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House Bill 5134 (Substitute H-1 as passed by the House)

Sponsor: Representative Greg VanWoerkom

House Committee: Regulatory Reform

Ways and Means

Senate Committee: Regulatory Reform

Date Completed: 6-16-20

## **CONTENT**

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

- -- Allow an individual to operate a carnival-amusement ride if he or she were at least 16 years of age.
- -- Prohibit the Department of Licensing and Regulatory Affairs from promulgating a rule that required an individual to be more than 16 years of age to operate a carnival-amusement ride.
- -- Prohibit an individual from operating a carnival-amusement ride unless he or she had certain training.

The Act requires the Department to promulgate and formulate definitions, codes, and rules for the safe installation, repair, maintenance, use, operation, and inspection of all carnival-amusement rides as it finds necessary for the protection of the general public who use carnival and amusement rides. ("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. The term 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.)

Under the bill, an individual could operate a carnival-amusement ride if he or she were at last 16 year of age. The Department could not promulgate a rule that required an individual to be more than 16 years of age to operate a carnival-amusement ride.

An individual could not operate a carnival-amusement ride unless he or she had been trained in all of the following:

- -- The operating procedures specific to the ride.
- -- The specific duties applicable to each of the ride's assigned positions.
- -- The general procedures of the carnival or amusement park.
- -- The general and ride-specific safety procedures that the individual would have to follow in the event of an unusual condition, interruption in operation, injury, emergency, or evacuation.

MCL 408.660 Legislative Analyst: Stephen Jackson

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## **FISCAL IMPACT**

The bill would not have a significant fiscal impact on State or local government. A person who violates the Act is guilty of a misdemeanor; this would apply to the bill's provisions, as well. Any misdemeanors resulting from the bill could increase costs related to law enforcement, including jail and court costs. However, the number of violations that would be investigated and prosecuted likely would be low and would not have an appreciable fiscal impact on the Department of Licensing and Regulatory Affairs or local units of government. Any fine revenue would go to local libraries.

Fiscal Analyst: Elizabeth Raczkowski

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.

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