

Act No. 346
Public Acts of 2000
Approved by the Governor
December 27, 2000
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December 28, 2000
EFFECTIVE DATE: March 28, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Rep. Stamas

ENROLLED HOUSE BILL No. 5509

AN ACT to amend 1966 PA 225, entitled "An act to provide for the inspection, licensing, and regulation of carnival and amusement rides; to provide for the safety of the public using carnival and amusement rides; to create a carnival-amusement safety board in the department of licensing and regulation; to provide for the disposition of revenues; to make an appropriation; and to provide penalties for violations," by amending sections 2 and 17 (MCL 408.652 and 408.667), section 2 as amended by 1998 PA 507 and section 17 as amended by 1982 PA 35, and by adding sections 18, 19, and 20.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

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

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

(c) "Director" means the director of the department of consumer and industry services.

(d) "Hobby" means an interest or activity that a person pursues without compensation in his or her leisure time.

(e) "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of a carnival or amusement ride and includes the state or any political subdivision of the state.

(f) "Rider" or "rider of a carnival or amusement ride" means a person waiting in the immediate vicinity of a carnival or amusement ride to get on the carnival or amusement 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 carnival or amusement ride. Rider does not include an employee or agent of the operator while engaged in the duties of his or her employment.

(g) "Sign" means any symbol or language reasonably calculated to communicate information to a rider or the rider's parent or guardian, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information, and visual signals.

(h) "Special inspector commission" means an authorization issued annually by the department that requires an operator, owner, or representative of the owner or operator to perform daily inspections of a carnival or amusement ride, to maintain a daily inspection log, and to be present on the premises where the ride is located while the ride is being operated.

Sec. 17. (1) A temporary cessation of operations of a carnival-amusement ride may be ordered by the director when the inspection of the ride has been impeded, obstructed or interfered with. The order to cease operations shall remain in effect until an inspection has been made and the ride has been found safe for use.

(2) Except for the late payment of fees as provided in section 8(2) and except as provided in subsection (3), a person who violates this act is guilty of a misdemeanor. Each day a violation occurs is a separate offense.

(3) The penalty provided in subsection (2) does not apply to the violation of this act by a rider or the rider's parent or guardian.

Sec. 18. (1) A rider of a carnival or amusement ride shall, at a minimum, do all of the following:

(a) Obey the reasonable safety rules posted in accordance with this act and oral instructions for the carnival or amusement ride given by the operator or an employee or agent of the operator, unless the safety rules or oral instructions are contrary to the safety rules provided in this act.

(b) Refrain from acting in any manner that may cause or contribute to the injury of the rider or others, including, but not limited to, all of the following:

(i) Exceeding the limits of his or her ability.

(ii) Interfering with safety devices that are provided.

(iii) Failing to engage safety devices that are provided.

(iv) Disconnecting or disabling a safety device except at the express instruction of the operator or an employee or agent of the operator.

(v) Altering the intended speed, course, or direction of the carnival or amusement ride.

(vi) Using the controls of a carnival or amusement ride designed solely to be operated by the operator or an employee or agent of the operator.

(vii) Extending arms and legs beyond the carrier or seating area except at the express direction of the operator or an employee or agent of the operator.

(viii) Throwing, dropping, or expelling an object from or toward a carnival or amusement ride except as permitted by the operator or an employee or agent of the operator.

(ix) Getting on or off a carnival or amusement ride except at the designated time and area, unless directed by the operator or an employee or agent of the operator or in an emergency.

(x) On a carnival or amusement ride that requires the rider to control or direct his or her body or the carnival or amusement ride, not reasonably controlling the speed or direction of the carnival or amusement ride or his or her body.

(xi) Intentionally dropping, throwing, or expelling an object from a carnival or amusement ride while riding on the carnival or amusement ride.

(xii) Doing any act that interferes with the running or operation of a carnival or amusement ride, including, but not limited to, swinging or bouncing on an aerial carnival or amusement ride or attempting to contact supporting towers, machinery, guides, or guards while riding on a carnival or amusement ride.

(2) A rider of a carnival or amusement ride shall not get on or attempt to get on a carnival or amusement ride unless the rider or the rider's parent or guardian reasonably determines that, at a minimum, the rider meets all of the following requirements:

(a) He or she has sufficient knowledge to get on, use, and get off the carnival or amusement ride safely without instruction or has requested and received sufficient information to get on, use, and get off the carnival or amusement ride safely prior to getting on the carnival or amusement ride.

(b) He or she is aware of, has read, and understands any signs in the vicinity of the carnival or amusement ride and meets any posted height, medical, or other requirements.

(c) He or she knows the range and limits of his or her ability and knows the requirements of the carnival or amusement ride will not exceed those limits.

(d) He or she is not under the influence of alcohol or any drug that affects his or her ability to safely use the carnival or amusement ride or obey the posted rules or oral instructions.

(e) He or she is authorized by the operator or by an employee or agent of the operator to get on the carnival or amusement ride.

Sec. 19. (1) An operator shall display signs indicating the applicable rider safety responsibilities provided in section 18 and the location of stations to report injuries under section 20. The signs shall be located in all of the following locations:

(a) Each station for reporting an injury.

(b) Each first aid station.

(c) In addition to the locations described in subdivisions (A) and (B), the following locations:

(i) If there are not more than 4 entrances or exits for riders, at least 2 locations on the premises, including any entrance or exit most commonly used by riders.

(ii) If there are more than 4 entrances and exits for riders, at least 4 other locations on the premises, including the 4 entrances and exits most commonly used by riders.

(iii) At every carnival or amusement ride.

(2) In addition to the signs required under subsection (1), an operator shall post a sign at each carnival or amusement ride. The sign shall be prominently displayed at a conspicuous location, clearly visible to the public, and bold and legible in design. The sign shall include all of the following that apply:

(a) Operational instructions.

(b) Safety guidelines for riders.

(c) Restrictions on the use of the carnival or amusement ride.

(d) Behavior or activities that are prohibited.

(e) A legend that states: "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."

Sec. 20. (1) Before leaving the operator's premises, a rider of a carnival or amusement ride or his or her parent or guardian shall report in writing to the operator or an employee or agent of the operator, on a form provided by the operator or the employee or agent of the operator, any injury sustained on a carnival or amusement ride. The report shall include all of the following information:

(a) The name, address, and telephone number of the injured person.

(b) A brief description of the incident, the injury claimed, and the location, date, and time of the injury.

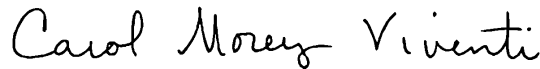
(c) The cause of the injury, if known.

(d) The name, address, and telephone number of any witness to the incident.

(2) If the rider of a carnival or amusement ride or his or her parent or guardian is unable to file a report under subsection (1) because of the severity of the rider's injuries, the rider or his or her parent or guardian shall file the report as soon as reasonably possible. The failure of a rider or his or her parent or guardian to report an injury under this section does not affect the rider's right to bring a civil action related to the incident.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.