

Title 8, Chapter 3.2

Subchapter 2. Regulations of the Division of Occupational Safety and Health Article 6. Administration of Permanent Amusement Ride Program (Permanent Amusement Rides Administrative Regulations)

§344.6. Definitions.

For purposes of this Article, the following terms are defined as set forth herein:

(a) An "as-built document" is a document signed by a licensed engineer responsible for the construction of the permanent amusement ride stating that the ride has been constructed according to its final plans.

(b) A "California-licensed engineer" is a professional engineer with a certificate of registration issued by the California Board of Professional Engineers and Land Surveyors.

(c) A "licensed engineer" is a California-licensed engineer or a professional engineer with equivalent licensing by another state.

(d) A "major modification" is any change in the structure or operation of a permanent amusement ride that materially alters either the performance of the ride or any safety-related system of the ride. For the purposes of this definition, the disassembly and relocation of a ride is considered to be a major modification of the ride.

(e) A "new permanent amusement ride" is a permanent amusement ride that is placed in operation and opened to the public for the first time on or after November 5, 2001.

(f) An "operational inspection" is an inspection that consists of inspecting the operation of the permanent amusement ride, including its safety-related systems and procedures, and reviewing any other specific information that is substantially related to the safe operation of the ride.

(g) An "owner" or "operator" is a person or entity who owns or controls or has the duty to control the operation of a permanent amusement ride. The terms include the State and every political subdivision of the State, including every state agency, and each county, city, district, and all the public and quasi-public corporations and public agencies therein.

(h) A "permanent amusement ride" is a mechanical device, aquatic device, or combination of devices of a permanent nature that carries or conveys passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Permanent amusement ride" includes bungee-jumping services, but does not include dry slides, playground equipment, coin-operated devices, conveyances that operate directly on the ground or on pavement or a surface directly on the ground, or aerial passenger tramways as defined by Labor Code section 7340(a). For the purposes of this definition, the phrase "of a permanent nature" means remaining at a single location for longer than 180 days.

(i) A "qualified safety inspector," or "QSI," is an individual certified by the Division pursuant to section 344.10. A QSI may be a safety inspector employed by the owner or operator of a permanent amusement ride, an employee or agent of the insurance underwriter or insurance broker of a permanent amusement ride, an employee or agent of the manufacturer of a permanent amusement ride, an employee of the Division of Occupational Safety and Health, or an independent consultant or contractor.

(j) A "Ride Footprint" is the surface area, expressed in square feet, that is covered by the ride, itself, and does not include the passenger waiting area or queuing area.

(k) "Safety-Related Systems and Procedures" are systems and procedures that materially affect safety or are designed or intended to increase the safety of a permanent amusement ride, including, but not limited to:

- (1) Ride-control devices, including safety devices;
- (2) Speed-limiting devices;
- (3) Brakes;

- (4) Passenger-carrying devices, including restraint systems;
- (5) Mechanical systems that materially affect the safe operation of the ride;
- (6) Ride electrical or electronic systems, including process-control equipment that are designed or intended to ensure safe operation of the ride;
- (7) Daily pre-operational safety-related tests;
- (8) Owner or operator safety-related maintenance, inspection and operational activities;
- (9) Emergency procedures related to the operation of the ride, including, but not limited to, cessation of operation, evacuation procedures, ingress and egress controls, location of communication devices, and summoning of medical or emergency assistance; and
- (10) Signage.

~~(k)~~ (l) A "structural inspection" is an inspection of a permanent amusement ride, which includes examination of the following structural attributes:

- (1) Structural supports and foundations including wind and seismic integrity;
- (2) Structural bracing; and
- (3) Ride track elements, if any.

NOTE: Authority cited: Sections 60.5, 7923, and 7928, Labor Code. Reference: Sections 7920 - 7932, Labor Code.

§ 344.16. Permanent Amusement Ride Fee Schedule.

- (a) The application fee for a QSI Certificate shall be five hundred dollars (\$500.00).
- (b) The fee for the biennial renewal of a QSI Certificate shall be one hundred and twenty-five dollars (\$125.00).

(c) The fee for review of Certificates of Compliance and provision of related notifications shall be two hundred and fifty dollars (\$250.00).

~~(d) A fee of one hundred and twenty-five dollars (\$125.00) per hour, or fraction thereof, shall be charged for all work performed in connection with audits, inspections and investigations conducted pursuant to section 344.8.~~

(d) Inspection Fees.

(1) A fee of one hundred and ninety-five dollars (\$195.00) per hour shall be charged for all on-site work performed in connection with audits, inspections, reinspections, and investigations pertaining to permanent amusement rides. The Division shall bill an inspector's time in quarter-hour increments, rounded up to the nearest quarter hour.

(2) Fees shall be charged for actual inspection time. Actual inspection time begins from the time a Division engineer arrives, generally by appointment, in the area where the Division's information indicates the inspection is to be conducted, and continues until the engineer has completed the Division's report and is ready to leave the area.

(3) The Division shall not bill at the hourly rate for an inspector's travel time in connection with routine inspections. However, if the owner or operator of a permanent amusement ride or rides, or his or her designee, fails to appear at the designated site for a scheduled inspection, or is not ready for the inspection at the designated time, and the Division is therefore required to reschedule the inspection, the Division may bill for the time its inspector spends traveling to the site of the rescheduled inspection(s) at the one hundred and ninety-five dollar (\$195.00) hourly rate.

(e) Annual Fee. In addition to the hourly fee for inspections, reinspections and investigations, each permanent amusement ride shall pay an annual fee to offset the Division's travel and administrative costs. The Division shall base the amount of the annual fee on the classification of the permanent amusement ride as either "Class I (Small)," "Class II (Medium)," "Class III (Large)," or "Class IV (Extra Large)," as follows:

- (1) Small rides – Twenty-five dollars (\$25.00)
- (2) Medium rides – Three hundred and sixty-five dollars (\$365.00)
- (3) Large rides – Seven hundred and forty dollars (\$740.00)
- (4) Extra-large rides – One thousand four hundred and seventy-five dollars (\$1,475.00).

(f) Classification of Permanent Amusement Rides. For purposes of this section, each permanent amusement ride shall be classified according to the criteria set forth below. A ride will be placed into the largest classification for which it satisfies two or more of the evaluation criteria. However, if a permanent amusement ride satisfies any single criterion in a classification, then the ride cannot fall into a classification more than one classification below, even if it satisfies two or more criteria in a lower classification.

(1) Class I (Small): A permanent amusement ride shall be classified as “Small” if it:

(A) has a footprint of 699 square feet, or less;

(B) operates at ten or fewer revolutions per minute (“RPM”);

(C) a “Kiddie Coaster” (a ride designed for children age 12 or younger).

(2) Class II (Medium): A permanent amusement ride shall be classified as “Medium” if it:

(A) has a footprint of greater than 699 square feet and up to and including 2,000 square feet;

(B) is a non-elevated ride that carries its own means of propulsion while towing one or more units (i.e., trains);

(C) elevates passengers up to and including sixty feet off the ground.

(3) Class III (Large): A permanent amusement ride shall be classified as “Large” if it:

(A) has a footprint of greater than 2,000 and up to and including 8,000 square feet;

(B) elevates passengers higher than 60 feet and up to 120 feet off the ground, and/or travels a distance of up to and including 1,500 feet;

(C) consists of more than 50 units and/or has a capacity equal to, or greater than, 50 passengers;

(4) Class IV (Extra-Large): A permanent amusement ride shall be classified as “Extra-Large” if it:

(A) has a footprint of greater than 8,000 square feet;

(B) elevates passengers higher than 120 feet off the ground and/or travels a distance of greater than 1,500 feet;

(C) has complex features or controls (i.e., programmable logic controllers, safety features that interface with computer controllers or similar features or controls).

(g) The Division shall not assess any fees to the owners or operators of a Class I (Small) ride (other than an aquatic device) that meets the following requirements as of June 1, 2010: (1) the owner or operator receives some recurring portion of its operating revenue from a public entity such as a city, county or the State; and (2) the owner or operator has an annual paid attendance of fewer than five hundred thousand (500,000) patrons.

NOTE: Authority cited: Sections 60.5, 7923, 7928 and 7929, Labor Code. Reference: Sections 7920 – 7932, Labor Code; Section 11010, Government Code.

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Subchapter 2. Regulations of the Division of Occupational Safety and Health

Article 6.1. Portable Amusement Ride Fees

§344.18. Portable Amusement Ride Fee Schedule.

(a) Inspection Fees:

(1) A fee of \$125.00 per hour or fraction thereof shall be charged for all inspections, reinspections, and accident investigations pertaining to amusement rides. A minimum fee of \$125.00 will be charged per amusement ride.

(2) Fees shall be charged for actual inspection time. Actual inspection time begins from the time the Division engineer arrives, generally by appointment, in the area and continues until the engineer has completed the Division's report and is ready to leave the

area.

~~(b) The Division will charge no fee for an inspection performed by a certified insurance inspector except a charge of \$10.00 to cover the cost of processing the permit to operate.~~

(a) Inspection Fees.

(1) A fee of one hundred and ninety-five dollars (\$195.00) per hour shall be charged for all on-site work performed in connection with audits, inspections, reinspections, and investigations pertaining to portable amusement rides. The Division shall bill an inspector's time in quarter-hour increments, rounded up to the nearest quarter hour.

(2) Fees shall be charged for actual inspection time. Actual inspection time begins from the time a Division engineer arrives, generally by appointment, in the area where the Division's information indicates the inspection is to be conducted, and continues until the engineer has completed the Division's report and is ready to leave the area.

(3) The Division shall not bill at the hourly rate for an inspector's travel time in connection with routine inspections. However, if the owner or operator of a portable amusement ride or rides, or his or her designee, fails to appear at the designated site for a scheduled inspection, or is not ready for the inspection at the designated time, and the Division is therefore required to reschedule the inspection, the Division may bill for the time its inspector spends traveling to the site of the rescheduled inspection(s) at the one hundred and ninety-five dollar (\$195.00) hourly rate.

(b) Annual Fee. In addition to the hourly fee for inspections, reinspections and investigations, each portable amusement ride shall pay an annual fee to offset the Division's travel and administrative costs. The Division shall base the amount of the annual fee on the classification of the portable amusement ride as either "Class I (Small)," "Class II (Medium)," "Class III (Large)," or "Class IV (Extra Large)," as follows:

(1) Small rides – Twenty-five dollars (\$25.00)

(2) Medium rides – Three hundred and sixty-five dollars (\$365.00)

(3) Large rides – Seven hundred and forty dollars (\$740.00)

(4) Extra-large rides – One thousand four hundred and seventy-five dollars (\$1,475.00).

(c) Classification of Portable Amusement Rides. For purposes of this section, each portable amusement ride shall be classified according to the criteria set forth below. A ride will be placed into the largest classification for which it satisfies two or more of the evaluation criteria. However, if a portable amusement ride satisfies any single criterion in a classification, then the ride cannot fall into a classification more than one classification below, even if it satisfies two or more criteria in a lower classification.

(1) Class I (Small): A portable amusement ride shall be classified as "Small" if it:

(A) has a footprint of 699 square feet, or less. (For purposes of this section, a "ride footprint" is the surface area, expressed in square feet, that is covered by the ride, itself, and does not include the passenger waiting area or queuing area);

(B) operates at ten or fewer revolutions per minute ("RPM");

(C) a "Kiddie Coaster" (a ride designed for children age 12 or younger).

(2) Class II (Medium): A portable amusement ride shall be classified as "Medium" if it:

(A) has a footprint of greater than 699 square feet and up to and including 2,000 square feet;

(B) is a non-elevated ride that carries its own means of propulsion while towing one or more units (i.e., trains);

(C) elevates passengers up to sixty and including 60 feet off the ground.

(3) Class III (Large): A portable amusement ride shall be classified as "Large" if it:

(A) has a footprint of greater than 2,000 and up to and including 8,000 square feet;

(B) elevates passengers higher than 60 feet and up to 120 feet off the ground, and/or travels a distance of up to and including 1,500 feet;

(C) consists of more than 50 units and/or has a capacity equal to, or greater than, 50 passengers;

(4) Class IV (Extra-Large): A portable amusement ride shall be classified as “Extra-Large” if it:

(A) has a footprint of greater than 8,000 square feet;

(B) elevates passengers higher than 120 feet off the ground and/or travels a distance of greater than 1,500 feet;

(C) has complex features or controls (i.e., programmable logic controllers, safety features that interface with computer controllers or similar features or controls).

(d) The Division will charge no fee for an inspection performed by a certified insurance inspector except a charge of \$10.00 to cover the cost of processing the permit to operate.

NOTE: Authority cited: Sections 60.5, 6308 and 7904, Labor Code. Reference: Section 7904, Labor Code; Section 11010, Government Code.