

## **CARNIVAL-AMUSEMENT SAFETY ACT OF 1966**

### **Act 225 of 1966**

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.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

#### **408.651 Carnival-amusement safety act of 1966; short title.**

Sec. 1. This act shall be known and may be cited as the “carnival-amusement safety act of 1966”.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Transfer of powers:** See MCL 16.486.

#### **408.652 Definitions.**

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.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 1998, Act 507, Imd. Eff. Jan. 8, 1999;—Am. 2000, Act 346, Eff. Mar. 28, 2001.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Transfer of powers:** See MCL 16.732.

#### **408.653 Carnival-amusement safety board; appointment, terms, and qualifications of members.**

Sec. 3. There is created the carnival-amusement safety board to consist of 7 members. One member shall be the director of licensing and regulation. Six members shall be appointed by the governor with the advice and consent of the senate. The term of members shall be 4 years, except of the first members appointed by the

governor, 2 shall be appointed for 2 years, 2 for 3 years, and 2 for 4 years. Of the 6 appointed members of the board, 1 shall be representative of the amusement park operators, 1 shall be representative of the carnival ride operators, 1 shall be representative of the retail merchants association, 1 shall be a licensed professional engineer, and 2 shall be representatives of the general public.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.654 Carnival-amusement safety board; conducting business at public meeting; quorum; meetings; notice; election of chairperson and other officers; clerical and administrative help; payment.**

Sec. 4. (1) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. A majority of the 7 members of the board constitutes a quorum. The board shall meet not less than 2 times each year and at the call of the chairperson or by written request of not less than 3 members. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) The board shall elect a chairperson and other officers it considers necessary to perform its duties between meetings and may hire necessary clerical and administrative help to be paid out of the appropriation to the board.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1978, Act 176, Imd. Eff. June 4, 1978.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.655 Carnival-amusement safety board; compensation and expenses.**

Sec. 5. The per diem compensation of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1975, Act 65, Imd. Eff. May 20, 1975.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.656 Carnival-amusement safety board; promulgation of definitions, codes, rules and regulations.**

Sec. 6. The board shall promulgate and formulate definitions, codes, rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the board finds necessary for the protection of the general public using carnival and amusement rides. The definitions, codes, rules and regulations shall be reasonable and based upon generally accepted engineering standards, formulas and practices and shall be issued in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Administrative rules:** R 408.801 et seq. of the Michigan Administrative Code.

#### **408.657 Director; administration and enforcement of act, codes, rules, and regulations.**

Sec. 7. The director shall administer and enforce this act and all codes, rules, and regulations promulgated by the board.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Administrative rules:** R 408.801 et seq. of the Michigan Administrative Code.

#### **408.658 Fees.**

Sec. 8. (1) The department shall charge the following fees for permits to operate, annual inspections, reinspections, and special inspector commissions:

|       |                                   |          |
|-------|-----------------------------------|----------|
| (a)   | Permit to operate.....            | \$ 10.00 |
| (b)   | Annual inspection:                |          |
| (i)   | Kiddie rides.....                 | 40.00    |
| (ii)  | Fixed coaster.....                | 90.00    |
| (iii) | Aerial lifts.....                 | 115.00   |
| (iv)  | Miscellaneous rides.....          | 50.00    |
| (c)   | Reinspection:                     |          |
| (i)   | Kiddie rides.....                 | 20.00    |
| (ii)  | Fixed coaster.....                | 75.00    |
| (iii) | Aerial lifts.....                 | 75.00    |
| (iv)  | Miscellaneous rides.....          | 20.00    |
| (d)   | Special inspector commission..... | 5.00     |

(2) If the fee prescribed by subsection (1) is not received by the department within 30 calendar days after notice of the amount due is given, the fee automatically shall be doubled.

(3) The department shall review the fees prescribed by subsection (1), shall report to the legislature before October 1, 1983 concerning the appropriateness of those fees, and shall make recommendations, if necessary, to reflect actual costs.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.659 Inspectors; appointment, qualifications.**

Sec. 9. The department may hire inspectors to inspect carnival-amusement rides. The chief carnival-amusement ride inspector shall be licensed in the state as a professional engineer, in accordance with Act No. 240 of the Public Acts of 1937, as amended, being sections 338.551 to 338.576 of the Compiled Laws of 1948.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.660 Carnival-amusement ride; permit requirement, application, annual inspection.**

Sec. 10. No person shall operate a carnival-amusement ride without a permit issued by the director. On or before March 1 of each year an operator shall apply for a permit to the director on a form furnished by the director and containing such information as the board may require. All carnival-amusement rides shall be inspected before they are originally put into operation for the public's use and thereafter at least once every year, unless authorized to operate on a temporary permit. Carnival-amusement rides may also be inspected each time they are disassembled and reassembled.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.661 Permit to operate carnival-amusement ride; issuance.**

Sec. 11. If, after inspection, a carnival-amusement ride is found to comply with the rules and regulations of the board, the inspector shall issue a permit to operate.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.662 Erection or alteration of ride; notice of intent, plans or diagrams.**

Sec. 12. Before a new carnival-amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any carnival-amusement ride, the operator shall file with the department a notice of his intention and any plans or diagrams requested by the director.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled MCL 338.3501 of the Michigan Compiled Laws.

#### **408.663 Order for temporary cessation of operation; unsafe condition, correction.**

Sec. 13. The director or board may order, in writing, a temporary cessation of operation of a carnival-amusement ride if it has been determined after inspection to be hazardous or unsafe. Operation shall not resume until such conditions are corrected to the satisfaction of the director or board.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.664 Construction of act as to existing installations.**

Sec. 14. This act shall not be construed to prevent the use of any existing installation which upon inspection is found to be in a safe condition and in conformance with the rules and regulations of the board.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.665 Hardship cases; modification of rules and regulations, request, written authorization, record.**

Sec. 15. If there are practical difficulties or unnecessary hardships for an operator to comply with the rules and regulations under this act, the director, with the approval of the board, may modify the application of such rules or regulations if the spirit of the rules and regulations shall be observed and the public safety is secure. Any operator may make a written request to the board stating his grounds and applying for such modification. Any authorization by the director and the board shall be in writing and shall describe the conditions under which the modifications are permitted. A record of all modifications shall be kept in the department and open to the public.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.666 Security against owner's or operator's liability for injury required; insurance or bond; local unit of government as self-insurer.**

Sec. 16. A person shall not operate a carnival or amusement ride unless the owner or operator shall have obtained security against the owner's or operator's liability for injury suffered by persons riding the carnival or amusement ride by 1 of the following methods:

(a) By obtaining a policy of insurance in an amount not less than \$300,000.00 insuring the owner or operator against liability for injury suffered by persons riding the carnival or amusement ride.

(b) By obtaining a bond in an amount not less than \$300,000.00 with the aggregate amount of the surety on the bond not exceeding the face amount of the bond.

(c) An owner or operator having only 1 carnival or amusement ride which ride is designed primarily for use by children, may comply with subsections (a) and (b) by obtaining a policy of insurance or a bond in an amount not less than \$50,000.00.

(d) In the case of a local unit of government, the director of the department may authorize a local unit of government which is an owner or operator of a carnival or amusement ride to be a self-insurer upon a reasonable showing by the local unit of government owner or operator of its solvency and financial ability to pay liability claims for injury suffered by persons riding the carnival or amusement ride, in an amount not less than \$300,000.00. If the director determines it to be necessary, the director shall require the furnishing of a bond or other security in a reasonable amount.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1980, Act 103, Imd. Eff. Apr. 27, 1980.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.667 Temporary cessation of operations; order; duration; violation of act as misdemeanor; separate offense; exception.**

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.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 2000, Act 346, Eff. Mar. 28, 2001.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.668 Required conduct of rider; requirements.**

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.

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.

#### **408.669 Rider safety responsibilities; signs.**

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."

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.

#### **408.670 Injury report.**

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.

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.