entertainment, diversion, or recreation. Amusement rides include sky rides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement structure" is defined as an electrical or mechanical device intended to amuse or entertain audiences or viewers, as well as a bungee jumping device. It also includes nonmechanical and air supported devices.

"Amusement ride" does not include conveyances used in recreational winter sports activities, such as certain ski lifts and ski tows, single passenger coin operated rides, nonmechanical playground equipment, and water slides.

L&I may charge a fee of up to \$100 for permits issued to bungee jumping operators, and up to \$10 for other permits. The fees are deposited in the General Fund.

L&I may order an operator to cease operating an amusement ride or structure if there is not a valid permit or an insurance policy. It is a gross misdemeanor to operate an amusement ride or structure without a permit or insurance.

**Summary of Bill (Recommended Substitute):** When operating, renting, or leasing an amusement apparatus, the owner or operator of the apparatus must:

- possess an operating decal issued by L&I;
- maintain an insurance policy of not less than \$1 million per occurrence; and
- file a certificate of compliance with the sponsor or other person responsible for the event at which the ride or structure is used.

An operator of an amusement apparatus is not required to obtain an operating decal if:

- the person is making the apparatus available without charge to his or her family or invitees at that person's place of residence; or
- the person is operating the apparatus as part of an act or stage performance and the general public does not have access to the apparatus.

An applicant for an operating decal must submit an application to L&I, including the application fee and certificates of insurance and inspection, and must identify the apparatus for which the decal is being applied. When the apparatus is made available to the public, the decal must be displayed in a location visible to the patrons of the apparatus. The decal becomes invalid when the required insurance policy is canceled or the apparatus is materially modified, sold, or in the case of a climbing wall, any personal restraining device is repaired or replaced.

The term "amusement apparatus" is defined to describe the rides and structures that are subject to regulation. "Amusement apparatus" is defined as an "amusement structure" or "amusement ride." The definition of "amusement structure" is modified to include climbing walls, inflatables, and other structures providing amusement to a person climbing in or on the structure. The definition of "amusement ride" is modified to include devices used to convey individuals on a track, go carts and bumper cars, and to exclude dual passenger coin-operated rides.

"Amusement apparatus inspector" is defined as an independent third-party inspector with no organizational, managerial, financial, design, or promotional affiliation with the amusement apparatus being inspected.

L&I's rulemaking authority is modified. The rules must include provisions relating to inspector qualifications and safety standards, orders and rulings, citations and penalties not to exceed \$5,000 for violations of laws regulating amusement apparatus, and other actions necessary to implement and enforce laws regulating amusement apparatus.

L&I's enforcement authority is modified. L&I may order an operator to cease operating an amusement apparatus if the apparatus is unsafe or incident reporting is required by rule. L&I is authorized to issue a subpoena to force production and examination of documents when a violation is believed to have occurred.

L&I's fee setting authority is modified. Initially, application fees may not exceed \$20 for amusement apparatus and \$150 for bungee jumping devices. Thereafter, application fees may be increased subject to the fiscal growth factor limit. Fees, penalties, and other amounts collected by L&I are deposited in the Electrical License Fund, and must be used only to regulate amusement apparatus. The State Treasurer must distinguish deposits and disbursement made pursuant to laws regulating electrical installations from those made pursuant to laws regulating amusement apparatus.

The actions subject to criminal penalties are limited. It is a gross misdemeanor to operate an amusement apparatus without a valid operating decal and any person is injured by the operation of the apparatus. It is also a gross misdemeanor to operate a bungee jumping device from a location where the property owner's written permission is required without that written permission.

**EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute):** The proposed substitute adds the definition of "apparatus inspector" and clarifies that the legislation applies to inflatable devices.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill will protect the public, particularly young people who are attracted to amusement rides. Long hair can get caught in the rear axle of go carts, resulting in individuals getting scalped. Passage of this legislation will prevent people from getting scalped. Go carts are being imported and don't meet safety guidelines. The legislation should include inflatables and air supported

structures, and the bill should provide that safety inspectors need to be independent third parties. Inflatable ride operators should not be able to inspect their own equipment.

**Persons Testifying:** PRO: Faye Brown, Gregory Brown, citizens; Ron Burbach, Carnival Guild; James E. Hall, Safetek LLC; Clell Woodcock Jr., CAW Technical Service; Rick Spromberg, Ride Inspector; Nick Yrigoyen, Jumpers Inc.