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; to require the promulgation of rules; to prescribe civil sanctions; to prohibit the falsification of certain records and prescribe penalties; and to provide remedies.

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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022
Compiler's Notes: 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:

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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 Power: 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 that operates on narrow gauge tracks that have a width that is narrower than 24 inches and is 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 licensing and regulatory affairs.

(c) "Director" means the director of the department or his or her designee.

(d) "Hobby" means an interest or activity that an individual pursues without compensation in his or her leisure time.

(e) "Operator" means a person who controls the operation of a carnival or amusement ride.

(f) "Owner" means any person who owns or leases and controls or manages the operation of a carnival or amusement ride, and includes an individual, partnership, corporation, both profit and nonprofit, or the state and any of its political subdivisions and their departments or agencies.

(g) "Rider" or "rider of a carnival or amusement ride" means an individual who is 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 is still in the immediate vicinity of the carnival or amusement ride. Rider does not include an individual who is an employee or agent of the operator while engaged in the duties of his or her employment or engagement.

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

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

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

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

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

(v) Serious visible disfigurement.

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

(vii) Measurable brain damage or mental impairment.

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

(ix) Subdural hemorrhage or hematoma.

(i) "Sign" means any symbol or language that is 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.

(j) "Special inspector commission" means an authorization issued annually by the department that requires an owner or operator, or the representative of an 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.

CAUTION! This document is from an archive and may contain outdated information

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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022

Compiler's Notes: 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 Power: See MCL 16.732.

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

Compiler's Notes: 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 Notes: 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 Notes: 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 Notes: 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.
Admin Rule: R 408.801 et seq. of the Michigan Administrative Code.

CAUTION! This document is from an archive and may contain outdated information.

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 Notes: 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.
Admin Rule: 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 Notes: 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.

CAUTION! This document is from an archive and may contain outdated information.

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, 2019
Compiler's Notes: 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; minimum age to operate; training requirements.

Sec. 10.

(1) An owner shall not operate a carnival-amusement ride without a permit issued by the director. On or before March 1 of each year, an owner shall apply for a permit to the director on a form furnished by the director and containing the information required by the department. The department shall inspect a carnival or amusement ride before it is initially put into operation for the public's use and at least once every year while in operation, unless operation of the carnival or amusement ride is authorized on a temporary permit. The department may also inspect a carnival or amusement ride each time it is disassembled and reassembled. The department shall not issue a permit to an owner unless the owner satisfies the requirements described in section 19a.

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

(3) An individual shall not operate a 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 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.

History: 1966, Act 225, Imd. Eff. July 11, 1966 ;-- Am. 2014, Act 163, Imd. Eff. June 11, 2014 ;-- Am. 2020, Act 163, Imd. Eff. Sept. 17, 2020 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022
Compiler's Notes: 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 or amusement ride; requirements.

Sec. 11.

After inspection, the department shall issue a permit to operate a carnival or amusement ride if all of the following occur:

(a) The carnival or amusement ride and its owner are found to be in compliance with this act and the rules promulgated by the department 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.

CAUTION! This document is from an archive and may contain outdated information.

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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022
Compiler's Notes: 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; inspection.

Sec. 12.

(1) Before a new carnival or amusement ride is erected, or whenever any additions or alterations are made that change the structure, mechanism, classification, or capacity of any carnival or amusement ride, the owner shall file with the department a notice of his or her intention and any plans or diagrams requested by the director.

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

History: 1966, Act 225, Imd. Eff. July 11, 1966 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022
Compiler's Notes: 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 Repealed. 2022, Act 97, Eff. Sept. 30, 2022.

Compiler's Notes: The repealed section pertained to authority to order temporary cessation of operation.

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 Notes: 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.

CAUTION! This document is from an archive and may contain outdated information.

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

Sec. 15.

If there are practical difficulties or unnecessary hardships for an owner 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. An owner 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 must 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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022
Compiler's Notes: 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 obtained security against the owner's or operator's liability for injury suffered by individuals 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 individuals 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 having only 1 carnival or amusement ride that 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 may authorize a local unit of government that is an owner of a carnival or amusement ride to be a self-insurer upon a reasonable showing by the local unit of government owner of its solvency and financial ability to pay liability claims for injury suffered by individuals 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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022

Compiler's Notes: 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.

CAUTION! This document is from an archive and may contain outdated information.

408.667 Permit suspensions; violations; civil fine; reinspection; revocation; injunctions; letter of warning; violation of act as misdemeanor; separate offense; exception.

Sec. 17.

(1) The department may suspend a permit issued under this act for any of the following reasons:

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) The penalty provided in subsection (8) does not apply to the violation of this act by a rider or the rider's parent or guardian.

CAUTION! This document is from an archive and may contain outdated information

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 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022

Compiler's Notes: 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

CAUTION! This document is from an archive and may contain outdated information

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

408.669a Copy of manufacturer's operating instructions; employee training record; emergency response plan; falsification of training record is misdemeanor.

Sec. 19a.

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

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

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

(4) An emergency response plan for a carnival or amusement ride established under subsection (3) must include information on, at a minimum, all of the following:

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

(b) Emergency equipment that is on hand.

(c) When to administer first aid.

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

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

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

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

CAUTION! This document is from an archive and may contain outdated information.

History: Add. 2022, Act 97, Eff. Sept. 30, 2022

408.670 Accident report; notice to department; removal from service; inspection.

Sec. 20.

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.

History: Add. 2000 Act 346, Eff. Mar. 28, 2001 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022

CAUTION! This document is from an archive and may contain outdated information.