

# HOUSE BILL No. 4981

July 13, 1989, Introduced by Reps. Alley, DeMars and Pridnia and referred to the Committee on State Affairs.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, and 17 of Act No. 225 of the Public Acts of 1966, entitled as amended

"Carnival-amusement safety act of 1966,"

sections 2, 3, 7, 8, 11, and 17 as amended by Act No. 35 of the Public Acts of 1982, being sections 408.651, 408.652, 408.653, 408.654, 408.655, 408.656, 408.657, 408.658, 408.659, 408.660, 408.661, 408.662, 408.664, 408.665, and 408.667 of the Michigan Compiled Laws; to add sections 2a, 11a, 18, 19, 20, 21, 22, 23, 30, 31, 32, 33, 34, 35, and 36; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8,  
2 9, 10, 11, 12, 14, 15, and 17 of Act No. 225 of the Public Acts  
3 of 1966, sections 2, 3, 7, 8, 11, and 17 as amended by Act No. 35

1 of the Public Acts of 1982, being sections 408.651, 408.652,  
 2 408.653, 408.654, 408.655, 408.656, 408.657, 408.658, 408.659,  
 3 408.660, 408.661, 408.662, 408.664, 408.665, and 408.667 of the  
 4 Michigan Compiled Laws, are amended and sections 2a, 11a, 18, 19,  
 5 20, 21, 22, 23, 30, 31, 32, 33, 34, 35, and 36 are added to read  
 6 as follows:

# 7 TITLE

8 An act to provide for the inspection, licensing, and regula-  
 9 tion of ~~carnival and~~ amusement rides; to provide for the safety  
 10 of the public using ~~carnival and~~ amusement rides; TO PRESCRIBE  
 11 THE PUBLIC'S DUTIES AND RESPONSIBILITIES; TO PROVIDE FOR THE  
 12 LICENSING OF OWNER/OPERATORS OF AMUSEMENT RIDES AND TO PRESCRIBE  
 13 THEIR DUTIES AND RESPONSIBILITIES; to create ~~a~~  
 14 ~~carnival amusement~~ AN AMUSEMENT RIDE safety board in the depart-  
 15 ment of licensing and regulation; to provide for the disposition  
 16 of revenues; to make an appropriation; TO PROVIDE FOR CERTAIN  
 17 CIVIL REMEDIES; and to provide FOR SANCTIONS AND penalties. ~~for~~  
 18 ~~violations.~~

19 Sec. 1. This act shall be known and may be cited as the  
 20 "~~carnival amusement~~ AMUSEMENT RIDE safety act". ~~of 1966".~~

21 Sec. 2. As used in this act:

22 (a) ~~"Carnival or amusement~~ "AMUSEMENT ride" OR "RIDE"  
 23 means a device ~~which~~ OR CONSTRUCTION THAT PROPELS, carries, or  
 24 conveys ~~passengers~~ AN INDIVIDUAL along, around, WITHIN, or over  
 25 a fixed or restricted ~~route or~~ course OR AREA for the purpose  
 26 of giving ~~its passengers~~ THE INDIVIDUAL amusement, pleasure,  
 27 thrills, or excitement. AMUSEMENT RIDE INCLUDES, BUT IS NOT

1 LIMITED TO, MECHANICAL DEVICES RUN BY AN OPERATOR; MECHANICAL  
2 DEVICES OR VEHICLES PROPELLED BY AN INDIVIDUAL, BY A SEPARATE  
3 MOTOR OR ENGINE, OR BY A CENTRALIZED MOTOR OR ENGINE SHARED BY  
4 SEVERAL VEHICLES OR DEVICES; OR FIXED DEVICES OR CONSTRUCTIONS ON  
5 WHICH AN INDIVIDUAL IS CONVEYED OR MOVED BY A MOTOR, ENGINE,  
6 GRAVITY, OR SELF-EFFORT.

7 (B) "BOARD" MEANS THE AMUSEMENT RIDE SAFETY BOARD CREATED IN  
8 SECTION 3.

9 (C) "CIRCUIT COURT" MEANS THE CIRCUIT COURT FOR INGHAM  
10 COUNTY OR THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEFENDANT IS  
11 LOCATED.

12 (D) ~~(b)~~ "Department" means the department of licensing and  
13 regulation.

14 (E) ~~(c)~~ "Director" means the director of licensing and  
15 regulation OR THE DIRECTOR'S AUTHORIZED REPRESENTATIVE.

16 (F) "OPERATOR" MEANS AN INDIVIDUAL EMPLOYED BY AN  
17 OWNER/OPERATOR TO START AND STOP AN AMUSEMENT RIDE, TO ALLOW PAS-  
18 SENGERS TO BOARD AND DISEMBARK AN AMUSEMENT RIDE, AND TO CARRY  
19 OUT THE OWNER/OPERATOR'S DIRECTIONS FOR PHYSICALLY OPERATING THE  
20 AMUSEMENT RIDE.

21 (G) ~~(d) "Operator" or "owner"~~ "OWNER/OPERATOR" means a  
22 person who owns or controls THE OPERATION OF AN AMUSEMENT RIDE,  
23 or has the duty to control the operation of an amusement ride.  
24 ~~and includes the state or any political subdivision of the~~  
25 ~~state.~~

26 ~~(e) "Special inspector commission" means an authorization~~  
27 ~~issued annually by the department that requires an operator,~~

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

5 (H) "PERSON" MEANS AN INDIVIDUAL, SOLE PROPRIETORSHIP, PART-  
6 NERSHIP, LIMITED PARTNERSHIP, ASSOCIATION, CORPORATION, NONPROFIT  
7 CORPORATION, COMMON LAW TRUST, OR A COMBINATION OF THOSE LEGAL  
8 ENTITIES, AND INCLUDES THE STATE OR A POLITICAL SUBDIVISION OF  
9 THE STATE.

10 SEC. 2A. THE FOLLOWING ARE EXEMPT FROM THIS ACT:

11 (A) DEVICES, VEHICLES, AND CONSTRUCTIONS OTHERWISE REGULATED  
12 BY STATE OR FEDERAL LAW OR REGULATIONS INCLUDING, BUT NOT LIMITED  
13 TO, AIRPLANES, PASSENGER BALLOONS, RAILROADS, AND CHARTER  
14 WATERCRAFT.

15 (B) VEHICLES AND DEVICES RENTED OR SOLD TO BE USED PRIMARILY  
16 FOR TRANSPORTATION AND NOT FOR THE AMUSEMENT OF THE OCCUPANTS.

17 (C) RACES, EVENTS, AND CONTESTS UNDER THE CONTROL OR SANC-  
18 TION OF AN ORGANIZATION IF PARTICIPANTS PROVIDE THEIR OWN DEVICES  
19 OR VEHICLES, AND THE RACE, TRAINING, TESTING, OR PROVING GROUNDS  
20 FOR THOSE RACES, EVENTS, AND CONTESTS.

21 (D) SPORTS AND FITNESS EQUIPMENT AND SPORTS ARENAS.

22 (E) UNMOTORIZED MECHANICAL EQUIPMENT GENERALLY ASSOCIATED  
23 WITH A CHILDREN'S PLAYGROUND AND OPERATED BY THE PARTICIPANT.

24 (F) CONSTRUCTIONS WITHOUT MOVING PARTS ON OR THROUGH WHICH A  
25 PERSON WALKS, HOPS, CRAWLS, OR CLIMBS, BUT THAT DO NOT MOVE OR  
26 PROPEL PARTICIPANTS OR OCCUPANTS.

1 (G) AN AMUSEMENT RIDE IF IT DOES NOT EXTEND MORE THAN 8 FEET  
2 ABOVE GROUND LEVEL DURING OPERATION OR OCCUPY MORE THAN 30 SQUARE  
3 FEET OF SURFACE AREA, EXCEPT IF THE RIDE IS OPERATED WITHIN 20  
4 FEET OF ANOTHER AMUSEMENT RIDE.

5 Sec. 3. There is created the ~~carnival amusement~~ AMUSEMENT  
6 RIDE safety board to consist of ~~7~~ 10 members. ~~One member~~  
7 ~~shall be the director of licensing and regulation. Six~~ NINE  
8 members shall be appointed by the governor with the advice and  
9 consent of the senate. The term of APPOINTED members shall be 4  
10 years, except of the first members appointed by the governor, ~~2~~  
11 3 shall be appointed for 2 years, ~~2~~ 3 for 3 years, and ~~2~~ 3  
12 for 4 years. ~~Of the 6 appointed members of the board, 1 shall~~  
13 ~~be representative of the amusement park operators, 1 shall be~~  
14 ~~representative of the carnival ride operators, 1 shall be repre-~~  
15 ~~sentative of the retail merchants association, 1 shall be a~~  
16 ~~licensed professional engineer, and 2 shall be representatives of~~  
17 ~~the general public.~~ SIX OF THE APPOINTED MEMBERS SHALL BE  
18 LICENSED AS OWNER/OPERATORS PURSUANT TO SECTION 9, AND 3  
19 APPOINTED MEMBERS SHALL REPRESENT THE GENERAL PUBLIC. OF THE 6  
20 LICENSED OWNER/OPERATOR MEMBERS OF THE BOARD, AT LEAST 1 MEMBER  
21 BUT NOT MORE THAN 2 MEMBERS SHALL BE APPOINTED FROM THE FOLLOWING  
22 SEGMENTS OF THE INDUSTRY: TRAVELING SHOWS, FIXED AMUSEMENT  
23 PARKS, WATER PARKS, AND GO-CART OR BUMPER BOAT OPERATIONS. OF  
24 THE 3 PUBLIC MEMBERS, 1 MEMBER SHALL BE A PROFESSIONAL ENGINEER  
25 LICENSED UNDER THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC  
26 ACTS OF 1980, BEING SECTIONS 339.101 TO 339.2721 OF THE MICHIGAN  
27 COMPILED LAWS, WITH EXPERIENCE IN THE REVIEW OF MECHANICAL

1 DEVICES AND CONSTRUCTIONS, 1 MEMBER SHALL BE EMPLOYED BY THE FAIR  
2 OR TOURISM INDUSTRY IN THE STATE, AND 1 MEMBER SHALL BE A REPRESENTATIVE OF THE CONSUMER PUBLIC AT LARGE. THE DIRECTOR SHALL BE  
3 AN EX OFFICIO MEMBER OF THE BOARD WITHOUT VOTE.

5       Sec. 4. (1) The business ~~which~~ THAT the board may perform  
6 shall be conducted at a public meeting of the board held in compliance with THE OPEN MEETINGS ACT, Act No. 267 of the Public  
7 Acts of 1976, being sections 15.261 to 15.275 of the Michigan  
8 Compiled Laws. A majority of the ~~7~~ 9 APPOINTED members of the  
10 board constitutes a quorum. The board shall meet not less than 2  
11 times each year and at the call of the chairperson or by written  
12 request of not less than 3 members. Public notice of the time,  
13 date, and place of the meeting shall be given in the manner  
14 required by ~~Act No. 267 of the Public Acts of 1976~~ THE OPEN  
15 MEETINGS ACT.

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

20       Sec. 5. The per diem compensation of the board ~~and the~~  
21 ~~schedule for reimbursement of expenses~~ shall be established  
22 annually by the legislature. TRAVEL AND OTHER EXPENSES INCURRED  
23 BY A BOARD MEMBER IN THE PERFORMANCE OF AN OFFICIAL FUNCTION  
24 SHALL BE PAYABLE PURSUANT TO THE STANDARDIZED TRAVEL REGULATIONS  
25 OF THE DEPARTMENT OF MANAGEMENT AND BUDGET.

26       Sec. 6. The board shall promulgate ~~and formulate~~  
27 ~~definitions, codes, rules and regulations~~ PURSUANT TO THE

1 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC  
2 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
3 COMPILED LAWS, for the safe installation, repair, maintenance,  
4 use, operation, and inspection of all ~~carnival amusement~~  
5 AMUSEMENT rides as the board finds necessary for the protection  
6 of the general public using ~~carnival and~~ amusement rides. ~~The~~  
7 ~~definitions, codes, rules and regulations shall be reasonable and~~  
8 ~~based upon generally accepted engineering standards, formulas and~~  
9 ~~practices and shall be issued in accordance with the provisions~~  
10 ~~of Act No. 88 of the Public Acts of 1943, as amended, being sec-~~  
11 ~~tions 24.71 to 24.80 of the Compiled Laws of 1948, and subject to~~  
12 ~~Act No. 197 of the Public Acts of 1952, as amended, being sec-~~  
13 ~~tions 24.101 to 24.110 of the Compiled Laws of 1948.~~

14       Sec. 7. (1) The ~~director~~ DEPARTMENT shall administer and  
15 enforce this act and ~~all codes,~~ THE rules ~~, and regulations~~  
16 promulgated ~~by the board~~ UNDER THIS ACT, PROVIDE CLERICAL AND  
17 ADMINISTRATIVE SERVICES TO THE BOARD, CONDUCT CONTESTED CASE PRO-  
18 CEEDINGS, HAVE CONTROL AND POSSESSION OF THE FILES OF THE BOARD,  
19 AND ENSURE ACCESS TO THOSE FILES IN COMPLIANCE WITH THE FREEDOM  
20 OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING  
21 SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

22       (2) THE DEPARTMENT SHALL PROVIDE CLERICAL AND ADMINISTRATIVE  
23 EMPLOYEES NECESSARY FOR THE PROPER ENFORCEMENT OF THIS ACT AND  
24 THE RULES PROMULGATED UNDER THIS ACT, AND, SUBJECT TO THE RULES  
25 AND REGULATIONS OF THE CIVIL SERVICE COMMISSION, MAY DISMISS,  
26 SUSPEND, PROMOTE, DISCIPLINE, DEMOTE, OR TRANSFER THOSE  
27 EMPLOYEES.

1 (3) THE DEPARTMENT MAY CONTRACT WITH PERSONS OR AGENCIES WHO  
 2 ARE NOT EMPLOYEES OR AGENCIES OF THE DEPARTMENT TO IMPLEMENT THIS  
 3 ACT AND TO PERFORM CERTAIN RESPONSIBILITIES OF THE DEPARTMENT  
 4 UNDER THIS ACT.

5 (4) THE DEPARTMENT SHALL HAVE AUTHORITY OVER AND RESPONSI-  
 6 BILITY FOR THE MANAGERIAL, ADMINISTRATIVE, BUDGETARY, AND PERSON-  
 7 NEL FUNCTIONS OF THE BOARD.

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

11	<del>(a) Permit to operate.....</del>	<del>\$ 10.00</del>
12	<del>(b) Annual inspection:</del>	
13	<del>(i) Kiddie rides.....</del>	<del>40.00</del>
14	<del>(ii) Fixed coaster.....</del>	<del>90.00</del>
15	<del>(iii) Aerial lifts.....</del>	<del>115.00</del>
16	<del>(iv) Miscellaneous rides.....</del>	<del>50.00</del>
17	<del>(c) Reinspection:</del>	
18	<del>(i) Kiddie rides.....</del>	<del>20.00</del>
19	<del>(ii) Fixed coaster.....</del>	<del>75.00</del>
20	<del>(iii) Aerial lifts.....</del>	<del>75.00</del>
21	<del>(iv) Miscellaneous rides.....</del>	<del>20.00</del>
22	<del>(d) Special inspector commission.....</del>	<del>5.00</del>

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

26 ~~(3) The department shall review the fees prescribed by~~  
 27 ~~subsection (1), shall report to the legislature before October 1,~~



~~1 1983 concerning the appropriateness of those fees, and shall make~~  
~~2 recommendations, if necessary, to reflect actual costs. THE~~  
 3 DEPARTMENT SHALL COLLECT, AND THE PERSON AFFECTED SHALL PAY TO  
 4 THE DEPARTMENT, THE FOLLOWING FEES:

5	(A) ANNUAL OWNER/OPERATOR LICENSE.....	\$ 120.00
6	(B) ANNUAL RIDE PERMIT, PER RIDE.....	10.00
7	(C) ANNUAL INSPECTION OR REINSPECTION:	
8	(i) KIDDIE RIDES.....	50.00
9	(ii) FIXED COASTER OR AERIAL LIFT.....	150.00
10	(iii) ALL OTHER RIDES.....	60.00

11 (2) AN OWNER/OPERATOR LICENSE FEE AND AN ANNUAL RIDE PERMIT  
 12 FEE SHALL BE PAID AT THE TIME AN APPLICATION FOR A LICENSE OR  
 13 PERMIT IS SUBMITTED. INSPECTION AND REINSPECTION FEES SHALL BE  
 14 PAID WITHIN 30 CALENDAR DAYS AFTER THE DATE OF AN INSPECTION OR  
 15 REINSPECTION. IF AN INSPECTION OR REINSPECTION FEE IS RECEIVED  
 16 BY THE DEPARTMENT MORE THAN 30 CALENDAR DAYS AFTER THE DATE OF AN  
 17 INSPECTION OR REINSPECTION, THE OWNER/OPERATOR SHALL BE ASSESSED  
 18 AN ADDITIONAL CHARGE IN AN AMOUNT EQUAL TO 10% OF THE FEES  
 19 ASSESSED. FOR EACH ADDITIONAL 30 CALENDAR DAYS THAT THE FEE  
 20 REMAINS UNPAID, THE OWNER/OPERATOR SHALL BE ASSESSED AN ADDI-  
 21 TIONAL CHARGE IN AN AMOUNT EQUAL TO 10% OF THE BALANCE DUE. FEES  
 22 ARE EARNED UPON RECEIPT AND SHALL NOT BE REFUNDED EXCEPT AS PRO-  
 23 VIDED IN THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

24 (3) IN ADDITION TO THE INSPECTION AND REINSPECTION FEES  
 25 IMPOSED BY SUBSECTION (1), WHEN AN OWNER/OPERATOR REQUESTS THAT  
 26 THE INSPECTION OR REINSPECTION OF AN AMUSEMENT RIDE BE MADE AT A  
 27 LOCATION OUTSIDE THE STATE, ALL EXPENSES OF THE INSPECTION OR

1 REINSPECTION SHALL BE REIMBURSED BY THE OWNER/OPERATOR AND SHALL  
2 BE PAID AT THE TIME THE INSPECTION OR REINSPECTION IS MADE. THE  
3 DEPARTMENT MAY REQUIRE A DEPOSIT TO BE MADE BEFORE ASSIGNING AN  
4 INSPECTOR TO MAKE AN INSPECTION OR REINSPECTION OUTSIDE THIS  
5 STATE.

6       Sec. 9. ~~The department may hire inspectors to inspect~~  
7 ~~carnival amusement rides. The chief carnival amusement ride~~  
8 ~~inspector shall be licensed in the state as a professional engi-~~  
9 ~~neer, in accordance with Act No. 240 of the Public Acts of 1937,~~  
10 ~~as amended, being sections 338.551 to 338.576 of the Compiled~~  
11 ~~Laws of 1948.~~ A PERSON SHALL NOT OFFER AN AMUSEMENT RIDE FOR  
12 USE BY THE PUBLIC UNLESS THE PERSON IS LICENSED AS AN  
13 OWNER/OPERATOR UNDER THIS ACT. THE DEPARTMENT SHALL ISSUE AN  
14 OWNER/OPERATOR LICENSE TO A PERSON WHO HAS APPLIED ON A FORM PRO-  
15 VIDED BY THE DEPARTMENT AND HAS PAID THE ANNUAL LICENSE FEE FOR  
16 AN OWNER/OPERATOR AS SET FORTH IN SECTION 8. THE OWNER/OPERATOR  
17 LICENSE APPLICATION SHALL REQUIRE, AT A MINIMUM, THE NAME,  
18 ADDRESS, PERCENTAGE OF OWNERSHIP, AND SOCIAL SECURITY NUMBER OF  
19 EACH PERSON WHO HAS MORE THAN A 10% OWNERSHIP INTEREST IN THE  
20 APPLICANT BUSINESS, OR WHO IS A MANAGER, PARTNER, OR OFFICER IN  
21 CONTROL OF THE ACTIVITIES OF THE OWNER/OPERATOR. THE  
22 OWNER/OPERATOR LICENSE SHALL EXPIRE MARCH 1 OF EACH YEAR AND MAY  
23 BE RENEWED BY SUBMISSION OF A COMPLETED OWNER/OPERATOR LICENSE  
24 APPLICATION AND PAYMENT OF THE ANNUAL OWNER/OPERATOR LICENSE  
25 FEE. A LICENSEE WHO FAILS TO RENEW AN OWNER/OPERATOR LICENSE  
26 BEFORE MARCH 1 MAY RENEW THE OWNER/OPERATOR LICENSE BY COMPLETING  
27 THE OWNER/OPERATOR LICENSE APPLICATION, PAYING APPLICABLE FEES,

1 AND PAYING A LATE RENEWAL PROCESSING FEE OF \$50.00. AT THE TIME  
2 OF AN OWNER/OPERATOR'S ORIGINAL LICENSE APPLICATION OR A RENEWAL,  
3 THE APPLICANT SHALL PROVIDE A LIST OF ALL RIDES FOR WHICH RIDE  
4 PERMITS ARE REQUESTED AND PAY THE PERMIT FEE FOR EACH RIDE.  
5 ADDITIONAL RIDES MAY BE ADDED TO THE LIST AT ANY TIME DURING THE  
6 OPERATING SEASON BY FILING AN AMENDED LIST, BY PAYING THE APPLI-  
7 CABLE RIDE PERMIT FEES, AND BY OBTAINING AN INSPECTION PURSUANT  
8 TO SECTION 11.

9       Sec. 10. ~~No person shall operate a carnival amusement~~  
10 ~~ride without a permit issued by the director. On or before March~~  
11 ~~1 of each year an operator shall apply for a permit to the direc-~~  
12 ~~tor on a form furnished by the director and containing such~~  
13 ~~information as the board may require. All carnival amusement~~  
14 ~~rides shall be inspected before they are originally put into~~  
15 ~~operation for the public's use and thereafter at least once every~~  
16 ~~year, unless authorized to operate on a temporary permit.~~  
17 ~~Carnival amusement rides may also be inspected each time they are~~  
18 ~~disassembled and reassembled.~~ EACH OWNER/OPERATOR SHALL DO BOTH  
19 OF THE FOLLOWING:

20       (A) REQUIRE THAT EACH RIDE IS INSPECTED AND MAINTAINED  
21 BEFORE IT IS PLACED IN USE FOR THE DAY AND THAT THE RESULTS OF  
22 EACH INSPECTION ARE ACCURATELY RECORDED IN A DAILY INSPECTION  
23 LOG.

24       (B) PROVIDE SUFFICIENT SUPERVISION TO MONITOR THE ACTIVITIES  
25 OF THE OPERATOR TO ASSURE THAT SAFETY PROCEDURES ARE BEING FOL-  
26 LOWED WHEN AN AMUSEMENT RIDE IS BEING OPERATED FOR USE BY THE  
27 PUBLIC.

1       Sec. 11. (1) ~~If, after inspection, a carnival amusement~~  
2 ~~ride is found to comply with the rules and regulations of the~~  
3 ~~board, the inspector shall issue a permit to operate.~~ AN  
4 OWNER/OPERATOR SHALL HAVE EACH RIDE INSPECTED BY THE DEPARTMENT  
5 BEFORE IT IS ORIGINALLY PUT INTO OPERATION FOR THE PUBLIC'S USE  
6 IN THIS STATE BY THE OWNER/OPERATOR. AFTER THE ORIGINAL INSPEC-  
7 TION, AN OWNER/OPERATOR SHALL HAVE THE RIDE INSPECTED BY THE  
8 DEPARTMENT AT LEAST ANNUALLY AND AS OTHERWISE REQUIRED BY THIS  
9 ACT.

10       (2) IF UPON THE COMPLETION OF AN INSPECTION OF A RIDE THE  
11 DEPARTMENT DETERMINES THAT THE RIDE COMPLIES WITH THIS ACT AND  
12 THE RULES PROMULGATED UNDER THIS ACT, THE DEPARTMENT SHALL ISSUE  
13 TO THE OWNER/OPERATOR A RIDE PERMIT STATING THAT THE RIDE HAS  
14 PASSED THE ANNUAL INSPECTION. RIDE PERMITS ARE NOT TRANSFERABLE  
15 FROM 1 OWNER/OPERATOR TO ANOTHER OWNER/OPERATOR. EXCEPT AS PRO-  
16 VIDED IN SUBSECTION (3), THE RIDE PERMIT SHALL BE PROMINENTLY  
17 DISPLAYED ON THE RIDE AND PROMPTLY REPLACED IF DEFACED OR IMPROP-  
18 ERLY REMOVED.

19       (3) IF AN AMUSEMENT RIDE CONSISTS OF A NUMBER OF INDIVIDUAL  
20 DEVICES OR VEHICLES OPERATED ON OR OVER A FIXED OR RESTRICTED  
21 ROUTE, COURSE, OR AREA, THE AMUSEMENT RIDE IS CONSIDERED TO CON-  
22 SIST OF THE COMBINATION OF BOTH THE DEVICES OR VEHICLES AND THE  
23 ROUTE, COURSE, AREA, OR PREMISES WHERE THE AMUSEMENT RIDE IS  
24 OPERATED. EACH DEVICE OR VEHICLE SHALL HAVE ITS SERIAL NUMBER  
25 RECORDED WITH THE DEPARTMENT AT THE TIME OF INSPECTION. THE RIDE  
26 PERMIT FOR AN AMUSEMENT RIDE DESCRIBED IN THIS SUBSECTION SHALL  
27 BE POSTED IN A CONSPICUOUS PLACE CLEARLY VISIBLE TO THE PUBLIC,

1 AT THE ENTRANCE TO THAT RIDE. A RIDE PERMIT SHALL BE PROMPTLY  
2 REPLACED IF DEFACED OR IMPROPERLY REMOVED.

3 (4) IF POSSESSION, CONTROL, OR OWNERSHIP OF AN AMUSEMENT  
4 RIDE IS TRANSFERRED TO ANOTHER OWNER/OPERATOR, THE RIDE PERMIT  
5 SHALL BE REMOVED, AND THE NEW OWNER/OPERATOR SHALL ARRANGE FOR  
6 THE INSPECTION REQUIRED BY SUBSECTION (1).

7 (5) AN AMUSEMENT RIDE BEARING A VALID RIDE PERMIT ISSUED  
8 DURING THE PREVIOUS OPERATING SEASON MAY CONTINUE TO OPERATE THAT  
9 RIDE UNTIL IT IS INSPECTED FOR THE CURRENT OPERATING SEASON, IF  
10 THE OWNER/OPERATOR DOES ALL OF THE FOLLOWING:

11 (A) APPLIES TO THE DEPARTMENT FOR AN OWNER/OPERATOR LICENSE  
12 FOR THE CURRENT OPERATING SEASON.

13 (B) APPLIES FOR AN ANNUAL RIDE PERMIT FOR THAT RIDE.

14 (C) FILES ANY ITINERARY REQUIRED BY SUBSECTION (8).

15 (6) AN OWNER/OPERATOR SHALL REPORT A PERSONAL INJURY, A  
16 FATAL ACCIDENT, OR A MAJOR BREAKDOWN INVOLVING AN AMUSEMENT RIDE  
17 IN A PROMPT AND TIMELY MANNER AS REQUIRED BY RULES PROMULGATED  
18 UNDER THIS ACT.

19 (7) IF A RIDE DOES NOT MEET THE REQUIREMENTS OF THIS ACT OR  
20 THE RULES PROMULGATED UNDER THIS ACT, THE DEPARTMENT SHALL ISSUE  
21 A SAFETY NOTICE FOR THE RIDE. THE SAFETY NOTICE SHALL STATE A  
22 DATE BY WHICH THE RIDE MUST BE BROUGHT INTO COMPLIANCE WITH THIS  
23 ACT OR THE RULES PROMULGATED UNDER THIS ACT. THE DEPARTMENT MAY  
24 FURTHER PROVIDE IN THE SAFETY NOTICE THAT THE RIDE SHALL NOT BE  
25 OPERATED FOR USE BY THE PUBLIC UNTIL THE RIDE HAS BEEN BROUGHT  
26 INTO COMPLIANCE AND REINSPECTED. IF THE RIDE IS NOT BROUGHT INTO  
27 COMPLIANCE BY THE DATE SPECIFIED IN THE SAFETY NOTICE, THE

1 DEPARTMENT MAY REQUIRE THAT THE RIDE PERMIT BE REMOVED FROM THE  
2 RIDE OR THE ENTRANCE TO THE RIDE UNTIL THE RIDE HAS PASSED REIN-  
3 SPECTION AND A NEW RIDE PERMIT FEE HAS BEEN PAID.

4 (8) IF AN AMUSEMENT RIDE IS TO BE MOVED FROM 1 LOCATION TO  
5 ANOTHER DURING THE CURRENT OPERATING SEASON, BEFORE THE RIDE IS  
6 OPERATED, THE OWNER/OPERATOR SHALL SUBMIT TO THE DEPARTMENT BOTH  
7 OF THE FOLLOWING:

8 (A) A SHOW ITINERARY LISTING THE DATES AND LOCATIONS THAT  
9 THE OWNER/OPERATOR WILL BE PROVIDING AMUSEMENT RIDES TO THE  
10 PUBLIC DURING THE OPERATING SEASON. A CHANGE IN THE SHOW ITINER-  
11 ARY SHALL BE MADE IN WRITING AND SUBMITTED TO THE DEPARTMENT AT  
12 LEAST 10 DAYS IN ADVANCE OF THE CHANGE. IF 10 DAYS' ADVANCE  
13 NOTICE OF A CHANGE IN THE SHOW ITINERARY CANNOT BE GIVEN, THE  
14 OWNER/OPERATOR SHALL COMMUNICATE THE CHANGE TO THE DEPARTMENT AS  
15 SOON AS POSSIBLE BY TELEPHONE OR ANOTHER IMMEDIATE MEANS OF COM-  
16 MUNICATION AND CONFIRM THE CHANGE IN WRITING TO THE DEPARTMENT  
17 WITHIN 2 DAYS OF THE CHANGE. THE SHOW ITINERARY SHALL BE MAIN-  
18 TAINED CONTINUOUSLY THROUGHOUT THE OPERATING SEASON.

19 (B) A RIDE ITINERARY LISTING EACH RIDE AND THE LOCATIONS AND  
20 DATES THAT IT WILL BE OPERATED DURING THE SEASON. A CHANGE IN  
21 THE RIDE ITINERARY SHALL BE MADE IN WRITING AND SUBMITTED TO THE  
22 DEPARTMENT 10 DAYS IN ADVANCE OF THE CHANGE. IF 10 DAYS' ADVANCE  
23 NOTICE OF A CHANGE IN THE RIDE ITINERARY CANNOT BE GIVEN, THE  
24 OWNER/OPERATOR SHALL COMMUNICATE THE CHANGE TO THE DEPARTMENT BY  
25 TELEPHONE OR ANOTHER IMMEDIATE MEANS OF COMMUNICATION AND CONFIRM  
26 THE CHANGE IN WRITING TO THE DEPARTMENT WITHIN 2 DAYS OF THE  
27 CHANGE. AFTER A RIDE HAS BEEN INSPECTED FOR THE CURRENT

1 OPERATING SEASON AND ALL SAFETY NOTICES HAVE BEEN COMPLIED WITH,  
2 AN OWNER/OPERATOR IS NOT REQUIRED TO NOTIFY THE DEPARTMENT OF ANY  
3 CHANGE IN THAT RIDE'S ITINERARY FOR THE REMAINDER OF THE OPERAT-  
4 ING SEASON, EXCEPT THAT A RIDE ITINERARY IS REQUIRED FOR A RIDE  
5 IF A SAFETY NOTICE HAS BEEN ISSUED FOR THAT RIDE UNTIL COMPLIANCE  
6 WITH THE SAFETY NOTICE.

7 (9) A SHOW OR RIDE ITINERARY AND THE INFORMATION CONTAINED  
8 IN A SHOW OR RIDE ITINERARY ARE EXEMPT FROM DISCLOSURE AS A  
9 PUBLIC RECORD EXCEPT AS PROVIDED IN THIS SUBSECTION. UPON  
10 REQUEST, THE DEPARTMENT SHALL DISCLOSE ONLY THAT PART OF A SHOW  
11 OR RIDE ITINERARY OR THE INFORMATION CONTAINED IN THAT PART OF A  
12 SHOW OR RIDE ITINERARY THAT COVERS THE TIME UP TO THE DATE THAT  
13 THE RECORD OR INFORMATION IS RELEASED BY THE DEPARTMENT.

14 (10) AN AMUSEMENT RIDE SHALL BE ATTENDED BY AN OPERATOR AT  
15 ALL TIMES THAT IT IS IN USE BY THE PUBLIC.

16 (11) IF A RIDE IS OPEN FOR USE BY THE PUBLIC, AN  
17 OWNER/OPERATOR SHALL ONLY PERMIT A PROPERLY TRAINED INDIVIDUAL TO  
18 FUNCTION AS AN OPERATOR OF THE RIDE.

19 (12) AN OWNER/OPERATOR MAY REQUEST A DETERMINATION FROM THE  
20 BOARD THAT A RIDE DOES NOT REQUIRE THE SERVICES OF AN OPERATOR.  
21 IF THE BOARD FINDS THAT AN OPERATOR IS NOT REQUIRED, THE AREA  
22 WHERE THE RIDE IS OPERATING SHALL BE PROVIDED WITH CONTINUAL  
23 SUPERVISION BY THE OWNER/OPERATOR.

24 SEC. 11A. (1) THE DEPARTMENT MAY INSPECT AN AMUSEMENT RIDE  
25 AT ANY TIME DURING THE RIDE'S OPERATING SEASON WITHIN THE STATE.

1       (2) THE DEPARTMENT SHALL CHARGE A REINSPECTION FEE ONLY WHEN  
2 A REINSPECTION IS PERFORMED FOR 1 OR MORE OF THE FOLLOWING  
3 REASONS:

4       (A) THE OWNER/OPERATOR DID NOT SEND A SIGNED NOTICE OF COM-  
5 PLIANCE WITH A SAFETY NOTICE FOR A RIDE OR DID NOT REQUEST ADDI-  
6 TIONAL TIME TO COMPLY WITH A SAFETY NOTICE, OR BOTH.

7       (B) THE OWNER/OPERATOR DID NOT MAINTAIN AN ACCURATE DAILY  
8 INSPECTION LOG FOR A RIDE.

9       (C) THE DEPARTMENT RECEIVED A COMPLAINT ABOUT THE SAFETY OF  
10 A RIDE AND, UPON REINSPECTION OF THE RIDE, THE DEPARTMENT DETER-  
11 MINES THAT THE RIDE IS NOT IN COMPLIANCE WITH THIS ACT OR RULES  
12 PROMULGATED UNDER THIS ACT.

13       (D) THE RIDE HAS AMONG ITS COMPONENTS A MECHANICAL DEVICE  
14 THAT HAS HAD A HIGH INCIDENCE OF MECHANICAL FAILURES THAT MAY  
15 WARRANT THE REDESIGN OF A RIDE OR THE REVIEW OF THE PLANS,  
16 PRINTS, OR SPECIFICATIONS OF THE RIDE.

17       (E) THE RIDE HAS AMONG ITS COMPONENTS A MECHANICAL DEVICE  
18 THAT HAS HAD A MAJOR MECHANICAL FAILURE.

19       (F) THE RIDE HAS AMONG ITS COMPONENTS A MECHANICAL DEVICE  
20 THAT IS DAMAGED OR HAS DEMONSTRATED MORE THAN THE NORMAL POTEN-  
21 TIAL TO BE DAMAGED DURING USE, TRANSIT, ERECTION, OR DISASSEMBLY  
22 OF THE RIDE.

23       (G) THE OWNER/OPERATOR HAS A HISTORY OF NONCOMPLIANCE WITH  
24 THE LAWS AND RULES GOVERNING AMUSEMENT RIDES OR HAS EXHIBITED  
25 OTHER BEHAVIOR THAT INDICATES A POTENTIAL DANGER TO THE PUBLIC  
26 THAT JUSTIFIES ADDITIONAL MONITORING.



1 (H) THE OWNER/OPERATOR HAS REQUESTED AN EXTENSION OF TIME TO  
2 COMPLY WITH A SAFETY NOTICE, AND THE DEPARTMENT MUST REVIEW  
3 CURRENT CONDITIONS BEFORE GRANTING THE EXTENSION.

4 (I) THE OWNER/OPERATOR REQUESTS A REINSPECTION OF A RIDE.

5 (J) THE OWNER/OPERATOR FAILED TO NOTIFY THE DEPARTMENT OF A  
6 CHANGE IN THE SHOW OR RIDE ITINERARY OF THE ADDITION TO THE SHOW  
7 OF EITHER AN UNINSPECTED RIDE OR A RIDE THAT HAS AN OUTSTANDING  
8 SAFETY NOTICE.

9 (3) IF A REINSPECTION IS PERFORMED AND A REINSPECTION FEE IS  
10 ASSESSED, AN OWNER/OPERATOR THAT BELIEVES THE FEE HAS BEEN  
11 ASSESSED IMPROPERLY MAY APPEAL TO THE BOARD TO GRANT A REFUND OF  
12 THE REINSPECTION FEE.

13 Sec. 12. Before a new ~~carnival amusement~~ AMUSEMENT ride  
14 is erected, or ~~whenever any additions or alterations are~~ BEFORE  
15 AN ADDITION OR ALTERATION IS made ~~which~~ THAT WOULD change the  
16 structure, mechanism, classification, or capacity of ~~any~~  
17 ~~carnival amusement~~ AN AMUSEMENT ride, the ~~operator shall file~~  
18 ~~with the department a notice of his intention and any plans or~~  
19 ~~diagrams requested by the director~~ OWNER/OPERATOR SHALL OBTAIN  
20 APPROVAL FROM THE DEPARTMENT. AN OWNER/OPERATOR SHALL APPLY FOR  
21 APPROVAL ON A FORM PROVIDED BY THE DEPARTMENT AND SHALL INDICATE  
22 THE DATE THAT THE OWNER/OPERATOR EXPECTS TO PLACE THE NEW OR MOD-  
23 IFIED RIDE IN OPERATION. UPON RECEIPT OF AN APPLICATION, THE  
24 DEPARTMENT SHALL ADVISE THE OWNER/OPERATOR OF THE MANUALS, PLANS,  
25 PRINTS, DIAGRAMS, OR STRESS ANALYSES THAT ARE NECESSARY FOR THE  
26 DEPARTMENT'S REVIEW OF THE APPLICATION. WITHIN 30 WORKING DAYS  
27 AFTER RECEIVING THE MATERIAL, THE DEPARTMENT SHALL NOTIFY THE

1 OWNER/OPERATOR OF ANY ADDITIONAL MATERIAL THAT MUST BE SUBMITTED  
2 FOR THE DEPARTMENT TO COMPLETE ITS REVIEW. THE DESIGN MATERIAL  
3 OR EVALUATIONS SUBMITTED BY THE OWNER/OPERATOR SHALL BEAR THE  
4 SEAL OF A PROFESSIONAL ENGINEER LICENSED OR REGISTERED IN ANY  
5 STATE OF THE UNITED STATES AND SHALL BE IN THE ENGLISH LANGUAGE.  
6 THE DEPARTMENT SHALL GRANT OR DENY APPROVAL WITHIN 60 DAYS AFTER  
7 ALL MATERIAL HAS BEEN RECEIVED BY THE DEPARTMENT. IF THE APPLI-  
8 CANT IS NOT NOTIFIED OF THE GRANT OR DENIAL OF APPROVAL WITHIN 60  
9 DAYS AFTER ALL MATERIAL CONTAINED IN THE LAST NOTICE FROM THE  
10 DEPARTMENT TO THE OWNER/OPERATOR HAS BEEN RECEIVED BY THE DEPART-  
11 MENT, THE OWNER/OPERATOR MAY BEGIN CONSTRUCTION OF OR MODIFICA-  
12 TION TO THE AMUSEMENT RIDE. UPON COMPLETION OF THE CONSTRUCTION  
13 OR MODIFICATIONS OF THE RIDE, THE OWNER/OPERATOR SHALL ARRANGE  
14 FOR AN INSPECTION OF THE AMUSEMENT RIDE BY THE DEPARTMENT AS PRO-  
15 VIDED IN SECTION 11.

16 Sec. 14. This act shall not be construed to prevent the use  
17 of ~~any existing installation which~~ AN AMUSEMENT RIDE EXISTING  
18 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 20  
19 THAT upon inspection is found to be in a safe condition and in  
20 conformance with ~~the rules and regulations of the board~~ THIS  
21 ACT AND THE RULES PROMULGATED UNDER THIS ACT.

22 Sec. 15. If ~~there are~~ AN OWNER/OPERATOR WILL ENCOUNTER  
23 practical difficulties or unnecessary hardships ~~for an operator~~  
24 ~~to comply~~ IN COMPLYING with THIS ACT AND the rules ~~and~~  
25 ~~regulations~~ PROMULGATED under this act, the ~~director~~  
26 DEPARTMENT, with the approval of the board, may ~~modify the~~  
27 ~~application of such~~ GRANT EXCEPTIONS TO THE REQUIREMENTS OF THIS

1 ACT AND THE rules ~~or regulations~~ PROMULGATED UNDER THIS ACT ON  
 2 A CASE BY CASE BASIS if the spirit of THIS ACT AND the rules ~~and~~  
 3 ~~regulations shall be~~ PROMULGATED UNDER THIS ACT ARE observed and  
 4 the public safety is secure. ~~Any operator~~ AN OWNER/OPERATOR  
 5 may make a written request to the ~~board~~ DEPARTMENT stating ~~his~~  
 6 ~~grounds and~~ THE REASONS FOR applying for ~~such modification.~~  
 7 ~~Any authorization by the director~~ EXCEPTIONS FROM THE REQUIRE-  
 8 MENTS OF THIS ACT OR THE RULES PROMULGATED UNDER THIS ACT. IF  
 9 THE REQUEST IS APPROVED, THE DEPARTMENT and the board shall ~~be~~  
 10 ISSUE AN AUTHORIZATION in writing ~~and shall describe~~ THAT  
 11 DESCRIBES the conditions under which the ~~modifications~~  
 12 EXCEPTIONS are permitted. ~~A record of all modifications shall~~  
 13 ~~be kept in the department and open to the public.~~ THE DEPARTMENT  
 14 SHALL MAINTAIN A RECORD AVAILABLE TO THE PUBLIC OF ALL EXCEPTIONS  
 15 GRANTED UNDER THIS SECTION.

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

22 ~~(2) Except for the late payment of fees as provided in sec-~~  
 23 ~~tion 8(2), a person who violates this act is guilty of a~~  
 24 ~~misdemeanor. Each day a violation occurs is a separate offense.~~  
 25 THE BOARD MAY IMPOSE SANCTIONS AS PROVIDED IN SECTION 19 AGAINST  
 26 AN OWNER/OPERATOR WHO DOES 1 OR MORE OF THE FOLLOWING:

1 (A) OPERATES AN AMUSEMENT RIDE IN THIS STATE WITHOUT ALL OF  
2 THE FOLLOWING:

3 (i) A CURRENT OWNER/OPERATOR LICENSE.

4 (ii) A VALID, CURRENT, AND LEGIBLE RIDE PERMIT FOR THAT RIDE  
5 PROMINENTLY DISPLAYED AS REQUIRED BY SECTION 11.

6 (iii) ADEQUATE SUPERVISION OF RIDE OPERATORS TO ASSURE THE  
7 SAFETY OF THE PUBLIC.

8 (iv) DAILY INSPECTIONS AND MAINTENANCE, AND THE ACCURATE  
9 COMPLETION OF THE DAILY INSPECTION LOG REQUIRED BY SECTION 10.

10 (B) OPERATES AN AMUSEMENT RIDE FOR THE PUBLIC'S USE BEFORE  
11 COMPLIANCE WITH A SAFETY NOTICE THAT HAS BEEN ISSUED FOR THAT  
12 RIDE.

13 (C) FAILS TO COMPLY WITH A SAFETY NOTICE WITHIN THE TIME  
14 SPECIFIED IN THAT NOTICE, UNLESS THE RIDE ON WHICH THE NOTICE WAS  
15 ISSUED IS NOT BEING OPERATED FOR USE BY THE PUBLIC.

16 (D) ORDERS AN OPERATOR TO OPERATE A RIDE FOR THE PUBLIC'S  
17 USE IN VIOLATION OF A SAFETY NOTICE.

18 (E) FAILS TO FILE OR FALSIFIES, OR REQUIRES ANOTHER TO FAL-  
19 SIFY, A REPORT OR LOG REQUIRED UNDER THIS ACT OR THE RULES  
20 PROMULGATED UNDER THIS ACT.

21 (F) FAILS TO PAY ANY AMOUNT OF MONEY DUE TO THE DEPARTMENT  
22 WITHIN THE TIME REQUIRED BY THIS ACT, INCLUDING INSPECTION AND  
23 REINSPECTION FEES.

24 (G) ERECTS OR OPERATES A NEW OR MODIFIED RIDE BEFORE OBTAIN-  
25 ING DEPARTMENTAL APPROVAL UNDER SECTION 12.

26 (H) USES FRAUD, DECEIT, OR DISHONESTY TO OBTAIN AN  
27 OWNER/OPERATOR LICENSE OR RIDE PERMIT.

1 (I) FAILS TO USE TRAINED OPERATORS ON A RIDE BEING OPERATED  
2 FOR USE BY THE PUBLIC.

3 (J) FAILS TO PROVIDE A RIDE OR SHOW ITINERARY, OR FAILS TO  
4 NOTIFY THE DEPARTMENT OF A CHANGE IN A RIDE OR SHOW ITINERARY AS  
5 REQUIRED BY SECTION 11.

6 (K) FAILS TO PAY A JUDGMENT AGAINST THAT OWNER/OPERATOR THAT  
7 RESULTED FROM A PERSONAL INJURY INVOLVING AN AMUSEMENT RIDE.

8 (L) VIOLATES ANY PROVISION OF THIS ACT OR A RULE PROMULGATED  
9 UNDER THIS ACT FOR WHICH A SANCTION IS NOT SPECIFICALLY  
10 PRESCRIBED.

11 SEC. 18. (1) THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS  
12 AND MAY INITIATE AN ACTION BASED UPON THE FINDINGS OF A DEPART-  
13 MENT INSPECTION. THE DEPARTMENT SHALL ATTEMPT TO RESOLVE MATTERS  
14 INFORMALLY BEFORE PROCEEDING WITH A REINSPECTION OR FORMAL  
15 ACTION.

16 (2) AFTER AN INVESTIGATION HAS BEEN CONDUCTED, THE DEPART-  
17 MENT MAY SUMMARILY SUSPEND AN OWNER/OPERATOR LICENSE, MAY SUSPEND  
18 THE RIDE PERMIT FOR A SPECIFIC RIDE, OR MAY ISSUE A CEASE AND  
19 DESIST ORDER, IN WRITING, FOR 1 OR MORE OF THE FOLLOWING  
20 REASONS:

21 (A) OPERATING A RIDE FOR THE PUBLIC'S USE IN VIOLATION OF A  
22 SAFETY NOTICE.

23 (B) OPERATING A RIDE FOR THE PUBLIC'S USE WITHOUT A VALID  
24 OWNER/OPERATOR LICENSE OR RIDE PERMIT IF THE OWNER/OPERATOR HAS  
25 PREVIOUSLY BEEN LICENSED IN THIS STATE. IF THE OWNER/OPERATOR  
26 HAS NOT PREVIOUSLY BEEN LICENSED IN THIS STATE, A CEASE AND  
27 DESIST ORDER SHALL NOT BE ISSUED FOR NONLICENSURE OR FOR NOT

1 HAVING A VALID RIDE PERMIT WITHOUT FIRST GIVING THE  
2 OWNER/OPERATOR 48 HOURS TO COMPLY WITH SECTIONS 9 AND 11.

3 (C) OPERATING A RIDE FOR THE PUBLIC'S USE AFTER THE  
4 OWNER/OPERATOR RECEIVES NOTIFICATION THROUGH A SAFETY NOTICE OR  
5 OTHER COMMUNICATIONS BY THE DEPARTMENT, OR A WARNING ISSUED BY  
6 ANOTHER POLITICAL JURISDICTION OR A MANUFACTURER THAT THE RIDE IS  
7 HAZARDOUS OR UNSAFELY MANUFACTURED.

8 (D) INTERFERING WITH, IMPEDING, OR OBSTRUCTING THE INSPEC-  
9 TION OR REINSPECTION OF A RIDE.

10 (3) AFTER THE ISSUANCE OF A FORMAL COMPLAINT BY THE DEPART-  
11 MENT, A CASE SHALL BE PROCESSED IN ACCORDANCE WITH THE ADMINIS-  
12 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
13 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
14 LAWS.

15 (4) IF A SUMMARY ACTION IS TAKEN BY THE DEPARTMENT PURSUANT  
16 TO SUBSECTION (2), CONTESTED CASE PROCEEDINGS SHALL BE PROMPTLY  
17 COMMENCED BY THE DEPARTMENT AND DECIDED BY THE BOARD IN ACCORD-  
18 ANCE WITH SUBSECTION (5) AND THE ADMINISTRATIVE PROCEDURES ACT OF  
19 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969.

20 (5) BASED UPON FINDINGS OF FACT AND CONCLUSIONS OF LAW PRO-  
21 VIDED BY AN ADMINISTRATIVE LAW EXAMINER, THE BOARD SHALL DETER-  
22 MINE IF A VIOLATION OF THIS ACT OR THE RULES PROMULGATED UNDER  
23 THIS ACT HAS OCCURRED AND SHALL DETERMINE THE SANCTIONS TO BE  
24 IMPOSED AS PROVIDED IN SECTION 19.

25 SEC. 19. (1) THE BOARD MAY IMPOSE THE FOLLOWING SANCTIONS  
26 AGAINST A PERSON WHO VIOLATES THIS ACT, A RULE PROMULGATED UNDER  
27 THIS ACT, OR AN ORDER ISSUED UNDER THIS ACT:

1 (A) REVOKE AN OWNER/OPERATOR LICENSE OR RIDE PERMIT.

2 (B) SUSPEND AN OWNER/OPERATOR LICENSE OR RIDE PERMIT.

3 (C) IMPOSE A CIVIL FINE OF UP TO \$10,000.00 FOR EACH  
4 OFFENSE.

5 (D) DENY FOR A SPECIFIED TIME THE ISSUANCE OF AN  
6 OWNER/OPERATOR LICENSE, A RIDE PERMIT, OR THE RENEWAL OF AN  
7 OWNER/OPERATOR LICENSE.

8 (E) IMPOSE A REQUIREMENT THAT RESTITUTION BE MADE.

9 (F) ISSUE AN OWNER/OPERATOR LICENSE OR RIDE PERMIT WITH SPE-  
10 CIAL CONDITIONS, LIMITATIONS, OR REQUIREMENTS.

11 (G) ISSUE A WRITTEN REPRIMAND OR LETTER OF CENSURE AS A PART  
12 OF THE PERMANENT RECORD OF AN OWNER/OPERATOR LICENSEE OR INDIVID-  
13 UAL RIDE. THE BOARD'S ORDER SHALL STATE A DATE FOLLOWING WHICH A  
14 PERSON MAY PETITION THE BOARD TO REMOVE THE REPRIMAND OR CENSURE  
15 FROM THE FILE.

16 (H) ISSUE A CEASE AND DESIST ORDER.

17 (I) REQUIRE AN OWNER/OPERATOR TO OBTAIN A POLICY OF INSUR-  
18 ANCE OR OTHER SURETY FOR A SPECIFIED PURPOSE, FOR A SPECIFIED  
19 AMOUNT, AND FOR A SPECIFIED PERIOD OF TIME.

20 (2) IF AN OWNER/OPERATOR FAILS TO PAY A JUDGMENT AGAINST  
21 THAT OWNER/OPERATOR THAT RESULTED FROM A PERSONAL INJURY INVOLV-  
22 ING AN AMUSEMENT RIDE, AND IF THE LICENSE OF THAT OWNER/OPERATOR  
23 HAS BEEN SUSPENDED OR REVOKED, THEN THE DEPARTMENT MAY DENY THAT  
24 OWNER/OPERATOR OR AN OFFICER, OWNER, PARTNER, OR MANAGER OF THAT  
25 OWNER/OPERATOR A LICENSE UNTIL IT IS DEMONSTRATED TO THE DEPART-  
26 MENT THAT THE JUDGMENT HAS BEEN PAID, SATISFIED, OR DISCHARGED.

1        SEC. 20. (1) IN ADDITION TO THE SANCTIONS PRESCRIBED IN  
2 SECTION 19, A PERSON THAT DOES ANY OF THE FOLLOWING IS GUILTY OF  
3 A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1  
4 YEAR OR BY A PENAL FINE OF NOT MORE THAN \$10,000.00, OR BOTH:

5        (A) OPERATES AN AMUSEMENT RIDE WITHOUT AN OWNER/OPERATOR  
6 LICENSE.

7        (B) OPERATES AN AMUSEMENT RIDE WITHOUT A RIDE PERMIT.

8        (C) OPERATES AN AMUSEMENT RIDE IN VIOLATION OF EITHER A  
9 SAFETY NOTICE OR A CEASE AND DESIST ORDER REQUIRING THAT THE RIDE  
10 BE SHUT DOWN.

11       (D) INTERFERES WITH, IMPEDES, OR OBSTRUCTS THE INSPECTION OR  
12 REINSPECTION OF AN AMUSEMENT RIDE.

13       (2) IF A PERSON WHO HAS NOT PREVIOUSLY BEEN LICENSED AS AN  
14 OWNER/OPERATOR IN THIS STATE IS FOUND TO BE OPERATING AN AMUSE-  
15 MENT RIDE WITHOUT AN OWNER/OPERATOR LICENSE OR RIDE PERMIT, THE  
16 DEPARTMENT MAY SWEAR OUT A CRIMINAL COMPLAINT ALLEGING NONLICEN-  
17 SURE ONLY AFTER GIVING NOTICE TO THE PERSON OF THE REQUIREMENTS  
18 OF SECTIONS 9 AND 11 AND ALLOWING THE PERSON 7 CALENDAR DAYS TO  
19 COMPLY WITH THOSE SECTIONS.

20       SEC. 21. EACH DAY THAT A VIOLATION OF THIS ACT OR THE RULES  
21 PROMULGATED UNDER THIS ACT OCCURS IS A SEPARATE OFFENSE.

22       SEC. 22. (1) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY  
23 PETITION THE CIRCUIT COURT TO ISSUE A SUBPOENA THAT REQUIRES THE  
24 PERSON SUBPOENAED TO APPEAR OR PRODUCE RELEVANT DOCUMENTARY MATE-  
25 RIAL FOR EXAMINATION DURING THE CONDUCT OF AN INVESTIGATION, OR  
26 AT A PROCEEDING CONDUCTED UNDER THE ADMINISTRATIVE PROCEDURES ACT



1 OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS  
2 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

3 (2) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY FILE A CIVIL  
4 ACTION IN ANY COURT OF COMPETENT JURISDICTION TO DO 1 OR MORE OF  
5 THE FOLLOWING:

6 (A) ENFORCE THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

7 (B) ENFORCE ORDERS OF THE DEPARTMENT AND OF THE BOARD.

8 (C) COLLECT CIVIL FINES IMPOSED UNDER SECTION 19.

9 SEC. 23. TO ASSIST OWNER/OPERATORS IN PROVIDING TRAINING  
10 FOR OPERATORS AND OTHER PERSONNEL, THE DEPARTMENT MAY OFFER,  
11 ENDORSE, OR COSPONSOR TRAINING PROGRAMS, SEMINARS, AND COURSES  
12 FOR PERSONS IN THE AMUSEMENT RIDE INDUSTRY.

13 SEC. 30. EACH OWNER/OPERATOR SHALL DO ALL OF THE  
14 FOLLOWING:

15 (A) POST A NOTICE OF THE DUTIES OF OCCUPANTS, PARTICIPANTS,  
16 AND AMUSEMENT RIDE SPECTATORS AND THE DUTIES, OBLIGATIONS, AND  
17 LIABILITIES OF OWNER/OPERATORS, AS PRESCRIBED IN THIS ACT AND  
18 RULES PROMULGATED UNDER THIS ACT, IN CONSPICUOUS PLACES VISIBLE  
19 TO THE PUBLIC.

20 (B) COMPLY WITH THE SAFETY STANDARDS FOR OPERATION AND FOR  
21 MAINTENANCE OF AMUSEMENT RIDES AND EQUIPMENT AS SPECIFIED IN THIS  
22 ACT AND IN RULES PROMULGATED UNDER THIS ACT.

23 (C) MAINTAIN THE LEGIBILITY OF ALL RIDE PERMITS, SIGNS, SYM-  
24 BOLS, AND POSTED NOTICES REQUIRED BY THIS ACT OR RULES PROMUL-  
25 GATED UNDER THIS ACT.

1        SEC. 31. A PARTICIPANT IN AN AMUSEMENT RIDE, AN OCCUPANT ON  
2 OR IN AN AMUSEMENT RIDE, OR A SPECTATOR OF AN AMUSEMENT RIDE  
3 SHALL NOT DO ANY OF THE FOLLOWING:

4        (A) BOARD OR DISEMBARK AN AMUSEMENT RIDE AT ANY PLACE NOT  
5 POSTED FOR BOARDING OR DISEMBARKING.

6        (B) BOARD OR GAIN ACCESS TO AN AMUSEMENT RIDE THAT IS POSTED  
7 AS BEING CLOSED.

8        (C) THROW, DROP, EXPEL, OR PROPEL AN OBJECT TOWARD AN AMUSE-  
9 MENT RIDE OR AN OCCUPANT OR PARTICIPANT OF A RIDE.

10       (D) INTERFERE WITH THE OPERATION OF AN AMUSEMENT RIDE BY  
11 SWINGING, BOUNCING, OR TOUCHING POSTS, FIXED OBJECTS, OR THE  
12 MOVING PARTS OF AN AMUSEMENT RIDE, OR STANDING OR RUNNING IN  
13 FRONT OF AN OPERATING AMUSEMENT RIDE.

14       (E) FAIL TO OBEY ALL ORAL INSTRUCTIONS AND WARNINGS FROM  
15 AMUSEMENT RIDE OPERATORS AND ANY POSTED WARNING SIGNS OR INSTRUC-  
16 TIONS DESIGNED TO PREVENT INJURY TO OCCUPANTS, PARTICIPANTS, OR  
17 SPECTATORS.

18       (F) ACT IN A MANNER THAT MAY CAUSE INJURY TO OTHERS OR  
19 IMPEDE THE SAFE OPERATION OF AN AMUSEMENT RIDE.

20       SEC. 32. IN ADDITION TO THE DUTIES UNDER SECTION 31, A PAR-  
21 TICIPANT IN AN AMUSEMENT RIDE SHALL DO ALL OF THE FOLLOWING:

22       (A) MAINTAIN REASONABLE CONTROL OF HIS OR HER SPEED AND  
23 COURSE AT ALL TIMES.

24       (B) MAINTAIN SURVEILLANCE TO AVOID ACCIDENTAL COLLISIONS  
25 WITH SPECTATORS, OTHER PARTICIPANTS, AND OBJECTS.

26       (C) ACCEPT THE RESPONSIBILITY FOR KNOWING THE RANGE OF HIS  
27 OR HER OWN ABILITY TO NEGOTIATE THE INTENDED DIRECTION OF TRAVEL

1 WHILE OPERATING AN AMUSEMENT RIDE AND TO OPERATE WITHIN THE  
2 LIMITS OF THAT ABILITY.

3 (D) PARTICIPATE IN THE AMUSEMENT RIDE ONLY AFTER BEING  
4 INSTRUCTED ON THE SAFE AND USUAL METHOD OF PARTICIPATION IN THE  
5 RIDE, IF THE NEED TO RECEIVE THAT TYPE OF INSTRUCTION HAS BEEN  
6 POSTED BY THE OWNER/OPERATOR.

7 (E) UTILIZE REQUIRED RESTRAINING, CONTAINING, OR SAFETY  
8 DEVICES.

9 (F) NOT INTERFERE WITH THE OPERATION OF THE AMUSEMENT RIDE  
10 BY ATTEMPTING TO SWING; BOUNCE; GO OUTSIDE OF THE INTENDED COURSE  
11 OF TRAVEL FOR THE RIDE; TOUCH POSTS, FIXED OBJECTS, OR MOVING  
12 PARTS OF AN AMUSEMENT RIDE; OR STAND OR RUN IN FRONT OF AN OPER-  
13 ATING AMUSEMENT RIDE WHEN THAT TYPE OF ACTIVITY IS NOT AN INHER-  
14 ENT PART OF THE OPERATION OF THE AMUSEMENT RIDE.

15 SEC. 33. IN ADDITION TO THE DUTIES UNDER SECTION 31, AN  
16 OCCUPANT ON OR IN AN AMUSEMENT RIDE SHALL DO BOTH OF THE  
17 FOLLOWING:

18 (A) UTILIZE RESTRAINING, CONTAINING, OR SAFETY DEVICES THAT  
19 ARE PROVIDED ON OR IN THE RIDE.

20 (B) NOT INTERFERE WITH THE OPERATION OF THE AMUSEMENT RIDE  
21 BY ATTEMPTING TO SWING; BOUNCE; GO OUTSIDE OF THE INTENDED  
22 COURSE; TOUCH POSTS, FIXED OBJECTS, OR MOVING PARTS OF AN AMUSE-  
23 MENT RIDE; OR STAND OR RUN IN FRONT OF OPERATING AMUSEMENT RIDES  
24 WHEN THAT TYPE OF ACTIVITY IS NOT AN INHERENT PART OF THE OPERA-  
25 TION OF THE AMUSEMENT RIDE.

26 SEC. 34. A PARTICIPANT, AN OCCUPANT, OR A SPECTATOR OF AN  
27 AMUSEMENT RIDE ACCEPTS THE DANGER THAT INHERES IN THAT ACTIVITY

1 INsofar AS THE DANGERS ARE OBVIOUS AND NECESSARY AND THAT ARE NOT  
2 OTHERWISE ATTRIBUTABLE TO THE BREACH OF THE OWNER/OPERATOR'S OR  
3 OPERATOR'S COMMON LAW DUTIES. THOSE DANGERS INCLUDE, BUT ARE NOT  
4 LIMITED TO, INJURIES THAT CAN RESULT FROM COLLISIONS WITH OTHER  
5 PARTICIPANTS, SPECTATORS, OR FIXED OBJECTS IN THE VICINITY OF AN  
6 OPERATING AMUSEMENT RIDE; INJURIES THAT CAN RESULT FROM FALLS;  
7 INJURIES THAT MAY INVOLVE COLLISIONS WITH OBJECTS OR ARTIFICIAL  
8 STRUCTURES PROPERLY WITHIN THE INTENDED COURSE OF TRAVEL OF THE  
9 AMUSEMENT RIDE; INJURIES RESULTING FROM IMPROPER OPERATION OF THE  
10 RIDE BY THE PARTICIPANT OR OCCUPANT; OR INJURIES RESULTING FROM  
11 THE DISOBEDIENCE BY OCCUPANTS, PARTICIPANTS, OR SPECTATORS OF  
12 POSTED OR ORAL INSTRUCTIONS.

13 SEC. 35. (1) A PARTICIPANT, OCCUPANT, OR SPECTATOR WHO IS  
14 INVOLVED IN AN ACCIDENT CAUSING INJURY TO ANOTHER INDIVIDUAL  
15 SHALL, TO THE EXTENT THAT HE OR SHE IS REASONABLY ABLE, IMMEDI-  
16 ATELY NOTIFY A REPRESENTATIVE OF THE OWNER/OPERATOR OR EMERGENCY  
17 FIRE, POLICE, OR MEDICAL PERSONNEL AND SHALL CLEARLY IDENTIFY  
18 HIMSELF OR HERSELF.

19 (2) A PARTICIPANT, OCCUPANT, OR SPECTATOR INVOLVED IN AN  
20 ACCIDENT CAUSING AN INJURY TO HIMSELF OR HERSELF, BUT NOT TO  
21 ANOTHER PERSON, SHALL, TO THE EXTENT THAT HE OR SHE IS REASONABLY  
22 ABLE, IMMEDIATELY NOTIFY A REPRESENTATIVE OF THE OWNER/OPERATOR  
23 OR EMERGENCY POLICE, FIRE, OR MEDICAL PERSONNEL AND SHALL CLEARLY  
24 IDENTIFY HIMSELF OR HERSELF.

25 (3) UPON RECEIVING NOTICE THAT AN INDIVIDUAL HAS BEEN  
26 INJURED, THE OWNER/OPERATOR SHALL NOTIFY EMERGENCY POLICE, FIRE,  
27 OR MEDICAL PERSONNEL, UNLESS THE INJURED INDIVIDUAL OR THE PARENT

1 OR LEGAL GUARDIAN OF THE INJURED INDIVIDUAL REFUSES ASSISTANCE,  
2 OR EMERGENCY PERSONNEL HAVE ALREADY BEEN CALLED FOR ASSISTANCE.

3 (4) IF AN INJURY SUSTAINED BY AN INDIVIDUAL WHO IS A PARTIC-  
4 IPANT, AN OCCUPANT, OR A SPECTATOR OF AN AMUSEMENT RIDE IS NOT  
5 APPARENT TO THE OWNER/OPERATOR OR OPERATOR WHILE THE INDIVIDUAL  
6 IS ON THE PREMISES OF THE OWNER/OPERATOR FOLLOWING THE OCCURRENCE  
7 OF THE INJURY, AS A CONDITION TO A RECOVERY IN A CIVIL ACTION  
8 AGAINST THE OWNER/OPERATOR OR OPERATOR FOR AN INJURY OR DEATH,  
9 THE INJURED PERSON OR HIS OR HER REPRESENTATIVE, WITHIN 180 DAYS  
10 FROM THE LATTER OF THE TIME THE INJURY OCCURRED OR DEATH  
11 OCCURRED, SHALL SERVE A WRITTEN NOTICE ON THE OWNER/OPERATOR OF  
12 THE OCCURRENCE OF THE INJURY OR DEATH. THE NOTICE SHALL SPECIFY  
13 THE INJURY SUSTAINED AND THE NAMES AND ADDRESSES OF THE WITNESSES  
14 KNOWN AT THE TIME BY THE CLAIMANT. THE NOTICE SHALL BE SERVED  
15 UPON ANY INDIVIDUAL, EITHER PERSONALLY OR BY CERTIFIED MAIL,  
16 RETURN RECEIPT REQUESTED, WHO MAY BE SERVED WITH CIVIL PROCESS  
17 DIRECTED AGAINST THE OWNER/OPERATOR.

18 SEC. 36. A CIVIL ACTION AGAINST AN OWNER/OPERATOR OR AN  
19 OPERATOR SHALL BE COMMENCED WITHIN THE PERIOD OF TIME PRESCRIBED  
20 BY SECTION 5805 OF THE REVISED JUDICATURE ACT OF 1961, ACT  
21 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.5805 OF THE  
22 MICHIGAN COMPILED LAWS.

23 Section 2. Sections 13 and 16 of Act No. 225 of the Public  
24 Acts of 1966, being sections 408.663 and 408.666 of the Michigan  
25 Compiled Laws, are repealed.

26 Section 3. This amendatory act shall take effect March 1,  
27 1990.