

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 8
Economic Matters

(Delegate Chang)

Business Regulation - Amusement Attractions - Maryland Rider Safety Act

This bill requires riders of amusement attractions to obey all warnings and directions and behave in a manner that will not cause or contribute to injuring themselves or others. Riders or the riders' parents or guardians, if applicable, must submit a written report to the amusement owner on any injuries incurred before leaving the premises of an amusement attraction. Amusement owners must post signs alerting riders to the bill's requirements. The bill's provisions are severable.

Fiscal Summary

State Effect: Enforcement can be handled with existing resources. The application of existing penalty provisions is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A rider of an amusement attraction, as defined by the bill, must obey posted rules, warnings, and oral instructions for an amusement attraction issued by the amusement owner, employee, or agent. The rider must refrain from acting in any manner that may cause or contribute to injury to the rider or others, including specified actions.

A rider may not ride or attempt to ride an amusement attraction unless the rider or the rider's parent or guardian reasonably determines that the rider meets specified conditions

and is authorized by the amusement owner's employee or agent to get on, use, and get off the amusement attraction. The rider's parent or guardian has a duty to ensure that a rider complies with the Maryland Rider Safety Act.

If a rider or a rider's parent or guardian is unable to submit a written report before leaving the amusement owner's premises due to the severity of the rider's injuries, the rider or the rider's parent or guardian must submit the report as soon as reasonably possible. Failing to report an injury does not limit liability that otherwise exists or bar a civil action for personal injury against an amusement owner.

An amusement owner must post signs in specified areas that say, "State law requires riders to obey all warnings and directions and behave in a manner that will not cause or contribute to injuring themselves or others. Riders must report all injuries before leaving the premises."

Current Law: Amusement attractions in the State may not be operated without a certificate of inspection issued by the Commissioner of Labor and Industry. Each amusement attraction at an amusement park must be inspected, at a minimum, annually.

Each amusement owner is required to keep records of and submit periodic reports to the commissioner on injuries to the public that occur during the use of amusement attractions other than injuries that are minor, require only first aid treatment, and do not involve medical treatment or loss of consciousness. Whenever a death or serious physical injury results from an amusement attraction, the amusement attraction must be immediately closed until it has been inspected by the commissioner; the amusement owner must report the incident within 24 hours; and the commissioner must inspect the amusement attraction within 24 hours after receiving notice of the incident.

The commissioner may prohibit the use of an attraction that violates State law or poses a risk to the public. When notified of an accident involving any amusement ride, or on receipt of a complaint that involves such a device, the commissioner must investigate the accident or complaint and inspect the amusement attraction. An amusement owner is required to maintain liability insurance for an injury that arises out of the use of an amusement attraction.

The commissioner is authorized to issue citations to and impose civil penalties against amusement owners for infractions related to operating amusement attractions. Before the commissioner imposes a civil penalty, the commissioner must consider the appropriateness of the penalty in relation to the size of the amusement owner's business, the gravity of the violation, the good faith of the amusement owner, and any previous violations by the amusement owner.

A person may not knowingly make a false representation or statement in documents that the person submits or is required to keep. A person who does so is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$2,500 and/or imprisonment for up to six months.

Background: The Maryland Amusement Ride Safety Inspection Unit (SIU) within the Department of Labor, Licensing, and Regulation posts safety tips on its [website](#). SIU states that riders of amusement rides have a responsibility to act in a responsible manner, obey posted and verbal instructions, and refrain from behaving in any manner that may cause injury to oneself or other riders. Failure to act in a responsible manner may result in denied access to a ride or being ejected from the park or carnival.

Statistics indicate that accidents occur more frequently on rides operated by the rider, such as go-karts, water slides, and bumper cars. In fiscal 2018, there were 12 nonserious reported injuries and one fatality at Maryland amusement attractions.

Additional Information

Prior Introductions: HB 1708 of 2018 was assigned to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

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

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an/mcr

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