

Chapter 460

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Elevators; Amusement Rides and Devices

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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) "Agency" means the Building Codes Agency.

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

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

(4) "Certified elevator inspector" means an employee or representative of a casualty insurance company or companies who has passed the required examination and has been issued a certificate of competency as an elevator inspector by the agency.

(5) "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 but is not limited to dumbwaiters, escalators, manlifts, platform hoists, vertical parking units for motor vehicles and moving walks.

(6) "License" means an annual permit issued by the agency 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.

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

(8) "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.

(9) "Operating permit" means a permit issued by the agency 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.

(10) "Platform hoist" means a hoisting and lowering mechanism equipped with an open platform which moves in a substantially vertical direction and which travels a limited distance above or below a building floor or dock level.

(11) "Provisional operating permit" means a permit issued by the agency 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; 1971 c.753 §50; 1973 c.528 §1; 1987 c.414 §31]

460.010 [Repealed by 1961 c.427 §22]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 Policy. 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 agency.

(4) To provide for defraying the cost of administering and enforcing ORS 460.005 to 460.175 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; 1971 c.753 §51; 1973 c.528 §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, alter, repair, operate or maintain an elevator:

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

(b) Nonpower-driven lifting devices.

(c) Located in a private residence, except for initial installation.

However, the agency 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 gases 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 used only to raise and lower building material in buildings under construction.

(d) Stackers that 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 residences, except for initial installation. [1961 c.427 §4; 1963 c.330 §2; 1973 c.528 §3]

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 agency.

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

(4) Act or offer to act as a certified elevator inspector unless the person has a current certificate of competency as an elevator inspector issued by the agency.

(5) Place in service a new or altered elevator without a current operating permit issued after a satisfactory acceptance inspection made by the agency and satisfactory acceptance tests performed in the presence of a member of the agency's staff of elevator inspectors.

(6) Place in service an elevator which has caused an injury to a person or persons until permission has been obtained from the agency. [1961 c.427 §5; 1973 c.528 §4]

460.048 Form of plans and data submitted to agency. A person submitting to the agency, for agency approval, plans and pertinent data for the installation or alteration of an elevator covered by ORS 460.005 to 460.175 shall submit the plans and pertinent data to the agency in triplicate. [1973 c.528 §6]

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

460.055 Duties of Building Codes Agency in issuing permits, licenses and

certificates; lapse of certificates. (1) The agency shall give its 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 the agency's 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 the agency's 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 agency no immediate hazard to health or safety exists. Such provisional operating permit shall be issued for a specific period of time determined by the agency 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 as an elevator inspector shall be issued only to an individual who has passed an examination administered by the agency for this purpose and who is employed by the agency 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 agency upon the request of any court, or the board, or a person with a legitimate interest.

(5) If for a period of more than two years after the person is issued a certificate of competency as an elevator inspector, a holder of the certificate is not employed as an elevator inspector, the person shall not be entitled to renewal of the certificate. The

person may qualify for issuance of a new certificate in the manner provided for in subsection (4) of this section.

(6) No plans or pertinent data for elevators to be installed or altered in this state shall be approved by the agency unless the proposed elevator installation or alteration meets minimum safety standards as provided in ORS 460.085 (1). [1961 c.427 §6; 1963 c.330 §3; 1973 c.528 §7]

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 made under ORS 460.085 (1), shall be entitled to renewal at the expiration thereof. [1961 c.427 §7, 8; 1973 c.528 §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 183.310 to 183.550, the agency 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 183.310 to 183.550, the agency may suspend or revoke the certificate of competency of any certified elevator inspector:

(a) Whom the agency finds to be performing the 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 agency the name of any company for which the inspector performs an inspection.

(c) Who willfully violates ORS 460.005 to 460.175 or rules issued under ORS 460.085 (1).

(d) Who deliberately falsified the application of the inspector for such certificate or the inspection report made to the agency.

(e) Who persistently fails to properly report to the agency in writing regarding elevators inspected by the inspector.

(3) Subject to the provisions of ORS 183.310 to 183.550, the agency may suspend or revoke the license of an elevator contractor who willfully violates ORS 460.005 to 460.175 or rules issued under ORS 460.085 (1). [1961 c.427 §9; 1973 c.528 §9]

460.085 Rules governing elevator safety; granting of exceptions. (1) In accordance with the applicable provisions of ORS 183.310 to 183.550, the agency, after consultation with the board, shall adopt reasonable rules:

(a) Establishing safety standards applicable to the installation of elevators installed after July 21, 1973.

(b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators. The agency may provide differing standards for elevators installed prior to July 1, 1961, and after July 1, 1961.

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

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

(e) Governing the internal organization and procedure of the agency for administering and enforcing ORS 460.005 to 460.175.

(f) Prescribing, requiring and governing reports by the agency's staff of elevator inspectors and certified elevator inspectors on elevators inspected by them.

(2) In adopting rules under subsection (1) of this section, the agency 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.

(3) The sole purpose of paragraph (b) of subsection (1) of this section is to provide reasonable safety for life and limb. In case of practical difficulty or unnecessary hardship, the agency shall grant exceptions from the literal requirements or permit the use of other devices or methods than specified pursuant to paragraph (b) of subsection (1) of

this section when it is evident that reasonable safety is thereby secured.

(4) Any owner, user or other person aggrieved by the application by the agency of the minimum safety standards established pursuant to paragraph (b) of subsection (1) of this section may appeal in the same manner and for the same reasons as provided under ORS 460.155. [1961 c.427 §§12, 14, 15; 1963 c.330 §4; 1973 c.528 §10]

460.095 [1961 c.427 §10; 1963 c.330 §5; repealed by 1973 c.528 §20]

460.105 [1961 c.427 §11; 1963 c.330 §6; repealed by 1973 c.528 §20]

460.115 Building Codes Agency to administer and enforce ORS 460.005 to 460.175; Elevator Safety Board; members; compensation and expenses. (1) The agency shall administer and enforce ORS 460.005 to 460.175. The agency shall appoint an adequate staff of competent persons experienced and trained to serve as elevator inspectors.

(2) The chairman of the Building, Housing and Real Estate Council shall appoint an Elevator Safety Board to assist the agency in reviewing determinations made by elevator inspectors and to consult with the agency before the agency formulates rules under ORS 460.085 (1). The chairman may remove any member of the board for cause.

(3) The board shall consist of nine persons, eight representing the elevator manufacturers, elevator mechanics, casualty insurance companies, apartment house owners or managers, office building owners or managers, architects, building inspectors of incorporated cities and industrial plants and one public member not regulated or governed by decisions of the board. A representative of the agency's staff of elevator inspectors shall serve ex officio as the secretary of the board.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. [1961 c.427 §13; 1963 c.330 §7; 1969 c.314 §48; 1973 c.528 §11; 1975 c.429 §18; 1987 c.414 §31a]

460.125 Annual inspection of elevators; action upon finding noncompliance. (1) The agency 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, the agency shall not be required to inspect any elevator about which the agency 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 agency 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 the 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 ORS 460.085 (1).

(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 agency finds that an elevator is being operated otherwise than in compliance with ORS 460.005 to 460.175, the agency may cause it to be disconnected from its source of power. The agency 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; 1973 c.528 §12]

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 agency may, during reasonable hours, enter any building, enclosure 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 agency in the performance of its duties or the exercise of any authority conferred by ORS 460.005 to 460.175. [1961 c.427 §17; 1973 c.528 §13]

460.145 Restraining violations. When it appears to the agency 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 issued thereunder, the agency may, without bond, obtain an order from an appropriate circuit court restraining or enjoining such act or practice. [1961 c.427 §18; 1973 c.528 §14]

460.155 Appeals from adverse rulings of Building Codes Agency. (1) The agency 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, cancel-

lation, suspension or revocation constitutes an immediate menace to health or safety.

(3) The agency 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 agency 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 agency 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 agency before the board.

(d) A written record shall be kept.

(e) The agency 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 agency shall be taken pursuant to the provisions of ORS 183.310 to 183.550. [1961 c.427 §24; 1963 c.330 §9; 1973 c.528 §15]

460.165 Fees. Subject to ORS 460.035 (1) and 460.085 (1), the maximum fees described in this section may be collected by the agency 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. Actual fees shall be prescribed by the agency with approval of the Executive Department. This section applies to the following fees:

(1) For an elevator contractor's license for each place of business operated by the applicant, \$195.

(2) With the submission of plans and other pertinent data, for each elevator, \$78.

(3) For each periodical or other inspection made by a member of the agency's staff of elevator inspectors, except as provided in subsection (6) of this section, the following schedule of maximum fees shall apply:

(a) Dumbwaiter, sidewalk elevator, residential elevator, residential inclinor or subveyor, \$52.

(b) Escalator, lowerator, manlift, stagelift, inclined elevator, platform hoist or moving walk, \$78.

(c) Power-driven elevator with a four floor rise or under, \$78.

(d) Power-driven elevator with over a four floor rise, but under a 10-floor rise, \$98.

(e) Power-driven elevator with over 10-floor rise, but under 20-floor rise, \$124.

(f) Power-driven elevator with a 20-floor rise or over, \$147.

(g) A call back made on a mechanism listed in paragraphs (a) to (f) of this subsection and made by request or in the continued existence of a defect, \$52.

(4) Special inspections of hoisting or lowering mechanisms other than elevators or under special agreement between the agency and a person requesting a special inspection shall be at the maximum rate of \$55 per hour for travel and inspection time.

(5) For the processing of each report of an inspection required under the provisions of ORS 460.005 to 460.175, \$20.

(6) Maximum inspection fee in the case of installation or alteration of an elevator, if the total cost of the installation or alteration, other than the inspection fee, is:

(a) \$1,000 or under, the maximum fee is \$98.

(b) Over \$1,000 but under \$15,000, the maximum fee is \$98 plus \$13 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$1,000.

(c) \$15,000 or over but under \$50,000, the maximum fee is \$280 plus \$8 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$15,000.

(d) \$50,000 or over, the maximum fee is \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$50,000.

(7) Whenever an owner or user of any elevator equipment fails to pay a fee required under this section within 90 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 unless the owner or user of the elevator equipment establishes to the satisfaction of the agency justification for failure to pay. When the agency prevails in an action for the collection of a fee required by this section, the court shall also award to the agency costs and disbursements, and reasonable attorney fees at trial and on appeal. [1961 c.427 §20; 1973 c.832 §5; 1977 c.874 §1; 1981 c.566 §1; 1981 c.897 §52; 1991 c.201 §2]

460.175 Disposition of fees. All receipts from fees, charges, costs and expenses provided for in ORS 460.005 to 460.175 shall be collected by the agency and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the Building Code Account created by ORS 455.230. [1961 c.427 §20; 1973 c.528 §17; 1973 c.834 §47; 1987 c.905 §32]

Note: The amendments to 460.175 by section 32, chapter 905, Oregon Laws 1987, take effect July 1, 1992. See section 39, chapter 905, Oregon Laws 1987, as amended by section 1, chapter 460, Oregon Laws 1991. The text (1989 Edition) is set forth for the user's convenience.

460.175. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the agency and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the Building Code Account created by ORS 455.230.

460.210 [1963 c.276 §§1, 2, 3, 4; renumbered 456.965]

460.220 [1963 c.276 §6; renumbered 456.970]

460.230 [1963 c.276 §5; renumbered 456.975]

AMUSEMENT RIDES AND DEVICES

460.310 Definitions for ORS 460.310 to 460.410. As used in ORS 460.310 to 460.410, unless the context requires otherwise:

(1) "Agency" means the Building Codes Agency.

(2) "Amusement devices" means a structure, electrical or mechanical contrivance or combination thereof which is intended to supply revenue to the owner or operator of the device by providing or offering to provide amusement, pleasures, thrills or excitement at carnivals, fairs or amusement parks. "Amusement device" does not include games, concessions and associated structures.

(3) "Amusement ride" means any vehicle, boat or other mechanical device except "water slides" moving upon or within a flow perimeter or structure, along cables, rails or ground, 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. The term "amusement ride" includes, but is not limited to:

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

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

(4) "Certified amusement ride inspector" means an employee or representative of a casualty insurance company or companies or other person who has passed the required examination and has been issued a certificate

of competency as an amusement ride inspector by the agency.

(5) "Water slide" means a recreational device designed to provide a descending ride on a flowing water film into a splash down pool at the base of the slide. [1959 c.619 §1; 1967 c.295 §1; 1971 c.753 §52; 1981 c.566 §6; 1985 c.705 §1; 1987 c.414 §32]

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

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

(2) Operate an amusement ride or device in violation of any restriction or condition indorsed on the operating permit for that amusement ride under ORS 460.330 (4). [1959 c.619 §2; 1981 c.566 §7; 1985 c.705 §2]

460.330 Application for and issuance of permit. (1) Application for an operating permit to operate an amusement ride or device shall be made on an annual basis by the person owning said ride or device, or the duly appointed agent or lessee, said application to be made on forms prescribed by the Building Codes Agency.

(2) An application for an annual operating permit shall include an inspection report by a certified amusement ride inspector. If the inspector finds that the operation of the amusement ride or device or its installation does not endanger human life or property, the inspector shall approve the application. However, the inspector shall indorse upon the application any restrictions and conditions that, in the inspector's judgment, should be imposed upon the operation of the amusement ride or device to protect human life and property.

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

(4) Upon approval of an application and payment of fees as prescribed by rule, the Building Codes Agency shall issue a permit authorizing operation of the amusement ride or device. There shall be indorsed on the permit the restrictions and conditions indorsed upon the application by the inspector. [1959 c.619 §§3, 4; 1971 c.753 §53; 1977 c.874 §2; 1981 c.566 §8; 1985 c.705 §3]

460.340 Duration of permit. Permits issued under ORS 460.330 (1), (2) and (4) are valid until the amusement ride or device is materially rebuilt or materially modified so as to change the original action of the said

amusement ride or device, but in no case for longer than one year after the date of issuance as follows:

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

(2) If an amusement ride or device is moved and installed in another place but is not altered so as to change the original action of the said amusement ride or device, no new permit shall be required; provided, however, a permit has been issued previously under ORS 460.330 (1), (2) and (4) and has not been operative for longer than a one-year period. [1959 c.619 §5; 1985 c.705 §4]

460.350 Enforcing compliance with law. (1) In addition to the inspections required under ORS 460.330 (1), (2) and (4), the agency may cause an amusement ride or device to be inspected at any reasonable time to insure compliance with ORS 460.310 to 460.410.

(2) The agency may deny, suspend or revoke a permit at any time if, in its judgment, the amusement ride or device for which the permit was issued is not installed or being operated in compliance with ORS 460.310 to 460.410.

(3) The agency may disconnect an unlawfully installed or operated amusement ride or device from its source of power at any time and prevent its use until the amusement ride or device is brought into compliance with ORS 460.310 to 460.410.

(4) Any peace officer, as defined in ORS 161.015, may demand from the operator of any amusement ride or device proof of a valid operation permit issued pursuant to ORS 460.330. [1959 c.619 §6; 1985 c.705 §5]

460.355 Rules; required standards of care; exemption of regulated or inspected rides or devices. (1) In adopting rules pursuant to ORS 460.360 (1), applicable to equipment mentioned in ORS 460.310 (3)(b), the agency shall be guided by the safety standards approved by the American Society of Testing Materials (ASTM).

(2) The owner or operator shall be deemed not a common carrier; however, such owner or operator shall exercise the highest degree of care for the safety of users.

(3) If the agency finds that the U. S. Forest Service or other agency of government has jurisdiction over and regulates and provides inspection of the equipment mentioned in ORS 460.310 (2)(b) pursuant to promulgated safety standards not lower than provided by ORS 460.310 to 460.410, it shall

by its rules exempt operators from the requirements of ORS 460.310 to 460.410.

(4) The agency shall adopt rules to:

(a) Govern the issuance, renewal, suspension and revocation of permits and certificates of competency issued under ORS 460.310 to 460.410.

(b) Govern the internal organization and procedure of the agency for administering and enforcing ORS 460.310 to 460.410.

(c) Govern reports by the agency's staff of amusement ride inspectors and certified amusement ride inspectors on amusement rides or devices inspected by them.

(d) Set inspection, examination, certificate of competency and permit fees sufficient to pay the agency's costs of carrying out the amusement ride inspection program.

(5) In adopting rules under this section, the agency shall consider:

(a) Technological advances in the amusement ride 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 amusement ride industry and by the American Society of Testing Materials. [1967 c.295 §3; 1981 c.566 §13; 1985 c.705 §6]

460.360 Rules; applicability of Administrative Procedures Act. (1) The agency shall, in compliance with ORS 183.310 to 183.550, make, amend, repeal, promulgate and enforce rules to carry out ORS 460.310 to 460.410.

(2) All proceedings relating to permits under ORS 460.310 to 460.410 shall be conducted in compliance with ORS 183.310 to 183.550. [1959 c.619 §7]

460.370 Deposit of fees. All fees collected by the agency under ORS 460.310 to 460.410 and 460.990 (2) shall be paid to the State Treasurer and credited to the Building Code Account created by ORS 455.230. [1959 c.619 §8; 1967 c.92 §3; 1973 c.834 §40]

460.380 [1959 c.619 §9; repealed by 1981 c.566 §16]

460.390 Annual inspection of amusement ride or device required; exception. The agency shall at least once each year inspect each amusement ride or device to ascertain if it is being operated and maintained in accordance with ORS 460.310 to 460.410 provided, however, the agency shall not be required to inspect any amusement ride or device about which the agency has been notified in writing, by the employer of

a certified amusement ride inspector, that inspection will be made by their certified inspector, if a copy of each report is filed with the agency within 30 days of the due date of each amusement ride inspection. [1981 c.566 §10; 1985 c.705 §7]

460.400 Certification of amusement ride inspector; ground for cancellation, suspension or revocation of certificate.

(1) Subject to ORS 460.310 to 460.410, no person shall purport to be or act as a certified amusement ride inspector unless the person has a current certificate of competency as an amusement ride inspector issued by the agency.

(2) Subject to the provisions of ORS 183.310 to 183.550, the agency shall cancel, revoke or suspend the operating permit for any person who fails to comply with the minimum safety standards provided by ORS 460.310 to 460.410.

(3) Subject to the provisions of ORS 183.310 to 183.550, the agency may suspend or revoke the certificate of competency of any certified amusement ride inspector:

(a) Who is found to be performing work in a manner inconsistent with the intent and purposes of ORS 460.310 to 460.410.

(b) Who fails to file in advance with the agency the name of any company for which the inspector will perform annual inspections.

(c) Who willfully violates ORS 460.310 to 460.410 or rules issued under ORS 460.355.

(d) Who deliberately falsifies the application for such certificate or the inspection report made to the agency.

(e) Who persistently fails to properly report to the agency in writing regarding amusement rides inspected by the certified amusement ride inspector. [1981 c.566 §11]

460.410 Expiration of permits and certificates. Subject to ORS 460.340, the expiration date of:

(1) Amusement ride or device operating permits shall be one year from the original date of issuance and thereafter on the anniversary date of issuance.

(2) An amusement ride inspector certificate of competency shall be December 31 of the year in which it is issued. [1981 c.566 §12; 1985 c.705 §8]

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 460.410 is a Class B misdemeanor. [Subsection (2) enacted as 1959 c.619 §10; 1961 c.427 §25; subsection (1) enacted as 1961 c.427 §21; 1985 c.705 §9]