



Maryland Association for Justice, Inc.

2020 Position Paper

Business Regulation – Amusement Attractions “Maryland Rider Safety Act” HB 1001 – OPPOSE

The Maryland Association for Justice (MAJ) opposes HB 1001, the “Amusement Rider Safety Act.” Instead of requiring the owners and operators of amusement rides to make them safer for riders, the proposed legislation imposes vague and broadly-worded duties on riders, including children. HB 1001 would negate virtually every claim brought in Maryland against the owners and operators of unsafe amusement rides.

If HB 1001 were to become law, amusement riders (broadly defined to include bystanders and children waiting in line) would be charged with a duty to “refrain from acting in any manner that may cause or contribute to injury” including “exceeding the limits of the rider’s ability,” in §3-602(a)(2)(i). In relation to an amusement ride, how can a rider know “the limits” of his or her “ability,” *e.g.*, to withstand being spun around and made dizzy, before ever getting on the ride?

Similarly, in §3-602(a)(2)(v), HB 1001 charges riders with a duty to refrain from “altering or enhancing the intended speed, course, or direction of an amusement attraction.” But on bumper cars, riders necessarily and purposefully alter the intended speed, course and direction of the cars, and in other amusements, such as roller coasters, a rider’s weight passively “enhances” the momentum and speed of the ride. Riders would violate HB 1001 simply by riding.

Another duty imposed by HB 1001 – in §3-602(a)(2)(xi) – charges riders with refraining from “loading a carnival or amusement attraction ride beyond its designed capacity.” How are riders (as opposed to the owners and operators of the carnival or amusement attraction ride) to know a ride’s “designed capacity”?

By shifting duties from amusement ride owners and operators to the riders themselves, HB 1001 does not enhance safety. Nothing in HB 1001 requires rides to be designed, manufactured or operated in a safer manner. Rather, HB 1001 is designed to be used by owners and operators to avoid liability when unsafe carnival rides cause injuries; in any such case, if the rider can be claimed to have “exceeded the limits of the rider’s ability,” then the defense of contributory negligence will absolve the owner and operator (and its insurance carrier) from liability.

HB 1001 would set a dangerous precedent, as other industries can be expected to try to shift their duties to keep people safe to the people themselves. There is no place in the Maryland Code for an “Amusement Rider Safety Act” that doesn’t make amusement rides safer.

**Maryland Association for Justice strongly urges an
UNFAVORABLE REPORT ON HB 1001.**