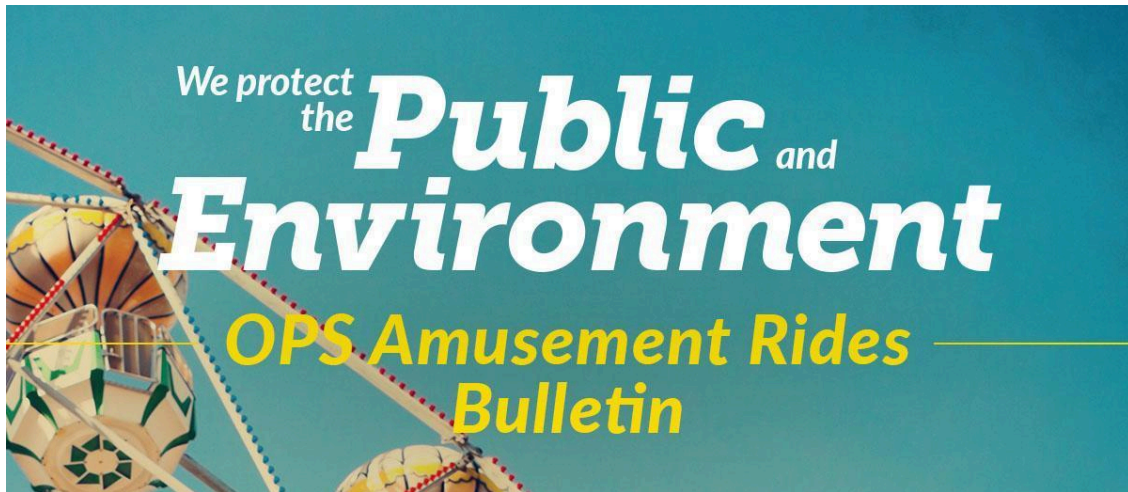




COLORADO
Department of
Labor and Employment
Division of Oil and Public Safety



2022 Fourth Quarter Amusements Bulletin

From the Director

Happy New Year. Thank you all for helping make 2022 a safe and memorable year and I am optimistic that 2023 will be even better.

Like many of you, we have been making the transition to a hybrid work environment and have been able to keep our doors open to serve walk in customers throughout the year. We have also had several in-person stakeholder meetings in 2022. It was great to see many of you at the OPS Outreach 2022 held in Arvada and Grand Junction this past summer.

Earlier this year the Department of Regulatory Agencies (DORA) completed a sunset review of our Conveyance program. They found everything to be in order and recommended the program be extended for another 10 years. Working with stakeholders, we revised our Conveyance Regulations to address DORA's sunset review

recommendations, and these regulations take effect January 2023. Our Boiler inspection program has been busy throughout the year and we have a new boiler inspector Mike Park to replace Gary Hensley who retired early this year.

After serving more than two decades at OPS, our Public Safety Program Manager Greg Johnson retired in November 2022. We wish him well, and are pleased to have Jacquee Wilson take on the role as our new Public Safety Program Manager. If you have not already met Jacquee through her time in our Amusements, Explosives or Underground Damage Prevention programs, I am sure you will come to enjoy working with her.

On the Petroleum Program side, we have a very solvent Petroleum Storage Tank Fund, and have requested the Department of Revenue reduce the Environmental Response Surcharge to \$75 per tanker load effective in January 2023. The number of open cleanup sites continue to slowly decrease to 585 in November 2022. Our petroleum inspectors have been busy throughout the year, and in keeping with the times, we now have a fully electric Ford F150 Lightning EV truck as part of our field inspection fleet.

Thanks to all of your diligence ensuring compliance with our regulatory requirement at your facilities, we are in a good place to kick off 2023. Best wishes for a Happy, Healthy and Prosperous New Year.

Mahesh

Reminders: On-site Inspection Requirement

Inspectors certified by the Division who are signing Certificates of Inspection are required to be physically present to conduct the inspection for which they are signing the certificates. Employing non-certified personnel to conduct the physical inspection while the Inspector signing the Certificate of Inspection is not present fails to meet the regulatory requirements found in Section 2-4-1(A) of the Amusement Ride

Regulations and the definition of Inspection found in Section 1-6 of the Regulations. Those requirements and definitions are listed below.

- A. An annual Inspection by an Inspector must be conducted on each Amusement Ride or Device.
- B. Each Amusement Ride or Device must have a current Certificate of Inspection prior to opening to the public.
 - a. The Inspection shall be conducted with the Amusement Ride or Device in an operable state prior to opening to the public and include an evaluation of the ride or device for a minimum of one complete operating cycle, where applicable.
 - b. The Inspection shall also include a review of the Operator's Daily Inspection records, inspection and maintenance program records and training records in accordance with the standards adopted by these regulations and the manufacturer's recommendations, as applicable.

CERTIFICATE OF INSPECTION: The documentation of an Amusement Ride or Device Inspection conducted by an Inspector (as defined).

INSPECTION: A procedure to be conducted, for new installations, Major Modifications, or annually (if an existing ride has not been modified), by an Inspector (as defined) or Division employee to determine whether an Amusement Ride or Device is being constructed, assembled, maintained, tested, operated, and inspected in accordance with the standards adopted by these regulations and the manufacturer's recommendations, as applicable, and that determines the current operational safety of the ride or device. All Inspections shall be documented by a written inspection report to be filed with the Operator.

INSPECTOR: An individual certified by the Division, to conduct Inspections of Amusement Rides or Devices in accordance with the standards adopted by these regulations and the manufacturer's recommendations and criteria.

No “Grace Period” for Permits, only Certificates of Inspection

The Division wants to reiterate that the **only** document that has an authorized grace period is a Certificate of Inspection. As noted in Section 2-4-1(B)(3) of the Amusement Ride Regulations, “A grace period of 30 days immediately following the expiration date of a Certificate of Inspection shall exist and that Certificate of Inspection shall continue to be valid during that time period.”

Some operators have mistakenly assumed that the permit, issued by the Division and required prior to operating a ride or device, also has a 30-day extension. ***This is incorrect.*** The date listed on the permit is the last day you can operate, unless you have applied for - *and received* - a new permit.

To ensure you are able to obtain your [renewal] permit in time, please submit the following at least 2 weeks in advance of your current permit expiring/wanting to operate a new ride or device:

Registration Application - can be mailed or emailed

Certificate of Inspection - can be mailed or emailed with the application, or sent separately

Certificate of Liability Insurance - must be mailed or emailed to our office directly from your insurance carrier

Fees - can be mailed with your application, or paid online via credit card (if you request an invoice from our office)

All the aforementioned materials/requests and questions should be emailed to cdle_amusements@state.co.us.

Division of Family and Medical Leave Insurance (FAMLI)

OPS resides within the Department of Labor and Employment, and we’d like to make sure our bulletin’s readers are aware of a new division within the department and its requirements and benefits.

Colorado voters approved Proposition 118 in November of 2020, paving the way for a state-run Paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure all Colorado workers have access to paid leave in order to take care of themselves or their family during life circumstances that pull them away from their jobs — like growing their family or taking care of a loved one with a serious health condition.

Both employers and employees will contribute premiums to the program. Premium payments begin in 2023, so employees may start to see a FAMLI premium deduction on their pay stubs beginning January 1, 2023. FAMLI will start providing benefits to employees beginning January 1, 2024. Most eligible employees will receive up to twelve weeks of leave. Those who experience pregnancy or childbirth complications may receive an additional four weeks.

Employers are required to notify their employees about the FAMLI program by January 1, 2023. The [FAMLI Toolkit for Employers](#) includes several resources to help your employees navigate the upcoming changes that begin in January including the 2023 Required Program Notice, a Paycheck Stuffer, the FAMLI Employee Handbook and more.

More details can be found in the [2023 FAMLI Program Notice](#).