

HOUSE BILL No. 5509

March 15, 2000, Introduced by Rep. Stamas and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1966 PA 225, entitled
"Carnival-amusement safety act of 1966,"
by amending section 2 (MCL 408.652), as amended by 1998 PA 507,
and by adding sections 18, 19, and 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Carnival or amusement ride" means a device ~~which~~ THAT
3 carries or conveys passengers along, around, or over a fixed or
4 restricted route or course for the purpose of giving its passen-
5 gers amusement, pleasure, thrills, or excitement. Carnival or
6 amusement ride does not include a hobby locomotive operating on
7 narrow gauge tracks less than 24 inches and powered by steam,
8 electricity, gas, or other fuel, whether or not it is operated on
9 the owner's property.

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1 (b) "Department" means the department of consumer and
2 industry services.

3 (c) "Director" means the director of the department of con-
4 sumer and industry services.

5 (d) "Hobby" means an interest or activity that a person pur-
6 sues without compensation in his or her leisure time.

7 (e) "Operator" or "owner" means a person who owns or con-
8 trols or has the duty to control the operation of a carnival or
9 amusement ride and includes the state or any political subdivi-
10 sion of the state.

11 (f) "RIDER" OR "RIDER OF A CARNIVAL OR AMUSEMENT RIDE" MEANS
12 A PERSON WAITING IN THE IMMEDIATE VICINITY OF A CARNIVAL OR
13 AMUSEMENT RIDE TO GET ON THE CARNIVAL OR AMUSEMENT RIDE, GETTING
14 ON A CARNIVAL OR AMUSEMENT RIDE, USING A CARNIVAL OR AMUSEMENT
15 RIDE, GETTING OFF A CARNIVAL OR AMUSEMENT RIDE, OR LEAVING A CAR-
16 NIVAL OR AMUSEMENT RIDE AND STILL IN THE IMMEDIATE VICINITY OF
17 THE CARNIVAL OR AMUSEMENT RIDE. RIDER DOES NOT INCLUDE AN
18 EMPLOYEE OR AGENT OF THE OPERATOR WHILE ENGAGED IN THE DUTIES OF
19 HIS OR HER EMPLOYMENT.

20 (g) "SIGN" MEANS ANY SYMBOL OR LANGUAGE REASONABLY CALCU-
21 LATED TO COMMUNICATE INFORMATION TO A RIDER OR THE RIDER'S PARENT
22 OR GUARDIAN, INCLUDING PLACARDS, PRERECORDED MESSAGES, LIVE
23 PUBLIC ADDRESS, STICKERS, PICTURES, PICTOGRAMS, VIDEO, VERBAL
24 INFORMATION, AND VISUAL SIGNALS.

25 (h) ~~-(f)-~~ "Special inspector commission" means an authoriza-
26 tion issued annually by the department that requires an operator,
27 owner, or representative of the owner or operator to perform

1 daily inspections of a carnival or amusement ride, to maintain a
2 daily inspection log, and to be present on the premises where the
3 ride is located while the ride is being operated.

4 SEC. 18. (1) A RIDER OF A CARNIVAL OR AMUSEMENT RIDE SHALL,
5 AT A MINIMUM, DO ALL OF THE FOLLOWING:

6 (A) OBEY THE REASONABLE SAFETY RULES POSTED IN ACCORDANCE
7 WITH THIS ACT AND ORAL INSTRUCTIONS FOR THE CARNIVAL OR AMUSEMENT
8 RIDE GIVEN BY THE OPERATOR OR AN EMPLOYEE OR AGENT OF THE OPERA-
9 TOR, UNLESS THE SAFETY RULES OR ORAL INSTRUCTIONS ARE CONTRARY TO
10 THE SAFETY RULES PROVIDED IN THIS ACT.

11 (B) REFRAIN FROM ACTING IN ANY MANNER THAT MAY CAUSE OR CON-
12 TRIBUTE TO THE INJURY OF THE RIDER OR OTHERS, INCLUDING, BUT NOT
13 LIMITED TO, ALL OF THE FOLLOWING:

14 (i) EXCEEDING THE LIMITS OF HIS OR HER ABILITY.

15 (ii) INTERFERING WITH SAFETY DEVICES THAT ARE PROVIDED.

16 (iii) FAILING TO ENGAGE SAFETY DEVICES THAT ARE PROVIDED.

17 (iv) DISCONNECTING OR DISABLING A SAFETY DEVICE EXCEPT AT
18 THE EXPRESS INSTRUCTION OF THE OPERATOR OR AN EMPLOYEE OR AGENT
19 OF THE OPERATOR.

20 (v) ALTERING THE INTENDED SPEED, COURSE, OR DIRECTION OF THE
21 CARNIVAL OR AMUSEMENT RIDE.

22 (vi) USING THE CONTROLS OF A CARNIVAL OR AMUSEMENT RIDE
23 DESIGNED SOLELY TO BE OPERATED BY THE OPERATOR OR AN EMPLOYEE OR
24 AGENT OF THE OPERATOR.

25 (vii) EXTENDING ARMS AND LEGS BEYOND THE CARRIER OR SEATING
26 AREA EXCEPT AT THE EXPRESS DIRECTION OF THE OPERATOR OR AN
27 EMPLOYEE OR AGENT OF THE OPERATOR.

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1 (viii) THROWING, DROPPING, OR EXPELLING AN OBJECT FROM OR
2 TOWARD A CARNIVAL OR AMUSEMENT RIDE EXCEPT AS PERMITTED BY THE
3 OPERATOR OR AN EMPLOYEE OR AGENT OF THE OPERATOR.

4 (ix) GETTING ON OR OFF A CARNIVAL OR AMUSEMENT RIDE EXCEPT
5 AT THE DESIGNATED TIME AND AREA, UNLESS DIRECTED BY THE OPERATOR
6 OR AN EMPLOYEE OR AGENT OF THE OPERATOR OR IN AN EMERGENCY.

7 (x) ON A CARNIVAL OR AMUSEMENT RIDE THAT REQUIRES THE RIDER
8 TO CONTROL OR DIRECT HIS OR HER BODY OR THE CARNIVAL OR AMUSEMENT
9 RIDE, NOT REASONABLY CONTROLLING THE SPEED OR DIRECTION OF THE
10 CARNIVAL OR AMUSEMENT RIDE OR HIS OR HER BODY.

11 (xi) INTENTIONALLY DROPPING, THROWING, OR EXPELLING AN
12 OBJECT FROM A CARNIVAL OR AMUSEMENT RIDE WHILE RIDING ON THE CAR-
13 NIVAL OR AMUSEMENT RIDE.

14 (xii) DOING ANY ACT THAT INTERFERES WITH THE RUNNING OR
15 OPERATION OF A CARNIVAL OR AMUSEMENT RIDE, INCLUDING, BUT NOT
16 LIMITED TO, SWINGING OR BOUNCING ON AN AERIAL CARNIVAL OR AMUSE-
17 MENT RIDE OR ATTEMPTING TO CONTACT SUPPORTING TOWERS, MACHINERY,
18 GUIDES, OR GUARDS WHILE RIDING ON A CARNIVAL OR AMUSEMENT RIDE.

19 (2) A RIDER OF A CARNIVAL OR AMUSEMENT RIDE SHALL NOT GET ON
20 OR ATTEMPT TO GET ON A CARNIVAL OR AMUSEMENT RIDE UNLESS THE
21 RIDER OR THE RIDER'S PARENT OR GUARDIAN REASONABLY DETERMINES
22 THAT, AT A MINIMUM, THE RIDER MEETS ALL OF THE FOLLOWING
23 REQUIREMENTS:

24 (A) HE OR SHE HAS SUFFICIENT KNOWLEDGE TO GET ON, USE, AND
25 GET OFF THE CARNIVAL OR AMUSEMENT RIDE SAFELY WITHOUT INSTRUCTION
26 OR HAS REQUESTED AND RECEIVED SUFFICIENT INFORMATION TO GET ON,

1 USE, AND GET OFF THE CARNIVAL OR AMUSEMENT RIDE SAFELY PRIOR TO
2 GETTING ON THE CARNIVAL OR AMUSEMENT RIDE.

3 (B) HE OR SHE IS AWARE OF, HAS READ, AND UNDERSTANDS ANY
4 SIGNS IN THE VICINITY OF THE CARNIVAL OR AMUSEMENT RIDE AND MEETS
5 ANY POSTED HEIGHT, MEDICAL, OR OTHER REQUIREMENTS.

6 (C) HE OR SHE KNOWS THE RANGE AND LIMITS OF HIS OR HER ABIL-
7 ITY AND KNOWS THE REQUIREMENTS OF THE CARNIVAL OR AMUSEMENT RIDE
8 WILL NOT EXCEED THOSE LIMITS.

9 (D) HE OR SHE IS NOT UNDER THE INFLUENCE OF ALCOHOL OR ANY
10 DRUG THAT AFFECTS HIS OR HER ABILITY TO SAFELY USE THE CARNIVAL
11 OR AMUSEMENT RIDE OR OBEY THE POSTED RULES OR ORAL INSTRUCTIONS.

12 (E) HE OR SHE IS AUTHORIZED BY THE OPERATOR OR BY AN
13 EMPLOYEE OR AGENT OF THE OPERATOR TO GET ON THE CARNIVAL OR
14 AMUSEMENT RIDE.

15 SEC. 19. (1) AN OPERATOR SHALL DISPLAY SIGNS INDICATING THE
16 APPLICABLE RIDER SAFETY RESPONSIBILITIES PROVIDED IN SECTION 18
17 AND THE LOCATION OF STATIONS TO REPORT INJURIES UNDER
18 SECTION 20. THE SIGNS SHALL BE LOCATED IN ALL OF THE FOLLOWING
19 LOCATIONS:

20 (A) EACH STATION FOR REPORTING AN INJURY.

21 (B) EACH FIRST AID STATION.

22 (C) IN ADDITION TO THE LOCATIONS DESCRIBED IN SUBDIVISIONS
23 (A) AND (B), THE FOLLOWING LOCATIONS:

24 (i) IF THERE ARE NOT MORE THAN 4 ENTRANCES OR EXITS FOR
25 RIDERS, AT LEAST 2 LOCATIONS ON THE PREMISES, INCLUDING ANY
26 ENTRANCE OR EXIT MOST COMMONLY USED BY RIDERS.

1 (ii) IF THERE ARE MORE THAN 4 ENTRANCES AND EXITS FOR
2 RIDERS, AT LEAST 4 OTHER LOCATIONS ON THE PREMISES, INCLUDING THE
3 4 ENTRANCES AND EXITS MOST COMMONLY USED BY RIDERS.

4 (iii) AT EVERY CARNIVAL OR AMUSEMENT RIDE.

5 (2) IN ADDITION TO THE SIGNS REQUIRED UNDER SUBSECTION (1),
6 AN OPERATOR SHALL POST A SIGN AT EACH CARNIVAL OR AMUSEMENT
7 RIDE. THE SIGN SHALL BE PROMINENTLY DISPLAYED AT A CONSPICUOUS
8 LOCATION, CLEARLY VISIBLE TO THE PUBLIC, AND BOLD AND LEGIBLE IN
9 DESIGN. THE SIGN SHALL INCLUDE ALL OF THE FOLLOWING THAT APPLY:

10 (A) OPERATIONAL INSTRUCTIONS.

11 (B) SAFETY GUIDELINES FOR RIDERS.

12 (C) RESTRICTIONS ON THE USE OF THE CARNIVAL OR AMUSEMENT
13 RIDE.

14 (D) BEHAVIOR OR ACTIVITIES THAT ARE PROHIBITED.

15 (E) A LEGEND THAT STATES: "STATE LAW REQUIRES RIDERS TO
16 OBEY ALL WARNINGS AND DIRECTIONS FOR CARNIVAL OR AMUSEMENT RIDES
17 AND BEHAVE IN A MANNER THAT WILL NOT CAUSE OR CONTRIBUTE TO THE
18 INJURY OF THEMSELVES OR OTHERS. RIDERS MUST REPORT INJURIES
19 PRIOR TO LEAVING THE PREMISES. FAILURE TO COMPLY IS PUNISHABLE
20 AS PROVIDED BY LAW."

21 SEC. 20. (1) BEFORE LEAVING THE OPERATOR'S PREMISES, A
22 RIDER OF A CARNIVAL OR AMUSEMENT RIDE OR HIS OR HER PARENT OR
23 GUARDIAN SHALL REPORT IN WRITING TO THE OPERATOR OR AN EMPLOYEE
24 OR AGENT OF THE OPERATOR, ON A FORM PROVIDED BY THE OPERATOR OR
25 THE EMPLOYEE OR AGENT OF THE OPERATOR, ANY INJURY SUSTAINED ON A
26 CARNIVAL OR AMUSEMENT RIDE. THE REPORT SHALL INCLUDE ALL OF THE
27 FOLLOWING INFORMATION:

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1 (A) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE INJURED
2 PERSON.

3 (B) A BRIEF DESCRIPTION OF THE INCIDENT, THE INJURY CLAIMED,
4 AND THE LOCATION, DATE, AND TIME OF THE INJURY.

5 (C) THE CAUSE OF THE INJURY, IF KNOWN.

6 (D) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY WITNESS
7 TO THE INCIDENT.

8 (2) IF THE RIDER OF A CARNIVAL OR AMUSEMENT RIDE OR HIS OR
9 HER PARENT OR GUARDIAN IS UNABLE TO FILE A REPORT UNDER
10 SUBSECTION (1) BECAUSE OF THE SEVERITY OF THE RIDER'S INJURIES,
11 THE RIDER OR HIS OR HER PARENT OR GUARDIAN SHALL FILE THE REPORT
12 AS SOON AS REASONABLY POSSIBLE. THE FAILURE OF A RIDER OR HIS OR
13 HER PARENT OR GUARDIAN TO REPORT AN INJURY UNDER THIS SECTION
14 DOES NOT AFFECT THE RIDER'S RIGHT TO BRING A CIVIL ACTION RELATED
15 TO THE INCIDENT.