

CARNIVAL-AMUSEMENT SAFETY ACT OF 1966 (EXCERPT)
Act 225 of 1966

408.667 Permit suspensions; violations; civil fine; reinspection; revocation; injunctions; letter of warning; violation of act as misdemeanor; separate offense; exception.

Sec. 17.

(1) The department may suspend a permit issued under this act for any of the following reasons:

- (a) Upon inspection, the ride is determined to be hazardous or unsafe.
- (b) An inspection of a ride has been impeded, obstructed, or interfered with.
- (c) An owner fails to submit a completed application or pay the required fee within 30 calendar days of March 1.
- (d) An owner fails to report an accident or suspend operation of a ride as required under section 20.
- (e) An owner fails to request an inspection as required under section 12.

(2) An owner shall not operate a carnival or amusement ride without a permit or while a permit is suspended or revoked. At the request of the director, the attorney general may bring an action seeking a civil fine against the owner of a carnival or amusement ride for a violation of this subsection.

(3) For each day that the owner operates a carnival or amusement ride without a permit or while a permit is suspended or revoked in violation of subsection (2), an owner may be ordered to pay a civil fine of \$2,500.00. A civil fine collected under this section must be paid to the general fund and credited to the department for performance of its duties under this act.

(4) If the department suspends a permit under subsection (1), a reinspection must take place before a permit is reinstated. The owner may request a reinspection when they believe they are in compliance with this act. The reinspection must take place not more than 10 days after the date on which the owner requests the reinspection and the department must give the owner advance notice of the reinspection. If after 3 reinspections, during a suspension period, the department finds the carnival or amusement ride remains noncompliant, the department may revoke the permit for the carnival or amusement ride.

(5) If a permit for a carnival or amusement ride is revoked by the department under this section, the owner of the carnival or amusement ride may not apply for another permit or inspection certificate for that ride until March 1 of the year following the year in which the date of the department's ordered revocation occurred. If judicial review is sought and a stay of the revocation is obtained, the owner may not apply for another permit or inspection certificate until March 1 of the year following the year in which the date of a final order of the court sustaining the revocation was entered.

(6) In addition to the remedies provided in this section, and notwithstanding the existence of any other adequate remedy at law, the department may bring an action to enjoin the violation of any provision of this act, or any rule promulgated by the department under this act, in the circuit court of the county in which the violation occurs or is about to occur. On competent and substantial evidence of the violation or threatened violation presented by the department to the court, the court shall immediately issue the temporary or permanent injunction sought by the department. The court shall issue the injunction without bond.

(7) Before the attorney general brings an action seeking a civil fine under this section or before seeking any remedies or penalties under this section for a violation of this act, or any rule promulgated by the department under this act, the department may issue a letter of warning to the owner of the carnival or amusement ride specifying the violation and directing the owner to immediately correct the violation.

(8) Subject to section 19a, except for the late payment of fees as provided in section 8(2) and except as provided in subsection (9), a person who violates this act is guilty of a misdemeanor. Each day a violation occurs is a separate offense.

(9) The penalty provided in subsection (8) does not apply to the violation of this act by a rider or the rider's parent or guardian.

History: 1966, Act 225, Imd. Eff. July 11, 1966 ;-- Am. 1967, Act 265, Imd. Eff. July 19, 1967 ;-- Am. 1982, Act 35, Imd. Eff. Mar. 12, 1982 ;-- Am. 2000, Act 346, Eff. Mar. 28, 2001 ;-- Am. 2022, Act 97, Eff. Sept. 30, 2022

Compiler's Notes: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.