

CHAPTER 269

LABOR AND INDUSTRY

HOUSE BILL 08-1103

BY REPRESENTATIVE(S) Kerr J., Marshall, Mitchell V., Primavera, Borodkin, Garza-Hicks, Frangas, Roberts, and Todd;
also SENATOR(S) Isgar, Takis, Taylor, Gibbs, and Schwartz.

AN ACT

**CONCERNING THE REGULATION OF AMUSEMENT RIDES BY THE DIVISION OF OIL AND PUBLIC SAFETY,
AND MAKING AN APPROPRIATION THEREFOR.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-1-151, Colorado Revised Statutes, is amended to read:

8-1-151. Public safety inspection fund created. There is hereby created in the state treasury a fund, to be known as the public safety inspection fund, which shall consist of moneys credited thereto pursuant to ~~section 8-20-101 (3) and sections 9-7-108.5 and 22-32-124 (2), C.R.S.~~ **SECTIONS 8-20-1002, 9-7-108.5, AND 22-32-124 (2), C.R.S.** All moneys in the public safety inspection fund shall be subject to annual appropriation by the general assembly for the public safety inspection activities of the division of oil and public safety. The moneys in the public safety inspection fund shall not be credited or transferred to the general fund or any other fund of the state.

SECTION 2. Repeal. 8-20-101 (3), Colorado Revised Statutes, is repealed as follows:

8-20-101. Division of oil and public safety - creation - appointment of director - transfer of duties. (3) ~~The director of the division of oil and public safety shall ascertain, fix, and order such reasonable standards or rules for the construction, repair, and maintenance of carnivals and amusement parks and provide for annual registration fees, not to exceed one hundred dollars, and for the financial responsibilities of operators. All fees collected by the division pursuant to this subsection (3) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151. After notifying the director of the division of oil and public safety, any carnival or~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~amusement park that is inspected and licensed or issued a permit by a home rule municipality for operation within that jurisdiction shall be exempt from the requirements of this subsection (3):~~

SECTION 3. Article 20 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 10
AMUSEMENT RIDES

8-20-1001. Definitions. AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AMUSEMENT RIDE" MEANS A RIDE OR DEVICE, OR A COMBINATION OF RIDES OR DEVICES, AS DEFINED BY RULE OF THE DIVISION; EXCEPT THAT "AMUSEMENT RIDE" SHALL NOT INCLUDE INFLATABLE AMUSEMENT RIDES.

(2) "CERTIFICATE OF INSPECTION" MEANS DOCUMENTATION OF AN AMUSEMENT RIDE INSPECTION CONDUCTED BY AN INSPECTOR.

(3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR HIS OR HER DESIGNEE.

(4) "DIVISION" MEANS THE DIVISION OF OIL AND PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(5) "INJURY" MEANS AN INJURY THAT RESULTS IN DEATH OR REQUIRES MEDICAL TREATMENT ADMINISTERED BY A PHYSICIAN OR BY REGISTERED PROFESSIONAL PERSONNEL UNDER THE STANDING ORDERS OF A PHYSICIAN. FOR PURPOSES OF THIS SUBSECTION (5), "MEDICAL TREATMENT" DOES NOT INCLUDE FIRST AID TREATMENT OR ONE-TIME TREATMENT AND SUBSEQUENT OBSERVATION OF MINOR SCRATCHES, CUTS, BURNS, SPLINTERS, OR OTHER MINOR INJURIES THAT DO NOT ORDINARILY REQUIRE MEDICAL CARE EVEN THOUGH TREATMENT IS PROVIDED BY A PHYSICIAN OR BY REGISTERED PROFESSIONAL PERSONNEL.

(6) "INSPECTION" MEANS A PROCEDURE CONDUCTED BY AN INSPECTOR TO DETERMINE WHETHER AN AMUSEMENT RIDE IS BEING CONSTRUCTED, ASSEMBLED, MAINTAINED, TESTED, OPERATED, OR INSPECTED IN ACCORDANCE WITH THE DIVISION'S STANDARDS, THE MANUFACTURER'S STANDARDS AND CRITERIA, OR THE INSURER'S STANDARDS, WHICHEVER IS THE MOST STRINGENT, AND THAT DETERMINES THE CURRENT OPERATIONAL SAFETY OF THE AMUSEMENT RIDE.

(7) "INSPECTOR" MEANS A PERSON CERTIFIED TO INSPECT AMUSEMENT RIDES UNDER CRITERIA DETERMINED BY RULE OF THE DIVISION.

(8) "OPERATOR" MEANS AN INDIVIDUAL, CORPORATION, OR COMPANY OR AGENT THEREOF WHO OWNS OR CONTROLS, OR HAS THE DUTY TO CONTROL, THE OPERATION OF AN AMUSEMENT RIDE.

(9) "REGISTRATION" MEANS THE FILING OF A PROPERLY COMPLETED APPLICATION WITH THE DIVISION AND APPROVAL OF THE APPLICATION BY THE DIRECTOR.

8-20-1002. Duties of director - standards - certification of inspectors - fees - rules. (1) THE DIRECTOR SHALL PROMULGATE RULES FOR THE REGISTRATION, CONSTRUCTION, REPAIR, AND MAINTENANCE OF AMUSEMENT RIDES AND FOR THE FINANCIAL RESPONSIBILITY OF OPERATORS. THE RULES SHALL REQUIRE OPERATORS TO SUBMIT A PERIODIC CERTIFICATE OF INSPECTION TO THE DIVISION FOR EACH AMUSEMENT RIDE. THE DIRECTOR SHALL ESTABLISH MINIMUM STANDARDS FOR THE CERTIFICATION OF INSPECTORS AND SHALL REQUIRE EACH OPERATOR TO SUBMIT THE INSPECTOR'S QUALIFICATIONS TO THE DIVISION WITH AN ANNUAL REGISTRATION APPLICATION. THE INSPECTOR FOR EACH AMUSEMENT RIDE SHALL BE AN INDEPENDENT THIRD-PARTY INSPECTOR.

(2) THE DIRECTOR SHALL ESTABLISH ANNUAL REGISTRATION FEES BY RULE TO COVER THE COSTS OF THE DIVISION'S OVERSIGHT OF AMUSEMENT RIDES. ALL FEES COLLECTED BY THE DIVISION PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND CREATED BY SECTION 8-1-151.

(3) THE DIRECTOR MAY PROHIBIT THE OPERATION OF AN AMUSEMENT RIDE THAT DOES NOT MEET THE REGISTRATION, CONSTRUCTION, REPAIR, INSPECTION, AND MAINTENANCE REQUIREMENTS ESTABLISHED BY THE DIVISION PURSUANT TO SUBSECTION (1) OF THIS SECTION.

8-20-1003. Notification to the division. (1) THE OPERATOR OF AN AMUSEMENT RIDE SHALL NOTIFY THE DIVISION, WITHIN SUCH TIMES AND IN SUCH MANNER AS ESTABLISHED BY RULE OF THE DIRECTOR, REGARDING:

- (a) ANY INJURY CAUSED BY AN EQUIPMENT FAILURE OF AN AMUSEMENT RIDE;
- (b) THE INSTALLATION OF ANY NEW AMUSEMENT RIDES; AND
- (c) THE SCHEDULE FOR THE LOCATION OF THE OPERATION OF AMUSEMENT RIDES.

8-20-1004. Rules. THE DIRECTOR HAS THE AUTHORITY TO PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS PART 10.

SECTION 4. 24-75-402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (10) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, AND EACH FISCAL YEAR THEREAFTER, THE PUBLIC SAFETY INSPECTION FUND CREATED IN SECTION 8-1-151, C.R.S., SHALL NOT BE SUBJECT TO THE LIMIT ON UNCOMMITTED RESERVE FUNDS PURSUANT TO THIS SECTION.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public safety inspection cash fund created in section 8-1-151, Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2008, the sum of one hundred nineteen thousand five hundred fifty-four dollars (\$119,554) cash funds and 1.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2008