

MINIMUM AGE OF CARNIVAL RIDE OPERATORS

Phone: (517) 373-8080
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House Bill 5134 (H-1) as referred to second committee

Sponsor: Rep. Greg VanWoerkom

1st Committee: Regulatory Reform

2nd Committee: Ways and Means

Complete to 2-25-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5134 would allow an individual who is at least 16 years of age to operate a carnival-amusement ride and would require certain training for carnival-amusement ride operators.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact on the state and local units of government. (See **Fiscal Information**, below, for a detailed discussion.)

THE APPARENT PROBLEM:

Currently, Michigan law requires operators of carnival or amusement rides to be at least 18 years of age, though a 16- or 17-year-old may operate a “kiddie” ride designed for the exclusive use of children. For some seasonal employers, this presents a problem in hiring sufficient workers to appropriately staff their operations. For example, college students often need to return for fall semester before the summer season is over. Some feel that if the age requirement were lowered, many more high-school-aged individuals could find employment and begin to develop job skills. Reportedly, at least 37 states either allow 16-year-olds to operate rides or have no age regulation at all.

THE CONTENT OF THE BILL:

Currently, rules promulgated by the Department of Licensing and Regulatory Affairs allow an individual who is at least 16 years of age to operate a carnival or amusement ride that is designed for the exclusive use of children or to operate a ride for which the operator does not have mechanical or electrical controls. For all other rides, an operator must be at least 18 years of age. (R 408.848 of the Michigan Administrative Code)

House Bill 5134 would amend the Carnival-Amusement Safety Act to allow an individual who is at least 16 years of age to operate a carnival-amusement ride. The bill would prohibit the Department of Licensing and Regulatory Affairs from promulgating a rule requiring an individual to be older than 16 to operate a ride.

The bill would also prohibit an individual from operating a carnival-amusement ride unless he or she had been trained in all of the following:

- Operating procedures specific to the ride.
- The specific duties that apply to each of the ride’s assigned positions.

- The general procedures of the carnival or amusement park.
- The safety procedures—both general and ride-specific—that he or she must follow in the event of an unusual condition, interruption in operation, injury, emergency, or evacuation.

A violation of the new provisions would be subject to the act’s general penalty provision, section 17, which provides that violation of the act is a misdemeanor and that each day of a violation is a separate offense. The Michigan Penal Code provides that a misdemeanor for which a penalty is not specifically prescribed is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

MCL 408.660

FISCAL INFORMATION:

House Bill 5134 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

The bill would not have an appreciable fiscal impact on the Department of Licensing and Regulatory Affairs.

ARGUMENTS:

For:

House Bill 5134 would enable carnival-amusement ride businesses to have a larger pool from which to find appropriate ride operators. With today’s lower unemployment rate, seasonal businesses may struggle to find a sufficient number of individuals available to work the entire season. When older students return to college, many scramble to find replacements able to fill out the season. In addition, some parents enjoy being able to ride in a “kiddie” ride with their younger children. According to committee testimony, this cannot be allowed if the operator is not at least 18 years old. Many of the newer amusement rides on the market are very simple to operate and have safety features built in, so a 16- or 17-year-old should be able to competently operate them. The bill would also place additional training standards in statute that would apply to operators of all ages.

Against:

Section 17 of the act provides that “a person who violates this act” is guilty of a misdemeanor. Some felt that, as written, the bill is unclear as to whether penalties for

violating the bill's provisions would apply to the owner or operator of an amusement park or carnival or only to the individuals operating the rides. For example, would an individual who operated a ride without having undergone the required training be responsible for violating the act, or an owner of a ride or venue who failed to provide the training or ensure that its operators met the bill's provisions?

POSITIONS:

A representative of Michigan's Adventure testified in support of the bill. (1-28-20)

The International Association of Amusement Parks and Attractions (IAAPA) indicated support for the bill. (1-28-20)

Legislative Analyst: Susan Stutzky
Fiscal Analysts: Robin Risko
Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.