

As Introduced

**127th General Assembly
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H. B. No. 246

Representative Stewart, J.

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A B I L L

To amend sections 1711.11 and 1711.53 and to enact 1
section 3717.14 of the Revised Code to require 2
concession owners and operators, amusement ride 3
owners and operators, and certain food 4
establishments to provide the names and addresses 5
of their employees when requested by the chief of 6
police or county sheriff. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1711.11 and 1711.53 are amended and 8
section 3717.14 of the Revised Code is enacted to read as follows: 9

Sec. 1711.11. (A) No person shall operate any concession at 10
any fair or exposition conducted by a county or independent 11
agricultural society or by the Ohio expositions commission without 12
first obtaining from the director of agriculture a license to do 13
so under division (B) of this section, nor shall any officer, 14
agent, or employee of a county or independent agricultural society 15
or of the Ohio expositions commission grant a privilege or 16
concession to any person to do so, unless the person holds a 17
license. 18

For the purposes of this section, "concession" means any 19
show, amusement other than an amusement ride as defined in section 20

1711.50 of the Revised Code, game, or novelty stand operation at a 21
fair or exposition, but does not include food or drink operations. 22

(B) A license shall be issued by the director only upon a 23
written application containing a detailed description of the 24
concession. Blank applications for licenses shall be prepared and 25
furnished by the director. 26

(C) No license shall be issued until the applicant has paid a 27
fee of seventy dollars to the director, except that no fee shall 28
be collected from nonprofit organizations which are recorded as 29
such by the secretary of state or with the internal revenue 30
service. The director shall pay the fee into the state treasury to 31
the credit of the amusement ride inspection fund established by 32
section 1711.53 of the Revised Code. 33

(D) A license issued under this section shall contain a 34
detailed description of the concession licensed, shall expire on 35
the thirty-first day of December following the date of issue, and 36
shall be kept by the licensee in a conspicuous place where the 37
licensee's concession is in operation. 38

(E)(1) The director shall employ and provide training for a 39
chief inspector and additional inspectors and employees as 40
necessary to administer and enforce this section. The director may 41
appoint or contract with other persons to perform inspections of 42
concessions, provided that the persons meet the qualifications for 43
inspectors established by rules adopted under division (G) of this 44
section and are not owners or employees of owners of any 45
concession subject to inspection under this section. No person 46
shall inspect a concession who, within six months prior to the 47
date of inspection, was an employee of the owner of the 48
concession. 49

(2) Before the director contracts with other persons to 50
inspect concessions, the director shall seek the advice of the 51

advisory council on amusement ride safety on whether to contract 52
with those persons. The advice shall not be binding upon the 53
director. After having received the advice of the council the 54
director may proceed to contract for amusement ride inspectors and 55
award the contract to the lowest responsive and responsible bidder 56
in accordance with section 9.312 of the Revised Code. In order to 57
determine the lowest responsive and responsible bid, the director, 58
with the advice of the council, shall adopt rules governing the 59
terms of the contract between the department of agriculture and 60
the inspector. The rules shall prescribe the training and work 61
experience required of an inspector, any insurance or bonds 62
required of an inspector, and all the services the inspector will 63
be required to perform on behalf of the department in an efficient 64
professional manner. 65

(F) This section does not require the officers of any county 66
or independent agricultural society or of the Ohio expositions 67
commission to grant any privilege or concession to any licensee. 68

(G) The director shall enforce this section and, in 69
accordance with Chapter 119. of the Revised Code, adopt all rules 70
that are necessary for its enforcement. If the director finds that 71
this section has been violated or that the licensee has been 72
dishonest or has been fraudulent in dealings with the public, the 73
director, in accordance with Chapter 119. of the Revised Code, 74
shall revoke the licensee's license or fine the licensee not more 75
than one thousand dollars, or both. The director, for a period not 76
exceeding two years from the date of revocation, may refuse to 77
issue another license to a person for a concession for which the 78
person's license has been revoked. Notwithstanding section 119.12 79
of the Revised Code, all appeals from any fine by, or order of, 80
the director shall be to the court of common pleas of the county 81
where the place of business of the person is located or to the 82
common pleas court of the county in which the person is a resident 83

or in which the concession is located. 84

(H) Any person holding a license issued under this section 85
who permits or tolerates at any place on the fairground where the 86
person's concession is in operation, any immoral show, lottery 87
device, game of chance, or gambling of any kind, including pool 88
selling and paddle wheels, or who violates the terms of the 89
license issued to the person, shall forfeit the license, and the 90
director shall not issue any other license to the person until 91
after a period of two years from the forfeiture. For the purposes 92
of this division, "lottery device," "game of chance," and 93
"gambling of any kind" do not include the sale of lottery tickets 94
by the state lottery commission pursuant to Chapter 3770. of the 95
Revised Code at the state fairground during the state fair. For 96
the purposes of this section and section 1711.09 of the Revised 97
Code, contests, games, tournaments, and other activities, the 98
outcome of which is predominantly determined by the skill of the 99
contestants, participants, or players, whether or not the 100
contestants, participants, or players pay a price for the 101
opportunity to win a prize, do not constitute a game of chance or 102
gambling within the meaning, purpose, and intent of this section 103
and section 1711.09 of the Revised Code or sections 2915.01 to 104
2915.04 of the Revised Code. The foregoing definition does not 105
apply where the contest, game, tournament, or other activity 106
contains or includes any mechanical or physical device which 107
directly or indirectly impedes, impairs, or thwarts the skill of 108
the contestant, participant, or player. 109

(I) Any owner or operator of a concession licensed pursuant 110
to this section shall provide the name and address of all of the 111
owner's or operator's employees employed at that concession within 112
forty-eight hours of a request for that information by the chief 113
of police of the municipal corporation or township in which the 114
owner's or operator's concession is located or, if the concession 115

is not located within a municipal corporation or township that has 116
a chief of police, by the sheriff of the county in which the 117
concession is located. 118

Sec. 1711.53. (A)(1) No person shall operate an amusement 119
ride within the state without a permit issued by the director of 120
agriculture under division (A)(2) of this section. The owner of an 121
amusement ride, whether the ride is a temporary amusement ride or 122
a permanent amusement ride, who desires to operate the amusement 123
ride within the state shall, prior to the operation of the 124
amusement ride and annually thereafter, submit to the department 125
of agriculture an application for a permit, together with the 126
appropriate permit and inspection fee, on a form to be furnished 127
by the department. Prior to issuing any permit the department 128
shall, within thirty days after the date on which it receives the 129
application, inspect each amusement ride described in the 130
application. The owner of an amusement ride shall have the 131
amusement ride ready for inspection not later than two hours after 132
the time that is requested by the person for the inspection. 133

(2) For each amusement ride found to comply with the rules 134
adopted by the director under division (B) of this section and 135
division (B) of section 1711.551 of the Revised Code, the director 136
shall issue an annual permit, provided that evidence of liability 137
insurance coverage for the amusement ride as required by section 138
1711.54 of the Revised Code is on file with the department. 139

(3) The director shall issue with each permit a decal 140
indicating that the amusement ride has been issued the permit. The 141
owner of the amusement ride shall affix the decal on the ride at a 142
location where the decal is easily visible to the patrons of the 143
ride. A copy of the permit shall be kept on file at the same 144
address as the location of the amusement ride identified on the 145
permit, and shall be made available for inspection, upon 146

reasonable demand, by any person. An owner may operate an 147
amusement ride prior to obtaining a permit, provided that the 148
operation is for the purpose of testing the amusement ride or 149
training amusement ride operators and other employees of the owner 150
and the amusement ride is not open to the public. 151

(B) The director, in accordance with Chapter 119. of the 152
Revised Code, shall adopt rules providing for a schedule of fines, 153
with no fine exceeding five thousand dollars, for violations of 154
sections 1711.50 to 1711.57 of the Revised Code or any rules 155
adopted under this division and for the classification of 156
amusement rides and rules for the safe operation and inspection of 157
all amusement rides as are necessary for amusement ride safety and 158
for the protection of the general public. Rules adopted by the 159
director for the safe operation and inspection of amusement rides 160
shall be reasonable and based upon generally accepted engineering 161
standards and practices. In adopting rules under this section, the 162
director may adopt by reference, in whole or in part, the national 163
fire code or the national electrical code (NEC) prepared by the 164
national fire protection association, the standards of the 165
American society for testing and materials (ASTM) or the American 166
national standards institute (ANSI), or any other principles, 167
tests, or standards of nationally recognized technical or 168
scientific authorities. Insofar as is practicable and consistent 169
with sections 1711.50 to 1711.57 of the Revised Code, rules 170
adopted under this division shall be consistent with the rules of 171
other states. The department shall cause sections 1711.50 to 172
1711.57 of the Revised Code and the rules adopted in accordance 173
with this division and division (B) of section 1711.551 of the 174
Revised Code to be published in pamphlet form and a copy to be 175
furnished without charge to each owner of an amusement ride who 176
holds a current permit or is an applicant therefor. 177

(C) With respect to an application for a permit for an 178

amusement ride, an owner may apply to the director for a waiver or 179
modification of any rule adopted under division (B) of this 180
section if there are practical difficulties or unnecessary 181
hardships for the amusement ride to comply with the rules. Any 182
application shall set forth the reasons for the request. The 183
director, with the approval of the advisory council on amusement 184
ride safety, may waive or modify the application of a rule to any 185
amusement ride if the public safety is secure. Any authorization 186
by the director under this division shall be in writing and shall 187
set forth the conditions under which the waiver or modification is 188
authorized, and the department shall retain separate records of 189
all proceedings under this division. 190

(D)(1) The director shall employ and provide for training of 191
a chief inspector and additional inspectors and employees as may 192
be necessary to administer and enforce sections 1711.50 to 1711.57 193
of the Revised Code. The director may appoint or contract with 194
other persons to perform inspections of amusement rides, provided 195
that the persons meet the qualifications for inspectors 196
established by rules adopted under division (B) of this section 197
and are not owners, or employees of owners, of any amusement ride 198
subject to inspection under sections 1711.50 to 1711.57 of the 199
Revised Code. No person shall inspect an amusement ride who, 200
within six months prior to the date of inspection, was an employee 201
of the owner of the ride. 202

(2) Before the director contracts with other persons to 203
inspect amusement rides, the director shall seek the advice of the 204
advisory council on amusement ride safety on whether to contract 205
with those persons. The advice shall not be binding upon the 206
director. After having received the advice of the council, the 207
director may proceed to contract with inspectors in accordance 208
with the procedures specified in division (E)(2) of section 209
1711.11 of the Revised Code. 210

(3) With the advice and consent of the advisory council on 211
amusement ride safety, the director may employ a special 212
consultant to conduct an independent investigation of an amusement 213
ride accident. This consultant need not be in the civil service of 214
the state, but shall have qualifications to conduct the 215
investigation acceptable to the council. 216

(E)(1) Except as otherwise provided in division (E)(1) of 217
this section, the department shall charge the following amusement 218
ride fees: 219

Permit	\$	150	220
Annual inspection and reinspection per ride:			221
Kiddie rides	\$	100	222
Roller coaster	\$	950	223
Aerial lifts or bungee jumping facilities	\$	450	224
Go karts	\$	5	225
Other rides	\$	160	226
Midseason operational inspection per ride	\$	25	227
Expedited inspection per ride	\$	100	228
Failure to cancel scheduled inspection per ride	\$	100	229
Failure to have amusement ride ready for inspection			230
per ride	\$	100	231

The go kart inspection fee is in addition to the inspection 232
fee for the go kart track. 233

The fees for an expedited inspection, failure to cancel a 234
scheduled inspection, and failure to have an amusement ride ready 235
for inspection do not apply to go karts. 236

As used in division (E)(1) of this section, "expedited 237
inspection" means an inspection of an amusement ride by the 238
department not later than ten days after the owner of the 239
amusement ride files an application for a permit under this 240
section. 241

(2) All fees and fines collected by the department under 242
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 243
in the state treasury to the credit of the amusement ride 244
inspection fund, which is hereby created, and shall be used only 245
for the purpose of administering and enforcing sections 1711.11 246
and 1711.50 to 1711.57 of the Revised Code. 247

(3) The owner of an amusement ride shall be required to pay a 248
reinspection fee only if the reinspection was conducted at the 249
owner's request under division (F) of this section, if the 250
reinspection is required by division (F) of this section because 251
of an accident, or if the reinspection is required by division (F) 252
of section 1711.55 of the Revised Code. If a reinspection is 253
conducted at the request of the chief officer of a fair, festival, 254
or event where the ride is operating, the reinspection fee shall 255
be charged to the fair, festival, or event. 256

(4) The rules adopted under division (B) of this section 257
shall define "kiddie rides," "roller coaster," "aerial lifts," "go 258
karts," and "other rides" for purposes of determining the fees 259
under division (E) of this section. The rules shall define "other 260
rides" to include go kart tracks. 261

(F) A reinspection of an amusement ride shall take place if 262
an accident occurs, if the owner of the ride or the chief officer 263
of the fair, festival, or event where the ride is operating 264
requests a reinspection, or if the reinspection is required by 265
division (F) of section 1711.55 of the Revised Code. 266

(G) As a supplement to its annual inspection of a temporary 267
amusement ride, the department may inspect the ride during each 268
scheduled event, as listed in the schedule of events provided to 269
the department by the owner pursuant to division (C) of section 270
1711.55 of the Revised Code, at which the ride is operated in this 271
state. These supplemental inspections are in addition to any other 272
inspection or reinspection of the ride as may be required under 273

sections 1711.50 to 1711.57 of the Revised Code, and the owner of 274
the temporary amusement ride is not required to pay an inspection 275
or reinspection fee for this supplemental inspection. Nothing in 276
this division shall be construed to prohibit the owner of a 277
temporary amusement ride having a valid permit to operate in this 278
state from operating the ride at a scheduled event before the 279
department conducts a supplemental inspection. 280

(H) The department may annually conduct a midseason 281
operational inspection of every amusement ride upon which it 282
conducts an annual inspection pursuant to division (A) of this 283
section. The midseason operational inspection is in addition to 284
any other inspection or reinspection of the amusement ride as may 285
be required pursuant to sections 1711.50 to 1711.57 of the Revised 286
Code. The owner of an amusement ride shall submit to the 287
department, at the time determined by the department, the 288
midseason operational inspection fee specified in division (E) of 289
this section. The director, in accordance with Chapter 119. of the 290
Revised Code, shall adopt rules specifying the time period during 291
which the department will conduct midseason operational 292
inspections. 293

(I) Any owner or operator of an amusement ride licensed 294
pursuant to this section shall provide the name and address of all 295
of the owner's or operator's employees employed at that amusement 296
ride within forty-eight hours of a request for that information by 297
the chief of police of the municipal corporation or township in 298
which the owner's or operator's amusement ride is located or, if 299
the amusement ride is not located within a municipal corporation 300
or township that has a chief of police, by the sheriff of the 301
county in which the amusement ride is located. 302

Sec. 3717.14. Any person licensed to operate a food 303
establishment pursuant to this chapter shall provide the name and 304

address of all of the person's employees employed at that food 305
establishment within forty-eight hours of a request for that 306
information by the chief of police of the municipal corporation or 307
township in which the person's food establishment is located or, 308
if the food establishment is not located within a municipal 309
corporation or township that has a chief of police, by the sheriff 310
of the county in which the food establishment is located. 311

As used in this section, "food establishment" means a 312
seasonal retail food establishment, temporary retail food 313
establishment, mobile retail food establishment, seasonal food 314
service operation, temporary food service operation, or mobile 315
food service operation. 316

Section 2. That existing sections 1711.11 and 1711.53 of the 317
Revised Code are hereby repealed. 318