

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:9-1-01

**Rule Type:** Rescission

**Rule Title/Tagline:** Procedures for obtaining a license authorizing operation of an amusement ride or device.

**Agency Name:** Department of Agriculture

**Division:**

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#### **I. Rule Summary**

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 10/18/2017
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 49 - 132 - Rep. Ryan Smith
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 1711.53
5. **What statute(s) does the rule implement or amplify?** 1711.53
6. **What are the reasons for proposing the rule?**

House Bill 49 of the 132nd General Assembly amended portions of the Amusement Ride laws found in Chapter 1711. of the Revised Code. The amendments removed the statutory inspection fee for inflatable devices and required the Department to adopt this fee in rules.

**7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 901:9-1-01 has been amended to comply with this statutory requirement. The Department conducted a review of the costs associated with inspecting inflatables. Due to the methods in which inflatable companies have requested inspection the cost has varied significantly. The Department compiled information and determined that the average cost of the inspection of an inflatable was greater than \$105. However, as stated above, the legislative amendments required that the inspection fee be less than \$105. Therefore, the Department established an inspection fee of \$104. The rule also establishes a 365-day licensing term for inflatable rides. OAC 901:9-1-01 was also reviewed for purposes of the five year rule review. In order to make the rule easier to read, a significant amount of formatting changes were made. As a result of these changes, OAC 901:9-1-01 has been proposed to be rescinded and replaced with the new OAC 901:9-1-01.

**8. Does the rule incorporate material by reference? Yes**

**9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

**10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

**11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will decrease revenues.

\$2,000.00

The permit for inflatable rides has decreased by \$1. There are approximately 2,000 inflatable rides licensed in the state of Ohio. Therefore, a one dollar decrease in the permit fees will result in a \$2,000 decrease in revenues.

**12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

As established in section 1711.53 of the Revised Code, the fees for permits and inspections are as follows:

Permit \$150

Annual inspection and re-inspection per ride:

Kiddie Rides \$100

Roller Coaster \$1200

Aerial lifts or bungee jumping facilities \$450

Go karts, per kart \$5

Other rides \$160

Midseason operational inspection per ride \$25

Expedited inspection per ride \$100

Failure to cancel scheduled inspection per ride \$100

Failure to have amusement ride ready for inspection, per ride \$100

As stated above, H.B. 49 of the 132nd General Assembly required the Department to establish by rule the cost of inspections for inflatable rides. OAC 901:9-1-01 has proposed an inflatable inspection fee of \$104.

**13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**III. Common Sense Initiative (CSI) Questions**

**15. Was this rule filed with the Common Sense Initiative Office? Yes**

**16. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

All amusement ride operators must obtain an amusement ride permit and be inspected by the Division of Ride Safety prior to operation.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Failure to comply could result in the issuance of a civil penalty or other sanctions.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Applicants must comply with the application instructions.