

HOUSE BILL No. 4691

May 2, 2013, Introduced by Reps. LaFontaine and Lund and referred to the Committee on Regulatory Reform.

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending the title and sections 6, 7, 10, 11, 13, 14, and 15 (MCL 408.656, 408.657, 408.660, 408.661, 408.663, 408.664, and 408.665), the title and sections 7 and 11 as amended by 1982 PA 35; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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 create a carnival amusement safety board in the department of licensing and regulation;~~ **TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN**

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1 **STATE GOVERNMENTAL OFFICERS AND ENTITIES;** to provide for the
2 disposition of revenues; ~~to make an appropriation; and to provide~~
3 **PRESCRIBE** penalties. ~~for violations.~~

4 Sec. 6. The ~~board~~**DEPARTMENT** shall promulgate and formulate
5 definitions, codes, **AND** rules ~~and regulations~~ for the safe
6 installation, repair, maintenance, use, operation and inspection of
7 all carnival-amusement rides as the ~~board~~**DEPARTMENT** finds
8 necessary for the protection of the general public ~~using~~**WHO USE**
9 carnival and amusement rides. The definitions, codes, **AND** rules ~~and~~
10 ~~regulations~~ shall be reasonable and based ~~upon~~**ON** generally
11 accepted engineering standards, formulas, and practices and shall
12 be issued ~~in accordance with the provisions of Act No. 88 of the~~
13 ~~Public Acts of 1943, as amended, being sections 24.71 to 24.80 of~~
14 ~~the Compiled Laws of 1948, and subject to Act No. 197 of the Public~~
15 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~
16 ~~Compiled Laws of 1948.~~**PROMULGATED UNDER THE ADMINISTRATIVE**
17 **PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.**

18 Sec. 7. The director shall administer and enforce this act and
19 all codes ~~,~~**AND** rules ~~,~~ ~~and regulations~~ promulgated by the ~~board.~~
20 **DEPARTMENT.**

21 Sec. 10. ~~No~~**A** person shall **NOT** operate a carnival-amusement
22 ride without a permit issued by the director. On or before March 1
23 of each year, an operator shall apply for a permit to the director
24 on a form furnished by the director and containing ~~such~~**THE**
25 information ~~as the board may require.~~ **REQUIRED BY THE**
26 **DEPARTMENT.** A carnival-amusement ~~rides~~**RIDE** shall be inspected
27 before ~~they are~~**IT IS** originally put into operation for the

1 public's use and ~~thereafter~~ at least once every year **WHILE IN**
2 **OPERATION**, unless **OPERATION OF THE RIDE IS** authorized ~~to operate on~~
3 a temporary permit. ~~Carnival-amusement rides may also be inspected~~
4 **THE DEPARTMENT MAY ALSO INSPECT A CARNIVAL-AMUSEMENT RIDE** each time
5 ~~they are~~ **IT IS** disassembled and reassembled.

6 Sec. 11. If, after inspection, a carnival-amusement ride is
7 found to comply with the rules ~~and regulations of the board,~~ **OF THE**
8 **DEPARTMENT**, the inspector shall issue a permit to operate.

9 Sec. 13. The director ~~or board~~ may order, in writing, a
10 temporary cessation of operation of a carnival-amusement ride if it
11 ~~has been~~ **IS** determined after inspection to be hazardous or unsafe.
12 Operation **OF THE RIDE** shall not resume until ~~such conditions are~~
13 **THE HAZARDOUS OR UNSAFE CONDITION IS** corrected to the satisfaction
14 of the director. ~~or board.~~

15 Sec. 14. This act ~~shall not be construed to~~ **DOES NOT** prevent
16 the use of any existing installation ~~which upon inspection is found~~
17 ~~to be~~ **CARNIVAL-AMUSEMENT RIDE IF AN INSPECTION FINDS THAT THE RIDE**
18 **IS** in a safe condition and ~~in conformance with~~ **CONFORMS TO** the
19 rules ~~and regulations of the board.~~ **DEPARTMENT.**

20 Sec. 15. If there are practical difficulties or unnecessary
21 hardships for an operator to comply with the rules ~~and regulations~~
22 under this act, the director ~~, with the approval of the board,~~ may
23 modify the application of ~~such~~ **THOSE** rules or ~~regulations~~ if the
24 spirit of the rules ~~and regulations shall be~~ **IS** observed and the
25 public safety is secure. Any operator may make a written request to
26 the ~~board~~ **DEPARTMENT** stating ~~his~~ **ITS** grounds and applying for ~~such~~
27 **A** modification **DESCRIBED IN THIS SECTION.** Any authorization by the

1 director ~~and the board shall~~ **UNDER THIS SECTION MUST** be in writing
2 and shall describe the conditions under which the ~~modifications are~~
3 **MODIFICATION IS** permitted. ~~A~~ **THE DEPARTMENT SHALL KEEP A** record of
4 all modifications ~~shall be kept in the department and~~ **UNDER THIS**
5 **SECTION THAT IS** open to the public.

6 Enacting section 1. Sections 3, 4, and 5 of the carnival-
7 amusement safety act of 1966, 1966 PA 225, MCL 408.653, 408.654,
8 and 408.655, are repealed.