Chapter 460

2003 EDITION

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

(2) "Board" means the Electrical and Elevator Board established under ORS 455.138.

(3) "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 Department of Consumer and Business Services.

(4) "Department" means the Department of Consumer and Business Services.

(5) "Director" means the Director of the Department of Consumer and Business Services.

(6) "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.

(7) "License" means an annual permit issued by the department 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 department 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) "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.

(12) "Provisional operating permit" means a permit issued by the department 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; 1993 c.744 §108]

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 Department of Consumer and Business Services.

(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) That is a nonpower-driven lifting device.

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

However, the Department of Consumer and Business Services 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; 2001 c.104 §198]

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, a person shall not:

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

(2) Install, alter, repair or maintain an elevator unless the person possesses a valid license issued under ORS 460.059 or 479.630 (6).

(3) 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 Department of Consumer and Business Services.

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

(5) 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 department.

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

(7) Place in service an elevator which has caused an injury to a person or persons until permission has been obtained from the department. [1961 c.427 §5; 1973 c.528 §4; 1999 c.1031 §4]

460.047 Persons authorized to conduct mechanical and electrical repairs in industrial plant. Notwithstanding ORS 460.045 (2), the following persons may conduct electrical and mechanical repairs on an elevator located in an industrial plant:

(1) A limited supervising electrician licensed under ORS 479.630 (3).

(2) A limited journeyman electrician licensed under ORS 479.630 (5). [1999 c.1031 §8]

460.048 Form of plans and data submitted to department. A person submitting to the Department of Consumer and Business Services, for department 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 department in triplicate. [1973 c.528 §6]

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

460.055 Elevator operating permits; examination of applicant for elevator inspector certificate; lapse of certificates. (1) The Department of Consumer and Business Services 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 department'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 department'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 department no immediate hazard to health or safety exists. Such provisional operating permit shall be issued for a specific period of time determined by the department 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 department for this purpose and who is employed by the department 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 department upon the request of any court, or the Electrical and Elevator 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 department 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]

460.057 Limited mechanical license; rules. The Department of Consumer and Business Services by rule shall establish criteria for issuing a special limited license to a person who can document to the satisfaction of the department that the person possesses sufficient work experience in the mechanical aspects of elevator installation, alteration, maintenance and repair acquired prior to October 23, 1999. The license shall limit the person to performing mechanical installation, alteration, maintenance and repair on elevators. The department may further establish conditions and limit the scope of work that may be performed by a person licensed under this section. [1999 c.1031 §7]

460.059 Limited apprentice license; rules. The Electrical and Elevator Board shall establish by rule criteria for issuing a special limited license to a person engaged in an approved apprenticeship program that allows the person to engage in the installation, alteration, maintenance and repair of elevators. The board shall establish conditions and the specific scope of work that may be performed by a person licensed under this section. [1999 c.1031 §6]

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 chapter 183, the Department of Consumer and Business Services 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 department may suspend or revoke the certificate of competency of any certified elevator inspector:

(a) Whom the department 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 department 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 department.

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

(3) Subject to the provisions of ORS chapter 183, the department 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 chapter 183, the Director of the Department of Consumer and Business Services, after consultation with the Electrical and Elevator 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 department 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 department for administering and enforcing ORS 460.005 to 460.175.

(f) Prescribing, requiring and governing reports by the department'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 director 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 subsection (1)(b) of this section is to provide reasonable safety for life and limb. In case of practical difficulty or unnecessary hardship, the department shall grant exceptions from the literal requirements or permit the use of other devices or methods than specified pursuant to subsection (1)(b) 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 department of the minimum safety standards established pursuant to subsection (1)(b) 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; 1993 c.744 §109]

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 [1961 c.427 §13; 1963 c.330 §7; 1969 c.314 §48; 1973 c.528 §11; 1975 c.429 §18; 1987 c.414 §31a; repealed by 1993 c.744 §101]

460.125 Annual inspection of elevators; action upon finding noncompliance. (1) The Department of Consumer and Business Services 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 department shall not be required to inspect any elevator about which the department 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 department 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 Electrical and Elevator 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 department finds that an elevator is being operated otherwise than in compliance with ORS 460.005 to 460.175, the department may cause it to be disconnected from its source of power. The department 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 Department of Consumer and Business Services 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 department 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 Department of Consumer and Business Services 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 department 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 department. (1) The Department of Consumer and Business Services 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 department 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 department 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 department 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 department before the Electrical and Elevator Board.

(d) A written record shall be kept.

(e) The department 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 department shall be taken pursuant to the provisions of ORS chapter 183. [1961 c.427 §24; 1963 c.330 §9; 1973 c.528 §15]

460.165 Fees; failure to pay fee. (1) Subject to ORS 460.035 (1) and 460.085 (1), the maximum fees described in this subsection may be collected by the Department of Consumer and Business Services 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 department with approval of the Oregon Department of Administrative Services. This section applies to the following fees:

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

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

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

(A) Dumbwaiter, sidewalk elevator, residential elevator, residential inclinator 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 callback made on a mechanism listed in subparagraphs (A) to (F) of this paragraph and made by request or in the continued existence of a defect, $52.

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

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

(f) 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.

(2) 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 department justification for failure to pay. The court may award reasonable attorney fees to the department if the department prevails in an action for the collection of a fee required by this section. The court may award reasonable attorney fees to a defendant who prevails in an action for the collection of a fee required by this section if the court determines that the department had no objectively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court. [1961 c.427 §20; 1973 c.832 §5; 1977 c.874 §1; 1981 c.566 §1; 1981 c.897 §52; 1991 c.201 §2; 1995 c.696 §21; 2003 c.14 §293]

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 Department of Consumer and Business Services and paid into the Consumer and Business Services Fund created by ORS 705.145. [1961 c.427 §20; 1973 c.528 §17; 1973 c.834 §47; 1987 c.905 §32; 1993 c.744 §110]

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 460.370. As used in ORS 460.310 to 460.370, unless the context requires otherwise:

(1) "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.

(2) "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, bungee jumping, 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.

(c) Equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride or device.

(3) "Amusement ride inspector" means an employee or representative of a casualty insurance company or companies who is qualified and regularly employed or otherwise authorized by the insurance company to inspect amusement rides and devices for safety.

(4) "Department" means the Department of Consumer and Business Services.

(5) "Director" means the Director of the Department of Consumer and Business Services.

(6) "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; 1993 c.164 §1; 1993 c.744 §111]

460.320 Permit and insurance required; notice of termination of insurance. (1) No person shall:

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

(b) Operate an amusement ride or device without first having obtained insurance from a company authorized to transact insurance in this state or an eligible surplus lines insurer as defined in ORS 735.405. The insurance policy shall insure the public and all persons riding or otherwise in contact with the ride or device against loss or injury, in an amount not less than $1 million per occurrence and an aggregate total of not less than $2 million.

(2) Whenever an insurance company notifies its insured that it will no longer insure an amusement ride or device, or that insurance on a ride or device is no longer in

force, the insurance company shall also notify the Department of Consumer and Business Services, in a form and manner prescribed by rule by the department, of the description or identification number of the ride or device for which insurance is canceled or suspended or is not to be renewed. [1959 c.619 §2; 1981 c.566 §7; 1985 c.705 §2; 1993 c.164 §2]

460.330 Application for and issuance of permit. (1) An application for an operating permit to operate an amusement ride or device shall be made on an annual basis by the person owning the ride or device or the person's agent or lessee. The application shall be on forms provided by the Department of Consumer and Business Services.

(2) An application for an annual operating permit shall include an inspection report by an amusement ride inspector employed or otherwise authorized to inspect by the insurance carrier insuring the ride or device. 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. In addition, the inspector shall indicate whether the amusement ride or device:

(a) Meets the underwriter's standards;

(b) Meets safety standards approved by the American Society of Testing Materials; and

(c) Is assembled and operated in compliance with the manual supplied by the manufacturer of the ride or device.

(3) The inspection shall be performed no more than 90 days prior to the issuance or renewal date of the permit. The department may issue a temporary renewal permit without the required inspection report, allowing continued operation of a previously inspected ride or device if it appears to the department that the owner or operator has attempted to obtain an inspection, but inspection services are temporarily unavailable.

(4) An application shall include the name of the insurance carrier and the number of the insurance policy insuring the ride or device as required by ORS 460.320 (1)(b).

(5) The department shall disapprove and reject an application for a permit if it determines that the:

(a) Owner or lessee of the amusement ride or device is not insured as required by ORS 460.320 (1)(b);

(b) Operation does not meet safety standards as guided by the safety standards approved by the American Society of Testing Materials;

(c) Amusement ride or device is not assembled and operated in compliance with the manual supplied by the manufacturer; or

(d) Operation may endanger human life or property.

(6) Upon approval of an application and payment of fees as prescribed by rule, the department shall issue a permit authorizing operation of the amusement ride or device. [1959 c.619 §§3,4; 1971 c.753 §53; 1977 c.874 §2; 1981 c.566 §8; 1985 c.705 §3; 1993 c.164 §3]

460.340 Duration of permit. Permits issued under ORS 460.330 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.

(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 and has not been operative for longer than a one-year period. [1959 c.619 §5; 1985 c.705 §4; 1993 c.164 §4]

460.345 Expiration of permits. Subject to ORS 460.340, the expiration date of the amusement ride or device operating permits shall be one year from the original date of issuance and thereafter on the anniversary date of issuance. [Formerly 460.410]

460.350 Enforcing compliance with law. (1) In addition to the inspections required under ORS 460.330, the Department of Consumer and Business Services may cause an amusement ride or device to be inspected at any reasonable time to insure compliance with ORS 460.310 to 460.370.

(2) The department 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 460.370.

(3) The department 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 460.370.

(4) Any person 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; 1993 c.164 §5]

460.352 Grounds for cancellation, suspension or revocation of permit. Subject to the provisions of ORS chapter 183, the Department of Consumer and Business Services 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 460.370. [Formerly 460.400]

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 (2)(b), the Department of Consumer and Business Services shall be guided by the safety standards approved by the American Society of Testing Materials.

(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 department finds that the United States 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 460.370, it shall by its rules exempt operators from the requirements of ORS 460.310 to 460.370.

(4) The department shall adopt rules to:

(a) Govern the issuance, renewal, suspension and revocation of permits and certificates of competency issued under ORS 460.310 to 460.370.

(b) Govern the internal organization and procedure of the department for administering and enforcing ORS 460.310 to 460.370.

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

(d) Set permit fees sufficient to pay but not to exceed the department's costs of carrying out the amusement ride program.

(5) In adopting rules under this section, the department 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; 1993 c.18 §116; 1993 c.164 §6; 1993 c.744 §247]

460.360 Rules; applicability of Administrative Procedures Act. (1) The Department of Consumer and Business Services shall, in compliance with ORS chapter 183, make, amend, repeal, promulgate and enforce rules to carry out ORS 460.310 to 460.370.

(2) All proceedings relating to permits under ORS 460.310 to 460.370 shall be conducted in compliance with ORS chapter 183. [1959 c.619 §7]

460.370 Deposit of fees. All moneys from fees collected by the Department of Consumer and Business Services under ORS 460.310 to 460.370 and 460.990 (2) shall be paid into the Consumer and Business Services Fund created by ORS 705.145 and are continuously appropriated to the department for use as provided in ORS 455.022. [1959 c.619 §8; 1967 c.92 §3; 1973 c.834 §40; 1993 c.744 §112; 2001 c.710 §12]

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

460.390 [1981 c.566 §10; 1985 c.705 §7; repealed by 1993 c.164 §9]

460.400 [1981 c.566 §11; 1993 c.164 §7; renumbered 460.352 in 2001]

460.410 [1981 c.566 §12; 1985 c.705 §8; 1993 c.164 §8; renumbered 460.345 in 2001]

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 460.370 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]