

HOUSE BILL NO. 4584

May 14, 2019, Introduced by Rep. Albert and referred to the Committee on Regulatory Reform.

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 2000 PA 346, and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Carnival or amusement ride" means a device that carries
- 3 or conveys passengers along, around, or over a fixed or restricted



1 route or course for the purpose of giving its passengers amusement,
2 pleasure, thrills, or excitement. Carnival or amusement ride does
3 not include a hobby locomotive ~~operating~~ **that operates** on narrow
4 gauge tracks ~~less~~ **that have a width that is narrower** than 24 inches
5 and **is** powered by steam, electricity, gas, or other fuel, whether
6 or not it is operated on the owner's property.

7 (b) "Department" means the department of ~~consumer and industry~~
8 ~~services~~ **licensing and regulatory affairs**.

9 (c) "Director" means the director of the department ~~of~~
10 ~~consumer and industry services~~ **or his or her designee**.

11 (d) "Hobby" means an interest or activity that ~~a person~~ **an**
12 **individual** pursues without compensation in his or her leisure time.

13 (e) "Operator" or "owner" means a person, ~~who~~ **including, but**
14 **not limited to, this state or a political subdivision of this**
15 **state, that** owns or controls or has the duty to control the
16 operation of a carnival or amusement ride. ~~and includes the state~~
17 ~~or any political subdivision of the state~~.

18 (f) "Rider" or "rider of a carnival or amusement ride" means a
19 ~~person~~ **an individual who is** waiting in the immediate vicinity of a
20 carnival or amusement ride to get on the carnival or amusement
21 ride, getting on a carnival or amusement ride, using a carnival or
22 amusement ride, getting off a carnival or amusement ride, or
23 leaving a carnival or amusement ride and **is** still in the immediate
24 vicinity of the carnival or amusement ride. Rider does not include
25 an **individual who is an** employee or agent of the operator while
26 engaged in the duties of his or her employment **or engagement**.

27 (g) "Sign" means any symbol or language **that is** reasonably
28 calculated to communicate information to a rider or the rider's
29 parent or guardian, including placards, prerecorded messages, live



1 public address, stickers, pictures, pictograms, video, verbal
2 information, and visual signals.

3 (h) "Special inspector commission" means an authorization
4 issued annually by the department that requires an operator, owner,
5 or representative of ~~the~~**an** owner or operator to perform daily
6 inspections of a carnival or amusement ride, to maintain a daily
7 inspection log, and to be present on the premises where the ride is
8 located while the ride is being operated.

9 **Sec. 7a. (1) The director, by rule promulgated under the**
10 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
11 **24.328, shall create and administer a voluntary "Michigan safety**
12 **amusement star program" to recognize owners and operators of**
13 **carnival or amusement rides that meet certain eligibility standards**
14 **related to protecting the safety of their riders and employees.**

15 (2) The rules promulgated by the director under subsection (1)
16 must include all of the following:

17 (a) A requirement for submission of an application by or on
18 behalf of an owner or operator that is requesting a star rating for
19 that owner or operator under this section, in a form prescribed by
20 the director, that includes at least all of the following
21 information:

22 (i) A description of each of the owner's or operator's safety
23 training programs for its staff.

24 (ii) A description of each program established by the owner or
25 operator concerning safety hazard prevention and control.

26 (iii) A description of the owner's or operator's emergency
27 response planning and procedures.

28 (b) With an application described in subdivision (a), a
29 requirement for payment of an application fee in the amount of



1 \$350.00.

2 (c) Eligibility standards for the award of a star rating under
3 this section. The eligibility standards must include a requirement
4 that an owner or operator is eligible to receive a star rating for
5 its business only if there are no fatalities or life-altering
6 injuries at any location at which it owns or operates carnival or
7 amusement rides in the 1-year period preceding the date of the
8 application or in the 1-year period that begins on the date of the
9 application.

10 (d) Any other provisions the director considers necessary or
11 appropriate to implement and administer this section.

12 (3) The department shall provide to an owner or operator that
13 receives a star rating under this section a flag and other
14 promotional materials as determined by the department, and the
15 department shall include the owner or operator in a list of star
16 rating recipients on its website.

17 (4) As used in this section, "applicant" means an owner or
18 operator of carnival or amusement rides that submits an application
19 described in this section, or on whose behalf an application
20 described in this section is submitted.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

