

REINITIATION OF SECOND 15-DAY COMMENT PERIOD

9 March 2001

PROPOSED MODIFICATIONS

NOTE: MODIFICATIONS FOR PUBLIC CONSIDERATION AND COMMENT ARE INDICATED IN DOUBLE STRIKEOUT AND DOUBLE UNDERLINE

**Title 8, Division 1, Chapter 3.2, Subchapter 2
Renumber Article 6, Amusement Ride Inspection Fee Schedule to Article 6.1**

Renumber Existing Section 344.10 to 344.18.

Adopt New Article 6, Permanent Amusement Rides

Adopt Sections 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, and 344.17.

344.5. Application.

(a) This Article governs permanent amusement rides operated anywhere in the State of California.

(b) This Article does not apply to any of the following:

(1) Any playground operated by a school or local government if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills or excitement;

(2) Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion or the arts;

(3) Skating rinks, arcades, laser or paint ball war games, indoor interactive arcade games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, air boats, helicopters, airplanes, parasails, hot air balloons (tethered or untethered,) theaters, amphitheaters, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, slide shows, live-animal rides, or live-animal shows; or

(4) Permanent amusement rides operated at a private event that is not open to the general public and not subject to a separate admission fee.

(5) Amusement rides that are not permanent amusement rides.

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 ~~California-~~licensed engineer responsible for the construction of the permanent amusement ride stating that the ride has been constructed according to its final plans, ~~and noting and approving any variations from the 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 ~~structural attributes~~ 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) "Medical service other than ordinary first aid" means examination, diagnostic testing, treatment or observation beyond that which occurs at the location of the accident, when provided by or under the supervision of a physician licensed to practice medicine in California (in accordance with Business and Professions Code Section 2050 et seq.) or in any other State, in response to a serious medical concern that is related directly to the accident.

~~(e)~~ (f) 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 January 1, 2001 the date this Article takes effect.

~~(f)~~ (g) 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)~~ (h) 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) (i) Except as provided in Subchapter 6.2 of this Title, a~~ 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, or conveyances that operate directly on the ground, or aerial passenger tramways as defined by Labor Code section 7340(a). For the purposes of this definition, the phrase "permanent nature" means remaining at a single location for longer than 180 days.

~~(i) (j)~~ A "qualified safety inspector," or "QSI," is an individual certified by the Division pursuant to section 344.9 344.10. 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 "reportable injury" is a serious injury requiring surgery or medical treatment other than ordinary first aid, including, but not necessarily limited to, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring multiple sutures, or permanent disfigurement.~~

(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 ~~as recommended by the ride manufacturers; and~~

(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.

(l) A "structural inspection" is an inspection of a permanent amusement ride, which includes examination of ~~any one or more 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.

344.7 Certificate of Compliance.

(a) On or before ~~January 15, 2002~~ the 360th day following the date this Article takes effect, the owner or operator of a permanent amusement ride who does not elect to have a Division QSI perform the annual inspection required by section 344.8(c) shall submit to the Division a Certificate of Compliance together with the fee required by section 344.16(c). A new Certificate of Compliance shall be submitted annually and shall become due on each ~~on the~~ anniversary date of the first submission, unless the owner or operator elects in compliance with section 344.8(c)(2) to have a Division QSI conduct the annual inspection.

(b) The Certificate of Compliance shall include, but not be limited to, the following:

- (1) The legal name and address of the owner and his, her or its representative, if any, and the primary place of business of the owner;
- (2) The legal name and address of the operator, if different from those of the owner;
- (3) The name and a description of the permanent amusement ride, the address at which it is located, the name(s) of the manufacturer(s) of the ride, and if provided by the manufacturer(s), the serial number and model number of the permanent amusement ride; and

(4) A written declaration stating that, within the preceding 12-month period, the permanent amusement ride was inspected by a QSI, together with all of the individuals necessary to competently review the ride's safety-related systems and structural attributes, and that the permanent amusement ride is in ~~material~~ conformance with the requirements of Chapter 6.2 of this Title. The written declaration shall be executed by a QSI under penalty of perjury.

Note: The requirement that the written declaration state that the permanent amusement ride is in conformance with the requirements of Chapter 6.2 of this Title shall not take effect ~~unless~~ and until 180 days after the date that Chapter 6.2 has been adopted and takes effect.

(c) The owner or operator of multiple permanent amusement rides at one address may submit a single Certificate of Compliance that provides the information required in section 344.7(b) for all of the permanent amusement rides located at that address.

(d) Upon receipt of the Certificate of Compliance, the Division shall notify the owner or operator, in writing within five (5) working days, that the Certificate of Compliance has been received and whether it meets the requirements of this Article. If a Certificate of Compliance is determined to be deficient, the Division's written notification shall enumerate the deficiencies and the information required to correct such deficiencies.

(e) All current written notifications issued by the Division pursuant to subsection (d) shall be available for public inspection during normal business hours at a readily accessible location at the site where the permanent amusement ride is located. Such documents may either be posted at the entrance to each permanent amusement ride, or at the election of the owner or operator, located at a readily accessible central location. If the owner or operator chooses not to maintain the documents at the entrance to a ride, a sign shall be posted at the entrance to the ride notifying the public of the location where the documents can be viewed.

(f) No person shall operate a permanent amusement ride unless the permanent amusement ride complies with all applicable ~~regulations contained in~~ requirements of this Article and Chapter 6.2 of this Title.

Note: The requirement that the amusement ride comply with all applicable requirements of Chapter 6.2 of this Title shall not take effect until and unless Chapter 6.2 is adopted and takes effect.

(g) ~~Effective January 15, 2002~~ Starting on the 360th day following the date this Article takes effect, an owner or operator who ~~does~~ has not elected in

compliance with sections 344.8(c)(1) and (c)(2) to have the Division conduct the annual inspection required by section 344.8(c) shall not operate an amusement ride with passengers unless a valid Certificate of Compliance applicable to the ride has been submitted to, and accepted by, the Division as required by section 344.7.

Note: For those who elect to have the Division conduct the annual inspection, the deadline for submitting the written request to the Division

344.8 Inspections.

(a) Initial Division Inspection of New Permanent Amusement Rides. A Division QSI shall conduct an operational inspection of each new permanent amusement ride before the ride is placed in operation and opened to the public to ~~ensure compliance with applicable sections of Chapter 6.2~~ evaluate the safety of the ride.

(1) The owner or operator of the ride shall notify the Division, in writing, at least 30 days prior to opening the ride to the public.

(2) The notification shall state the location of the ride, the date the owner or operator intends to commence public operation, and the earliest date the ride will be ready for inspection by the Division.

(3) If the Division receives notification in compliance with section 344.8(a)(1), the Division shall initiate the inspection before the date indicated by the operator for commencement of public operation of the ride, and shall make a reasonable effort to complete the inspection prior to that date. If the Division is unable to complete the inspection within 30 days of receiving notification by the owner or operator, and the lack of completion of the inspection is not attributable to the actions or inaction of the owner or operator, the ride may be opened to the public until the inspection is completed, unless there is a substantial reason to question the safety of the ride.

(4) The ride owner or operator shall ensure that a representative is present to operate the ride and perform the tests requested by the Division QSI as necessary to complete the operational inspection.

(5) In conjunction with the inspection, the owner or operator of the ride shall make available to the Division the following:

(A) A written certification from a licensed engineer that the ride meets the all applicable design requirements set forth in Chapter 6.2 of this Title;

Note: This requirement shall not take effect until and unless Chapter 6.2 has been adopted and takes effect.

(B) An as-built document; and

(C) A copy of the certificate of occupancy issued by the local building authority, if required.

(b) Division Inspection of Major Modifications. After any major modification has been made to a permanent amusement ride, a Division QSI shall conduct an operational inspection of the ride before the ride is reopened to the public.

(1) The owner or operator of the ride shall provide the Division with at least 30 days advance written notice of the anticipated date of reopening the ride to the public following the major modification.

(2) The advance written notice shall state the date the owner or operator intends to resume public operation, and the earliest date the ride will be ready for Division inspection.

(3) If the Division receives notification in compliance with section 344.8(b)(1), the Division shall initiate the inspection before the date indicated by the operator for reopening of the ride to the public, and shall make a reasonable effort to complete the inspection prior to that date. If the Division is unable to complete the inspection within 30 days of receiving notification by the owner or operator, and the lack of completion of the inspection is not attributable to the actions or inaction of the owner or operator, the ride may be opened to the public until the inspection is completed, unless there is a substantial reason to question the safety of the ride.

(4) In conjunction with the Division's major modification inspection, the owner or operator of a permanent amusement ride shall make available to the Division the following:

(A) A written certification from a registered licensed engineer that ~~the major modification of the ride~~ as modified meets ~~the all~~ applicable design requirements set forth in Chapter 6.2 of this Title;

Note: This requirement shall not take effect until and unless Chapter 6.2 has been adopted and takes effect.

(B) An as-built document; and

(C) A copy of the certificate of occupancy issued by the local building authority, if the local building authority has such a requirement.

(c) Annual QSI Inspection. An annual QSI inspection shall be conducted of each permanent amusement ride at least once each year by either a QSI selected by the owner/operator or by a Division QSI, at the election of the owner or operator.

~~Note: In order to avoid cessation of operation of a permanent amusement ride pursuant to section 344.7(g), an owner or operator must, by the 360th day following the date this Article takes effect, either request a Division conducted Annual QSI Inspection, or complete an Annual QSI Inspection that is conducted by a QSI of the owner or operator's choice.~~

(1) If the owner or operator elects to have a Division QSI conduct the Annual QSI Inspection, the owner or operator shall submit a written request that the Division conduct the inspection.

(2) A written request that an annual QSI inspection be conducted by the Division shall be submitted to the Division no later than 60 days prior to the date the Certificate of Compliance becomes due.

(3) The annual QSI inspection shall include both a structural inspection and an operational inspection ~~to ensure compliance with Chapter 6.2.~~

(4) A permanent amusement ride found to be unsafe as the result of an annual QSI Inspection shall be closed to the public and shall not be reopened to the public until all necessary repairs and modifications have been completed and certified as completed by a QSI.

(d) Annual Division Records Audit and Inspection.

(1) ~~Starting on or after January 31, 2002, the 390th day following the date this Article takes effect,~~ a Division QSI shall annually audit the records pertaining to each permanent amusement ride, including, but not limited to, records of accidents, records of employee training, and records of maintenance, repair, and inspection of the ride.

(2) A Division QSI shall conduct an operational inspection in conjunction with the annual records audit. The operational inspection shall be conducted in two phases, as follows:

(A) One phase shall consist of an unannounced inspection during business hours to observe the normal operation of the ride, with passengers.

(B) The other phase shall consist of a pre-announced inspection to be conducted without passengers present, to conduct all other aspects of the operational inspection.

~~(3) A permanent amusement ride shall not be subject to annual records audit and inspection by the Division if the ride is located within a county or other political subdivision of the State that, as of April 1, 1998, has adopted the provisions of Chapter 66 (commencing with section 6601.1) of the 1994 Uniform Building Code providing for the routine inspection of permanent amusement rides by counties and other political subdivisions of the State, provided that the Division determines that these inspections meet or exceed the inspection standards set forth in this Article.~~

~~(4) If a county or other political subdivision suspends, revokes, or otherwise vacates its standards for permanent amusement rides, each permanent amusement ride located within that county or other political subdivision shall be subject to the inspection standards set forth in this Article.~~

(e) Exception to subsections (a), (b), (c), and (d): The following provisions shall apply to each permanent amusement ride that is located within a county or other political subdivision of the State that, as of April 1, 1998, has adopted the provisions of Chapter 66 (commencing with section 6601.1) of the 1994 Uniform Building Code providing for the routine inspection of permanent amusement rides by counties and other political subdivisions of the State, provided that the Division determines that these inspections meet or exceed the inspection standards set forth in this Article:

(1) The ride shall not be subject to the inspection or records audit requirements of subsections (a), (b), or (d), to the extent that the county or other political subdivision provides inspections according to the same criteria as those specified in each of these subsections.

(2) The ride shall be subject to the requirements of subsection (c). However, the employer may elect to have the county or other political subdivision conduct the Annual QSI Inspection on the same basis that it may elect to have the Division conduct the Annual QSI Inspection, provided that the county or other political subdivision provides inspections according to the same criteria as those specified in subsection (c) and the owner or operator complies with all applicable deadlines for making written requests.

~~(e)~~ (f) Discretionary Division Inspections. A Division QSI may conduct an inspection to determine the safety of a permanent amusement ride, in a manner consistent with any reasonable safety concern raised by the information available to the Division, whenever the Division:

(1) Receives notification, or otherwise learns, of an accident involving the permanent amusement ride required to be reported pursuant to section 344.15;

(2) Determines that a fraudulent Certificate of Compliance for the permanent amusement ride was submitted;

(3) Determines, based on factors such as ride cycles or number of riders, that a permanent amusement ride has a disproportionately-high incidence of accidents when compared to other rides of similar type and design in the State of California; or

(4) Receives a complaint or otherwise becomes aware of information, when the complaint or information reasonably appears to be reliable and credible, that one of the safety-related systems or structural components of a ride is unsafe, or that a particular practice associated with a ride is unsafe.

~~(f)~~ (g) The Division shall cause the least possible disruption to the normal operation of a permanent amusement ride consistent with the effective completion of an inspection.

344.9 Order Prohibiting Operation. If, after inspection by a Division QSI, the Division determines that a permanent amusement ride, or any part thereof, presents an imminent hazard or is otherwise unsafe for patrons, the Division may prohibit the operation of the ride, or any affected part thereof. The Division shall frame the scope of the prohibition with the narrowest scope reasonably necessary to ensure the protection of the public.

Exception No. (1) The Division shall not issue an Order Prohibiting Operation if the hazardous or unsafe condition can be corrected immediately and the operator, after being informed of the condition by the Division, immediately abates the hazardous or unsafe condition.

Exception No. (2) If an unsafe condition does not constitute an imminent hazard to patrons, the Division shall, prior to issuing an Order Prohibiting Operation, engage in an informal consultation with the owner or operator in an effort to resolve any factual questions or gather information relevant to determining whether the public operation of the amusement ride should be prohibited.

(a) The Division shall notify the owner or operator in writing of the grounds for prohibition of operation and of the conditions in need of correction at the time it issues the Order Prohibiting Operation.

(b) Operation of the permanent amusement ride shall not be reopened to the public until the conditions cited in the Order Prohibiting Operation have been corrected and approved by an authorized Division representative.

(c) The owner or operator may appeal any Order Prohibiting Operation. The Division shall conduct appeal proceedings in accordance with Labor Code Section 6327.

344.10. Certification of a QSI.

(a) No person shall perform the services of a QSI for permanent amusement rides unless he or she possesses a current, valid QSI Certificate issued by the Division.

(b) An application for certification as a QSI shall be made to the Division on a form prescribed by the Division, which shall require the applicant to provide his or her name, social security number, mailing address, daytime telephone number, two passport photographs, and information required to satisfy subsection (c). All statements on the application shall be made under penalty of perjury.

(c) To be eligible for certification as a QSI, an applicant shall either:

(1) Provide satisfactory evidence that the applicant is a licensed engineer and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides for a manufacturer, government agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, ~~or~~ installation, maintenance, testing, repair, or operation; or

(2) Do all of the following:

(A) Provide satisfactory evidence of completing a minimum of five years' of experience in the amusement ride field, at least four years of which ~~were involved in~~ consisted of actual inspection of amusement rides for a manufacturer, government agency, amusement park, carnival or insurance underwriter. The remaining experience may ~~involve~~ consist of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair, or operation.

(B) Produce a valid certificate of completion from an approved QSI Certification course evidencing at least 80 hours of formal education in amusement ride safety. An applicant may substitute a certificate of completion from an acceptable NDT training course for up to 16 hours of amusement ride safety education. For purposes of this subsection, an acceptable NDT training course is one offered by an instructor certified by

the American Society for Nondestructive Testing, Inc. ("ASNT") Nondestructive Training Level III, and covering the test method body of knowledge as described in the ASNT Recommended Practice No. SNT-TC-1A.

Note: A certificate of completion which includes course work taken prior to the date this Article takes effect is acceptable if the course work has been retroactively approved pursuant to section 344.11(f).

(C) Achieve a score of at least 80% on a written examination pertaining to the subjects addressed in this Article and Chapter 6.2 of this Title and subject matter applicable to the safe operation of permanent amusement rides. The examination shall be given during the Division's normal working hours in Sacramento or Anaheim at a time convenient to the applicant.

Note: The examination shall not require knowledge of any requirements in Chapter 6.2 unless and until Chapter 6.2 has been adopted and takes effect.

(d) A QSI Certificate shall be valid for a period of two years from the date of issuance.

(e) Application for renewal of a QSI Certificate shall be made to the Division on a form prescribed by the Division, which shall require the certificate holder to provide his or her name, daytime telephone number, and any other information which the Division may reasonably request. All statements on the renewal application shall be made under penalty of perjury. Each application shall be accompanied by the application fee fixed by section 344.16(b). ~~If the applicant is not a licensed engineer,~~ The application shall also include evidence of the applicant having completed 30 hours of continuing education, which shall include inservice industry or manufacturer updates and seminars, from an approved school during the previous biennial renewal cycle.

(f) The Division shall determine whether the applicant meets the criteria necessary for certification or renewal of certification pursuant to this Article and Part 8.1 of Division 5 of the Labor Code, and shall approve or disapprove the application for certification or renewal of certification accordingly.

(g) The Division may revoke or suspend the certification of a QSI, upon determining that the holder:

(1) Has submitted a fraudulent inspection report to the Division or to the owner or operator of a permanent amusement ride; or

(2) Has not performed competently as a QSI.

344.11. Approval of QSI Certification Course Providers.

(a) To qualify for approval, a QSI certification course provider shall demonstrate that it will:

(1) Ensure that the instructor for each course is experienced in the subject matter of the course;

(2) Ensure that the course content is current and will be kept current;

(3) Require course participants to attend each course for its full duration;

(4) Ensure that course content and number of hours of instruction for each course meet the requirements set forth in section 344.10 for QSI certification;

(5) Utilize a reliable testing method to determine whether course participants have learned the subject matter presented by the course.

(6) Provide a certificate of completion to all successful participants at the completion of each course; and

(7) Provide classroom training related to the design, maintenance, testing, inspection and operation of permanent amusement rides and applicable provisions of Title 8 of this Code.

(b) A provider seeking approval shall submit the following information to the Division prior to commencing instruction:

(1) An agenda and summary of content for each course offered;

(2) Curriculum vitae for each of its instructors; and

(3) Dates, times, and locations for each course offered.

(c) Upon receiving complete application materials from the provider, the Division shall determine whether the provider meets the criteria necessary for approval pursuant to this Article and Part 8.1 of Division 5 of the Labor Code, and shall approve or disapprove the application accordingly.

(d) To maintain approval, providers shall promptly notify the Division, in writing, each time the provider makes a substantive change to any of the information required pursuant to subsection (a).

(e) The Division may suspend or revoke the approval of a provider upon determining that the provider has substantially failed to comply with approval requirements.

(f) The Division may grant retroactive approval of a certification course taken after January 1, 1999 but before this Article takes effect if the provider demonstrates that the course previously provided meets the approval criteria of this section.

344.12. Suspension and Revocation Procedures.

All suspension and revocation proceedings conducted by the Division shall be initiated by the provision of written notice of the Division's intent to conduct a hearing to determine whether a certification or approval will be suspended or revoked.

(a) The written notice shall be served at least 48 hours in advance of the scheduled hearing date.

(b) Service shall be by personal service or certified mail to the address shown on the application for certification or approval, or to any other address known to the Division and reasonably believed to be the current address of the certificate holder or course provider.

(c) The written notice shall specify the time, date, and location of the hearing, and the reasons for the action proposed by the Division.

(d) At the hearing the Division shall have the burden of establishing good cause for the action taken by it. Good cause shall be deemed to exist if the Division establishes that the holder of a certification has substantially failed to comply with the requirements for certification pursuant to section 344.10(g), or that the holder of an approval has substantially failed to comply with the requirements of approval pursuant to section 344.11(e).

344.13. Appeals to the Director.

(a) The following may be appealed to the Director:

(1) Suspensions and revocations by the Division;

(2) Denials of applications for certification or course provider approvals or may also be appealed to the Director; and

(3) Any final decision after hearing by the Division to uphold an Order Prohibiting Operation

(b) All appeals to the Director shall be in writing and shall be served within 5 business days of receipt of the notification of the Division's decision resulting in a denial, suspension, or revocation.

(c) The Director or authorized representative shall schedule a hearing to be held within 5 business days of receipt of an appeal. At the hearing, the applicant shall have the burden of establishing that the Division's decision is in error.

(d) Following the hearing the Director shall issue a decision. The Director's decision shall be final except for any rehearing or judicial review provided for by law.

344.14. Insurance Requirements.

A person or entity may operate a permanent amusement ride only if, at the time of operation, he, she, or it:

(a) Has obtained a valid insurance policy in an amount not less than one million dollars (\$1,000,000) per occurrence, and;

(1) Has submitted to the Division a copy of the policy;

(2) Has clearly identified in the policy the permanent amusement rides included and excluded; and

(3) Does not operate permanent amusement rides for which coverage is not provided; or

(b) Has obtained a bond in an amount not less than one million dollars (\$1,000,000), except that the aggregate liability of the surety under that bond shall not exceed the face amount of the bond. A copy of the bond shall be submitted to the Division; or

(c) Qualifies as self-insured. Meets a financial test of self-insurance to demonstrate financial responsibility covering liability for injury suffered by patrons riding the permanent amusement ride. This shall be demonstrated by providing a letter to the Division attesting that the owner has total assets of at least ten million dollars (\$10,000,000), and that the owner's total assets exceed the owner's total liabilities by either a minimum of two million dollars or a ratio of at least ten to one. All statements in the attestation letter to the Division shall be made under penalty of perjury.

Exception: State and local governmental entities shall be deemed to qualify as self-insured.

344.15. Accident Response and Notification.

(a) Reporting of Accidents

Each owner or operator of a permanent amusement ride shall report or cause to be reported immediately to the Division's Anaheim or Sacramento Amusement Ride Section Office by telephone each known accident where maintenance, operation, or use of ~~the~~ a permanent amusement ride results in the death of a patron, or results in a patron injury requiring medical service other than ordinary first aid. For the purposes of this section, an accident is "known" if the owner or operator:

(1) Witnesses a ~~the~~ reportable injury, ~~or~~ and the injury witnessed reasonably appears to require medical service other than ordinary first aid;
or

(2) Receives notice of a reportable injury and ~~the~~ information received from any source reasonably appears appearing to be reliable and credible, that the maintenance, operation, or use of a permanent amusement ride has resulted in the:

(A) Death of a patron; or

(B) Injury of a patron, if the injury is one requiring medical service other than ordinary first aid.

(b) Preservation of Accident Scene

(1) If a death or injury reportable pursuant to subsection (a) results from Upon the occurrence of a known accident where the failure, malfunction, or operation of a permanent amusement ride, results in the death of a patron, or results in a patron injury requiring medical service other than ordinary first aid, the equipment or conditions that caused the accident shall be preserved for a reasonable length of time for the purpose of a possible investigation by the Division.

Exception: This requirement does not apply if the owner or operator does not receive timely notice of the injury so that a determination can reasonably be made as to what equipment or conditions caused the accident.

(1)(2) Upon receiving a report of a death or injury an accident from the representative of an owner or operator, the Division shall, ~~if it determines that~~ make a determination as to whether preservation is not necessary, and inform the owner or operator of its determination ~~that the equipment or conditions that caused the accident need not continue to be preserved.~~

(A) If the Division determines that preservation is necessary, the Division shall make a reasonable effort to initiate the inspection within 24 hours of receipt of the report from the owner or operator.

(B) Upon initiating an the inspection, the Division shall provide the owner or operator with an instruction as to how long the equipment or conditions shall continue to be preserved.

(c) Notification of the Division by Emergency Responders

Whenever a state, county, or local fire or police agency is called to an accident scene involving a permanent amusement ride covered by this Article where a ~~serious injury or the death of a patron or a patron injury requiring medical service~~ other than first aid has occurred, the Anaheim or Sacramento Amusement Ride Section Office of the Division shall be notified by telephone immediately by the responding agency.

344.16. 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.

344.17. Confidentiality.

The Division shall maintain the confidentiality of all documentation received pursuant to this Article to the extent that such documentation is protected by Labor Code Section 6322 or any other applicable provision of law.

NOTE: Authority cited: Labor Code sections 60.5, 6308, 7721, 7923 and 7928.
Reference: Labor Code sections 7920 through 7928.