

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0155.01 Kristen Forrestal

HOUSE BILL 08-1103

HOUSE SPONSORSHIP

Kerr J., Marshall, Mitchell V., and Primavera

SENATE SPONSORSHIP

Isgar, Takis, and Taylor

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

Business, Labor and Technology
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF AMUSEMENT RIDES BY THE**
102 **DIVISION OF OIL AND PUBLIC SAFETY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Audit Committee. Requires each operator of an amusement ride to submit an annual certificate of inspection to the division of oil and public safety (division) for each amusement ride. Requires the director of the division to establish minimum certification requirements for inspectors. Requires the inspector of each ride to be an independent 3rd-party inspector. Requires the operator of an amusement ride to notify the division regarding injuries caused by amusement rides,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 27, 2008

HOUSE
2nd Reading Unamended
February 25, 2008

the installation of new rides, and the schedule for the location of amusement rides. Exempts the public safety inspection fund from the statutory limit on uncommitted reserve funds.

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

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

4 **8-1-151. Public safety inspection fund created.** There is hereby
5 created in the state treasury a fund, to be known as the public safety
6 inspection fund, which shall consist of moneys credited thereto pursuant
7 to ~~section 8-20-101 (3) and sections 9-7-108.5 and 22-32-124 (2), C.R.S.~~
8 SECTIONS 8-20-1002, 9-7-108.5, AND 22-32-124 (2), C.R.S. All moneys
9 in the public safety inspection fund shall be subject to annual
10 appropriation by the general assembly for the public safety inspection
11 activities of the division of oil and public safety. The moneys in the
12 public safety inspection fund shall not be credited or transferred to the
13 general fund or any other fund of the state.

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

16 **8-20-101. Division of oil and public safety - creation -**
17 **appointment of director - transfer of duties.** (3) ~~The director of the~~
18 ~~division of oil and public safety shall ascertain, fix, and order such~~
19 ~~reasonable standards or rules for the construction, repair, and~~
20 ~~maintenance of carnivals and amusement parks and provide for annual~~
21 ~~registration fees, not to exceed one hundred dollars, and for the financial~~
22 ~~responsibilities of operators. All fees collected by the division pursuant~~
23 ~~to this subsection (3) shall be transmitted to the state treasurer, who shall~~
24 ~~credit the same to the public safety inspection fund created pursuant to~~

1 ~~section 8-1-151. After notifying the director of the division of oil and~~
2 ~~public safety, any carnival or amusement park that is inspected and~~
3 ~~licensed or issued a permit by a home rule municipality for operation~~
4 ~~within that jurisdiction shall be exempt from the requirements of this~~
5 ~~subsection (3).~~

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

8 **PART 10**

9 **AMUSEMENT RIDES**

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

12 (1) "AMUSEMENT RIDE" MEANS A RIDE OR DEVICE, OR A
13 COMBINATION OF RIDES OR DEVICES, AS DEFINED BY RULE OF THE
14 DIVISION.

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

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

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

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

1 REQUIRE MEDICAL CARE EVEN THOUGH TREATMENT IS PROVIDED BY A
2 PHYSICIAN OR BY REGISTERED PROFESSIONAL PERSONNEL.

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

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

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

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

19 **8-20-1002. Duties of director - standards - certification of**
20 **inspectors - fees - rules.** (1) THE DIRECTOR SHALL PROMULGATE RULES
21 FOR THE REGISTRATION, CONSTRUCTION, REPAIR, AND MAINTENANCE OF
22 AMUSEMENT RIDES AND FOR THE FINANCIAL RESPONSIBILITY OF
23 OPERATORS. THE RULES SHALL REQUIRE OPERATORS TO SUBMIT A
24 PERIODIC CERTIFICATE OF INSPECTION TO THE DIVISION FOR EACH
25 AMUSEMENT RIDE. THE DIRECTOR SHALL ESTABLISH MINIMUM
26 STANDARDS FOR THE CERTIFICATION OF INSPECTORS AND SHALL REQUIRE
27 EACH OPERATOR TO SUBMIT THE INSPECTOR'S QUALIFICATIONS TO THE

1 DIVISION WITH AN ANNUAL REGISTRATION APPLICATION. THE INSPECTOR
2 FOR EACH AMUSEMENT RIDE SHALL BE AN INDEPENDENT THIRD-PARTY
3 INSPECTOR.

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

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

15 **8-20-1003. Notification to the division.** (1) THE OPERATOR OF
16 AN AMUSEMENT RIDE SHALL NOTIFY THE DIVISION, WITHIN SUCH TIMES
17 AND IN SUCH MANNER AS ESTABLISHED BY RULE OF THE DIRECTOR,
18 REGARDING:

19 (a) ANY INJURY CAUSED BY AN EQUIPMENT FAILURE OF AN
20 AMUSEMENT RIDE;

21 (b) THE INSTALLATION OF ANY NEW AMUSEMENT RIDES; AND

22 (c) THE SCHEDULE FOR THE LOCATION OF THE OPERATION OF
23 AMUSEMENT RIDES.

24 **8-20-1004. Rules.** THE DIRECTOR HAS THE AUTHORITY TO
25 PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS
26 PART 10.

27 **SECTION 4.** 24-75-402, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **24-75-402. Cash funds - limit on uncommitted reserves -**
3 **reduction in amount of fees - exclusions.** (10) FOR THE FISCAL YEAR
4 COMMENCING JULY 1, 2008, AND EACH FISCAL YEAR THEREAFTER, THE
5 PUBLIC SAFETY INSPECTION FUND CREATED IN SECTION 8-1-151, C.R.S.,
6 SHALL NOT BE SUBJECT TO THE LIMIT ON UNCOMMITTED RESERVE FUNDS
7 PURSUANT TO THIS SECTION.

8 **SECTION 5. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.