

**SUBSTITUTE FOR
HOUSE BILL NO. 4527**

A bill to amend 1966 PA 225, entitled
"Carnival-amusement safety act of 1966,"
by amending the title and sections 2, 10, 11, 12, 15, 16, 17, and
20 (MCL 408.652, 408.660, 408.661, 408.662, 408.665, 408.666,
408.667, and 408.670), the title and sections 11 and 15 as amended
by 2014 PA 163, sections 2 and 17 as amended by 2000 PA 346,
section 10 as amended by 2020 PA 163, section 16 as amended by 1980
PA 103, and section 20 as added by 2000 PA 346, and by adding
section 19a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to provide for the inspection, licensing, and
3 regulation of carnival and amusement rides; to provide for the

1 safety of the public using carnival and amusement rides; to provide
 2 for the powers and duties of certain state governmental officers
 3 and entities; to provide for the disposition of revenues; ~~and to~~
 4 **require the promulgation of rules; to prescribe civil sanctions; to**
 5 **prohibit the falsification of certain records and** prescribe
 6 penalties; **and to provide remedies.**

7 Sec. 2. As used in this act:

8 (a) "Carnival or amusement ride" means a device that carries
 9 or conveys passengers along, around, or over a fixed or restricted
 10 route or course for the purpose of giving its passengers amusement,
 11 pleasure, thrills, or excitement. Carnival or amusement ride does
 12 not include a hobby locomotive ~~operating that operates~~ on narrow
 13 gauge tracks ~~less that have a width that is narrower~~ than 24 inches
 14 and **is** powered by steam, electricity, gas, or other fuel, whether
 15 or not it is operated on the owner's property.

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

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

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

22 (e) "Operator" ~~or "owner"~~ means a person who ~~owns or controls~~
 23 ~~or has the duty to control~~ the operation of a carnival or amusement
 24 ride. ~~and includes the state or any political subdivision of the~~
 25 ~~state.~~

26 (f) "Owner" means **any person who owns or leases and controls**
 27 **or manages the operation of a carnival or amusement ride, and**
 28 **includes an individual, partnership, corporation, both profit and**
 29 **nonprofit, or the state and any of its political subdivisions and**

1 **their departments or agencies.**

2 **(g)** ~~(f)~~—"Rider" or "rider of a carnival or amusement ride"
3 means ~~a person~~ **an individual who is** waiting in the immediate
4 vicinity of a carnival or amusement ride to get on the carnival or
5 amusement ride, getting on a carnival or amusement ride, using a
6 carnival or amusement ride, getting off a carnival or amusement
7 ride, or leaving a carnival or amusement ride and **is** still in the
8 immediate vicinity of the carnival or amusement ride. Rider does
9 not include an **individual who is an** employee or agent of the
10 operator while engaged in the duties of his or her employment **or**
11 **engagement.**

12 **(h) "Serious injury" means a physical injury that is not**
13 **necessarily permanent, but that constitutes serious bodily**
14 **disfigurement or that seriously impairs the functioning of a body**
15 **organ or limb. Serious injury includes, but is not limited to, 1 or**
16 **more of the following:**

17 **(i) Loss of a limb or use of a limb.**

18 **(ii) Loss of a hand, foot, finger, or thumb or use of a hand,**
19 **foot, finger, or thumb.**

20 **(iii) Loss of an eye or ear or use of an eye or ear.**

21 **(iv) Loss or substantial impairment of a bodily function.**

22 **(v) Serious visible disfigurement.**

23 **(vi) A comatose state that lasts for more than 3 days.**

24 **(vii) Measurable brain damage or mental impairment.**

25 **(viii) A skull fracture or other serious bone fracture.**

26 **(ix) Subdural hemorrhage or hematoma.**

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

9 Sec. 10. (1) ~~A person~~ **An owner** shall not operate a carnival-
10 amusement ride without a permit issued by the director. On or
11 before March 1 of each year, an ~~operator~~ **owner** shall apply for a
12 permit to the director on a form furnished by the director and
13 containing the information required by the department. The
14 department shall inspect a ~~carnival-amusement~~ **carnival or amusement**
15 ride before it is initially put into operation for the public's use
16 and at least once every year while in operation, unless operation
17 of the **carnival or amusement** ride is authorized on a temporary
18 permit. The department may also inspect a ~~carnival-amusement~~
19 **carnival or amusement** ride each time it is disassembled and
20 reassembled. **The department shall not issue a permit to an owner**
21 **unless the owner satisfies the requirements described in section**
22 **19a.**

23 (2) An individual may operate a ~~carnival-amusement~~ **carnival or**
24 **amusement** ride if the individual is at least 16 years of age. The
25 department shall not promulgate a rule that requires an individual
26 to be more than 16 years of age to operate a ~~carnival-amusement~~
27 **carnival or amusement** ride.

28 (3) An individual shall not operate a ~~carnival-amusement~~
29 **carnival or amusement** ride unless that individual has been trained

in all of the following:

(a) The operating procedures specific to the **carnival or amusement** ride.

(b) The specific duties applicable to each of the ~~carnival-~~
~~amusement-~~**carnival or amusement** ride's assigned positions.

(c) The general procedures of the carnival or amusement park.

(d) The general and ride-specific safety procedures, **including those laid out in the owner's emergency response plan required under section 19a**, that the individual must follow in the event of an unusual condition, interruption in operation, injury, emergency, or evacuation.

Sec. 11. ~~If, after~~ **After** inspection, **the department shall issue a permit to operate** a ~~carnival-amusement-~~**carnival or amusement** ride ~~is~~ **if all of the following occur:**

(a) **The carnival or amusement ride and its owner are found to** ~~comply~~ **be in compliance** with **this act** and the rules ~~of~~ **promulgated** by the department, ~~the inspector shall issue a permit to operate under this act, as determined by an inspection.~~

(b) **The owner has a copy of the manufacturer's operating instructions for the carnival or amusement ride on site.**

(c) **The owner has a copy of a record of training for each employee authorized to operate, assemble, disassemble, or conduct maintenance on a carnival or amusement ride as required under section 19a on site.**

(d) **The owner has a copy of an emergency response plan as required under section 19a on site.**

Sec. 12. **(1)** Before a new ~~carnival-amusement-~~**carnival or amusement** ride is erected, or whenever any additions or alterations are made ~~which~~ **that** change the structure, mechanism,

1 classification, or capacity of any ~~carnival-amusement~~**carnival or**
2 **amusement** ride, the ~~operator-owner~~ shall file with the department a
3 notice of his **or her** intention and any plans or diagrams requested
4 by the director.

5 (2) **After an addition or alteration is made under this**
6 **section, the owner shall request an inspection from the department**
7 **and the carnival or amusement ride must be inspected before the**
8 **owner may operate the carnival or amusement ride.**

9 Sec. 15. If there are practical difficulties or unnecessary
10 hardships for an ~~operator-owner~~ to comply with the rules under this
11 act, the director may modify the application of those rules or if
12 the spirit of the rules is observed and the public safety is
13 secure. ~~Any operator~~**An owner** may make a written request to the
14 department stating its grounds and applying for a modification
15 described in this section. Any authorization by the director under
16 this section must be in writing and ~~shall~~**must** describe the
17 conditions under which the modification is permitted. The
18 department shall keep a record of all modifications under this
19 section that is open to the public.

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

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

29 (b) By obtaining a bond in an amount not less than \$300,000.00

1 with the aggregate amount of the surety on the bond not exceeding
2 the face amount of the bond.

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

7 (d) In the case of a local unit of government, the director ~~of~~
8 ~~the department~~ may authorize a local unit of government ~~which~~ **that**
9 is an owner ~~or operator~~ of a carnival or amusement ride to be a
10 self-insurer upon a reasonable showing by the local unit of
11 government owner ~~or operator~~ of its solvency and financial ability
12 to pay liability claims for injury suffered by ~~persons~~ **individuals**
13 riding the carnival or amusement ride, in an amount not less than
14 \$300,000.00. If the director determines it to be necessary, the
15 director shall require the furnishing of a bond or other security
16 in a reasonable amount.

17 Sec. 17. (1) ~~A temporary cessation of operations of a~~
18 ~~carnival-amusement ride may be ordered by the director when the~~
19 ~~inspection of the ride has been impeded, obstructed or interfered~~
20 ~~with. The order to cease operations shall remain in effect until an~~
21 ~~inspection has been made and the ride has been found safe for~~
22 ~~use.~~ **The department may suspend a permit issued under this act for**
23 **any of the following reasons:**

24 (a) Upon inspection, the ride is determined to be hazardous or
25 unsafe.

26 (b) An inspection of a ride has been impeded, obstructed, or
27 interfered with.

28 (c) An owner fails to submit a completed application or pay
29 the required fee within 30 calendar days of March 1.

1 (d) An owner fails to report an accident or suspend operation
2 of a ride as required under section 20.

3 (e) An owner fails to request an inspection as required under
4 section 12.

5 (2) An owner shall not operate a carnival or amusement ride
6 without a permit or while a permit is suspended or revoked. At the
7 request of the director, the attorney general may bring an action
8 seeking a civil fine against the owner of a carnival or amusement
9 ride for a violation of this subsection.

10 (3) For each day that the owner operates a carnival or
11 amusement ride without a permit or while a permit is suspended or
12 revoked in violation of subsection (2), an owner may be ordered to
13 pay a civil fine of \$2,500.00. A civil fine collected under this
14 section must be paid to the general fund and credited to the
15 department for performance of its duties under this act.

16 (4) If the department suspends a permit under subsection (1),
17 a reinspection must take place before a permit is reinstated. The
18 owner may request a reinspection when they believe they are in
19 compliance with this act. The reinspection must take place not more
20 than 10 days after the date on which the owner requests the
21 reinspection and the department must give the owner advance notice
22 of the reinspection. If after 3 reinspections, during a suspension
23 period, the department finds the carnival or amusement ride remains
24 noncompliant, the department may revoke the permit for the carnival
25 or amusement ride.

26 (5) If a permit for a carnival or amusement ride is revoked by
27 the department under this section, the owner of the carnival or
28 amusement ride may not apply for another permit or inspection
29 certificate for that ride until March 1 of the year following the

1 year in which the date of the department's ordered revocation
 2 occurred. If judicial review is sought and a stay of the revocation
 3 is obtained, the owner may not apply for another permit or
 4 inspection certificate until March 1 of the year following the year
 5 in which the date of a final order of the court sustaining the
 6 revocation was entered.

7 (6) In addition to the remedies provided in this section, and
 8 notwithstanding the existence of any other adequate remedy at law,
 9 the department may bring an action to enjoin the violation of any
 10 provision of this act, or any rule promulgated by the department
 11 under this act, in the circuit court of the county in which the
 12 violation occurs or is about to occur. On competent and substantial
 13 evidence of the violation or threatened violation presented by the
 14 department to the court, the court shall immediately issue the
 15 temporary or permanent injunction sought by the department. The
 16 court shall issue the injunction without bond.

17 (7) Before the attorney general brings an action seeking a
 18 civil fine under this section or before seeking any remedies or
 19 penalties under this section for a violation of this act, or any
 20 rule promulgated by the department under this act, the department
 21 may issue a letter of warning to the owner of the carnival or
 22 amusement ride specifying the violation and directing the owner to
 23 immediately correct the violation.

24 (8) ~~(2) Except~~ Subject to section 19a, except for the late
 25 payment of fees as provided in section 8(2) and except as provided
 26 in subsection ~~(3)~~, (9), a person who violates this act is guilty of
 27 a misdemeanor. Each day a violation occurs is a separate offense.

28 (9) ~~(3)~~ The penalty provided in subsection ~~(2)~~ (8) does not
 29 apply to the violation of this act by a rider or the rider's parent

1 or guardian.

2 Sec. 19a. (1) On request, an owner shall, at no cost to the
3 department, provide the department a copy of the manufacturer's
4 operating instructions for a carnival or amusement ride owned by
5 the owner and any written bulletins concerning the safety,
6 operation, or maintenance of the carnival or amusement ride.

7 (2) The owner of a carnival or amusement ride shall maintain,
8 on a form prescribed by rule of the department, a record of
9 training for each employee authorized to operate, assemble,
10 disassemble, or conduct maintenance on a carnival or amusement
11 ride. In place of the form prescribed by the department, an owner
12 may request approval of an alternative form if the alternative form
13 includes, at a minimum, the information required on the form
14 prescribed by the department. A record of training required under
15 this subsection must be accessible by the owner and made available
16 to the department on request.

17 (3) The owner of a carnival or amusement ride shall establish
18 an emergency response plan that meets the requirements in
19 subsection (4) and maintain, on a form prescribed by rule of the
20 department, a record of employee training on emergency response
21 procedures. In place of the form prescribed by the department, the
22 owner may request approval of an alternative form if the
23 alternative form includes, at a minimum, the information required
24 on the form prescribed by the department. The emergency response
25 plan and record of the training required under this subsection must
26 be accessible by the owner or operator and made available to the
27 department on request.

28 (4) An emergency response plan for a carnival or amusement
29 ride established under subsection (3) must include information on,

1 at a minimum, all of the following:

2 (a) Ride specific safety hazards that need to be identified to
3 mitigate risk.

4 (b) Emergency equipment that is on hand.

5 (c) When to administer first aid.

6 (d) When to contact law enforcement and emergency services.

7 (e) When to suspend operation of the carnival or amusement
8 ride.

9 (f) What to do if a serious injury or fatality occurs.

10 (5) A person that falsifies a record of training required
11 under this section is guilty of a misdemeanor and may be imprisoned
12 for not more than 90 days and shall be fined not less than
13 \$1,000.00 or more than \$2,500.00.

14 Sec. 20. ~~(1) Before leaving the operator's premises, a rider~~
15 ~~of a carnival or amusement ride or his or her parent or guardian~~
16 ~~shall report in writing to the operator or an employee or agent of~~
17 ~~the operator, on a form provided by the operator or the employee or~~
18 ~~agent of the operator, any injury sustained on a carnival or~~
19 ~~amusement ride. The report shall include all of the following~~
20 ~~information:~~

21 ~~(a) The name, address, and telephone number of the injured~~
22 ~~person.~~

23 ~~(b) A brief description of the incident, the injury claimed,~~
24 ~~and the location, date, and time of the injury.~~

25 ~~(c) The cause of the injury, if known.~~

26 ~~(d) The name, address, and telephone number of any witness to~~
27 ~~the incident.~~

28 ~~(2) If the rider of a carnival or amusement ride or his or her~~
29 ~~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.~~**An owner or operator of a carnival or amusement ride shall immediately report to the department by telephone any accident in which a fatality occurs or an individual suffers a serious injury resulting from the structural or mechanical failure of a carnival or amusement ride, or in which it appears that the construction, design, or function of the carnival or amusement ride may have directly contributed to the fatality or serious injury. If an accident occurs on a day that the department is closed, the owner shall report the incident to the department by 9 a.m. of the next business day that the department is open. The owner shall immediately remove the carnival or amusement ride from service, secure the scene of the accident, and not disturb the scene to any greater extent than is necessary for the removal of a deceased or injured individual. The ride must not be released for repair or operation until after an inspection of the ride is completed and the ride is determined to not be hazardous or unsafe.**

Enacting section 1. This amendatory act takes effect September 30, 2022.

Enacting section 2. Section 13 of the carnival-amusement safety act of 1966, 1966 PA 225, MCL 408.663, is repealed.