

# SENATE BILL 79

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By: **Chair, Finance Committee (By Request – Departmental – Labor,  
Licensing and Regulation)**

Introduced and read first time: January 20, 2011

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commissioner of Labor and Industry – Inflatable Amusement Attractions**

3 FOR the purpose of authorizing the Commissioner of Labor and Industry to issue a  
4 certificate of registration and operation authorizing the operation of an  
5 inflatable amusement attraction without prior inspection or testing; authorizing  
6 the Commissioner to establish by regulation certain requirements for a  
7 certificate of registration and operation; requiring the Commissioner to inspect  
8 each inflatable amusement attraction on a random basis, rather than annually;  
9 establishing an exception from a certain certificate of inspection requirement for  
10 inflatable amusement attractions; and generally relating to inflatable  
11 amusement attractions.

12 BY repealing and reenacting, with amendments,  
13 Article – Business Regulation  
14 Section 3–401 and 3–402  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2010 Supplement)

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

19 **Article – Business Regulation**

20 3–401.

21 (a) An amusement attraction may not operate unless the amusement owner  
22 has purchased insurance for the amusement attraction in accordance with this  
23 subtitle.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except AS OTHERWISE PROVIDED IN THIS SECTION AND for testing  
2 and inspection, an amusement attraction may not be operated unless the  
3 Commissioner has issued a certificate of inspection for the amusement attraction.

4 (c) (1) THE COMMISSIONER MAY ISSUE A CERTIFICATE OF  
5 REGISTRATION AND OPERATION AUTHORIZING THE OPERATION OF AN  
6 INFLATABLE AMUSEMENT ATTRACTION WITHOUT PRIOR INSPECTION OR  
7 TESTING.

8 (2) THE COMMISSIONER MAY ESTABLISH BY REGULATION:

9 (I) THE REQUIREMENTS FOR OBTAINING A CERTIFICATE OF  
10 REGISTRATION AND OPERATION; AND

11 (II) THE LENGTH OF TIME FOR WHICH A CERTIFICATE OF  
12 REGISTRATION AND OPERATION IS VALID.

13 3-402.

14 (a) The Commissioner shall inspect:

15 (1) each amusement attraction at an amusement park annually;

16 (2) each inflatable amusement attraction [annually] ON A RANDOM  
17 BASIS;

18 (3) except for an inflatable amusement attraction, each amusement  
19 attraction, if moved, before it begins operation at another location; and

20 (4) each new or modified amusement attraction before it begins public  
21 operation.

22 (b) (1) An amusement owner shall notify the Commissioner before  
23 operating an amusement attraction that is new, modified, or reconstructed.

24 (2) An owner or lessee of a carnival or fair shall:

25 (i) notify the Commissioner in writing at least 30 days before  
26 opening the carnival or fair at each location; and

27 (ii) give the Commissioner immediate notice of a change in the  
28 schedule of locations or dates if the schedule changes after notification.

29 (c) [The] EXCEPT FOR AN INFLATABLE AMUSEMENT ATTRACTION, THE  
30 Commissioner shall issue to an amusement owner a certificate of inspection for each  
31 amusement attraction at a carnival, fair, or amusement park if:

1           (1) after inspection the Commissioner finds that the amusement  
2 attraction complies with this title and the regulations adopted under it; and

3           (2) the amusement owner submits to the Commissioner a certificate of  
4 insurance for the amusement attraction as required by § 3-403 of this subtitle.

5           (d) (1) A certificate of inspection for an amusement attraction at an  
6 amusement park expires not more than 1 year after the date of issuance.

7           (2) A certificate of inspection for an amusement attraction at a fair or  
8 carnival expires not more than 30 days after the date of issuance.

9           [(3) A certificate of inspection for an inflatable amusement attraction  
10 expires not more than 1 year after the date of issuance.]

11           (e) The certificate of inspection shall be posted in plain view on the  
12 amusement attraction.

13           (f) On information or notification of an accident or complaint that involves  
14 an amusement attraction, the Commissioner shall investigate the accident or  
15 complaint and inspect the amusement attraction.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2011.