



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 981 (as passed by the Senate)
Sponsor: Senator Joe Hune
Committee: Agriculture

Date Completed: 10-23-18

RATIONALE

The Carnival-Amusement Safety Act governs the inspection, licensing, and regulation of carnival rides. Among other things, the Act allows the Department of Licensing and Regulatory Affairs to hire inspectors and requires the chief carnival-amusement ride inspector for the program to be licensed as a professional engineer. Reportedly, the position of chief inspector is currently vacant and hiring a replacement has been difficult largely because the pay rate for the position is believed by some to be insufficient to attract qualified candidates. Moreover, some contend that with advances in the field of engineering and the Act's other requirements, the need to have a licensed professional engineer as chief inspector is redundant and unnecessary. To address these concerns, it has been suggested that the Act be amended to allow the Department to hire a qualified individual who is not necessarily a professional engineer.

CONTENT

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

- **Require, instead of allow, the Department of Licensing and Regulatory Affairs (LARA) to hire inspectors to inspect carnival-amusement rides.**
- **Eliminate a requirement that the chief carnival-amusement ride inspector be licensed as a professional engineer and, instead, require LARA to hire as a supervisor of inspectors an individual who was qualified in engineering and training.**

The Act allows LARA to hire inspectors to inspect carnival-amusement rides. The chief carnival-amusement ride inspector must be licensed in the State as a professional engineer. The bill would require LARA to hire inspectors to inspect carnival-amusement rides, and would eliminate the requirement that the chief carnival-amusement ride inspector be licensed as a professional engineer. Instead, the Department would have to hire or retain an individual as the direct supervisor of the inspectors who it determined was qualified in engineering and training.

The bill would take effect 90 days after its enactment.

MCL 408.659

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the testimony before the Senate Committee on Agriculture, the position of chief inspector for the Carnival-Amusement Safety Program has been vacant for at least 18 months. The Department has stated that one reason for the continued vacancy, despite several attempts

to fill it, could be that compensation offered is insufficient to draw candidates holding a professional engineering license. Eliminating the licensure requirement could expand the number of applications that are received, which could aid the Department in finding a qualified candidate for the position.

Historically, the requirement for the licensed professional engineer was important given the state of the field of engineering. Presently, because of how engineers are trained, the standards that have been developed for ride safety, and the reporting requirements for rides, the licensure requirement is less necessary. This is particularly true when someone with experience in inspecting rides and knowledge of ride standards might be a better fit for the position than someone who holds a professional engineer license alone. Furthermore, under the Act, before a ride is erected or altered such that the structure, mechanism, classification, or capacity of the ride is changed, the ride's operator must file a notice of intention and any requested plans or diagrams. These plans generally are developed and approved by a professional engineer. The notice of intention requirement makes the requirement for the chief inspector's position to be held by a licensed professional engineer redundant.

It is important that the position is filled as soon as possible, as the chief carnival-amusement ride inspector is responsible not only for delegating inspection assignments to subordinate inspectors and ensuring that inspectors are continuing their education, but also keeping current with manufacturing standards, safety bulletins, and other information distributed by ride manufacturers and industry associations (which set many of the standards for ride safety). Filling the position with someone who otherwise is qualified in engineering, along with requiring the Department to hire inspectors, would instill public confidence in carnival or amusement rides and help to protect riders from injury.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

SASVA1718\981a

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.