

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 754

(Chair, Economic Matters Committee) (By Request –
 Departmental – Labor, Licensing, and Regulation)

Economic Matters

Education, Health, and Environmental Affairs

Inflatable Amusement Attractions - Inspections

This departmental bill exempts “inflatable amusement attractions” from statutory language that requires inspection of an amusement attraction before operating at a new location. Under the bill, inflatable amusement attractions are subject to annual inspection.

Fiscal Summary

State Effect: Special fund expenditures could decrease by \$7,500 in FY 2009 to reflect reductions in overtime costs. Future years reflect annualized savings. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	(7,500)	(10,000)	(10,000)	(10,000)	(10,000)
Net Effect	\$7,500	\$10,000	\$10,000	\$10,000	\$10,000

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: The Department of Labor, Licensing, and Regulation has determined that the bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: An amusement attraction may not be operated without a certificate of inspection issued by the Commissioner of Labor and Industry, who is authorized to issue citations and impose civil penalties. The commissioner is required to inspect each amusement attraction if modified or moved, with annual inspections required of permanent amusement attractions at an amusement park. The commissioner may make an agreement with a municipal corporation, political subdivision, or unit of State government to delegate the power of inspection.

Each amusement owner is required to keep records of the operations of amusement attractions and report a death or serious physical injury to the commissioner within 24 hours of the incident. The commissioner is authorized to prohibit the use of an attraction that violates State law or poses a risk to the public. An amusement owner is required to maintain liability insurance for an injury that arises out of the use of an amusement attraction.

Permanent amusement attractions that meet inspection and insurance requirements are issued a certificate of inspection by the commissioner for up to one year. Fair or carnival amusement attractions that meet requirements are issued a certificate of inspection for up to 30 days.

Background: Current law requires an amusement attraction, including those of the inflatable variety, to be inspected each time it is moved to a new location. DLLR advises that a single inflatable amusement attraction may be relocated several times in one day, requiring an inspection at each new location.

Inspections of inflatable amusement attractions require a disproportionate amount of resources, as many of the attractions operate during the weekend, when inspectors are entitled to overtime pay. As there have been no reports of injuries on these attractions in the past four years, the commissioner has determined that the frequency of inspection could be reduced without an appreciable effect on public safety.

State Expenditures: DLLR estimates that amusement inspection overtime expenditures could be reduced by 20% if inflatable amusement attractions were inspected on an annual basis, a savings of \$10,000. As part of the Safety Inspection Program, these expenditures are supported with special funds from the Workers' Compensation Commission; savings would accrue to the Workers' Compensation Fund.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2008
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