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House Bill 5509 (as passed by the House)
Sponsor: Representative Tony Stamas
House Committee: Conservation and outdoor Recreation
Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 11-28-00

CONTENT

The bill would amend the Carnival-Amusement Safety Act to do the following:

- **Require carnival or amusement riders to obey safety rules, prohibit riders from engaging in certain activities, and prohibit riders from getting on a ride except under certain circumstances.**
- **Require carnival or amusement ride operators to post signs indicating rider safety responsibilities.**
- **Require a rider to report to the operator any injury sustained on a ride.**

Rider Responsibilities

The bill would define "rider" or "rider of a carnival or amusement ride" as a person waiting in the immediate vicinity of a carnival or amusement ride to get on the ride, getting on a carnival or amusement ride, using a carnival or amusement ride, getting off a carnival or amusement ride, or leaving a carnival or amusement ride and still in the immediate vicinity of the ride. The term would not include an employee or agent of the operator while engaged in the duties of his or her employment.

A rider would be required to obey the reasonable safety rules posted in accordance with the Act and oral instructions for the ride given by the operator or an employee or agent of the operator, unless the rules or instructions were contrary to the safety rules provided in this Act.

A rider also would have to refrain from acting in any manner that could cause or contribute to the injury of the rider or others, including the following:

- Exceeding the limits of his or her ability.
- Interfering with safety devices that were provided.
- Failing to engage safety devices provided.
- Disconnecting or disabling a safety device except at the express instruction of the operator or an employee or agent of the operator.
- Altering the intended speed, course, or direction of the ride.
- Using the controls of a ride designed solely to be operated by the operator or an employee or agent of the operator.
- Extending arms or legs beyond the carrier or seating area except at the express direction of the operator or an employee or agent.
- Throwing, dropping, or expelling an object from or toward a ride except as permitted by the operator or an employee or agent.
- Getting on or off a ride except at the designated time and area, unless directed by the operator or an employee or agent or in an emergency.
- Not reasonably controlling the speed or direction of the ride or the rider's body, on a ride requiring the rider to control or direct his or her body or the ride.

- Intentionally dropping, throwing, or expelling an object from a ride while riding on it.
- Doing any act that interfered with the running or operation of a ride, including swinging or bouncing on an aerial ride or attempting to contact supporting towers, machinery, guides, or guards while on a ride.

The requirements described above would be a minimum.

The bill also would prohibit a rider from getting on or attempting to get on a ride unless the rider or his or her parent or guardian reasonably determined that, at a minimum, the rider met all of the following requirements:

- He or she had sufficient knowledge to get on, use, and get off the ride safely without instruction or had requested and received sufficient information to get on, use, and get off the ride safely before getting on it.
- He or she was aware of, had read, and understood any signs in the vicinity of the ride and met any posted height, medical, or other requirements.
- He or she knew the range and limits of his or her ability and knew that the ride's requirements would not exceed those limits.
- He or she was not under the influence of alcohol or any drug that affected his or her ability to use the ride safely or obey the posted rules or oral instructions.
- He or she was authorized by the operator or by an employee or agent of the operator to get on the ride.

Signs

The bill would require an operator to display signs indicating the applicable rider safety responsibilities described above, and the location of stations to report injuries. The signs would have to be located in each station for reporting an injury, each first aid station, and the following locations:

- At least two locations on the premises, including any entrance or exit most commonly used by riders, if there were not more than four entrances or exits for riders.
- At least four other locations on the premises, including the four entrances and exits most commonly used by riders, if there were more than four entrances and exits for riders.
- At every carnival or amusement ride.

An operator also would have to post at each carnival or amusement ride a sign that included all of the following that applied:

- Operational instructions.
- Safety guidelines for riders.
- Restrictions on the use of the ride.
- Prohibited behavior or activities.

The sign also would have to include the following legend: "State law requires riders to obey all warnings and directions for carnival or amusement rides and behave in a manner that will not cause or contribute to the injury of themselves or others. Riders must report injuries prior to leaving the premises. Failure to comply is punishable as provided by law." The sign would have to be prominently displayed at a conspicuous location, be clearly visible to the public, and be bold and legible in design.

Reporting Injuries

Before leaving an operator's premises, a rider or his or her parent or guardian would have to report in writing to the operator or an employee or agent of the operator, on a form provided by the operator or employee or agent, any injury sustained on a carnival or amusement ride. The report would have to include all of the following:

- The name, address, and telephone number of the injured person.
- A brief description of the incident, the injury claimed, and the location, date, and time of the injury.
- The cause of the injury, if known.

-- The name, address, and telephone number of any witness to the incident.

If the rider or his or her parent or guardian could not file a report because of the severity of the rider's injuries, the rider or his or her parent or guardian would have to file the report as soon as reasonably possible. The failure of a rider or his or her parent or guardian to report an injury would not affect the rider's right to bring a civil action related to the incident.

MCL 408.652 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

House Bill 5509 would have an indeterminate fiscal impact on local government.

There are no statewide data available to know how many offenders violate the State law concerning carnival or amusement rides or how many more offenders there would be if the provisions applied to the general public as well as carnival ride operators. A violation of the Act is a misdemeanor. Local units of government receive the fines or incur the costs of incarceration for misdemeanors.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.