

**MEMORANDUM**

TO: David Miran, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: October 12, 2017

RE: **CSI Review – Amusement Ride Safety (OAC 901:9-1-01, 901:9-1-06, 901:9-1-09, 901:9-1-14.1, and 901:9-1-47)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package contains five amended rules¹ proposed by the Ohio Department of Agriculture (ODA). The rule package was submitted to the CSI Office on August 10, 2017 and the public comment period was held open through August 25, 2017. No comments were received during the CSI public comment period.

Ohio Administrative Code (OAC) 901:9-1-01 is being amended to comply with House Bill 49 of the 132nd General Assembly, which amended portions of the ORC regarding amusement ride laws. Additionally, because of the effective date of House Bill 49, an emergency rule took effect by executive order on September 29, 2017 to ensure continuity in ODA's authority to charge the requisite fee for annual inspections and inspect rides for public safety. An inspection fee of \$104 for inflatable amusement rides has been included in Rule 901:9-1-01. This fee is required by recent

¹ OAC 901:9-1-01 is being amended to the extent that the Legislative Service Commission requires the Department to rescind the rule and replace it with a new rule of the same rule number.

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amendments to ORC 1711.53, which require ODA to adopt an inspection fee of not more than \$105 for inflatable rides. ODA used data to calculate the average cost of the inspection of an inflatable ride, but that number was greater than the new statutory limit of \$105, so they settled on \$104 for the fee. The rule also establishes a 365-day licensing term for inflatable amusement rides. OAC 901:9-1-06, 901:9-1-09, 901:9-1-14.1, and 901:9-1-47 are being amended in order to update references, remove deadlines, and change language to comply with current drafting standards.

During early stakeholder outreach, ODA presented the proposed rules to the Advisory Council on Amusement Ride Safety, which represents various stakeholder communities within the amusement industry. One comment was received which supported the establishment of a 365-day licensing term for inflatable amusement rides. No comments were received during the CSI public comment period.

These rules impact all amusement ride owners and operators in Ohio. The adverse costs created by these rules include permit fees, inspection fees, and fines for violation of the rules. Permit fees are \$150 for all amusement rides. The rule amendments establish an inspection fee for inflatable amusement rides of \$104, which is required by ORC 1711.53. Violation of the rule requirements incurs a fine of not more than \$1,000 and subsequent violations may result in fines of not more than \$5,000. These adverse costs serve to protect public safety by establishing inspection requirements and penalties for potentially hazardous violations. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Agriculture should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.