

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Construction Codes

Name of person completing this form:

Katherine Place

Phone number of person completing this form:

517-887-9770

E-mail of person completing this form:

PlaceK1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2021-99 LR

Title of proposed rule set:

Carnival and Amusement Safety

3. Purpose for the proposed rules and background:

The proposed rules will update the Amusement rules with amendments, deletions, and additions deemed necessary for use in Michigan and to bring our code up to date.

4. Summary of proposed rules:

The proposed rules will update the Carnival and Amusement Safety rules with amendments, deletions, and additions deemed necessary for use in Michigan and to bring the code up to date.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Mining Journal - Thursday, July 27, 2023.

The Oakland Press - Thursday, July 27 2023.

The Morning Sun - Thursday, July 27 2023.

6. Date of publication of rules and notice of public hearing in Michigan Register:

8/15/2023

7. Date, time, and location of public hearing:

8/22/2023 09:00 AM at Michigan Library & Historical Center, First Floor Forum , Michigan Historical Center, 702 W Kalamazoo St, Lansing, MI 48915

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=1357>

9. List of the name and title of agency representative(s) who attended the public hearing:

Katherine Place, Departmental Analyst, Bureau of Construction Codes.
 Greg Ohlemacher, Inspector Supervisory Ski/Amusement Safety.
 Rebecca Jones, Licensing and Regulatory Affairs Supervisor.
 Tony Williamson, Departmental Analyst, Bureau of Construction Codes.
 Bryan Bryson, Administrative Section Manager, Bureau of Construction Codes.

10. Persons submitting comments of support:

There were no comments submitted in support of the rules.

11. Persons submitting comments of opposition:

There were no comments submitted in opposition of the rules.

12. Persons submitting other comments:

Ryan Strayhorn (ACP Entertainment).
 Tony Eckrich (Full Throttle Adrenaline Park).

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Ryan Strayhorn ACPEntertainm ent		Mr. Strayhorn stated that trains that were once used for public transit and are not being used on a private rail in an amusement sense should absolutely be inspected. What's the difference between a roller coaster and a train car besides speed and height?	The Bureau agrees with Mr. Strayhorn's comment and has removed the language from R 408.803 (c)(xxii) stating "Trains or similar transit devices that can be or previously have been approved for use on the public transit system."	R 408.803 Definitions

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2	Ryan Strayhorn ACPEntertainm ent		Mr. Strayhorn stated having a safety retainer for single means of attachment is not possible in all cases. To name a few; tubs of fun, tilit and Sellner spin rides. These are all spinning rides that need to spin 360 degrees so a secondary retainer is not possible.	The Bureau agrees with Mr. Strayhorn's comment and reverted to original language keeping the last sentence of the rule.	R 408.831 Safety retainers
3	Ryan Strayhorn ACPEntertainm ent		Mr. Strayhorn stated that if a company buys a ride from another company in Michigan, assuming it's been inspected within the last 12 months, how does the state and therefore general public know that the ride is safe and/or setup properly? A ride isn't only being inspected for broken welds, damage that could harm riders, etc. It's also being inspected for proper installation. If the new owner of said ride doesn't know how to properly set up	The Bureau agrees with Mr. Strayhorn's comment and reverted back to original rule R 408.832 (2).	R 408.832 Permit inspection decal

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			the ride, the ride may not be safe. Not to mention, the ride may have gone down the road 10-20 times since the last inspection. There could very well be broken welds, damage, etc. that needs to be addressed. This proposed rule change seems reckless and unnecessary.		
4	Ryan Strayhorn ACPEntertainment		Mr. Strayhorn mentions the state adopted ASATM standards which supposedly has blocking rules/guidelines. I'd like to know exactly where it states blocking guidelines that replaces this rule.	The Bureau agrees with Mr. Strayhorn's comment and keeping it as written.	R 408.838 Leveling and alignment

14.Date report completed:

1/17/2024