

## **CARNIVAL-AMUSEMENT SAFETY ACT OF 1966**

### **Act 225 of 1966**

AN ACT to provide for the inspection, licensing, and regulation of carnival and amusement rides; to provide for the safety of the public using carnival and amusement rides; to provide for the powers and duties of certain state governmental officers and entities; to provide for the disposition of revenues; and to prescribe penalties.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

#### **408.651 Carnival-amusement safety act of 1966; short title.**

Sec. 1. This act shall be known and may be cited as the “carnival-amusement safety act of 1966”.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Transfer of powers:** See MCL 16.486.

#### **408.652 Definitions.**

Sec. 2. As used in this act:

(a) “Carnival or amusement ride” means a device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Carnival or amusement ride does not include a hobby locomotive operating on narrow gauge tracks less than 24 inches and powered by steam, electricity, gas, or other fuel, whether or not it is operated on the owner's property.

(b) “Department” means the department of consumer and industry services.

(c) “Director” means the director of the department of consumer and industry services.

(d) “Hobby” means an interest or activity that a person pursues without compensation in his or her leisure time.

(e) “Operator” or “owner” means a person who owns or controls or has the duty to control the operation of a carnival or amusement ride and includes the state or any political subdivision of the state.

(f) “Rider” or “rider of a carnival or amusement ride” means a person waiting in the immediate vicinity of a carnival or amusement ride to get on the carnival or amusement ride, getting on a carnival or amusement ride, using a carnival or amusement ride, getting off a carnival or amusement ride, or leaving a carnival or amusement ride and still in the immediate vicinity of the carnival or amusement ride. Rider does not include an employee or agent of the operator while engaged in the duties of his or her employment.

(g) “Sign” means any symbol or language reasonably calculated to communicate information to a rider or the rider's parent or guardian, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information, and visual signals.

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

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 1998, Act 507, Imd. Eff. Jan. 8, 1999;—Am. 2000, Act 346, Eff. Mar. 28, 2001.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Transfer of powers:** See MCL 16.732.

#### **408.653 Repealed. 2014, Act 163, Imd. Eff. June 11, 2014.**

**Compiler's note:** The repealed section pertained to appointment, terms, and qualification of members of carnival-amusement safety board.

#### **408.654 Repealed. 2014, Act 163, Imd. Eff. June 11, 2014.**

**Compiler's note:** The repealed section pertained to meetings, election of chairperson, and officers, and payments of clerical and administrative help.

#### **408.655 Repealed. 2014, Act 163, Imd. Eff. June 11, 2014.**

**Compiler's note:** The repealed section pertained to compensation and expenses of board members.

#### **408.656 Promulgation of definitions, codes, and rules.**

Sec. 6. The department shall promulgate and formulate definitions, codes, and rules for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department finds necessary for the protection of the general public who use carnival and amusement rides. The definitions, codes, and rules shall be reasonable and based on generally accepted engineering standards, formulas, and practices and shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Administrative rules:** R 408.801 et seq. of the Michigan Administrative Code.

#### **408.657 Director; administration and enforcement of act, codes, and rules.**

Sec. 7. The director shall administer and enforce this act and all codes and rules promulgated by the department.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Administrative rules:** R 408.801 et seq. of the Michigan Administrative Code.

#### **408.658 Fees.**

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

|       |                                   |          |
|-------|-----------------------------------|----------|
| (a)   | Permit to operate.....            | \$ 10.00 |
| (b)   | Annual inspection:                |          |
| (i)   | Kiddie rides.....                 | 40.00    |
| (ii)  | Fixed coaster.....                | 90.00    |
| (iii) | Aerial lifts.....                 | 115.00   |
| (iv)  | Miscellaneous rides.....          | 50.00    |
| (c)   | Reinspection:                     |          |
| (i)   | Kiddie rides.....                 | 20.00    |
| (ii)  | Fixed coaster.....                | 75.00    |
| (iii) | Aerial lifts.....                 | 75.00    |
| (iv)  | Miscellaneous rides.....          | 20.00    |
| (d)   | Special inspector commission..... | 5.00     |

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

(3) The department shall review the fees prescribed by subsection (1), shall report to the legislature before October 1, 1983 concerning the appropriateness of those fees, and shall make recommendations, if necessary, to reflect actual costs.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.659 Inspectors; appointment, qualifications.**

Sec. 9. The department shall hire inspectors to inspect carnival-amusement rides and shall hire or retain an individual as the direct supervisor of those inspectors who the department determines is qualified in engineering and training.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967;—Am. 2018, Act 424, Eff. Mar. 20, Rendered Thursday, November 14, 2019

2019.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.660 Carnival-amusement ride; operation; permit required; application; inspection.**

Sec. 10. A person shall not operate a carnival-amusement ride without a permit issued by the director. On or before March 1 of each year, an operator shall apply for a permit to the director on a form furnished by the director and containing the information required by the department. A carnival-amusement ride shall be inspected before it is originally put into operation for the public's use and at least once every year while in operation, unless operation of the ride is authorized on a temporary permit. The department may also inspect a carnival-amusement ride each time it is disassembled and reassembled.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.661 Permit to operate carnival-amusement ride; issuance.**

Sec. 11. If, after inspection, a carnival-amusement ride is found to comply with the rules of the department, the inspector shall issue a permit to operate.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.662 Erection or alteration of ride; notice of intent, plans or diagrams.**

Sec. 12. Before a new carnival-amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any carnival-amusement ride, the operator shall file with the department a notice of his intention and any plans or diagrams requested by the director.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled MCL 338.3501 of the Michigan Compiled Laws.

#### **408.663 Order for temporary cessation of operation; hazardous or unsafe condition; correction.**

Sec. 13. The director may order, in writing, a temporary cessation of operation of a carnival-amusement ride if it is determined after inspection to be hazardous or unsafe. Operation of the ride shall not resume until the hazardous or unsafe condition is corrected to the satisfaction of the director.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.664 Existing carnival-amusement ride; use.**

Sec. 14. This act does not prevent the use of any existing carnival-amusement ride if an inspection finds that the ride is in a safe condition and conforms to the rules of the department.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.665 Hardship cases; modification; request, written authorization, record.**

Sec. 15. If there are practical difficulties or unnecessary hardships for an operator to comply with the rules under this act, the director may modify the application of those rules or if the spirit of the rules is observed and the public safety is secure. Any operator may make a written request to the department stating its grounds and applying for a modification described in this section. Any authorization by the director under this section must be in writing and shall describe the conditions under which the modification is permitted. The

department shall keep a record of all modifications under this section that is open to the public.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 2014, Act 163, Imd. Eff. June 11, 2014.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.666 Security against owner's or operator's liability for injury required; insurance or bond; local unit of government as self-insurer.**

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

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

(b) By obtaining a bond in an amount not less than \$300,000.00 with the aggregate amount of the surety on the bond not exceeding the face amount of the bond.

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

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

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1980, Act 103, Imd. Eff. Apr. 27, 1980.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.667 Temporary cessation of operations; order; duration; violation of act as misdemeanor; separate offense; exception.**

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

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

(3) The penalty provided in subsection (2) does not apply to the violation of this act by a rider or the rider's parent or guardian.

**History:** 1966, Act 225, Imd. Eff. July 11, 1966;—Am. 1967, Act 265, Imd. Eff. July 19, 1967;—Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982;—Am. 2000, Act 346, Eff. Mar. 28, 2001.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

#### **408.668 Required conduct of rider; requirements.**

Sec. 18. (1) A rider of a carnival or amusement ride shall, at a minimum, do all of the following:

(a) Obey the reasonable safety rules posted in accordance with this act and oral instructions for the carnival or amusement ride given by the operator or an employee or agent of the operator, unless the safety rules or oral instructions are contrary to the safety rules provided in this act.

(b) Refrain from acting in any manner that may cause or contribute to the injury of the rider or others, including, but not limited to, all of the following:

(i) Exceeding the limits of his or her ability.

(ii) Interfering with safety devices that are provided.

(iii) Failing to engage safety devices that are provided.

(iv) Disconnecting or disabling a safety device except at the express instruction of the operator or an employee or agent of the operator.

(v) Altering the intended speed, course, or direction of the carnival or amusement ride.

(vi) Using the controls of a carnival or amusement ride designed solely to be operated by the operator or an employee or agent of the operator.

(vii) Extending arms and legs beyond the carrier or seating area except at the express direction of the operator or an employee or agent of the operator.

(viii) Throwing, dropping, or expelling an object from or toward a carnival or amusement ride except as permitted by the operator or an employee or agent of the operator.

(ix) Getting on or off a carnival or amusement ride except at the designated time and area, unless directed by the operator or an employee or agent of the operator or in an emergency.

(x) On a carnival or amusement ride that requires the rider to control or direct his or her body or the carnival or amusement ride, not reasonably controlling the speed or direction of the carnival or amusement ride or his or her body.

(xi) Intentionally dropping, throwing, or expelling an object from a carnival or amusement ride while riding on the carnival or amusement ride.

(xii) Doing any act that interferes with the running or operation of a carnival or amusement ride, including, but not limited to, swinging or bouncing on an aerial carnival or amusement ride or attempting to contact supporting towers, machinery, guides, or guards while riding on a carnival or amusement ride.

(2) A rider of a carnival or amusement ride shall not get on or attempt to get on a carnival or amusement ride unless the rider or the rider's parent or guardian reasonably determines that, at a minimum, the rider meets all of the following requirements:

(a) He or she has sufficient knowledge to get on, use, and get off the carnival or amusement ride safely without instruction or has requested and received sufficient information to get on, use, and get off the carnival or amusement ride safely prior to getting on the carnival or amusement ride.

(b) He or she is aware of, has read, and understands any signs in the vicinity of the carnival or amusement ride and meets any posted height, medical, or other requirements.

(c) He or she knows the range and limits of his or her ability and knows the requirements of the carnival or amusement ride will not exceed those limits.

(d) He or she is not under the influence of alcohol or any drug that affects his or her ability to safely use the carnival or amusement ride or obey the posted rules or oral instructions.

(e) He or she is authorized by the operator or by an employee or agent of the operator to get on the carnival or amusement ride.

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.

#### **408.669 Rider safety responsibilities; signs.**

Sec. 19. (1) An operator shall display signs indicating the applicable rider safety responsibilities provided in section 18 and the location of stations to report injuries under section 20. The signs shall be located in all of the following locations:

(a) Each station for reporting an injury.

(b) Each first aid station.

(c) In addition to the locations described in subdivisions (A) and (B), the following locations:

(i) If there are not more than 4 entrances or exits for riders, at least 2 locations on the premises, including any entrance or exit most commonly used by riders.

(ii) If there are more than 4 entrances and exits for riders, at least 4 other locations on the premises, including the 4 entrances and exits most commonly used by riders.

(iii) At every carnival or amusement ride.

(2) In addition to the signs required under subsection (1), an operator shall post a sign at each carnival or amusement ride. The sign shall be prominently displayed at a conspicuous location, clearly visible to the public, and bold and legible in design. The sign shall include all of the following that apply:

(a) Operational instructions.

(b) Safety guidelines for riders.

(c) Restrictions on the use of the carnival or amusement ride.

(d) Behavior or activities that are prohibited.

(e) A legend that states: "State law requires riders to obey all warnings and directions for carnival or amusement rides and behave in a manner that will not cause or contribute to the injury of themselves or others. Riders must report injuries prior to leaving the premises."

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.

#### **408.670 Injury report.**

Sec. 20. (1) Before leaving the operator's premises, a rider of a carnival or amusement ride or his or her parent or guardian shall report in writing to the operator or an employee or agent of the operator, on a form provided by the operator or the employee or agent of the operator, any injury sustained on a carnival or

amusement ride. The report shall include all of the following information:

- (a) The name, address, and telephone number of the injured person.
- (b) A brief description of the incident, the injury claimed, and the location, date, and time of the injury.
- (c) The cause of the injury, if known.
- (d) The name, address, and telephone number of any witness to the incident.

(2) If the rider of a carnival or amusement ride or his or her 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.

**History:** Add. 2000 Act 346, Eff. Mar. 28, 2001.