

Chapter 460

1959 REPLACEMENT PART

Elevators; Amusement Rides

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ELEVATORS

460.010 Definitions for ORS 460.010 to 460.060. As used in ORS 460.010 to 460.060, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of the Bureau of Labor.

(2) "Elevators" includes all power-driven elevators, dumbwaiters, escalators and manlifts.

460.020 [Repealed by 1957 c.398 §9]

460.025 Elevator installation and operation regulations; operating permit. (1) It is unlawful for any person to install or commence to install any elevator without first having submitted to the commissioner, for his inspection and approval, a copy of the plans and specifications of the elevator and the installation thereof. The commissioner may deny or withdraw permission to install the elevator if he determines that the elevator or the installation thereof may result in an unsafe condition during its operation, as provided in ORS 460.060.

(2) It is unlawful for any person who owns, leases, controls or manages an elevator or the structure or building within which the elevator is located, to operate or suffer to be operated an elevator for which no currently effective operating permit has been issued by the commissioner. An unlawfully installed or operated elevator may be disconnected from the source of power by the commissioner until such time as the necessary action has been taken to place the elevator in compliance with ORS 460.010 to 460.060. [1957 c.398 §2, 3]

460.027 Denial, suspension or revocation of operating permit. The commissioner may deny, suspend or revoke an operating permit for an elevator if the elevator is not in safe operating condition as provided in ORS 460.060, or otherwise is not in compliance with the provisions of ORS 460.010 to 460.060. [1957 c.398 §4]

460.030 Permit fees; due dates; delinquent payment fee. (1) No operating permit shall be issued by the commissioner until the owner, lessee or user has paid an annual permit fee of \$10 on each elevator, except as provided in subsection (2) of this section.

(2) The commissioner shall charge and collect directly from the owner, lessee or user an annual \$3 permit fee for each operating permit issued by him under the pro-

visions of subsections (2) and (3) of ORS 460.050.

(3) Such fees shall be due and payable upon completion of the initial installation, and annually thereafter, or annually on the anniversary of the payment of the previous fee due and paid.

(4) If not paid within 30 days after service of written notice by the commissioner thereof, a fee shall be delinquent, and shall be doubled. [Amended by 1955 c.138 §1; 1957 c.398 §5; 1957 c.465 §3]

460.040 Annual inspection; expenses of administration. (1) The commissioner shall cause all elevators in this state to be inspected at least once each year.

(2) The expenses incurred by the commissioner in making inspections and in the administration of the provisions in ORS 460.010 to 460.060 shall be paid as prescribed by ORS 460.070. [Amended by 1955 c.138 §2; 1957 c.398 §6; 1957 c.465 §4]

460.050 Exemption of certain elevators from fees. (1) Elevators which are under the supervision of the United States Government or which are located in private homes are exempt from the payment of the fees provided for in ORS 460.010 to 460.060.

(2) Elevators inspected regularly by elevator insurance companies on which reports of inspection have been received by the commissioner, are exempt from the payment of the fees provided for in subsection (1) of ORS 460.030; provided that each inspection by an insurance company is made by a person authorized by the commissioner. The commissioner shall authorize any bona fide employe of an elevator insurance company to make such inspections, provided that the applicant for such authorization has had experience in designing or installing, or maintaining, or inspecting elevators and satisfactorily passes a written examination given by the commissioner testing his knowledge of ORS 460.010 to 460.060 and the rules or regulations of the commissioner made in accordance therewith, and provided further, that the commissioner may waive the examination if the applicant holds a similar license for a city or another state.

(3) The commissioner may reject such authorization of any inspector of an insurance company should such inspector be incompetent or cancel any such authorization if any such inspector persistently violates

reasonable rules or regulations of the commissioner made in accordance with ORS 460.010 to 460.060 or proves to be incompetent. Said inspector has the right of appeal to the circuit courts of this state from the rejection of his authorization application or the cancellation of his authorization. [Amended by 1957 c.398 §7]

460.060 American Standard Safety Code to be used as guide. In order to determine whether an elevator, dumbwaiter, escalator or manlift is in a condition so it can safely be operated, the commissioner shall be guided by the current code of the United States Bureau of Standards, known as the American Standard Safety Code, for elevators, dumbwaiters, escalators and manlifts. The latest edition of such code on file in the office of the commissioner on July 1 of each year shall constitute the "current" code for the following fiscal year. The commissioner shall obtain and keep on file in his office a copy of the latest edition issued by the United States Bureau of Standards, and shall have printed and certify to and deliver, upon request, to the general public, at cost, copies of such code. [Amended by 1957 c.398 §8]

460.070 Disposition of receipts. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.010 to 460.060 and subsection (1) of ORS 460.990 shall be collected by the Labor Commissioner and paid into the State Treasury and shall be credited to the Bureau of Labor Account and shall be used only for the payment of all expenses incurred by the Labor Commissioner in carrying out ORS 460.010 to 460.060 and subsection (1) of ORS 460.990. [Formerly 651.180]

460.080 to 460.300 [Reserved for expansion]

AMUSEMENT RIDES

460.310 Definitions for ORS 460.310 to 460.380. As used in ORS 460.310 to 460.380, unless the context requires otherwise:

(1) "Amusement ride" means any vehicle, boat or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion or recreation. "Amusement ride" includes, by way of illustration, devices commonly known as Ferris

wheels, carousels, parachute towers, tunnels of love and roller coasters.

(2) "Commission" means the State Industrial Accident Commission. [1959 c.619 §1]

460.320 Amusement rides to be operated in accordance with permit. No person shall:

(1) Operate an amusement ride without a valid permit therefor issued under subsections (1), (2) and (4) of ORS 460.330, or allow an amusement ride owned, leased, controlled or managed by him to be so operated.

(2) Operate an amusement ride in violation of any restriction or condition indorsed on the permit for that amusement ride under subsection (4) of ORS 460.330. [1959 c.619 §2]

460.330 Application for and issuance of permit. (1) Application for a permit to operate an amusement ride shall be made by the person owning said ride, or his duly appointed agent or lessee, said application to be made on forms prescribed by the commission.

(2) Upon receiving an application for a permit, the commission shall order an inspection of the amusement ride to be made. If said ride has previously been operated in the State of Oregon on a regular or annual basis, the commission shall issue a temporary permit for the ride's continued operation; provided, however, a personal inspection is made by an inspector of the commission within 30 days from the date of the issuance of the said temporary permit. If the inspector finds that the operation of the amusement ride or its installation does not endanger human life or property, he shall approve the application. However, the inspector shall indorse upon the application any restrictions and conditions that, in his judgment, should be imposed upon the operation of the amusement ride to protect human life and property.

(3) The commission shall disapprove and reject an application for a permit if it determines that the operation of the amusement ride or its installation may endanger human life or property.

(4) Upon approval of an application and payment of a fee sufficient to pay the costs of the initial annual and/or subsequent annual inspections, the commission shall issue a permit authorizing operation of the amusement ride. There shall be indorsed on the

permit the restrictions and conditions indorsed upon the application by the inspector. [1959 c.619 §§3, 4]

460.340 How long permit is valid. Permits issued under subsections (1), (2) and (4) of ORS 460.330 are valid until the amusement ride is materially rebuilt or materially modified so as to change the original action of the said amusement ride, but in no case for longer than one year after the date of issuance as follows:

(1) If an amusement ride is materially rebuilt or materially modified so as to change the original action of the said amusement ride, such amusement device shall be subject to a new inspection and shall apply for a new permit under subsections (1), (2) and (4) of ORS 460.330.

(2) If an amusement ride is moved and installed in another place but is not materially rebuilt or materially modified so as to change the original action of the said amusement ride, no new permit shall be required; provided, however, a permit has been issued previously under subsections (1), (2) and (4) of ORS 460.330 and has not been operative for longer than a one-year period. [1959 c.619 §5]

460.350 Enforcing compliance with law.

(1) In addition to the inspections required under subsections (1), (2) and (4) of ORS 460.330, the commission may cause an amusement ride to be inspected at any reasonable time to insure compliance with ORS 460.310 to 460.380.

(2) The commission may deny, suspend or revoke a permit at any time if, in its judgment, the amusement ride for which the permit was issued is not installed or being operated in compliance with ORS 460.310 to 460.380.

(3) The commission may disconnect an unlawfully installed or operated amusement ride from its source of power at any time and prevent its use until the amusement ride is brought into compliance with ORS 460.310 to 460.380. [1959 c.619 §6]

460.360 Applicability of Administrative Procedures Act. (1) The commission shall, in compliance with ORS 183.310 to 183.510,

make, amend, repeal, promulgate and enforce rules to carry out ORS 460.310 to 460.380.

(2) All proceedings relating to permits under ORS 460.310 to 460.380 shall be conducted in compliance with ORS 183.310 to 183.510. [1959 c.619 §7]

460.370 Payment of expenses; disposition of receipts. (1) All expenses incurred by the commission in making inspections and in enforcing ORS 460.310 to 460.380 and subsection (2) of ORS 460.990 shall be paid out of the Safety Inspection Account.

(2) All fees collected by the commission under ORS 460.310 to 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treasurer and credited to the Safety Inspection Account. [1959 c.619 §8]

460.380 Applicability of other laws and of county or city regulations. If the commission finds that any county or city in this state has by ordinance or regulation provided for the inspection of amusement rides with safety standards not lower than provided by ORS 460.310 to 460.380, it shall by its rules exempt persons operating amusement rides in that county or city from the requirements of ORS 460.310 to 460.380. However, nothing in ORS 460.310 to 460.380 is intended to permit the installation, construction, rebuilding or operation of an amusement ride otherwise prohibited by law, ordinance or regulation, or relieve the operators of such devices from complying with all applicable city ordinances and regulations, and the payment of city permit, inspection and license fees. [1959 c.619 §9]

460.390 to 460.980 [Reserved for expansion]

PENALTIES

460.990 Penalties. (1) Violation of any provision of ORS 460.010 to 460.060 is punishable, upon conviction, by a fine not exceeding \$100 or imprisonment in the county jail not exceeding 60 days, or both.

(2) Violation of any provision of ORS 460.310 to 460.380 is a misdemeanor. [Subsection (2) enacted as 1959 c.619 §10]

ELEVATORS; AMUSEMENT RIDES

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel

CHAPTER 461

[Reserved for expansion]

