

HOUSE BILL 1708

C2

8lr3712

By: **Delegate Chang**

Introduced and read first time: February 16, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Amusement Attractions – Maryland Rider Safety Act**

3 FOR the purpose of requiring riders of amusement attractions to obey certain rules and
4 refrain from certain actions relating to riding an amusement attraction; requiring
5 riders of amusement attractions or the parent or guardian of certain riders to make
6 certain determinations before riding or attempting to ride an amusement attraction;
7 requiring the parent or guardian of a certain rider to ensure the rider complies with
8 certain provisions of law; requiring an injured rider or the parent or guardian of a
9 certain rider to submit a written report to the amusement owner under certain
10 circumstances; requiring a certain written injury report to include certain
11 information; providing for the construction of certain provisions of this Act; requiring
12 amusement owners to display a certain sign containing certain language in certain
13 locations; defining certain terms; making the provisions of this Act severable; and
14 generally relating to the Maryland Rider Safety Act.

15 BY adding to

16 Article – Business Regulation

17 Section 3–601 through 3–606 to be under the new subtitle “Subtitle 6. Amusement
18 Attraction Rider Safety”

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2017 Supplement)

21 Preamble

22 WHEREAS, Amusement attractions are used by a large number of citizens of this
23 State and also attract a large number of nonresidents to the State, significantly
24 contributing to the tourist industry and tax base of this State; and

25 WHEREAS, The safety of the public using amusement attractions is an important
26 matter of public policy; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, There are inherent risks associated with all machinery, equipment, or
2 animals that are impractical or impossible for an amusement owner to eliminate even while
3 taking all reasonable safety precautions, and an informed rider is in the best position to
4 avoid those risks; and

5 WHEREAS, The safety of amusement attractions will be greatly improved at a
6 minimal cost if riders are subject to minimum safety standards for their own protection and
7 the protection of others; now, therefore,

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

10 **Article – Business Regulation**

11 **SUBTITLE 6. AMUSEMENT ATTRACTION RIDER SAFETY.**

12 **3-601.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “PARENT OR GUARDIAN” MEANS THE PARENT, CUSTODIAN, OR
16 GUARDIAN RESPONSIBLE FOR THE CONTROL, SAFETY, TRAINING, OR EDUCATION OF
17 A MINOR RIDER, A RIDER WITH DISABILITIES, OR AN INCOMPETENT RIDER.

18 (C) (1) “RIDER” MEANS AN INDIVIDUAL WHO IS:

19 (I) WAITING TO GET ON AN AMUSEMENT ATTRACTION;

20 (II) GETTING ON AN AMUSEMENT ATTRACTION;

21 (III) RIDING OR USING AN AMUSEMENT ATTRACTION;

22 (IV) GETTING OFF AN AMUSEMENT ATTRACTION; OR

23 (V) EXITING AN AMUSEMENT ATTRACTION WHILE STILL IN THE
24 IMMEDIATE VICINITY OF THE AMUSEMENT ATTRACTION.

25 (2) “RIDER” DOES NOT INCLUDE AN EMPLOYEE OR AGENT OF THE
26 AMUSEMENT OWNER WHILE ENGAGED IN THE DUTIES OF THE EMPLOYEE’S OR
27 AGENT’S EMPLOYMENT.

28 (D) (1) “SIGN” MEANS ANY SYMBOL OR LANGUAGE REASONABLY
29 CALCULATED TO COMMUNICATE INFORMATION TO A RIDER OR A PARENT OR

1 GUARDIAN.

2 (2) "SIGN" INCLUDES PLACARDS, PRE-RECORDED MESSAGES, LIVE
3 PUBLIC ADDRESSES, STICKERS, PICTURES, PICTOGRAMS, GUIDEBOOKS,
4 BROCHURES, VIDEOS, VERBAL INFORMATION, AND VISUAL SIGNALS.

5 3-602.

6 (A) A RIDER SHALL:

7 (1) OBEY THE POSTED RULES, WARNINGS, AND ORAL INSTRUCTIONS
8 FOR AN AMUSEMENT ATTRACTION ISSUED BY THE AMUSEMENT OWNER OR THE
9 AMUSEMENT OWNER'S EMPLOYEE OR AGENT; AND

10 (2) REFRAIN FROM ACTING IN ANY MANNER THAT MAY CAUSE OR
11 CONTRIBUTE TO INJURY TO THE RIDER OR OTHERS, INCLUDING:

12 (I) EXCEEDING THE LIMITS OF THE RIDER'S ABILITY;

13 (II) INTERFERING WITH THE SAFE OPERATION OF AN
14 AMUSEMENT ATTRACTION;

15 (III) NOT ENGAGING THE SAFETY DEVICES PROVIDED ON THE
16 AMUSEMENT ATTRACTION;

17 (IV) DISCONNECTING OR DISABLING A SAFETY DEVICE ON AN
18 AMUSEMENT ATTRACTION EXCEPT AT THE EXPRESS INSTRUCTION OF THE
19 AMUSEMENT OWNER'S EMPLOYEE OR AGENT;

20 (V) ALTERING OR ENHANCING THE INTENDED SPEED, COURSE,
21 OR DIRECTION OF AN AMUSEMENT ATTRACTION;

22 (VI) USING CONTROLS OF AN AMUSEMENT ATTRACTION THAT
23 ARE DESIGNED TO BE OPERATED SOLELY BY THE AMUSEMENT OWNER'S EMPLOYEE
24 OR AGENT;

25 (VII) EXTENDING THE RIDER'S ARMS OR LEGS BEYOND THE
26 CARRIER OR SEATING AREA EXCEPT AT THE EXPRESS DIRECTION OF THE
27 AMUSEMENT OWNER'S EMPLOYEE OR AGENT;

28 (VIII) THROWING, DROPPING, OR EXPELLING AN OBJECT FROM
29 OR TOWARD AN AMUSEMENT ATTRACTION EXCEPT AS PERMITTED BY THE
30 AMUSEMENT OWNER'S EMPLOYEE OR AGENT;

1 **(IX) GETTING ON OR OFF OF AN AMUSEMENT ATTRACTION AT AN**
2 **UNAUTHORIZED TIME OR LOCATION, EXCEPT AT THE DESIGNATED TIME AND IN THE**
3 **BOARDING, LOADING, OR ENTRY AREA, AT THE DIRECTION OF THE AMUSEMENT**
4 **OWNER'S EMPLOYEE OR AGENT, OR IN AN EMERGENCY SITUATION;**

5 **(X) NOT REASONABLY CONTROLLING THE SPEED OR DIRECTION**
6 **OF THE RIDER OR AN AMUSEMENT ATTRACTION THAT REQUIRES THE RIDER TO**
7 **CONTROL OR DIRECT THEMSELVES ON THE AMUSEMENT ATTRACTION; AND**

8 **(XI) LOADING A CARNIVAL OR AMUSEMENT ATTRACTION RIDE**
9 **BEYOND ITS DESIGNED CAPACITY.**

10 **(B) A RIDER MAY NOT RIDE OR ATTEMPT TO RIDE AN AMUSEMENT**
11 **ATTRACTION UNLESS THE RIDER OR THE RIDER'S PARENT OR GUARDIAN**
12 **REASONABLY DETERMINES THAT THE RIDER:**

13 **(1) HAS SUFFICIENT ABILITY TO GET ON, USE, AND GET OFF THE**
14 **AMUSEMENT ATTRACTION SAFELY WITHOUT INSTRUCTION, OR HAS REQUESTED**
15 **AND RECEIVED INSTRUCTION BEFORE GETTING ON THE AMUSEMENT ATTRACTION;**

16 **(2) HAS LOCATED, REVIEWED, AND UNDERSTOOD ANY SIGNS IN THE**
17 **VICINITY OF THE AMUSEMENT ATTRACTION AND HAS SATISFIED ANY POSTED**
18 **HEIGHT OR OTHER RESTRICTIONS;**

19 **(3) UNDERSTANDS THE RANGE AND THE LIMITS OF THE RIDER'S**
20 **ABILITY, AND DETERMINES THAT THE REQUIREMENTS OF THE AMUSEMENT**
21 **ATTRACTION WILL NOT EXCEED THOSE LIMITS;**

22 **(4) UNDERSTANDS THE TYPE AND THE NATURE OF THE RIDER'S**
23 **FEARS OR PSYCHOLOGICAL CONDITIONS AND DETERMINES THAT THE**
24 **REQUIREMENTS OF THE AMUSEMENT ATTRACTION WILL NOT CAUSE THE RIDER TO**
25 **GET ON, USE, OR GET OFF THE AMUSEMENT ATTRACTION IN AN UNSAFE MANNER;**

26 **(5) IS NOT UNDER THE INFLUENCE OF ALCOHOL OR ANY DRUG THAT**
27 **MAY AFFECT THE RIDER'S ABILITY TO SAFELY USE THE AMUSEMENT ATTRACTION**
28 **OR OBEY THE POSTED RULES OR ORAL INSTRUCTIONS; AND**

29 **(6) IS AUTHORIZED BY THE AMUSEMENT OWNER'S EMPLOYEE OR**
30 **AGENT TO GET ON, USE, AND GET OFF THE AMUSEMENT ATTRACTION.**

31 **3-603.**

1 **THE PARENT OR GUARDIAN OF A RIDER HAS A DUTY TO ENSURE THAT A RIDER**
2 **COMPLIES WITH ALL PROVISIONS OF THIS SUBTITLE.**

3 **3-604.**

4 **(A) A RIDER OR A RIDER'S PARENT OR GUARDIAN, IF APPLICABLE, SHALL**
5 **SUBMIT A WRITTEN REPORT TO THE AMUSEMENT OWNER REGARDING ANY INJURY**
6 **SUFFERED BY A RIDER ON AN AMUSEMENT ATTRACTION BEFORE LEAVING THE**
7 **AMUSEMENT OWNER'S PREMISES.**

8 **(B) A WRITTEN REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS**
9 **SECTION SHALL INCLUDE:**

10 **(1) THE NAME, ADDRESS, AND PHONE NUMBER OF THE INJURED**
11 **PERSON AND THE PARENT OR GUARDIAN OF THE RIDER, IF APPLICABLE;**

12 **(2) A DETAILED DESCRIPTION OF THE INCIDENT, THE INJURIES**
13 **SUFFERED, ANY TREATMENT RECEIVED, INCLUDING THE LOCATION, DATE, AND**
14 **TIME OF THE INCIDENT;**

15 **(3) THE CAUSE OF THE INJURY, IF KNOWN; AND**

16 **(4) THE NAMES, ADDRESSES, AND PHONE NUMBERS OF ANY**
17 **WITNESSES TO THE INCIDENT, IF KNOWN.**

18 **(C) IF A RIDER OR A RIDER'S PARENT OR GUARDIAN IS UNABLE TO SUBMIT**
19 **A WRITTEN REPORT AT THE TIME REQUIRED UNDER SUBSECTION (A) OF THIS**
20 **SECTION BECAUSE OF THE SEVERITY OF THE RIDER'S INJURIES, THE RIDER OR THE**
21 **RIDER'S PARENT OR GUARDIAN SHALL SUBMIT THE REPORT AS SOON AS**
22 **REASONABLY POSSIBLE.**

23 **(D) THE FAILURE OF A RIDER TO REPORT AN INJURY UNDER THIS SECTION**
24 **DOES NOT LIMIT LIABILITY THAT OTHERWISE EXISTS OR BAR A CIVIL ACTION FOR**
25 **PERSONAL INJURY AGAINST AN AMUSEMENT OWNER.**

26 **3-605.**

27 **(A) AN AMUSEMENT OWNER SHALL POST SIGNS IN THE AREAS SPECIFIED**
28 **UNDER SUBSECTION (B) OF THIS SECTION THAT STATE:**

29 **"STATE LAW REQUIRES RIDERS TO OBEY ALL WARNINGS AND DIRECTIONS**
30 **AND BEHAVE IN A MANNER THAT WILL NOT CAUSE OR CONTRIBUTE TO INJURING**
31 **THEMSELVES OR OTHERS. RIDERS MUST REPORT ALL INJURIES BEFORE LEAVING**

1 THE PREMISES.”

2 (B) THE AMUSEMENT OWNER SHALL DISPLAY THE SIGN REQUIRED UNDER
3 SUBSECTION (A) OF THIS SECTION AT ALL OF THE FOLLOWING LOCATIONS:

4 (1) STATIONS FOR REPORTING AN INJURY;

5 (2) FIRST AID STATIONS;

6 (3) ENTRANCES OR EXITS TO OR FROM THE PREMISES DESIGNATED
7 FOR RIDERS; AND

8 (4) AREAS OR STRUCTURES AT WHICH RIDERS MAY PURCHASE
9 ADMISSION OR OBTAIN AUTHORITY TO USE AN AMUSEMENT ATTRACTION.

10 **3-606.**

11 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND RIDER SAFETY ACT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
13 the application thereof to any person or circumstance is held invalid for any reason in a
14 court of competent jurisdiction, the invalidity does not affect other provisions or any other
15 application of this Act that can be given effect without the invalid provision or application,
16 and for this purpose the provisions of this Act are declared severable.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.