
By: **Senator Pipkin**

Introduced and read first time: February 4, 2005

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2005

CHAPTER_____

1 AN ACT concerning

2 **Commissioner of Labor and Industry - Regulatory Authority - Amusement**
3 **Rides**

4 FOR the purpose of altering the definition of "amusement ride"; prohibiting the
5 Commissioner of Labor and Industry from adopting any regulation requiring
6 the owner or operator of a certain amusement ride to equip the ride with any
7 type of restraining device; and generally relating to the operation of amusement
8 rides.

9 BY repealing and reenacting, with amendments,
10 Article - Business Regulation
11 Section 3-101
12 Annotated Code of Maryland
13 (2004 Replacement Volume)

14 BY adding to
15 Article - Business Regulation
16 Section 3-407
17 Annotated Code of Maryland
18 (2004 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

Article - Business Regulation

1 3-101.

2 (a) In this title the following words have the meanings indicated.

3 (b) (1) "Amusement attraction" means:

4 (i) an amusement ride; or

5 (ii) a structure that gives amusement, excitement, pleasure, or
6 thrills to people who move around, over, or through the structure without the aid of a
7 moving device integral to the structure.

8 (2) "Amusement attraction" does not include a structure that is devoted
9 principally to exhibitions related to agriculture, the arts, education, industry, religion,
10 or science.

11 (c) "Amusement owner" means a person, the State, or a political subdivision of
12 the State that owns an amusement attraction or, if the amusement attraction is
13 leased, the lessee.

14 (d) "Amusement park" means an area that is used principally for 1 or more
15 permanently erected amusement attractions.

16 (e) (1) "Amusement ride" means a device that is intended to give
17 amusement, excitement, pleasure, or thrills to passengers whom the device carries:

18 [(1)] (I) along or around a fixed or restricted course; or

19 [(2)] (II) within a defined area.

20 (2) "AMUSEMENT RIDE" INCLUDES A RIDE NOT INTENDED FOR USE BY
21 ~~CHILDREN~~ A MINOR THAT IS DESIGNED TO SIMULATE A RODEO BULL RIDE OR
22 SIMILARLY CHALLENGING RIDE UPON ANOTHER TYPE OF ANIMAL BY SUBJECTING
23 THE RIDER TO A WIDE RANGE OF ABRUPT MOTION PRODUCED BY MECHANICAL,
24 ELECTRICAL, OR HYDRAULIC MEANS.

25 (f) "Carnival" means an itinerant enterprise that consists principally of 1 or
26 more temporarily located amusement attractions.

27 (g) "Commissioner" means the Commissioner of Labor and Industry.

28 (h) "Fair" means an enterprise that:

29 (1) is devoted principally to periodic exhibitions related to agriculture,
30 the arts, education, industry, religion, or science; and

31 (2) has 1 or more amusement attractions operated along with the
32 exhibitions.

1 3-407.

2 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
3 COMMISSIONER MAY NOT ADOPT ANY REGULATION REQUIRING THE OWNER OR
4 OPERATOR OF AN AMUSEMENT RIDE DESCRIBED IN § 3-101(E)(2) OF THIS TITLE TO
5 EQUIP THE RIDE WITH ANY TYPE OF RESTRAINING DEVICE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2005.