
By: **Senator Pipkin**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 17, 2006

Rules suspended

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2006

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation - ~~State Amusement Ride Safety Advisory Board -~~**
 3 **Membership Amusement Rides**

4 FOR the purpose of altering the definition of "amusement ride" as it relates to the
 5 types of devices to be regulated by the Commissioner of Labor and Industry;
 6 prohibiting the Commissioner of Labor and Industry from adopting any
 7 regulation requiring the owner or operator of a certain amusement ride to equip
 8 the ride with any type of restraining device; requiring that the composition of
 9 the State Amusement Ride Safety Advisory Board as to the race and gender of
 10 its members reflects the composition of the population of the State; prohibiting a
 11 member of the Board from serving more than a certain number of consecutive
 12 terms; and generally relating to the membership of the State Amusement Ride
 13 Safety Advisory Board and the operation of amusement rides.

14 BY repealing and reenacting, with amendments,
 15 Article - Business Regulation
 16 Section ~~3-304~~ 3-101 and 3-304
 17 Annotated Code of Maryland
 18 (2004 Replacement Volume and 2005 Supplement)

19 BY adding to
 20 Article - Business Regulation
 21 Section 3-407
 22 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

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

4 **Article - Business Regulation**

5 3-101.

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

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

8 (i) an amusement ride; or

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) has 1 or more amusement attractions operated along with the
4 exhibitions.

5 3-304.

6 (a) (1) The Board consists of 9 members appointed by the Governor with the
7 advice and consent of the Senate.

8 (2) Of the 9 members of the Board:

9 (i) 1 shall be a mechanical engineer;

10 (ii) 1 shall represent owners of carnivals;

11 (iii) 1 shall represent the State Fair and the county fairs;

12 (iv) 2 shall represent owners of amusement parks; and

13 (v) 4 shall be consumer members.

14 (3) In choosing the members of the Board, the Governor shall make
15 every effort to ensure that each region of the State is represented.

16 (4) **THE COMPOSITION OF THE BOARD AS TO THE RACE AND GENDER OF**
17 **ITS MEMBERS SHALL REFLECT THE COMPOSITION OF THE POPULATION OF THE**
18 **STATE.**

19 (b) Each consumer member of the Board shall be a member of the general
20 public.

21 (c) (1) The term of a member is 4 years and begins on July 1.

22 (2) The terms of members are staggered as required by the terms
23 provided for members of the Board on October 1, 1992.

24 (3) At the end of a term, a member continues to serve until a successor is
25 appointed and qualifies.

26 (4) A member who is appointed after a term has begun serves only for
27 the rest of the term and until a successor is appointed and qualifies.

28 (5) **A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

29 (d) The Governor may remove a member for incompetence or misconduct.

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, 2006.