An Act

ENROLLED SENATE
BILL NO. 1199

By: Justice of the Senate

and

McBride of the House

An Act relating to amusement rides; amending 40 O.S. 2011, Sections 463 and 469, which relate to fees and violations; deleting kiddie ride fee; providing for fees to be set by rule; granting rulemaking authority to Commissioner of Labor; creating a revolving fund for the Department of Labor; naming fund the "Department of Labor Administrative Penalty Revolving Fund"; stating purpose of fund; providing for deposits and transfer of funds to the General Revenue Fund each fiscal year; granting authority to the Commissioner of Labor to establish by rule a schedule of administrative penalties and fines for violations; making administrative fines in addition to criminal fines; directing deposit of certain fees collected; providing for codification; and providing an effective date.

SUBJECT: Amusement rides

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2011, Section 463, is amended to read as follows:

Section 463. A. ~~No fees shall be charged to public agencies. The fees provided for in this subsection shall not apply to amusement parks owned and operated by nonprofit corporations~~ 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shall remain in effect until such rules become effective, at which time the fees contained in this section shall be superseded by rule.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. ~~Kiddie Rides~~ ~~$25.00~~

~~b. Major~~ Amusement Rides $50.00

~~c.~~

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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 470 of Title 40, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 3. AMENDATORY 40 O.S. 2011, Section 469, is amended to read as follows:

Section 469. A. Any violation of the provisions of Sections 460 through 468 of this ~~act~~ 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.

SECTION 4. This act shall become effective November 1, 2016.

Passed the Senate the 3rd day of March, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2016.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 13th day of April, 2016, at 2:00 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 19th day of April, 2016, at 3:19 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th day of April, 2016, at 4:05 o'clock P. M.

By: Chris Benge