

SENATE BILL 82

C2

9lr0148

(PRE-FILED)

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

Requested: October 29, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 10, 2009

CHAPTER _____

1 AN ACT concerning

2 **Inflatable Amusement Attractions - Inspections**

3 FOR the purpose of requiring the annual inspection of inflatable amusement
4 attractions; defining a certain term; exempting inflatable amusement
5 attractions from certain inspections; providing that a certificate of inspection for
6 an inflatable amusement attraction is valid for not more than a certain period of
7 time; and generally relating to the inspection of amusement attractions.

8 BY repealing and reenacting, with amendments,
9 Article - Business Regulation
10 Section 3-101 and 3-402
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2008 Supplement)

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

15 **Article - Business Regulation**

16 3-101.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) an amusement ride; or

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

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

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

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

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

15 (1) along or around a fixed or restricted course; or

16 (2) within a defined area.

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

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

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

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

23 (2) has 1 or more amusement attractions operated along with the
24 exhibitions.

25 **(I) "INFLATABLE AMUSEMENT ATTRACTION" MEANS AN**
26 **AIR-SUPPORTED AMUSEMENT ATTRACTION THAT:**

27 **(1) INCORPORATES A STRUCTURAL AND MECHANICAL SYSTEM;**
28 **AND**

29 **(2) USES A HIGH STRENGTH FABRIC OR FILM THAT ACHIEVES ITS**
30 **STRENGTH, SHAPE, AND STABILITY BY TENSIONING FROM INTERNAL AIR**
31 **PRESSURE.**

1 3-402.

2 (a) The Commissioner shall inspect:

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

4 (2) **EACH INFLATABLE AMUSEMENT ATTRACTION ANNUALLY;**

5 (3) [each] **EXCEPT FOR AN INFLATABLE AMUSEMENT**
6 **ATTRACTION, EACH** amusement attraction, if moved, before it begins operation at
7 another location; and

8 ~~[(3)]~~ (4) each new or modified amusement attraction before it begins
9 public operation.

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

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

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

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

17 (c) The Commissioner shall issue to an amusement owner a certificate of
18 inspection for each amusement attraction at a carnival, fair, or amusement park if:

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

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

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

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

27 (3) **A CERTIFICATE OF INSPECTION FOR AN INFLATABLE**
28 **AMUSEMENT ATTRACTION EXPIRES NOT MORE THAN 1 YEAR AFTER THE DATE**
29 **OF ISSUANCE.**

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

3 (f) On information or notification of an accident or complaint that involves
4 an amusement attraction, the Commissioner shall investigate the accident or
5 complaint and inspect the amusement attraction.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.