

Chapter 460

1967 REPLACEMENT PART

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ELEVATORS

460.005 Definitions for ORS 460.005 to 460.175. As used in ORS 460.005 to 460.175, unless the context requires otherwise:

(1) "Alteration" means any change or addition to the equipment other than ordinary repair or replacement of an existing part thereof.

(2) "Board" means the Elevator Safety Board.

(3) "Certified elevator inspector" means an employe or representative of a casualty insurance company or companies who has passed the required examination and has been issued a certificate of competency by the Labor Commissioner.

(4) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides, and which serves two or more landings, and includes dumbwaiters, escalators, manlifts, vertical parking units for motor vehicles and moving walks.

(5) "Elevator installation" means the construction, alteration, maintenance and repair of elevators.

(6) "Labor Commissioner" means the Commissioner of the Bureau of Labor or his deputy.

(7) "License" means an annual permit issued by the Labor Commissioner under ORS 460.005 to 460.175 authorizing the person whose name appears as licensee thereon to act as an elevator contractor for the installation, alteration, repair and maintenance of elevators.

(8) "Minimum safety standards" means safety standards provided by ORS 460.005 to 460.175.

(9) "Moving walk" means a power-driven, horizontal or inclined, or combination, passenger-carrying device, in which the passenger-carrying surface remains parallel to its direction of motion, and is uninterrupted.

(10) "Operating permit" means a permit issued by the Labor Commissioner for the operation of an elevator indicating that the required safety inspection has been made and the elevator has been found to be in compliance with the minimum safety standards provided for in ORS 460.005 to 460.175.

(11) "Provisional operating permit" means a permit issued by the Labor Commissioner on the basis of a variance from the minimum safety standards under ORS 460.005 to 460.175.

[1961 c.427 §3; 1963 c.330 §1]

460.010 [Repealed by 1961 c.427 §22]

460.015 Short title of ORS 460.005 to 460.175. ORS 460.005 to 460.175 may be cited as the Elevator Safety Law.

[1961 c.427 §1]

460.020 [Repealed by 1957 c.398 §9]

460.024 Purpose of ORS 460.005 to 460.175. The purpose of ORS 460.005 to 460.175 is to protect the health and safety of the people of Oregon from the danger of unsafe elevators. To accomplish this purpose the Legislative Assembly intends by ORS 460.005 to 460.175:

(1) To provide minimum safety standards for the installation, alteration, repair and maintenance of elevators to be operated in this state.

(2) To assure compliance with minimum safety standards in installation, alteration, repair and maintenance of elevators to be operated within the state.

(3) To provide for the administration and enforcement of ORS 460.005 to 460.175 by the Labor Commissioner.

(4) To provide for defraying the cost of administering and enforcing ORS 426.005 to 426.175 by fees collected in connection with licensing, approval or rejection of plans, inspections, processing reports and issuing of elevator operating permits.

[1961 c.427 §2]

460.025 [1957 c.398 §§2, 3; repealed by 1961 c.427 §22]

460.027 [1957 c.398 §4; repealed by 1961 c.427 §22]

460.030 [Amended by 1955 c.138 §1; 1957 c.398 §5; 1957 c.465 §3; repealed by 1961 c.427 §22]

460.035 Exemptions from operation of ORS 460.005 to 460.175. (1) No fees shall be required under ORS 460.005 to 460.175 to install, operate or maintain an elevator:

(a) Under the supervision of the United States Government.

(b) Nonpower-driven lifting devices.

(c) Located in a private home.

However, the Labor Commissioner may, at the request of the owner or user thereof, make an inspection of the above exempt elevators and collect the appropriate fee listed in ORS 460.165.

(2) Pipes installed in an elevator hoistway prior to July 1, 1961, which do not convey gasses or liquids that would endanger life if discharged into the hoistway, are not required to be removed.

(3) ORS 460.005 to 460.175 does not apply to:

(a) Belt, bucket, scoop, roller or similar type material conveyors.

(b) Hoists for raising or lowering materials and which are provided with unguided hooks, slings and similar means for attachment to the materials.

(c) Material hoists and workmen's elevators used to raise and lower building material and workmen in buildings under construction.

(d) Devices having a travel of less than one story or floor and used only for the transfer of material or equipment. This paragraph applies to stackers or other lifting or lowering devices as long as they serve one floor only.

(e) Window-washing scaffolds.

(f) Nonpower-driven lifting devices.

(g) Amusement rides.

(h) Mine elevators.

(i) Elevators under the supervision of the United States Government.

(j) Elevators located in private homes. [1961 c.427 §4; 1963 c.330 §2]

460.040 [Amended by 1955 c.138 §2; 1957 c.398 §6; 1957 c.465 §4; repealed by 1961 c.427 §22]

460.045 Permits, licenses and certificates required. Subject to ORS 460.035 no person shall:

(1) Engage in the business of installation, alteration, repair or maintenance of an elevator without an elevator contractor's license.

(2) Install, alter, or commence to install or alter, an elevator covered by ORS 460.005 to 460.175 the plans and pertinent data for which have not been approved by the Labor Commissioner.

(3) Permit or suffer an elevator to be operated, without a current operating permit, on property which he owns, controls, manages or supervises.

(4) Hold himself out or act as a certified elevator inspector unless he has a current certificate of competency issued by the Labor Commissioner.

(5) Place in service a new or altered elevator without a current operating permit issued after a satisfactory acceptance inspection made by the Labor Commissioner and satisfactory acceptance tests performed in his presence.

(6) Place in service an elevator which has caused an injury to a person or persons until permission has been obtained from the Labor Commissioner.

[1961 c.427 §5]

460.050 [Amended by 1957 c.398 §7; repealed by 1961 c.427 §22]

460.055 Duties of Labor Commissioner in issuing permits, licenses and certificates.

(1) The Labor Commissioner shall give his decision within a reasonable time, not exceeding 30 days:

(a) Approving or rejecting plans and pertinent data for proposed elevator installations or alterations submitted for his examination.

(b) Issuing or denying a certificate of competency to applicants after examinations have been taken therefor.

(c) Issuing or denying permits for elevators inspected by a member of his staff of elevator inspectors or by a certified elevator inspector.

(2) Except as provided in subsection (3) of this section permits shall not be issued for the operation of elevators failing to meet minimum safety standards as provided by ORS 460.005 to 460.175.

(3) A provisional operating permit may be issued for elevators whose safety standards vary from the minimum safety standards as provided in ORS 460.005 to 460.175, when in the opinion of the Labor Commissioner no immediate hazard to health or safety exists. Such provisional operating permit shall be issued for a specific period of time determined by the Labor Commissioner at the time such permit is granted. During the life of such provisional operating permit such elevator shall be brought into compliance with the safety standards found at variance at the time of the issuance of such provisional permit.

(4) A certificate of competency shall be issued only to a natural person who has passed an examination administered by the Labor Commissioner for this purpose and who is employed by the Bureau of Labor or is a representative of a casualty insurance company or companies as an elevator inspector. The examination shall:

(a) Include questions, the answers to which are confined to matters which will aid in determining the fitness and competency of the applicant for the intended service.

(b) Include a practical demonstration of manipulative skill directly related to the intended service, or the requirement of previous related experience in lieu thereof.

(c) Be maintained on file with the records of practical demonstrations for no less than three years and shall be produced by the

Labor Commissioner upon the request of any court, or the board, or a person with a legitimate interest.

(5) No plans or pertinent data for elevators to be installed or altered in this state shall be approved by the Labor Commissioner unless the proposed elevator installation or alteration meets minimum safety standards as provided in subsection (1) of ORS 460.085 and ORS 460.105.

[1961 c.427 §6; 1963 c.330 §3]

460.060 [Amended by 1957 c.398 §8; repealed by 1961 c.427 §22]

460.065 Expiration and renewal of permit, license or certificate. (1) Subject to ORS 460.075, the expiration date of:

(a) Elevator operating permits shall be one year from the original date of issue and thereafter on the anniversary date of issue.

(b) A certified elevator inspector's certificate of competency shall be December 31 of the year in which it is issued.

(c) Elevator contractors' licenses shall be July 1 following the date of issuance.

(2) Subject to ORS 460.055, 460.075 and 460.165, holders of an elevator contractor's license, a certificate of competency or an operating permit who have complied with ORS 460.005 to 460.175 and the rules and regulations made under subsection (1) of ORS 460.085, shall be entitled to renewal at the expiration thereof.

[1961 c.427 §§7, 8]

460.070 [Formerly 651.180; repealed by 1961 c.427 §22]

460.075 Cancellation, suspension and revocation of permits, certificates and licenses.

(1) Subject to the provisions of ORS chapter 183, the Labor Commissioner shall cancel, revoke or suspend the operating permit for any elevator which fails to comply with the minimum safety standards provided by ORS 460.005 to 460.175.

(2) Subject to the provisions of ORS chapter 183, the Labor Commissioner may suspend or revoke the certificate of competency of any certified elevator inspector:

(a) Whom he finds to be performing his work in a manner inconsistent with the intent and purposes of ORS 460.005 to 460.175.

(b) Who fails to file in advance with the Labor Commissioner the name of any company for which he performs an inspection.

(c) Who wilfully violates ORS 460.005 to 460.175 or rules and regulations issued under subsection (1) of ORS 460.085.

(d) Who deliberately falsified his appli-

cation for such certificate or his inspection report made to the Labor Commissioner.

(e) Who persistently fails to properly report to the Labor Commissioner in writing regarding elevators inspected by him.

(3) Subject to the provisions of ORS chapter 183, the Labor Commissioner may suspend or revoke the license of an elevator contractor who wilfully violates ORS 460.005 to 460.175 or rules and regulations issued under subsection (1) of ORS 460.085.

[1961 c.427 §9]

460.085 Rules and regulations governing elevator safety. (1) In accordance with the applicable provisions of ORS chapter 183, the Labor Commissioner, after consultation with the board, shall adopt reasonable rules and regulations:

(a) Applicable to new elevator installations, and the alteration, repair or maintenance of elevators after July 1, 1961.

(b) Governing the issuance, renewal, suspension and revocation of licenses, permits and certificates of competency issued under ORS 460.005 to 460.175.

(c) Prescribing the time, place and circumstances under which permits, licenses and certificates of competency shall be exhibited for inspection.

(d) Governing the internal organization and procedure of the Bureau of Labor for administering and enforcing ORS 460.005 to 460.175.

(e) Prescribing, requiring and governing reports by his staff of elevator inspectors and certified elevator inspectors on elevators inspected by them.

(2) In adopting rules and regulations under subsection (1) of this section, the Labor Commissioner shall consider:

(a) Technological advances in the elevator industry.

(b) The practicability of following the standards under consideration, if adopted.

(c) The probability, extent and gravity of the injury to the public or property which would result from failure to follow the standards under consideration.

(d) Safety standards followed, proposed or approved by responsible members of the elevator industry.

[1961 §427 §§12, 14, 15; 1963 c.330 §4]

460.095 General safety provisions. In addition to any other standards provided by ORS 460.005 to 460.175 or rules and regulations adopted under subsection (1) of ORS

460.085, the following general safety provisions shall apply:

(1) Sidewalk elevators shall be provided with self-closing screens guarding the entire sidewalk opening or opening into other exterior areas, except screens shall not be required for sidewalk elevators operable only from the sidewalk adjacent to the elevator or other exterior areas adjacent to the elevator providing they are equipped with self-closing sidewalk doors.

(2) Sidewalk elevator platforms shall be equipped with a safety bowiron.

(3) The roping of power passenger or freight elevators with drum-type driving machines covered by ORS 460.105 shall:

(a) Be reshackled at the point of contact with the elevator car as required for safe operation, but not more than once every 24 months or less than once every five years unless material damage is evident on inspection.

(b) Contain a metal tag attached to each rope after reshackling bearing the date of reshackling and the name of the individual, firm or corporation who performed it.

(4) Subject to subsection (2) of ORS 460.035, and except where necessary for operation of or communication with the elevator car, no pipes, ducts or wiring shall be installed inside any elevator hoistway.

(5) The hoistway gates of freight or sidewalk elevators shall be not less than 66 inches high.

(6) Each freight elevator must contain a sign visible to any user thereof specifying the type of loading for which it is designed and installed.

(7) Except for sidewalk elevators, escalators, moving walks and manlifts, the current permit required by ORS 460.005 to 460.175 shall be conspicuously posted at all times in the elevator car. The permit for sidewalk elevators, escalators, moving walks and manlifts may be posted in a conspicuous place adjacent to such equipment and visible to the users of such equipment.

(8) Solid bumpers of resilient material may be used for speeds not exceeding 50 feet per minute for passenger elevators or 75 feet per minute for freight elevators if other types of approved buffers are not used.

(9) Self-service, automatic passenger elevators shall be equipped with a car door or gate.

[1961 c.427 §10; 1963 c.330 §5]

460.105 Minimum safety standards for elevators installed before July 1, 1961. (1) The minimum safety standards for existing passenger elevators installed prior to July 1, 1961, shall be the standards appearing in:

(a) Pamphlet ASA A90.1 published by the American Society of Mechanical Engineers, January 1949, under the title of "Safety Code for Manlifts," and

(b) Pages 7 to 102 and 107 to 118 in pamphlet A17.1 published by the American Society of Mechanical Engineers in 1937, under the title of "Safety Code for Elevators, Dumbwaiters and Escalators," except section 2 and rules 100 a, 101 h, the first paragraph (except first sentence) of 104 c, 104 e, 105 c, 107, 108 b, 109 b, 111 except those portions applying to sidewalk elevators, 120 e, 120 j, 123, 124 d, exceptions 2, 3 and 4 of the second paragraph of 124 f and paragraph 3 of 124 f, 124 g, 124 h, 124 i, 124 m, 126 f, 200 a, the second and third paragraphs of 201 a, 210 a, 210 n, the word "metal" in 212 a, the word "metal" in the third paragraph of 212 c, and the fourth paragraph of 212 c, the second and sixth paragraphs of 212 e, the first and eighth paragraphs of 212 g, 212 m, and 222 c.

(2) The minimum safety standards for existing freight and sidewalk elevators installed prior to July 1, 1961, shall be as required by ORS 460.095 and Part 6 of pamphlet A17.1, published by the American Society of Mechanical Engineers in 1937, under the title of "Safety Code for Elevators, Dumbwaiters and Escalators."

(3) The sole purpose of subsections (1) and (2) of this section is to provide reasonable safety for life and limb. In case of practical difficulty or unnecessary hardship, the Labor Commissioner shall grant exceptions from the literal requirements or permit the use of other devices or methods than specified under subsections (1) and (2) of this section when it is evident that reasonable safety is thereby secured.

(4) Any owner, user or other person aggrieved by the application of the minimum safety standards of this section by the Labor Commissioner may appeal in the same manner and for the same reasons as provided under ORS 460.155.

[1961 c.427 §11; 1963 c.330 §6]

460.115 Labor Commissioner to administer and enforce ORS 460.005 to 460.175; Elevator Safety Board. (1) The Labor Commissioner shall administer and enforce ORS

460.005 to 460.175. He shall appoint an adequate staff of competent persons experienced and trained to serve as elevator inspectors.

(2) He shall appoint an Elevator Safety Board to assist him in reviewing determinations made by elevator inspectors and to consult with him before he formulates rules and regulations under subsection (1) of ORS 460.085. The Labor Commissioner may remove any member of the board for cause.

(3) The board shall consist of nine persons who shall represent the elevator manufacturers, elevator mechanics, casualty insurance companies, apartment house owners or managers, office building owners or managers, architects, building inspectors of incorporated cities, industrial plants and one owner, user or otherwise technically qualified person not otherwise included. A representative of the Labor Commissioner's staff of elevator inspectors shall serve ex officio as the secretary of the board.

[1961 c.427 §13; 1963 c.330 §7]

460.125 Annual inspection of elevators; action upon finding noncompliance. (1) The Labor Commissioner shall:

(a) At least once each year inspect each elevator to ascertain if it is being operated and maintained in accordance with ORS 460.005 to 460.175; provided, however, he shall not be required to inspect any elevator about which he has been notified in writing, by the employer of a certified elevator inspector, that inspection will be made by their certified inspector, if a copy of each report is filed with the commissioner within 30 days of the due date of each of said elevators.

(b) Periodically check the authenticity, appropriateness and expiration date of elevator permits.

(c) Review with his board any appeals from the decisions of the inspectors.

(d) Inspect and witness safety tests of all new or altered elevators before they are placed in service. Inspection and tests are to be governed by subsection (1) of ORS 460.085.

(e) Inspection reports provided to owners, users or other affected parties shall contain a notification of the right of appeal as provided in ORS 460.155.

(2) If the Labor Commissioner finds that an elevator is being operated otherwise than in compliance with ORS 460.005 to 460.175, he may cause it to be disconnected from its source of power. The Labor Commissioner shall give reasonable notice to the owner or

operator prior to taking such action unless continued operation of the elevator would constitute an immediate hazard to the health and safety of persons.

[1961 c.427 §16; 1963 c.330 §8]

460.135 Entry on premises for inspection purposes. For the purpose of discharging any duty imposed by or exercising any authority conferred by ORS 460.005 to 460.175, the Labor Commissioner may, during reasonable hours, enter any building, inclosure or upon any premises where an elevator is in operation or about to be put into operation. No person shall obstruct or interfere with the Labor Commissioner in the performance of his duties or the exercise of any authority conferred by ORS 460.005 to 460.175.

[1961 c.427 §17]

460.145 Restraining violations. When it appears to the Labor Commissioner that a person subject to ORS 460.005 to 460.175 is engaged or about to engage in an act or practice which constitutes a violation of ORS 460.005 to 460.175 or rules or regulations issued thereunder, the Labor Commissioner may, without bond, obtain an order from an appropriate circuit court restraining or enjoining such act or practice.

[1961 c.427 §18]

460.155 Appeals from adverse rulings of Labor Commissioner. (1) The Labor Commissioner shall hear the appeal of an appellant who has filed a written request (a) within 10 days of receiving written notice that a restraining order or injunction will be sought, or (b) within 30 days after receiving notice that a permit or certificate of competency will be canceled, revoked or suspended, or who is affected by either of such notices.

(2) In case there is a timely appeal, the restraining order or injunction will not be sought or the permit or certificate of competency will not be canceled, suspended or revoked pending the appeal unless the reason for the restraining order, injunction, cancellation, suspension or revocation constitutes an immediate menace to health or safety.

(3) The Labor Commissioner shall likewise hear the appeal of an appellant who has filed a written request and who has reason to desire a change in the minimum safety standards or the rules under ORS 460.005 to 460.175, or has been denied a permit or a certificate of competency.

(4) The Labor Commissioner shall set the

time and place for hearing and give the appellant 10 days' written notice.

(5) All appeals shall be heard within three months of receipt of the request; provided, if immediate menace to health or safety is involved, the appeal shall be heard within 20 days of receipt of the request.

(6) (a) Two or more appeals may be consolidated for hearing, if based upon substantially the same facts.

(b) The Labor Commissioner and the appellant may subpoena witnesses who shall receive the same compensation and mileage pay as circuit court witnesses.

(c) The appeal shall be heard by the Labor Commissioner, or his deputy, before the board.

(d) A written record shall be kept.

(e) The Labor Commissioner shall determine the appeal after consultation with and giving consideration to the views of the board.

(7) Judicial review of any final order or decision of the Commissioner of Labor shall be taken pursuant to the provisions of ORS 183.310 to 183.510.

[1961 c.427 §24; 1963 c.330 §9]

460.165 Fees. Subject to subsection (1) of ORS 460.035 and subsection (1) of ORS 460.085, the following appropriate fees shall be collected by the Labor Commissioner for examining plans, for the inspection of elevators, for issuing or renewing an elevator contractor's license and for processing reports and issuing the annual permit for the operation of an elevator, as the case may be:

(1) For an elevator contractor's license for each place of business operated by the applicant, \$15.

(2) With the submission of plans and other pertinent data, for each elevator, \$5.

(3) For each periodical or other inspection made by a member of the Labor Commissioner's staff of elevator inspectors, the following schedule of fees shall apply:

(a) Dumbwaiter, sidewalk elevator, hand-powered elevator, residential elevator, residential inclinator, residential incline car, platform hoist, manlift, manhoist, console or stage lift, \$5.

(b) Escalator or moving walk, \$7.

(c) Power-driven elevator with a seven floor rise or under, \$10.

(d) Power-driven elevator with over a seven floor rise, \$15.

(4) For the processing of each report of an inspection required under the provisions of ORS 460.005 to 460.175, \$3.

(5) Whenever an owner or user of any elevator equipment fails to pay a fee required under this section within 30 days after the date of depositing written notification in the United States mail, postage prepaid, and addressed to the last-known address of said owner or user, the fee shall be considered delinquent and the fee shall be doubled.

[1961 c.427 §19]

460.175 Disposition of fees. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the Labor Commissioner and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the Electrical Regulation Account in the General Fund. The moneys in the Electrical Regulation Account, as may be necessary for paying the expenses for administering and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated for that purpose.

[1961 c.427 §20]

PUBLIC STRUCTURES

460.210 Definitions for ORS 460.210 to 460.230. (1) As used in ORS 460.210 to 460.230, unless the context otherwise requires, the words, terms and phrases defined in subsections (2) to (5) of this section shall have the meaning given them in those subsections.

(2) "Architect" means an architect as defined in ORS 671.010 in accordance with the rules and regulations of the State Board of Architect Examiners.

(3) "Certified structure" means a structure designed by a professional engineer or architect as defined in this section.

(4) "Professional engineer" means an engineer as defined in ORS 672.010 in accordance with the rules and regulations of the State Board of Engineering Examiners.

(5) "Structures of public assembly" means structures which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement or awaiting transportation.

[1963 c.276 §§1, 2, 3, 4]

460.220 Application. The provisions of ORS 460.210 to 460.230 shall not be construed to apply to any building having a ground area of 4,000 square feet or less and which is not more than 20 feet in height from the top surface of lowest flooring to

the highest interior overhead finish of the structure.

[1963 c.276 §6]

460.230 Certain plans for structures of public assembly to be certified. In order to safeguard life, health and property, all drawings and plans defining the framing systems, shoring systems and foundations for structures of public assembly shall be certified by a qualified professional engineer or qualified architect. The design of the certified structure of public assembly shall provide for resistance to lateral forces, including wind and earthquakes, as well as gravity loads, in accordance with accepted engineering practice and governing building codes. The design shall be accompanied by supporting lateral force calculations.

[1963 c.276 §5]

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:

(a) Devices commonly known as Ferris wheels, carousels, parachute towers, tunnels of love and roller coasters.

(b) Devices and equipment generally associated with winter sports activities, such as ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts and aerial tramways.

(2) "Board" means the Workmen's Compensation Board.

[1959 c.619 §1; 1967 c.295 §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 board.

(2) Upon receiving an application for a permit, the board 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 board shall issue a temporary permit for the ride's continued operation; provided, however, a personal inspection is made by an inspector of the board 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 board 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 board 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 ma-

terially 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 board may cause an amusement ride to be inspected at any reasonable time to insure compliance with ORS 460.310 to 460.380.

(2) The board 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 board 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]

460.355 Rules; required standards of care; exemption of regulated or inspected devices. (1) In adopting rules pursuant to subsection (1) of ORS 460.360, applicable to devices mentioned in paragraph (b) of subsection (1) of ORS 460.310, the board shall be guided by the safety standards approved by the American Standards Association.

(2) The owner or operator of such devices shall be deemed not a common carrier; however, such owner or operator shall exercise the highest degree of care for the safety of persons using the devices compatible with the practical operation of the devices being used.

(3) If the board finds that the U. S. Forest Service or other agency of government has jurisdiction over, regulates and provides inspection of the devices mentioned in paragraph (b) of subsection (1) of ORS 460.310 pursuant to promulgated safety standards not lower than provided by ORS 460.310 to 460.380, it shall by its rules exempt persons

operating such devices from the requirements of ORS 460.310 to 460.380.

[1967 c.295 §3]

460.360 Applicability of Administrative Procedures Act. (1) The board 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 Deposit of fees. All fees collected by the board under ORS 460.310 to 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treasurer and become part of the General Fund.

[1959 c.619 §8; 1967 c.92 §3]

460.380 Applicability of other laws and of county or city regulations. If the board 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]

PENALTIES

460.990 Penalties. (1) Violation of any of the provisions of ORS 460.005 to 460.175 is punishable, upon conviction, by a fine not to exceed \$100 or by imprisonment in the county jail for not more than 60 days, or both.

(2) Violation of any provisions of ORS 460.310 to 460.380 is a misdemeanor.

[Subsection (2) enacted as 1959 c.619 §10; 1961 c.427 §25; subsection (1) enacted as 1961 c.427 §21]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1967

Robert W. Lundy
Legislative Counsel

CHAPTER 461

[Reserved for expansion]