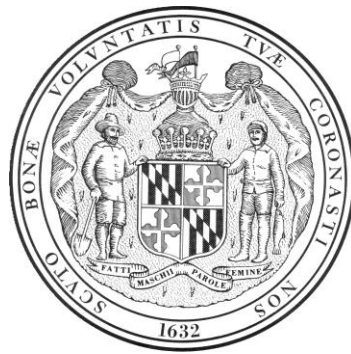


CODE OF MARYLAND REGULATIONS



Title 09

MARYLAND DEPARTMENT OF LABOR

**500 N. Calvert Street
Baltimore, MD 21202**

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CODE OF MARYLAND REGULATIONS

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 60 Amusement Attractions — General Provisions

Authority: Business Regulation Article, §§3-204(c), 3-302, 3-307—3-313, Annotated Code of Maryland

.01 Purpose.

This chapter establishes safety standards for the installation, assembly, repair, maintenance, use, operation, disassembly, and inspection of amusement attractions permanently or temporarily erected at amusement parks, carnivals, or fairs operated in the State.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accepted engineering practice" means engineering practice that conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities including, but not limited to, ASTM.

(2) "ASTM" means ASTM International, originally known as the American Society for Testing and Materials.

(3) "Attendant" means an employee assigned to assist the operator in attending to the safety needs of riders.

(4) "Containing device" means a strap, belt, bar, gate, or other safety device designed to prevent accidental or inadvertent dislodgement of a rider from an amusement attraction, that does not provide physical support.

(5) "Fail-safe" means a characteristic of an amusement attraction or component of an amusement attraction that is designed so that the normal and expected failure mode results in a safe condition.

(6) "Fire official" means:

(a) Except in Baltimore City, the State Fire Marshal or the State Fire Marshal's designee; and

(b) In Baltimore City, the Baltimore City Fire Prevention Bureau.

(7) "Major breakdown" means a stoppage of operation from any cause that results in damage, failure, or breakage of a structural or stress-bearing part of an amusement attraction.

(8) "Major modification" means any change in either the structural or operational characteristics of the amusement attraction that will alter its performance from that specified in the manufacturer's design criteria.

(9) "Nondestructive testing (NDT)" is testing, such as radiographic, magnetic particle, ultrasonic, liquid penetrant, electromagnetic, neutron radiographic, visual, and leak testing, to detect and locate defects to assess an amusement attraction's components.

(10) "Operator" means the person having direct control of the starting, stopping, or speed of an amusement attraction.

(11) "Owner" has the meaning stated in Business Regulation Article, §3-101, Annotated Code of Maryland.

(12) "Qualified person" means a person who:

(a) By extensive knowledge, training, and experience has successfully demonstrated the ability to solve or resolve problems relating to the work; or

(b) Possesses a recognized degree, certificate, or professional standing.

(13) "Rated capacity" means a capacity:

(a) Established by the manufacturer for the normal loading and operation of an amusement attraction; or

(b) If the manufacturer has not established a capacity, as established by the Commissioner after inspection.

(14) Rider.

(a) "Rider" means any person who is:

(i) Getting on an amusement attraction;

(ii) Using an amusement attraction; or

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(iii) Getting off an amusement attraction.

(b) "Rider" does not include employees of the amusement attraction owner while engaged in the duties of their employment.

(15) "Special amusement structure" means a fun house, dark ride, glass house, walk through, haunted house, or any other similar amusement attraction.

.03 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference to the extent that they are referenced in this chapter:

A. The ASTM International Standards on Amusement Rides and Devices: 7th Edition, F2291—04 Standard Practice for Design of Amusement Rides and Devices (2004) (ASTM F 2291—04); and

B. The National Electrical Code, ANSI/NFPA #70-2005, which is incorporated by reference in COMAR 20.50.02.02.

.04 General Responsibility for Compliance.

A. Each owner of an amusement attraction permanently or temporarily erected at a carnival, fair, or amusement park in the State shall:

(1) Comply with the provisions of this chapter; and

(2) Ensure that the manufacturer's specifications are followed in the erection, operation, maintenance, repair, and disassembly of the amusement attraction.

B. In the event of a conflict between a regulation under this chapter and a manufacturer's specification, the owner shall comply with the provision that best ensures the safety of the public as determined by the Commissioner.

.05 Inspection, Registration, and Certificate Inspection.

A. An owner may not operate an amusement attraction unless the amusement attraction has been inspected and a certificate of inspection has been issued by the Commissioner.

B. Annual Registration.

(1) Annually, by April 1, each owner shall register with the Commissioner all of the existing amusement attractions that were previously issued a certificate of inspection by the Commissioner that the owner intends to operate in Maryland that year.

(2) The owner of a new amusement attraction or an amusement attraction that was not previously registered or issued a certificate of inspection in Maryland shall register the amusement attraction with the Commissioner as soon as practical or at least 30 days before anticipated operation and shall include the documentation required in Regulation .10 of this chapter.

C. Inspection Hours.

(1) Amusement attraction inspections will normally be conducted during the business hours of 7 a.m. through 6 p.m., Monday through Friday, excluding holidays.

(2) The Commissioner may schedule inspections at other times when the Commissioner determines that there are extenuating circumstances.

D. Request for Inspection.

(1) Each owner shall notify the Commissioner that the owner's amusement attraction is ready for inspection by submitting a completed inspection request form at least 30 days in advance of the anticipated operation date.

(2) If there is a cancellation or change in the schedule of location or dates after initial notification, an owner shall:

(a) Immediately notify the Commissioner by telephone; and

(b) Promptly confirm the change in writing.

(3) If an owner is unable to provide the Commissioner with the required 30-day advance notice, the owner shall submit to the Commissioner an inspection request form along with a detailed explanation of the reason for the lack of advance notice. The Commissioner may grant the inspection request contingent upon the availability of State resources.

(4) The owner of a new amusement attraction, an amusement attraction that has undergone a major modification, or an amusement attraction that has never received a certificate of inspection allowing it to operate in Maryland shall:

(a) Submit all required records in compliance with Regulation .10 of this chapter; and

(b) After filing the required records, submit a request for inspection to the Commissioner at least 30 days in advance of the anticipated operation date.

(5) The inspection request form shall be furnished by the Commissioner.

(6) The owner shall include with the inspection request form a certificate of insurance indicating that the owner has obtained insurance in the amount required by Business Regulation Article, §3-403, Annotated Code of Maryland.

E. Certificate of Inspection. A certificate of inspection shall be posted in public view on the amusement attraction for which the certificate is issued.

F. Work Orders.

(1) The Commissioner may issue a work order that details required corrective action for an amusement attraction and the time allowed for abatement of each action.

(2) If the corrective action is not completed within the time allowed, the Commissioner may:

(a) Grant an extension of the time allowed; or

(b) Deny a certificate of inspection.

G. Special Amusement Structures.

(1) For a special amusement structure located in an amusement park, the owner shall make a request to the fire official for the jurisdiction where the amusement attraction is located for a fire safety inspection:

(a) Annually, before the start of operation in the State; and

(b) When there is a change in construction or decorative material.

(2) For a special amusement structure located in a carnival or fair, the owner shall make a request to the fire official for the jurisdiction where the amusement attraction is located for a fire safety inspection:

(a) Before operation at each location; and

(b) When there is a change in construction or decorative material.

(3) A certificate of inspection issued by the Commissioner is valid for the amusement attraction only and does not address fire safety issues that may be required by the local fire official.

H. Exits.

(1) At least two exits remote from each other shall be provided for each floor, tier, room, or balcony in a structure that contains an amusement attraction.

(2) An exit may not be less than 22 inches wide.

.06 Identification and State Registration Plates.

A. Information Plate.

(1) An information plate:

(a) Is required for each amusement attraction;

(b) Shall be printed in English; and

(c) Shall be designed to remain legible for the expected life of the amusement attraction.

(2) The information plate shall include the following, as applicable:

(a) Serial number, which is a manufacturer-issued or owner-issued unique identifying number;

(b) Name of the amusement attraction;

(c) Manufacturer of the amusement attraction;

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- (d) Date of manufacture, which is the month and year of manufacture, as determined by the manufacturer, if known;
- (e) Speed, maximum, minimum, or both, revolutions per minute, feet per second, or miles per hour, as applicable;
- (f) Direction of travel, if the direction of travel is essential to the safe operation of the amusement attraction; and
- (g) Rated capacity.

B. State Registration Plate.

(1) The Commissioner shall issue a State registration number and State registration plate to each registered amusement attraction.

(2) If the registration number is no longer legible, the owner shall notify the Commissioner for issuance of a replacement State registration plate.

C. Each amusement attraction shall have the information plate and State registration plate firmly attached in a readily visible location on the amusement attraction.

D. Each individual sweep, carrier, car, tub, seat, train, kart, chair, element, or trampoline shall be individually identified by:

- (1) Numbers (e.g. sweep 1, carrier 2, seat 3); or
- (2) Letters or names (e.g. train B, car C, seat 1); or
- (3) Color if only be used once per attraction (e.g. blue tub, seat 3).

.07 Operation.

A. Each owner shall read and become familiar with the contents of the manufacturer's recommended operating instructions and specifications.

B. Operation Manual.

(1) The owner shall keep and maintain a manual documenting the operating requirements.

(2) The operation manual shall address the following issues:

- (a) Ride cycle time;
- (b) Proper loading and unloading procedures and proper rider distribution;
- (c) Procedures for responding to emergencies and extreme environmental conditions;
- (d) Rider limitations, such as height, age, and rider placement;
- (e) Minimum electrical power required to safely operate the amusement attraction;
- (f) Minimum and maximum water flow rates, if applicable;
- (g) Specific amusement attraction operational procedures consistent with the manufacturer's instructions;
- (h) Specific duties and responsibilities of the operator and attendant;
- (i) Maintenance requirements and procedures;
- (j) Testing requirements and procedures;
- (k) General safety procedures; and
- (l) Preopening inspection list and preopening inspection procedures.

(3) The manual shall be kept on location with the amusement attraction or otherwise readily available.

(4) A copy of the manual, in English, shall be provided to the Commissioner on request.

(5) The owner shall ensure that all operators adhere to the provisions of the applicable operator's manual.

C. Designated Operator.

(1) The owner shall ensure each amusement attraction is under the direct control of an operator with training specific to that amusement attraction.

(2) An operator shall operate only one amusement attraction at a time.

(3) When the amusement attraction is not in operation, the owner shall prevent operation by any unauthorized person.

(4) An operator:

(a) May not operate any amusement attraction while under the influence of drugs or alcohol;

(b) Shall know the use and function of all operating controls, signal systems, and safety devices applicable to the amusement attraction;

(c) Shall know the proper rider loading sequence, capacity, and speed of the particular amusement attraction being operated;

(d) Shall remain at the operating controls during operation;

(e) Shall have control of the amusement attraction at all times;

(f) Shall enforce applicable restrictions; and

(g) Whenever possible, shall be positioned at a location with a clear view of the rider loading and unloading areas.

D. If a clear view under §C(4)(g) of this regulation cannot be maintained, operators or attendants shall ensure that the area is safe before operation.

E. Operator and Attendant Identification.

(1) An owner shall issue to each operator and attendant identification, such as a uniform or badge that clearly identifies the person as an operator or attendant.

(2) Before issuing any identification, the owner shall train the employee in accordance with §F of this regulation.

(3) The identification shall clearly indicate the following:

(a) The employee title, that is, operator or attendant;

(b) Either the name of the employee or an employee identification number; and

(c) The name of the amusement attraction company.

(4) While operating an amusement attraction, the operator or attendant shall wear the operator or attendant identification in a readily visible location.

F. Operator and Attendant Training.

(1) The owner shall provide training for each operator and attendant of an amusement attraction.

(2) Operator and attendant training shall include, but not be limited to, the items specified in §§C(4) and D of this regulation.

(3) Operators and attendants shall be trained in the following:

(a) Specific amusement attraction operational policies and procedures consistent with the manufacturer's instructions;

(b) Specific duties and responsibilities of the operator and the attendant;

(c) Emergency procedures in the event of an abnormal condition, interruption of power, or severe environmental conditions;

(d) Instructions on general safety procedures; and

(e) Additional instructions considered necessary by the owner.

(4) As part of the training, the owner shall observe each operator's and attendant's ability to operate an amusement attraction safely, as demonstrated by the successful completion of the requirements of this section.

(5) The owner shall document that each operator and attendant has been trained and evaluated as required by this regulation with the following:

(a) Name of the operator or attendant;

(b) Date of training, date of evaluation; and

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(c) The identity of the person or persons performing the training or evaluation.

(6) The owner shall provide periodic refresher training, including an evaluation of the effectiveness of that training.

(7) The owner shall document the refresher training for each operator and attendant with the information set forth in §F(5) of this regulation.

G. Ride Safety Supervisor. An owner shall designate a ride safety supervisor to:

(1) Monitor amusement attraction operations at all times when in operation; and

(2) Ensure that the amusement attractions are operated safely and in accordance with this chapter.

H. Daily Inspection Program.

(1) The owner shall ensure that each amusement attraction is inspected and tested each day before operation, with a daily preopening inspection program under §H(2) of this regulation.

(2) The daily preopening inspection program shall include, but not be limited to, the following:

(a) Inspection and testing of all rider-carrying devices, including restraint, containing devices and latches;

(b) Inspection and testing of all automatic and manual safety devices;

(c) Inspection and testing of the brakes, including service brakes, emergency brakes, parking brakes, and antirollback devices;

(d) Inspection and testing of control devices, speed-limiting devices, and other equipment provided for safety;

(e) Visual inspection of all fencing, gates, and guardrails;

(f) Visual inspection of the amusement attraction structure, blocking and supports, electrical components, and wiring;

(g) Inspection of entrances, exits, stairways, and ramps;

(h) Functional testing of all communication equipment necessary for the operation of the amusement attraction; and

(i) Before carrying riders, operation of the amusement attraction for a minimum of one complete operating cycle.

(3) A copy of the daily preopening inspection shall be provided to the Commissioner on request.

(4) Worn and damaged components shall be repaired or replaced immediately and before operation.

I. Voice Communication and Signal System.

(1) Voice communication or a signal system, or both, shall be provided if the operator does not have a clear view of the area where riders are loaded or unloaded.

(2) For amusement attractions that require a spoken message of instruction or warning prior to operation, the message shall be:

(a) Given in a manner that is clearly audible to all riders before the start of each ride cycle; and

(b) In writing in the operating manual.

(3) Coded Signals.

(a) When coded signals are necessary for operation of an amusement attraction, the code shall be printed and kept posted at both the operator and signal-person stations.

(b) All persons using coded signals shall be instructed in their use and be trained to understand thoroughly their operation and meaning.

(4) Signals for the movement or operation of an amusement attraction may not be given until all riders, operators, and other persons who may be endangered are in a position of safety.

(5) Voice communication and signal systems shall be tested daily before operation as part of the daily inspection program.

(6) An amusement attraction requiring voice communication or a signal system, or both, may be operated only if the system is functioning properly.

.08 Injury Reporting and Recording.**A. Injury Reporting.**

(1) Whenever a death, in-patient hospitalization, amputation, compound fracture, broken tooth, or loss of an eye occurs during the use of an amusement attraction:

(a) The person who directly controls the operation of the amusement attraction shall immediately close the amusement attraction until it has been inspected by the Commissioner; and

(b) The amusement owner shall report orally or in writing to the Commissioner within 24 hours:

(i) Date and time of the incident;

(ii) Name, address, and telephone number of the injured person and parent or guardian information if the injured person is a minor;

(iii) Age of the injured person;

(iv) Name and manufacturer of the amusement attraction;

(v) Description of the injury;

(vi) Description of events related to the incident; and

(vii) Name, address, and phone number of the amusement attraction operator and attendants.

(2) If an owner is unaware of the condition of a member of the public injured during the operation of an amusement attraction who was transported away from the premises by an emergency response vehicle, the owner shall report verbally to the Commissioner within 24 hours the information required in §A(1)(b) of this regulation.

B. Injury Recording.

(1) In addition to the reporting requirements of §A of this regulation, all owners shall maintain an injury log of all injuries to the public that occur during use of amusement attractions that require medical treatment by a physician other than one-time first aid and does not include:

(a) An injury that does not ordinarily require medical treatment, such as a minor burn, splinter, contusion, scratch, or cut not requiring stitches; or

(b) A diagnostic procedure, including examination and x-ray, even though provided by a physician or other licensed professional personnel.

(2) The injury log shall contain the following information:

(a) Company name;

(b) Location;

(c) Date;

(d) Certificate number;

(e) Type of amusement attraction;

(f) Nature of incident;

(g) Description of injury;

(h) Age of injured person;

(i) Last known condition of injured person, including date information obtained; and

(j) Date added to log.

(3) Each injury required under this section and §A of this regulation, shall be recorded on the injury log within 7 calendar days and updated as additional required information becomes available.

(4) A copy of a sample injury log is available on the Department's webpage.

(5) An owner shall maintain injury logs on a calendar year basis beginning January 1, 2023.

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(6) Beginning January 1, 2024, an owner shall certify the completeness and accuracy of the information contained on the injury log by January 15 of the following calendar year.

(7) Beginning January 1, 2023, an owner shall provide access to prior years', and the portion completed for the current year, injury log to the Commissioner.

(8) Each owner shall maintain, and make available for inspection by the Commissioner, an injury log for 5 years.

.09 Amusement Attraction Operating Records and Reports.

A. Daily Inspection Reports.

(1) Daily inspection reports shall be:

- (a) Signed by the person performing the inspection immediately upon completion of the inspection;
- (b) Kept with the amusement attraction or at an on-site office; and
- (c) Maintained for at least 30 days.

(2) Copies of daily inspection reports shall be made available to the Commissioner on request.

B. Daily Electrical Inspection Report.

(1) The owner shall ensure that a qualified person performs an inspection of the electrical system each day before operation.

(2) A copy of the electrical inspection report shall be:

- (a) Signed by the person performing the inspection;
- (b) Kept with the amusement attraction or at an on-site office;
- (c) Maintained for at least 30 days; and
- (d) Provided to the Commissioner upon request.

C. NDT Results.

(1) The owner shall maintain a copy of the NDT results if required by COMAR 09.12.62.05K for a period of 1 year:

- (a) With the amusement attraction;
- (b) At an on-site office; or
- (c) Otherwise readily available.

(2) A copy of the NDT results shall be provided to the Commissioner on request.

D. An owner shall immediately notify the Commissioner of a major breakdown.

E. Written Log.

(1) An owner shall ensure that a written log is:

(a) Maintained containing any reports from riders complaining of adverse physical effects or operating inconsistencies occurring during the operation of an amusement attraction; and

(b) Submitted to the Commissioner when multiple reports of a particular nature that may indicate a pattern are shown on the log.

(2) A copy of the log shall be made available to the Commissioner upon request.

F. Identification Records. An owner shall maintain a record of operator and attendant identification that includes the following for each operator and attendant:

- (1) Name, address, and phone number; and
- (2) Identification number, if any.

G. Record of Training.

(1) Each owner shall:

- (a) Maintain a record of the training provided to each operator and attendant; and

- (b) Provide the Commissioner with a copy of the record of training on request.
- (2) The training record shall indicate the following for each operator or attendant:
 - (a) The name or identification number;
 - (b) A detailed description of the training provided; and
 - (c) A list of all the amusement attractions for which the operator and attendant received training.

.10 Design Criteria.

A. Scope. This regulation does not apply to an amusement attraction that has operated in Maryland prior to January 2008 unless there is a major modification.

B. Owners shall ensure that new amusement attractions and amusement attractions with major modifications that are operated in the State meet the criteria set forth in this regulation.

C. Except as otherwise provided in this regulation, amusement attractions manufactured after January 2008 shall comply with ASTM F 2291—04 and conform to accepted engineering practices and standards.

D. The owner of an amusement attraction subject to §C of this regulation shall provide the Commissioner with:

- (1) A copy of the operations and maintenance manuals, assembly instructions, and testing requirements;
- (2) Certification records from the manufacturer or a licensed professional engineer verifying that the amusement attraction is compliant with ASTM F 2291—04; and
- (3) If requested, general design criteria as outlined in ASTM F 2291—04, Section 5.

E. Amusement attractions that are specifically excluded from ASTM F 2291—04 and manufactured after January 2008 shall conform to recognized engineering practices, procedures, standards, and specifications.

F. The owner of an amusement attraction subject to §E of this regulation shall provide the Commissioner with:

- (1) Certification from a licensed professional engineer verifying that design data specific to the amusement attraction, including, but not limited to, stress analysis and safety factors along with the materials and components being used, are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications;
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements; and
- (3) If requested, other pertinent data considered necessary by the Commissioner.

G. Amusement attractions that were previously registered and allowed to operate in Maryland and that have undergone a major modification subsequent to January 2008 shall be certified by a professional engineer that the modifications are consistent with accepted engineering practices and standards and ASTM F 2291—04.

H. The owner of an amusement attraction subject to §G of this regulation shall provide the Commissioner with:

- (1) Certification from a licensed professional engineer verifying that design data specific to the amusement attraction, including, but not limited to, stress analysis and safety factors along with the materials and components being used, are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications;
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements; and
- (3) If requested, other pertinent data considered necessary by the Commissioner.

I. The owner of an existing amusement attraction manufactured before January 2008 of a particular design that had not previously operated in Maryland shall provide the Commissioner with:

- (1) Certification records from a licensed professional engineer verifying that the amusement attraction and the materials and components being used are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications; and
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements.

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J. If the manufacturer's specifications of an amusement attraction subject to §I of this regulation are unavailable for good reason, the owner shall:

- (1) Develop specifications that ensure safe assembly, operation, repair, maintenance, testing, and disassembly of the amusement attraction;
- (2) Employ a licensed professional engineer to certify that the specifications are consistent with accepted engineering practices and standards and ASTM F 2291—04; and
- (3) If requested, provide other pertinent data considered necessary by the Commissioner.

K. Copies of all documents provided to the Commissioner shall be in English.

.11 Signage.

A. When a manufacturer or the Commissioner requires a restriction on the use of an amusement attraction, such as the age or weight of a rider, a legible sign indicating the restriction shall be posted in full view of individuals seeking admission to the amusement attraction:

- (1) At the location specified by the manufacturer;
- (2) At the entrance of the amusement attraction; or
- (3) Close to the amusement attraction.

B. All amusement attractions shall have a sign posted indicating the height or age restriction, or both, for that amusement attraction.

C. Entrances to machinery rooms or restricted areas shall have a sign posted warning unauthorized persons not to enter.

.12 Fire Protection.

A. Flammable and Combustible Liquids.

(1) An owner shall store and handle liquid petroleum gases and flammable liquids as required under the:

- (a) Occupational Safety and Health Standards — 29 CFR §1910.106 (OSHA); and
- (b) National Fire Protection Association (NFPA) standards adopted by the State Fire Marshal or designee or the Baltimore City Fire Prevention Bureau.

(2) Gasoline and other flammable liquids or gases shall be stored in listed and labeled containers in a location that is:

- (a) Reasonably cool and ventilated;
- (b) Not accessible to the public; and
- (c) At least 20 feet from an amusement attraction or other flammable material.

(3) Flammable or combustible waste materials, such as oily rags, shall be stored in a covered metal container that is:

- (a) Properly identified; and
- (b) Kept at least 20 feet from an amusement attraction.

B. Fire Extinguishers.

(1) An owner shall provide at least one portable fire extinguisher having an ABC rating, as defined by the National Electrical Code, ANSI/NFPA #70, of not less than 10 pound capacity.

(2) The fire extinguisher shall be located not less than 25 feet, or more than 75 feet, from any flammable or combustible:

- (a) Liquid storage; or
- (b) Liquid-powered amusement attraction or portable generator.

.13 Electrical Requirements.

A. Electrical systems, conductors, and equipment installed on or used in conjunction with amusement attractions shall comply with:

(1) The National Electrical Code, National Fire Protection Association 70 in effect at the time of the manufacture of the amusement attraction; or

(2) At a minimum, the National Fire Protection Association 70 (1987).

B. Each owner shall ensure that electrical systems required to operate amusement attractions be installed and maintained by a qualified person.

C. Electrical inspections shall be performed prior to public use by the qualified person responsible for the electrical installation.

D. A copy of the electrical inspection report shall be:

(1) Signed by the person performing the inspection;

(2) Kept with the amusement attraction or at an on-site office;

(3) Maintained for at least 30 days; and

(4) Provided to the Commissioner on request.

E. Equipment Grounding and Bonding.

(1) Equipment grounding and bonding shall comply with the National Electrical Code.

(2) The continuity of the grounding conductor system shall be verified as part of the daily preopening electrical inspection.

(3) The neutral and equipment safety grounding conductors shall be continuous and separate throughout the entire system.

(4) Separate steel tracks or steel framework, such as roller coaster tracks or large slides, shall have grounding in accordance with Article 250 of the National Electrical Code.

F. Portable distribution or terminal boxes shall be:

(1) Designed so that no live parts are exposed to accidental contact;

(2) Of weatherproof construction and mounted so that the bottom of the box is not less than 6 inches above ground; and

(3) Protected against access from the general public and other unauthorized personnel.

G. Current Limiting Devices.

(1) A conductor shall be fused or protected to its current carrying capacity.

(2) A fuse or current limiting device may not be installed in neutral or grounding conductors.

(3) Motors and lighting circuits shall be fused separately.

(4) Each fuse or current limiting device shall be installed in accordance with the National Electrical Code.

H. Wiring Methods.

(1) Where flexible cords or cables are used, they shall be listed for extra hard usage.

(2) Where flexible cords or cables are used and are not subject to physical damage, they shall be permitted to be listed for hard usage.

(3) An elevated power line crossing a road within a carnival, fair, or amusement park shall be suspended to provide:

(a) Minimum vertical clearance of 15 feet from the road surface; and

(b) Minimum horizontal clearance of 3 feet on each side of normal vehicle passage space.

(4) A flexible cord shall be connected to devices and fittings sufficient to ensure that tension of the cord is not transmitted to connectors or terminals.

(5) Flexible cords or cables shall be continuous without splice or tap between boxes or fittings.

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(6) Cord connectors may not be laid on the ground unless listed for wet locations.

I. Amusement attractions may not be located:

(1) Less than 15 feet in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement attraction; or

(2) Under or within 15 feet of horizontal conductors operating in excess of 600 volts.

J. An electrical power source, that is, a portable electrical generator, shall be:

(1) Positioned in a manner to permit proper maintenance; and

(2) Protected by either fencing or a secure enclosure to prevent public access and exposure to hazard.

K. Collector Rings.

(1) Collector rings and brush assemblies shall be sized to accommodate the rated load.

(2) A grounding collector ring or device capable of carrying the sum of the over-current devices feeding the slip ring set shall be provided.

L. Lighting Systems.

(1) Lighting systems shall be kept in good repair and protected against accidental contact and, if possible, breakage.

(2) All fluorescent lighting systems that are connected to moving components of an amusement attraction or within 7 feet, 6 inches, of a rider or spectator shall be:

(a) Properly secured and protected against accidental breakage; and

(b) Capable of containing the pieces of a broken light.

M. Power Line Clearances.

(1) Power line clearances shall comply with the National Electrical Code, ANSI/NFPA #70, Article 525.5—2005.

(2) Amusement attractions may not be erected within 15 feet in any direction of overhead conductors operating at 600 volts or less.

(3) Amusement attractions may not be erected under or within 15 feet horizontally of conductors operating in excess of 600 volts.

.14 Rules of Procedure for Hearings.

All contested case hearings before the Commissioner shall be governed by COMAR 09.01.02.

.15 Variances.

A. Application for Variance.

(1) An affected owner may apply to the Commissioner for a variance from any regulation adopted under Business Regulation Article, Title 3, Annotated Code of Maryland.

(2) An application for variance shall be in writing and shall include:

(a) The name and address of the applicant;

(b) Identification of the regulation from which the applicant seeks a variance;

(c) The location, equipment, and practices involved;

(d) A detailed statement of the applicant's reasons for requesting a variance;

(e) A statement of the steps the applicant has taken and will take, with specific dates when appropriate, to protect the public against the specific hazard covered by the regulation; and

(f) Any request for a hearing.

B. Posting of Notice.

(1) Immediately on filing a request for a variance pursuant to Business Regulation Article, §3-314, Annotated Code of Maryland, an applicant shall post notice of the application at the place or places where a certificate of inspection is required to be posted.

(2) The notice shall include:

- (a) The name and address of the applicant;
- (b) The date on which the application was filed;
- (c) Identification of the regulation from which the applicant seeks a variance;
- (d) The location, equipment, and practices involved; and
- (e) Notice to the public and affected employees of their right to participate in the proceeding.

(3) The notice shall be maintained until the commencement of the proceedings.

C. Order of Variance.

(1) After investigation, on-site inspection, and such hearing as the Commissioner may direct, the Commissioner may grant a variance from a regulation under this chapter if:

- (a) It is evident that action is necessary to prevent undue hardship; or
- (b) Existing conditions prevent practical compliance and the reasonable safety of the public can, in the opinion of the Commissioner, be ensured.

(2) An order of variance may require such special conditions as are reasonably necessary to ensure public safety.

(3) A declaration, act, or omission of the Commissioner or the Commissioner's authorized representative, other than a written order authorizing a variance as permitted above, may not be construed to exempt, either wholly or in part, expressly or implicitly, any owner from full compliance with the terms of any regulation under this chapter.

D. Modification, Revocation, and Renewal of Order of Variance.

(1) The Commissioner may modify, revoke, or renew an order of variance in the same manner prescribed for the issuance of an order of variance.

(2) An order of variance may not be modified or revoked unless affected parties are informed of the proposed action and afforded an opportunity to:

- (a) Submit written data, views, or arguments regarding the proposed action; and
- (b) Request a hearing on the proposal.

.16 Additional Requirements — Attraction Specific Requirements.

See COMAR 09.12.61 for additional requirements based on type of amusement attraction.

Administrative History

Effective date: November 1, 2022 (4921 Md. R. 951)

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 61 Amusement Attractions — Attraction Specific Provisions

Authority: Business Regulation Article, §§3-302, 3-307—3-313, Annotated Code of Maryland

.01 Purpose.

This chapter identifies specific provisions for ropeway-aerial lifts, towers and conveyors as well as challenge courses and canopy/zipline tours in addition to providing cross references to specific provisions of other types of attractions.

.02 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference to the extent that they are referenced in this chapter:

- A. The American National Standard for Passenger Ropeways — Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors — Safety Requirements, ANSI B77.1-1999, excluding Section 2.3.6.3; and
- B. ANSI/ACCT 03-2016 Challenge Courses and Canopy/Zip Line Tours Standards.

.03 Water Slides Erected Permanently or Temporarily in the State.

In addition to the requirements in COMAR 09.12.60 and 09.12.62, water slides erected permanently or temporarily in the State shall comply with the requirements of COMAR 09.12.63.

.04 Go-Kart Operations.

In addition to the requirements in COMAR 09.12.60 and 09.12.62, go-kart operations shall comply with the requirements of COMAR 09.12.64.

.05 Ropeways-Aerial Lifts, Surface Lifts, Towers, and Conveyors.

In addition to the requirements in COMAR 09.12.60, passenger transportation systems that use cables, ropes, or other flexible elements for power transmission in the system shall conform to the American National Standard for Passenger Ropeways — Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors — Safety Requirements, which is incorporated by reference in COMAR 09.12.61.02.

.06 Challenge Courses and Canopy/Zip Line Tours.

In addition to the requirements in COMAR 09.12.60, Challenge Courses and Canopy/Zip Line Tours shall conform to the ANSI/ACCT 03-2016 Challenge Courses and Canopy/Zip Line Tours Standards, which is incorporated by reference in COMAR 09.12.61.02.

.07 Inflatable Amusement Attractions.

The requirements for inflatable amusement attractions are in COMAR 09.12.66 of this chapter.

.08 All Other Amusement Attractions.

In addition to the requirements in COMAR 09.12.60, all other amusement attractions covered under this subtitle not included in Regulations .05—.07 of this chapter shall comply with the requirements under COMAR 09.12.62.

Administrative History

Effective date: November 1, 2022 (4921 Md. R. 951)

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 62 Amusement Attractions Erected Permanently or Temporarily at Carnivals, Fairs, and Amusement Parks

Authority: Business Regulation Article, §§3-302, 3-307—3-313, Annotated Code of Maryland

.01 Purpose.

In addition to the general requirements contained in COMAR 09.12.60, this chapter establishes specific requirements for the installation, assembly, repair, maintenance, use, operation, disassembly, and inspection of amusement attractions permanently or temporarily erected at amusement parks, carnivals, or fairs operated in the State with the exception of challenge courses, and ropeways-aerial lifts which are provided for in COMAR 09.12.61 and inflatable amusement attractions which are provided for in COMAR 09.12.66.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accepted engineering practice" means engineering practice that conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities including, but not limited to, ASTM.

(2) "ASTM" means ASTM International, originally known as the American Society for Testing and Materials.

(3) "Containing device" means a strap, belt, bar, gate, or other safety device designed to prevent accidental or inadvertent dislodgement of a rider from an amusement attraction, that does not provide physical support.

(4) "Design load" means the load established by the manufacturer for normal operation, with required factors of safety and design to withstand both static and dynamic loads, including dead, live, and wind loads and impact.

(5) "Fail-safe" means a characteristic of an amusement attraction or component of an amusement attraction that is designed so that the normal and expected failure mode results in a safe condition.

(6) "Fence" means a type of barrier:

(a) Consisting of, but not limited to, posts, boards, wire, stakes, or rails; and

(b) Used to inhibit an individual from coming into contact with the moving portion or restricted portion of an amusement attraction.

(7) "Owner" has the meaning stated in Business Regulation Article, §3-101, Annotated Code of Maryland.

(8) "Qualified person" means a person who:

(a) By extensive knowledge, training, and experience has successfully demonstrated the ability to solve or resolve problems relating to the work; or

(b) Possesses a recognized degree, certificate, or professional standing.

(9) "Rated capacity" means a capacity:

(a) Established by the manufacturer for the normal loading and operation of an amusement attraction; or

(b) If the manufacturer has not established a capacity, as established by the Commissioner after inspection.

(10) "Restraining device" means a safety belt, harness, chain, bar, or other device that affords physical support, retention, or restraint to a rider on an amusement attraction.

(11) Rider.

(a) "Rider" means any person who is:

(i) Getting on an amusement attraction;

(ii) Using an amusement attraction; or

(iii) Getting off an amusement attraction.

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(b) "Rider" does not include employees of the amusement attraction owner while engaged in the duties of their employment.

(12) "Safety retainer" means a secondary safety rope, bar, attachment, or other device designed to prevent parts of an amusement attraction from becoming disengaged from the mechanism or from tipping or tilting in a manner to cause hazard to a person near or riding on an amusement attraction.

.03 Incorporation by Reference.

The ASTM International Standards on Amusement Rides and Devices, is incorporated by reference in COMAR 09.12.60.03A to the extent referenced in this chapter.

.04 Access, Egress, and Walking Surfaces.

A. General Requirements.

- (1) All amusement attractions shall have a safe and adequate means of access and egress.
- (2) All walking surfaces, including, but not limited to, loading and unloading areas, platforms, landings, stairs, and ramps shall be stable, firm, and slip-resistant.
- (3) If there is the potential for exposure to a fall distance exceeding 30 inches, the owner shall take action to inhibit such falls.

B. Stairways, Ramps, Landings, and Platforms.

- (1) Adequate stairways, ramps, landings, and platforms shall be provided at the entrance to and exit from an amusement attraction that is above or below grade or floor level.
- (2) Stairways, landings, and ramps shall be designed and constructed using a safety factor of 5 to safely sustain the load that may be imposed on it.
- (3) Stairways and ramps shall be at least 22 inches wide.
- (4) A stairway shall be provided at entrances and exits where there is a break in elevation of 19 inches or more, and no ramp, runway, or sloped embankment is provided.
- (5) Stair treads shall be at least 10-1/2 inches deep, exclusive of nosing, and comply with the following:
 - (a) The height of rise may not exceed 9 inches; and
 - (b) Between any two levels, stair treads shall be of uniform depth and the risers of uniform height.
- (6) The maximum slope of any ramp may not exceed 1:12.

C. Passageways.

- (1) Passageways shall be:
 - (a) At least 22 inches wide; and
 - (b) Kept free of debris, obstructions, projections, and other hazards.
- (2) Surfaces shall be constructed and maintained to prevent slipping and tripping.
- (3) Floors shall be kept free of protruding nails, splinters, holes, or loose boards.
- (4) When mechanical equipment is used, appropriate guarding and sufficient safe clearances shall be maintained.

D. Handrails and Guardrails.

- (1) Regardless of width, ramps and all stairs with more than one step riser shall have, on both sides, a handrail of sufficient strength and structure to provide safe support.
- (2) Handrails shall be continuous without interruption and shall be free of any sharp or abrasive elements.
- (3) Stairways and ramps 88 inches or greater in width shall have a handrail placed approximately in the center, located not more than 4 feet from any point on the stair or ramp.
- (4) Handrails may not encroach on the clearance envelope of the amusement attraction.

(5) When guardrails are used, they shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) Guardrails, except for barriers, guardrails, or similar means that were originally designed and manufactured as a component of the amusement attraction, shall be of a height at least 42 inches above the surface on which persons stand.

E. Fences and Gates.

(1) An owner shall ensure that each amusement attraction is protected in a manner sufficient to prevent the general public from coming in contact with an amusement attraction or gaining access to the path or course of the amusement attraction while the amusement attraction is in operation if such access or contact would present a hazard.

(2) Fences and gates shall be constructed to meet the following minimum requirements:

(a) Fences shall be designed and constructed of durable materials and erected to inhibit overturning by spectators or riders; and

(b) Fences and gates shall be constructed as to inhibit:

(i) Spectator contact with the amusement attraction;

(ii) Rider contact with fences or gates; and

(iii) Contact between a spectator and rider while the amusement attraction is in operation.

(3) When fences and gates are provided, they shall be of a height at least 36 inches above the surface on which the spectators or riders stand.

(4) Gates shall:

(a) Be provided at each entrance and exit; and

(b) Unless equipped with a positive latching or holding device, open away from the amusement attraction.

(5) A gate shall be designed so that if opened during the operating cycle, the gate will not come in contact with the amusement attraction or cause a hazard to riders.

(6) Replacement fences, gates, and guardrails shall comply with ASTM F 2291—04, Section 14.

.05 General Environment.

A. The following procedures shall be implemented during a lightning or high wind storm, tornado or severe storm warning, fire, or if violence, riot, or civil disturbance occurs or threatens to occur in an amusement park, carnival lot, or fair:

(1) The manufacturer's wind-related and weather-related restrictions shall be followed during periods of high wind or storm;

(2) Each rider shall be unloaded or evacuated safely from the amusement attraction immediately; and

(3) The amusement attraction shall be closed and secured immediately.

B. Illumination.

(1) Each amusement attraction, including entrances and exits, shall be adequately illuminated to ensure rider safety.

(2) For the assembly and disassembly of amusement attractions and temporary structures, all work areas shall be adequately illuminated to ensure public safety.

.06 Equipment and Materials.

A. If amusement attractions use mechanical, pneumatic, or hydraulic energy, these systems shall have a means of being locked out, when necessary, for performing maintenance or inspections.

B. Pressure vessels and pressure vessel systems shall conform to the requirements of the Maryland Boiler and Pressure Vessel Safety Act, Public Safety Article, §§12-901—12-919, Annotated Code of Maryland, and COMAR 09.12.01, including the inspection requirements.

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C. Hydraulic Systems.

- (1) Hydraulic systems and other related equipment used in connection with an amusement attraction shall be:
 - (a) Maintained to ensure safe operation at all times;
 - (b) Equipped with a relief valve;
 - (c) Equipped with a manual lowering valve, if applicable; and
 - (d) Inspected for leaks, damaged pipes, and worn or deteriorated hoses before each operation.
- (2) A pressure gauge shall be required for all hydraulic systems and conspicuously marked with the maximum safe working pressure.
- (3) A flexible hose shall be:
 - (a) Compliant with the manufacturer's specifications;
 - (b) Compatible with the fluid used in it; and
 - (c) Inspected to ensure proper installation.

D. Welding. Welding, welding procedures, and welding procedure documentation shall comply with ASTM F 2291—04, Section 15.

E. Fasteners.

- (1) All fasteners shall conform to the manufacturer's specifications or accepted engineering practices.
- (2) Owners shall comply with:
 - (a) The manufacturer's torque specifications and replacement schedules; or
 - (b) Accepted engineering practices.

F. Machinery and Machine Guarding.

- (1) The owner shall install machine guards or apply other appropriate measures to protect persons from contact with belts, chains, pulleys, gears, and similar moving components.
- (2) Guards shall be:
 - (a) Designed to perform a specific task;
 - (b) Properly secured; and
 - (c) Properly maintained in a condition consistent with the intent of the guards' design.
- (3) Before a guard is removed for maintenance purposes, the equipment shall be locked out or tagged out. The guard shall be replaced before normal operation is resumed.
- (4) Power transmission devices and any associated moving parts shall be shielded, enclosed, or barricaded to provide proper protection.
- (5) If it is reasonably foreseeable that parts can break free from a power transmission device, the owner shall make provisions to contain the components.
- (6) Temporary guards shall be secured to prevent movement or tip-over if a person falls or stumbles against the temporary guard.
- (7) A guard or barrier shall be designed so that it does not pose a hazard in itself.

G. Hair Guards. If it is reasonably foreseeable that a mounting on an amusement attraction can catch or entangle long hair, the amusement attraction shall be equipped with a hair guard.

H. Seating.

- (1) Tubs, cars, chairs, seats, gondolas, and other carriers used on an amusement attraction shall be designed, constructed, and maintained in accordance with this chapter and manufacturer's specifications.

(2) Parts of an amusement attraction that riders may reasonably be expected to come in contact with shall be smooth and free from unprotected protruding studs, bolts, screws, sharp edges, and rough or splintered surfaces.

(3) Parts on or against which a rider may be thrown by action of the amusement attraction shall be adequately padded to prevent or minimize the possibility of injury.

(4) Upholstery and padding shall be kept in good repair and free of loose portions.

I. Safety Retaining Devices.

(1) Safety retainers shall be provided, where possible, on tubs, cars, chairs, seats, gondolas, or other carriers that depend on a single means of attachment or support.

(2) Safety retainers shall be designed and installed to prevent a carrier from being catapulted if it becomes disengaged from its support or attachment.

J. Restraining and Containing Devices.

(1) A restraining or containing device, or a combination of the two, shall be provided on tubs, cars, chairs, seats, gondolas, or other carriers if:

- (a) Forces resulting from operation, mechanical malfunction, or both, may unseat or dislodge a rider;
- (b) Inadvertent movement of a rider may cause injury to the rider or another rider; or
- (c) The speed of the amusement attraction may present a hazard to a rider.

(2) A restraining or containing device shall be designed, constructed, installed, and maintained to withstand the intended forces produced by the amusement attraction and the reasonably foreseeable actions of the rider.

(3) Anchorage for a restraining or containing device shall have strength at least equal to the strength of the device.

(4) A restraining or containing device:

- (a) Shall provide safe support for riders;
- (b) Shall be designed to prevent inadvertent release by a rider or by accidental means while the amusement attraction is in motion; and
- (c) May not pose a hazard in itself.

K. Speeding and Overloading.

(1) An owner may not permit an amusement attraction to be:

- (a) Loaded beyond its rated capacity; or
- (b) Operated at an unsafe speed or at any speed other than that prescribed by the manufacturer's specifications.

(2) Speed-Limiting Device. If the amusement attraction is capable of exceeding the maximum speed, then a speed-limiting device shall be installed and functional to ensure that the amusement attraction does not exceed the maximum prescribed speed.

L. Brake System.

(1) The owner shall ensure that a braking system is utilized if coasting renders the operation dangerous:

- (a) During the period the amusement attraction is being loaded or unloaded;
- (b) In the case of power failure; or
- (c) In any other situation.

(2) If the failure of the braking device results in an unsafe condition, the braking device shall be fail-safe.

(3) If cars or other components of an amusement attraction may collide and cause personal injuries on failure of normal controls, an emergency system sufficient to prevent these collisions shall be provided.

(4) An amusement attraction using inclined tracks, designed to operate in only one direction and having a lift hill with a vertical height exceeding 15 feet, shall have an automatic antirollback device sufficient to prevent rider-carrying units from moving backward if the propelling mechanism fails.

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M. Internal Combustion Power Sources.

- (1) Internal combustion power sources shall be:
 - (a) Of adequate type, design, and capacity to accommodate the design load;
 - (b) Located to permit proper maintenance; and
 - (c) Protected by guards, fencing, or an enclosure to prevent exposure to hazards and to secure the equipment.
- (2) Engine exhaust shall be discharged away from the public, so as not to create a hazard.
- (3) Fire extinguishers shall be placed in locations that are readily accessible and compliant with COMAR 09.12.60.12B.
- (4) Fuel Tanks.
 - (a) With the exception of go-kart operations as regulated under COMAR 09.12.64.10D, an amusement attraction shall be closed down and unloaded during refueling.
 - (b) Refueling shall be in an area remote from the public.
 - (c) Fuel supply may not be replenished while engines are operating.
- (5) Enclosed Areas.
 - (a) An enclosed area in which an internal combustion engine is operated shall be adequately ventilated.
 - (b) Engine exhaust fumes shall be discharged outside the enclosed area.

.07 Location and Operation.

A. Assembly and Disassembly.

- (1) The assembly and disassembly of an amusement attraction shall be performed:
 - (a) In accordance with the manufacturer's procedures and specifications;
 - (b) Using only manufacturer specified components, fasteners, and tools;
 - (c) Under the immediate supervision of a person experienced and trained in the proper procedures; and
 - (d) In a professional manner.
- (2) The public shall be prevented from entering areas in which amusement attractions are being assembled or disassembled.
- (3) Quality and Inspection of Parts.
 - (a) During assembly, parts shall be closely inspected to discover wear or damage.
 - (b) Excessively worn or damaged parts may not be used.
 - (c) Replacement parts shall comply with Regulation .08F of this chapter.
 - (d) Immediately after assembly, all fastening devices shall be inspected to ensure proper installation and compliance with the manufacturer's specifications.

B. Location.

- (1) Layout of the amusement attraction shall be established to ensure:
 - (a) Continuous traffic patterns; and
 - (b) Accessibility of emergency personnel.
- (2) Unless unavoidable, rope, wire rope, or braces used to support an amusement attraction may not be located in pedestrian traffic patterns. If this is unavoidable, the support devices shall be clearly marked with streamers or other devices to attract attention.
- (3) The area surrounding the amusement attraction shall be clear of:
 - (a) Trees and shrubs, if they pose a hazard;
 - (b) Trash; and
 - (c) Other tripping hazards.

C. Foundation.

(1) Temporary and Permanent Amusement Attractions.

(a) A temporary or permanent amusement attraction shall be placed on a properly designed and constructed foundation or solid footing.

(b) Except as provided in §C(1)(c) of this regulation, loose cement blocks, bricks, or similar type blocks may not be used as footings to support an amusement attraction.

(c) Bricks or similar type blocks may be used on buildings for bumper cars and on platforms, cat walks, ramps, and stairs that do not bear the weight of the amusement attraction.

(d) An amusement attraction shall be:

(i) Set up in a manner to prevent shifting, tipping, or swaying; and

(ii) If required by the manufacturer, secured to the foundation or footings.

(e) Use of wood shim blocks shall be kept to a minimum, and, if used, the blocking shall be cribbed.

(2) Temporary Amusement Attractions.

(a) A daily inspection of an amusement attraction and its footings shall be performed while the amusement attraction is in motion as part of the daily inspection.

(b) Depressions in the ground near an amusement attraction's footings shall be filled and tamped.

(c) Adequate drainage shall be provided to prevent rain water from collecting and softening supporting areas.

D. Leveling and Alignment. Amusement attractions that are designed to operate on a perpendicular or horizontal axis or have a combination of orbiting planes shall be:

(1) Level, plumb, and secured to prevent the amusement attraction from shifting or tipping; and

(2) Stable under all operating conditions.

E. Operating Controls.

(1) Each amusement attraction shall be provided with operating controls specifically designed to safely operate and control the amusement attraction.

(2) Operating controls shall be located where the operator has an unobstructed view of the loading area.

(3) Operating controls shall be provided with a stop switch that, when activated, stops the amusement attraction.

(4) Resetting a stop switch may not automatically restart the amusement attraction.

(5) An electrical safety stop circuit shall be a closed circuit so that, in case of power failure or malfunction of any element, the system will cause the amusement attraction to fail-safe.

(6) After actuation of a stop, the cause shall be determined and any problem corrected before resuming operation of the amusement attraction.

(7) Each amusement attraction shall have a means to prevent an automatic restart of the amusement attraction in the event of a power failure.

(8) Safety stop circuits may not be bypassed during operation.

(9) Programmable Logic Controller (PLC).

(a) PLCs shall be designed, installed, and maintained by the amusement attraction manufacturer or a professional engineer.

(b) Adjustments or alterations to a PLC shall be performed by the manufacturer or with the consent of the manufacturer by a professional engineer.

(c) If the manufacturer of the PLC is no longer in business, adjustments or alterations may be performed by a professional engineer knowledgeable in PLC circuitry.

.08 Maintenance.

A. Each owner shall read and become familiar with the contents of the manufacturer's instructions and specifications for each amusement attraction owned and operated.

B. The owner shall ensure that each amusement attraction is inspected each day before operation to ensure that:

- (1) No part is damaged, missing, or worn; and
- (2) The amusement attraction is compliant with the manufacturer's specifications.

C. The owner shall keep and maintain a manual detailing the maintenance requirements as specified by the manufacturer or professional engineer for each amusement attraction owned.

D. If for good cause an owner is unable to obtain a manufacturer's manual containing recommended maintenance procedures, the owner shall employ a licensed professional engineer to develop a maintenance manual that details the safe and appropriate maintenance of the amusement attraction.

E. Lockout Device.

(1) A means shall be provided to lock out or secure an amusement attraction or any associated equipment from all sources or potential sources of energy before performing maintenance, repair, or inspection.

(2) Sources or potential sources of energy include, but are not limited to, electrical, mechanical, hydraulic, spring, gravity, and wind energy.

(3) A lockout device shall be engaged before equipment is inspected or serviced.

F. Replacement Parts.

(1) Worn or damaged electrical components, mechanical parts and machinery shall be replaced in accordance with the manufacturer's specifications.

(2) Replacement parts for amusement attractions shall be:

- (a) Procured from the manufacturer or an authorized parts supplier;
- (b) Produced using the original manufacturer's specifications; or
- (c) Produced using specifications derived from sufficient analysis to ensure that the parts are for equivalent functions and of equivalent quality to those provided by the original manufacturer.

G. Wire Rope.

(1) Wire rope shall be thoroughly examined as part of the daily inspection or at intervals specified by the manufacturer.

(2) Damaged wire rope shall be replaced with new wire rope of the design and capacity specified by the manufacturer.

(3) Wire rope shall be replaced as specified by the manufacturer or under the following conditions:

(a) In running ropes, when there are six randomly distributed broken wires in one rope lay, or three broken wires in one strand in one rope lay;

(b) In pendant rope or rope that bears the entire load and is subject to constant pressure and surge shocks, when there is more than one broken wire in one rope lay;

(c) Severe corrosion;

(d) Kinking, crushing, bird-caging, or other damage resulting in distortion of rope structure;

(e) Heat damage;

(f) For ropes with the following diameters, when there is the noted reduction in diameter as follows:

(i) For normal diameter up to and including 3/4 inch, reduction of more than 3/64 inch;

(ii) For normal diameter of 7/8 inch to 1-1/8 inches, reduction of 1/16 inch; and

(iii) For normal diameter of 1-1/4 inches to 1-1/2 inches, reduction of 3/32 inch; and

(g) Noticeable rusting or broken wire near an attachment.

(4) Wire rope used to support, suspend, bear, or control forces and weights involved in the movement and use of tubs, cars, chairs, seats, gondolas, or other carriers, the sweeps, or other supporting members of an amusement attraction may not be lengthened or repaired by splicing.

(5) Wire rope drums, sheaves, or any mechanical device that is in contact with wire rope shall be examined daily to ensure cleanliness, lubrication, and compliance with manufacturer's specifications.

(6) Mechanical devices used in conjunction with wire rope shall be replaced immediately when worn or showing signs of undue roughness or uneven wear.

H. Chains.

(1) Chains used as a safety device or in a stress-bearing situation shall comply with the manufacturer's specifications or be approved for such use by a licensed professional engineer.

(2) Noncertified chain, including, but not limited to, twisted wire or stamped tin, may not be used.

I. Articulations and Bearings. Articulating pinions, frames, sweeps, eccentrics, bearing surfaces, ball joints, and other mechanical parts shall be:

(1) Inspected for wear, out-of-round, cracks, and other signs of deterioration;

(2) Kept well-lubricated; and

(3) Maintained consistent with manufacturer's specifications.

J. Wood Components.

(1) Wood components shall be inspected daily to ensure continued safe operation of the amusement attraction.

(2) Wood components, when found to be defective or deteriorated, shall be repaired or replaced before operating the amusement attraction.

(3) Pilings.

(a) To check deterioration of a piling, a minimum of 18 inches of soil, with respect to grade, shall be removed around a piling or wood member embedded in dirt for support.

(b) After inspection, the dirt shall be replaced by tamping it into place and forming a mound to shed water away from the piling.

(4) Ground level concrete piers shall be used when the wood piling requires replacement.

(5) A defective wood member shall be replaced with material of equal or greater strength as specified by the manufacturer or a licensed professional engineer.

(6) Repair and replacement of wood components as part of a fixed roller coaster shall be made in accordance with the manufacturer's specifications.

K. Nondestructive Testing (NDT).

(1) NDT shall be conducted as recommended by the manufacturer or as required by the Commissioner.

(2) When a manufacturer's specifications make no provisions for NDT and if the Commissioner considers it appropriate, the Commissioner may require NDT of components by an approved testing facility.

(3) NDT Results.

(a) NDT results shall:

(i) List the date of the test, the amusement attraction owner, and the serial or identification number of the device;

(ii) Be kept with the amusement attraction to the extent feasible or at a central location at the site of operation; and

(iii) Be maintained for 1 year.

(b) A copy of the NDT results shall be provided to the Commissioner on request.

(4) NDT shall be performed by a qualified NDT inspector in accordance with ASTM E 543-06.

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(5) Components found to have relevant indications that do not meet the acceptance criteria shall be replaced or reconditioned in accordance with manufacturer's specifications.

.09 Amusement Attraction Operating Records and Reports.

A. Daily Inspection Reports.

(1) Daily inspection reports shall be:

- (a) Signed by the person performing the inspection immediately upon completion of the inspection;
- (b) Kept with the amusement attraction or at an on-site office; and
- (c) Maintained for at least 30 days.

(2) Copies of daily inspection reports shall be made available to the Commissioner on request.

B. Daily Electrical Inspection Report.

(1) The owner shall ensure that a qualified person performs an inspection of the electrical system each day before operation.

(2) A copy of the electrical inspection report shall be:

- (a) Signed by the person performing the inspection;
- (b) Kept with the amusement attraction or at an on-site office;
- (c) Maintained for at least 30 days; and
- (d) Provided to the Commissioner upon request.

C. NDT Results.

(1) The owner shall maintain a copy of the NDT results if required by Regulation .18K of this chapter for a period of 1 year:

- (a) With the amusement attraction;
- (b) At an on-site office; or
- (c) Otherwise readily available.

(2) A copy of the NDT results shall be provided to the Commissioner on request.

D. An owner shall immediately notify the Commissioner of a major breakdown.

E. Written Log.

(1) An owner shall ensure that a written log is:

(a) Maintained containing any reports from riders complaining of adverse physical effects or operating inconsistencies occurring during the operation of an amusement attraction; and

(b) Submitted to the Commissioner when multiple reports of a particular nature that may indicate a pattern are shown on the log.

(2) A copy of the log shall be made available to the Commissioner upon request.

F. Identification Records. An owner shall maintain a record of operator and attendant identification that includes the following for each operator and attendant:

- (1) Name, address, and phone number; and
- (2) Identification number, if any.

G. Record of Training.

(1) Each owner shall:

- (a) Maintain a record of the training provided to each operator and attendant; and
- (b) Provide the Commissioner with a copy of the record of training on request.

(2) The training record shall indicate the following for each operator or attendant:

- (a) The name or identification number;

- (b) A detailed description of the training provided; and
- (c) A list of all the amusement attractions for which the operator and attendant received training.

.10 Design Criteria.

A. Scope. This regulation does not apply to an amusement attraction that has operated in Maryland prior to January 2008 unless there is a major modification.

B. Owners shall ensure that new amusement attractions and amusement attractions with major modifications that are operated in the State meet the criteria set forth in this regulation.

C. Except as otherwise provided in this regulation, amusement attractions manufactured after January 2008 shall comply with ASTM F 2291—04 and conform to accepted engineering practices and standards.

D. The owner of an amusement attraction subject to §C of this regulation shall provide the Commissioner with:

- (1) A copy of the operations and maintenance manuals, assembly instructions, and testing requirements;
- (2) Certification records from the manufacturer or a licensed professional engineer verifying that the amusement attraction is compliant with ASTM F 2291—04; and
- (3) If requested, general design criteria as outlined in ASTM F 2291—04, Section 5.

E. Amusement attractions that are specifically excluded from ASTM F 2291—04 and manufactured after January 2008 shall conform to recognized engineering practices, procedures, standards, and specifications.

F. The owner of an amusement attraction subject to §E of this regulation shall provide the Commissioner with:

- (1) Certification from a licensed professional engineer verifying that design data specific to the amusement attraction, including, but not limited to, stress analysis and safety factors along with the materials and components being used, are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications;
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements; and
- (3) If requested, other pertinent data considered necessary by the Commissioner.

G. Amusement attractions that were previously registered and allowed to operate in Maryland and that have undergone a major modification subsequent to January 2008 shall be certified by a professional engineer that the modifications are consistent with accepted engineering practices and standards and ASTM F 2291—04.

H. The owner of an amusement attraction subject to §G of this regulation shall provide the Commissioner with:

- (1) Certification from a licensed professional engineer verifying that design data specific to the amusement attraction, including, but not limited to, stress analysis and safety factors along with the materials and components being used, are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications;
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements; and
- (3) If requested, other pertinent data considered necessary by the Commissioner.

I. The owner of an existing amusement attraction manufactured before January 2008 of a particular design that had not previously operated in Maryland shall provide the Commissioner with:

- (1) Certification records from a licensed professional engineer verifying that the amusement attraction and the materials and components being used are structurally sound and conform to recognized engineering practices, procedures, standards, and specifications; and
- (2) A copy of the manufacturer's operating specifications, maintenance manuals, assembly instructions, and testing requirements.

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J. If the manufacturer's specifications of an amusement attraction subject to §I of this regulation are unavailable for good reason, the owner shall:

- (1) Develop specifications that ensure safe assembly, operation, repair, maintenance, testing, and disassembly of the amusement attraction;
- (2) Employ a licensed professional engineer to certify that the specifications are consistent with accepted engineering practices and standards and ASTM F 2291—04; and
- (3) If requested, provide other pertinent data considered necessary by the Commissioner.

K. Copies of all documents provided to the Commissioner shall be in English.

.11 Access, Egress, and Walking Surfaces.

A. General Requirements.

- (1) All amusement attractions shall have a safe and adequate means of access and egress.
- (2) All walking surfaces, including, but not limited to, loading and unloading areas, platforms, landings, stairs, and ramps shall be stable, firm, and slip-resistant.
- (3) If there is the potential for exposure to a fall distance exceeding 30 inches, the owner shall take action to inhibit such falls.

B. Stairways, Ramps, Landings, and Platforms.

- (1) Adequate stairways, ramps, landings, and platforms shall be provided at the entrance to and exit from an amusement attraction that is above or below grade or floor level.
- (2) Stairways, landings, and ramps shall be designed and constructed using a safety factor of 5 to safely sustain the load that may be imposed on it.
- (3) Stairways and ramps shall be at least 22 inches wide.
- (4) A stairway shall be provided at entrances and exits where there is a break in elevation of 19 inches or more, and no ramp, runway, or sloped embankment is provided.
- (5) Stair treads shall be at least 10-1/2 inches deep, exclusive of nosing, and comply with the following:
 - (a) The height of rise may not exceed 9 inches; and
 - (b) Between any two levels, stair treads shall be of uniform depth and the risers of uniform height.
- (6) The maximum slope of any ramp may not exceed 1:12.

C. Passageways.

- (1) Passageways shall be:
 - (a) At least 22 inches wide; and
 - (b) Kept free of debris, obstructions, projections, and other hazards.
- (2) Surfaces shall be constructed and maintained to prevent slipping and tripping.
- (3) Floors shall be kept free of protruding nails, splinters, holes, or loose boards.
- (4) When mechanical equipment is used, appropriate guarding and sufficient safe clearances shall be maintained.

D. Handrails and Guardrails.

- (1) Regardless of width, ramps and all stairs with more than one step riser shall have, on both sides, a handrail of sufficient strength and structure to provide safe support.
- (2) Handrails shall be continuous without interruption and shall be free of any sharp or abrasive elements.
- (3) Stairways and ramps 88 inches or greater in width shall have a handrail placed approximately in the center, located not more than 4 feet from any point on the stair or ramp.
- (4) Handrails may not encroach on the clearance envelope of the amusement attraction.

(5) When guardrails are used, they shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) Guardrails, except for barriers, guardrails, or similar means that were originally designed and manufactured as a component of the amusement attraction, shall be of a height at least 42 inches above the surface on which persons stand.

E. Fences and Gates.

(1) An owner shall ensure that each amusement attraction is protected in a manner sufficient to prevent the general public from coming in contact with an amusement attraction or gaining access to the path or course of the amusement attraction while the amusement attraction is in operation if such access or contact would present a hazard.

(2) Fences and gates shall be constructed to meet the following minimum requirements:

(a) Fences shall be designed and constructed of durable materials and erected to inhibit overturning by spectators or riders; and

(b) Fences and gates shall be constructed as to inhibit:

(i) Spectator contact with the amusement attraction;

(ii) Rider contact with fences or gates; and

(iii) Contact between a spectator and rider while the amusement attraction is in operation.

(3) When fences and gates are provided, they shall be of a height at least 36 inches above the surface on which the spectators or riders stand.

(4) Gates shall:

(a) Be provided at each entrance and exit; and

(b) Unless equipped with a positive latching or holding device, open away from the amusement attraction.

(5) A gate shall be designed so that if opened during the operating cycle, the gate will not come in contact with the amusement attraction or cause a hazard to riders.

(6) Replacement fences, gates, and guardrails shall comply with ASTM F 2291—04, Section 14.

.12 Signage.

A. When a manufacturer or the Commissioner requires a restriction on the use of an amusement attraction, such as the age or weight of a rider, a legible sign indicating the restriction shall be posted in full view of individuals seeking admission to the amusement attraction:

(1) At the location specified by the manufacturer;

(2) At the entrance of the amusement attraction; or

(3) Close to the amusement attraction.

B. All amusement attractions shall have a sign posted indicating the height or age restriction, or both, for that amusement attraction.

C. Entrances to machinery rooms or restricted areas shall have a sign posted warning unauthorized persons not to enter.

.13 General Environment.

A. The following procedures shall be implemented during a lightning or high wind storm, tornado or severe storm warning, fire, or if violence, riot, or civil disturbance occurs or threatens to occur in an amusement park, carnival lot, or fair:

(1) The manufacturer's wind-related and weather-related restrictions shall be followed during periods of high wind or storm;

(2) Each rider shall be unloaded or evacuated safely from the amusement attraction immediately; and

(3) The amusement attraction shall be closed and secured immediately.

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B. Illumination.

- (1) Each amusement attraction, including entrances and exits, shall be adequately illuminated to ensure rider safety.
- (2) For the assembly and disassembly of amusement attractions and temporary structures, all work areas shall be adequately illuminated to ensure public safety.

.14 Fire Protection.**A. Flammable and Combustible Liquids.**

- (1) An owner shall store and handle liquid petroleum gases and flammable liquids as required under the:
 - (a) Occupational Safety and Health Standards—29 CFR §1910.106 (OSHA); and
 - (b) National Fire Protection Association (NFPA) standards adopted by the State Fire Marshal or designee or the Baltimore City Fire Prevention Bureau.
- (2) Gasoline and other flammable liquids or gases shall be stored in listed and labeled containers in a location that is:
 - (a) Reasonably cool and ventilated;
 - (b) Not accessible to the public; and
 - (c) At least 20 feet from an amusement attraction or other flammable material.
- (3) Flammable or combustible waste materials, such as oily rags, shall be stored in a covered metal container that is:
 - (a) Properly identified; and
 - (b) Kept at least 20 feet from an amusement attraction.

B. Fire Extinguishers.

- (1) An owner shall provide at least one portable fire extinguisher having an ABC rating, as defined by the National Electrical Code, ANSI/NFPA #70, of not less than 10 pound capacity.
- (2) The fire extinguisher shall be located not less than 25 feet, or more than 75 feet, from any flammable or combustible:
 - (a) Liquid storage; or
 - (b) Liquid-powered amusement attraction or portable generator.

.15 Equipment and Materials.

A. If amusement attractions use mechanical, pneumatic, or hydraulic energy, these systems shall have a means of being locked out, when necessary, for performing maintenance or inspections.

B. Pressure vessels and pressure vessel systems shall conform to the requirements of the Maryland Boiler and Pressure Vessel Safety Act, Public Safety Article, §§12-901—12-919, Annotated Code of Maryland, and COMAR 09.12.01, including the inspection requirements.

C. Hydraulic Systems.

- (1) Hydraulic systems and other related equipment used in connection with an amusement attraction shall be:
 - (a) Maintained to ensure safe operation at all times;
 - (b) Equipped with a relief valve;
 - (c) Equipped with a manual lowering valve, if applicable; and
 - (d) Inspected for leaks, damaged pipes, and worn or deteriorated hoses before each operation.
- (2) A pressure gauge shall be required for all hydraulic systems and conspicuously marked with the maximum safe working pressure.
- (3) A flexible hose shall be:
 - (a) Compliant with the manufacturer's specifications;
 - (b) Compatible with the fluid used in it; and

(c) Inspected to ensure proper installation.

D. Welding. Welding, welding procedures, and welding procedure documentation shall comply with ASTM F 2291—04, Section 15.

E. Fasteners.

(1) All fasteners shall conform to the manufacturer's specifications or accepted engineering practices.

(2) Owners shall comply with:

(a) The manufacturer's torque specifications and replacement schedules; or

(b) Accepted engineering practices.

F. Machinery and Machine Guarding.

(1) The owner shall install machine guards or apply other appropriate measures to protect persons from contact with belts, chains, pulleys, gears, and similar moving components.

(2) Guards shall be:

(a) Designed to perform a specific task;

(b) Properly secured; and

(c) Properly maintained in a condition consistent with the intent of the guards' design.

(3) Before a guard is removed for maintenance purposes, the equipment shall be locked out or tagged out. The guard shall be replaced before normal operation is resumed.

(4) Power transmission devices and any associated moving parts shall be shielded, enclosed, or barricaded to provide proper protection.

(5) If it is reasonably foreseeable that parts can break free from a power transmission device, the owner shall make provisions to contain the components.

(6) Temporary guards shall be secured to prevent movement or tip-over if a person falls or stumbles against the temporary guard.

(7) A guard or barrier shall be designed so that it does not pose a hazard in itself.

G. Hair Guards. If it is reasonably foreseeable that a mounting on an amusement attraction can catch or entangle long hair, the amusement attraction shall be equipped with a hair guard.

H. Seating.

(1) Tubs, cars, chairs, seats, gondolas, and other carriers used on an amusement attraction shall be designed, constructed, and maintained in accordance with this chapter and manufacturer's specifications.

(2) Parts of an amusement attraction that riders may reasonably be expected to come in contact with shall be smooth and free from unprotected protruding studs, bolts, screws, sharp edges, and rough or splintered surfaces.

(3) Parts on or against which a rider may be thrown by action of the amusement attraction shall be adequately padded to prevent or minimize the possibility of injury.

(4) Upholstery and padding shall be kept in good repair and free of loose portions.

I. Safety Retaining Devices.

(1) Safety retainers shall be provided, where possible, on tubs, cars, chairs, seats, gondolas, or other carriers that depend on a single means of attachment or support.

(2) Safety retainers shall be designed and installed to prevent a carrier from being catapulted if it becomes disengaged from its support or attachment.

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J. Restraining and Containing Devices.

(1) A restraining or containing device, or a combination of the two, shall be provided on tubs, cars, chairs, seats, gondolas, or other carriers if:

- (a) Forces resulting from operation, mechanical malfunction, or both, may unseat or dislodge a rider;
- (b) Inadvertent movement of a rider may cause injury to the rider or another rider; or
- (c) The speed of the amusement attraction may present a hazard to a rider.

(2) A restraining or containing device shall be designed, constructed, installed, and maintained to withstand the intended forces produced by the amusement attraction and the reasonably foreseeable actions of the rider.

(3) Anchorage for a restraining or containing device shall have strength at least equal to the strength of the device.

(4) A restraining or containing device:

- (a) Shall provide safe support for riders;
- (b) Shall be designed to prevent inadvertent release by a rider or by accidental means while the amusement attraction is in motion; and
- (c) May not pose a hazard in itself.

K. Speeding and Overloading.

(1) An owner may not permit an amusement attraction to be:

- (a) Loaded beyond its rated capacity; or
- (b) Operated at an unsafe speed or at any speed other than that prescribed by the manufacturer's specifications.

(2) Speed-Limiting Device. If the amusement attraction is capable of exceeding the maximum speed, then a speed-limiting device shall be installed and functional to ensure that the amusement attraction does not exceed the maximum prescribed speed.

L. Brake System.

(1) The owner shall ensure that a braking system is utilized if coasting renders the operation dangerous:

- (a) During the period the amusement attraction is being loaded or unloaded;
- (b) In the case of power failure; or
- (c) In any other situation.

(2) If the failure of the braking device results in an unsafe condition, the braking device shall be fail-safe.

(3) If cars or other components of an amusement attraction may collide and cause personal injuries on failure of normal controls, an emergency system sufficient to prevent these collisions shall be provided.

(4) An amusement attraction using inclined tracks, designed to operate in only one direction and having a lift hill with a vertical height exceeding 15 feet, shall have an automatic antirollback device sufficient to prevent rider-carrying units from moving backward if the propelling mechanism fails.

M. Internal Combustion Power Sources.

(1) Internal combustion power sources shall be:

- (a) Of adequate type, design, and capacity to accommodate the design load;
- (b) Located to permit proper maintenance; and
- (c) Protected by guards, fencing, or an enclosure to prevent exposure to hazards and to secure the equipment.

(2) Engine exhaust shall be discharged away from the public, so as not to create a hazard.

(3) Fire extinguishers shall be placed in locations that are readily accessible and compliant with Regulation .14B of this chapter.

(4) Fuel Tanks.

- (a) With the exception of go-kart operations as regulated under COMAR 09.12.64.10D, an amusement attraction shall be closed down and unloaded during refueling.
 - (b) Refueling shall be in an area remote from the public.
 - (c) Fuel supply may not be replenished while engines are operating.
- (5) Enclosed Areas.
- (a) An enclosed area in which an internal combustion engine is operated shall be adequately ventilated.
 - (b) Engine exhaust fumes shall be discharged outside the enclosed area.

Administrative History

Effective date: December 30, 1977 (4:27 Md. R. 2105)

Regulations .02L, .04B, .11F, and .16E and F amended effective February 14, 1983 (10:3 Md. R. 209)

Regulation .07A amended effective June 15, 1987 (14:12 Md. R. 1349)

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Regulations .15B and .16C amended effective August 26, 1985 (12:17 Md. R. 1705)

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Regulation .04F adopted effective June 22, 1992 (19:12 Md. R. 1133)

Regulation .07 amended effective April 26, 1993 (20:8 Md. R. 723)

Regulation .08 amended effective April 26, 1993 (20:8 Md. R. 723); January 25, 1999 (26:2 Md. R. 106)

Regulation .11E amended effective November 25, 1991 (18:23 Md. R. 2487)

Regulations .01—20, repealed and new Regulations .01—20 adopted effective March 24, 2008 (35:6 Md. R. 697)

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 63 Water Slides Erected Permanently or Temporarily in the State

Authority: Business Regulation Article, §§3-307—3-313, Annotated Code of Maryland

.01 Purpose.

A. This chapter establishes specific requirements for water slides in addition to the general requirements contained in COMAR 09.12.62, in order to ensure that water slides erected permanently or temporarily in the State are safely constructed, operated, and maintained.

B. Design, construction, maintenance, and operation requirements for any public swimming pool associated with a water slide are under the jurisdiction of the Maryland Department of Health.

.02 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Deck" means the area surrounding a pool or flume which is specifically constructed or installed for use by sliders.

(2) "Dispatcher" means the attendant who directly controls the operation at the top of the water slide.

(3) "Flume" means an inclined channel containing water which provides a transit path for conveying people.

(4) "Grouping" means more than two persons.

(5) "Runout" means the horizontal portion at the end of a flume which contains a flow of water and allows for safe deceleration and exit of sliders.

(6) "Splash pool" means a pool at the base of the slide from which sliders exit to the deck.

(7) "Splash pool supervisor" means the attendant who directly controls the activity in the splash pool and immediate vicinity.

(8) "Upper pool" means a shallow trough or pool at the top of the slide where the slider begins the descent.

(9) "Water slide" means a recreational device which:

(a) Has a total vertical drop of 10 feet or more;

(b) Uses flowing water to provide low friction in the slide bed or flume;

(c) Is designed to provide a descending ride into a splash pool or runout at the base of the slide; and

(d) May consist of one or more flumes, an upper pool, a splash pool, a pump reservoir, and water treatment and pumping facilities.

.03 Manual.

A. Each owner of a water slide shall develop or obtain a detailed written operational manual for all phases of operation and maintenance of each component of the water slide.

B. Each owner shall ensure that the manual is legible, in English, and readily accessible.

C. The manual shall include:

(1) Water slide maintenance and cleanup procedures;

(2) Repair procedures for water slides and decks;

(3) Equipment operation instructions;

(4) Inspection procedures;

(5) Operator job descriptions;

(6) First aid procedures;

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- (7) A list of emergency medical telephone numbers;
- (8) Recordkeeping logs for:
 - (a) Operational activities including daily inspections; and
 - (b) Injuries;
- (9) A written emergency plan which, in addition to the requirements contained in COMAR 09.12.62.08, includes:
 - (a) Procedures for cessation of slide operations when:
 - (i) The water supply is cut off; or
 - (ii) A power outage occurs during nighttime operations;
 - (b) Methods of crowd control during general evacuation of the water slide;
 - (c) Provisions for first aid;
 - (d) Employee responsibilities; and
 - (e) An effective signaling system such as warning bells or bull horns.

.04 Posted Warning Signs.

A. At the entrance of each water slide, the owner shall post a sign conveying the following directions:

- (1) Obey all instructions given by the dispatcher and splash pool supervisor who have the authority to prevent any condition which leads to unsafe operation of the water slide;
- (2) The following activities are strictly prohibited:
 - (a) Use of this slide when under the influence of alcohol or drugs;
 - (b) Diving, running, standing, kneeling, rotating, tumbling, or stopping in flumes or tunnels;
 - (c) Traveling head first down slide; and
 - (d) Grouping or forming chains;
- (3) Hands shall be kept inside the flume;
- (4) After exiting from slide, sliders shall leave the splash pool promptly;
- (5) Glass, bottles, or food are not allowed in water slide vicinity.

B. The directions contained in §A(2)(a) and (5) of this regulation may be posted at the entrance of the park.

C. The directions may be conveyed by means of words, in English and, if appropriate, in other languages, pictures, symbols, or any combination of them.

D. The sign shall:

- (1) Be constructed of wood, metal, or other material which can endure for several years;
- (2) Be constructed and placed in such a manner that it poses no hazard; and
- (3) Contain lettering at least 1 inch high, on a contrasting background.

.05 Daily Inspections.

A. Inspections and Records.

(1) In accordance with COMAR 09.12.62.09, the water slide owner shall ensure that the water slide is inspected on each day of use to determine that:

- (a) The water slide is in safe operating condition; and
- (b) Conforms to the requirements in this chapter and COMAR 09.12.62.

(2) The owner shall ensure that the inspections are conducted in a manner which permits close scrutiny of the slide and all of its parts.

- (3) Appropriate records shall be kept.

- B. The flume shall be inspected before the water is circulated, and in accordance with the manufacturer's specifications.
- C. Before the water is circulated, the water slide shall be inspected for safety hazards, including, but not limited to:
 - (1) Loose railings;
 - (2) Leaking seals at the butt-joints which affect operational safety;
 - (3) Rough patching of cracks or joints;
 - (4) Loose or missing guards on the flume turns;
 - (5) Sharp edges on the flume safety rails;
 - (6) Projections into the flume troughs;
 - (7) Unusual movement of the flume bed;
 - (8) Evidence of deterioration of the wooden flume support structures;
 - (9) An obstructed view of the splash pool at the exit of the flume.
- D. During slide operation the owner or the owner's designee shall periodically:
 - (1) Observe the movement of the sliders, including:
 - (a) The location of the sliders' bodies on side walls during turns;
 - (b) Sliders' impacts with flume walls; and
 - (c) Safety during sliders' exits into the splash pool;
 - (2) Determine if any injuries have occurred which indicate a water slide hazard which may require additional inspection;
 - (3) Ensure that there is a proper and steady flow of water throughout the flume.

.06 Control of Operation.

- A. The owner of a water slide shall:
 - (1) Provide a sufficient number of attendants, at least two, to ensure:
 - (a) Positive control of the water slide and each flume when in operation; and
 - (b) That sliders comply with posted signs;
 - (2) When determining the requisite number of attendants, take into account the:
 - (a) Design and type of slide;
 - (b) Proximity of the flumes; and
 - (c) Number of sliders.
- B. Each water slide attendant shall be trained in:
 - (1) The use and function of water slide equipment which the attendant may operate;
 - (2) Procedures for slide operations and slider control;
 - (3) The directions to sliders which are posted; and
 - (4) The water slide's general emergency plan.
- C. At least one attendant shall be a dispatcher who is:
 - (1) Trained in accordance with §B of this regulation;
 - (2) In the immediate vicinity of the top of the slide during operation of the water slide; and
 - (3) Responsible for:
 - (a) Controlling crowds and sliders starting from the top of the water slide;
 - (b) Controlling the timing of each slider on the slide; and
 - (c) Supervising all visible portions of the flume.

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D. At least one attendant shall be a splash pool supervisor who is:

- (1) Trained in accordance with §B of this regulation;
- (2) Qualified in life saving techniques through Red Cross training or its equivalent;
- (3) In the immediate vicinity of the splash pool during operation of the slide; and
- (4) In direct control of sliders in the splash pool by:
 - (a) Keeping sliders moving into and out of the splash pool in a quick and orderly manner; and
 - (b) Controlling any horseplay, running, or unsafe behavior in the lower flumes, the splash pool, and the pool deck.

.07 Design Criteria.

A. Scope.

- (1) The design criteria contained in COMAR 09.12.62.10 apply to all water slides.
- (2) The criteria contained in this regulation shall apply to any slide for which:
 - (a) A construction permit is issued after the effective date of this chapter; or
 - (b) Construction or renovation has begun after the effective date of this chapter.

B. Overall Design.

- (1) The slide's structural design and materials shall:
 - (a) Comply with generally accepted structural engineering practices; and
 - (b) Provide a durable frame which shall safely sustain all weights and pressures for the projected operating life of the structure.

(2) The materials for components and accessories to be used in and around slides shall be such that the operational strength of the entire assembly and its components is not adversely affected by exposure to rain, snow, ice, sunlight, local normal temperature extremes, local normal wind variations, local air pollution products, and the mechanical, electrical, and chemical environment in and around the slides.

(3) Materials selected for components and accessories used in and around slides shall be such that all parts with external surfaces and edges that may come in contact with the slider are assembled, arranged, and finished so that they do not constitute a cutting, pinching, puncturing, or abrasion hazard in casual contact or intended use.

- (4) Surfaces shall be inert, nontoxic, smooth, and easy to clean.
- (5) The flumes shall be designed or ventilated, or both, to prevent concentrations of toxic disinfectant fumes.

C. Water Slide Flume.

(1) Curves, turns, and tunnels within the path of a slide flume shall be designed so that body impact with the walls of the flume or ceiling of a tunnel does not present a hazard.

(2) The slide flume shall be banked to keep the slider's body safely inside the flume or curve under all foreseeable circumstances.

(3) Slopes within the path of the slide flume shall be designed so that the slider's speed does not exceed the level when a safe equilibrium of dynamic forces can be maintained on any curve or turn.

(4) The construction, dimensions, and attachment of slide flume bed components shall be such that the surface of the slide flume is continuous and smooth.

(5) The walls of the flume shall be designed so that the continuous and combined action of hydrostatic, dynamic, and static loads, and normal environmental deterioration do not cause structural failures which could result in injury or require patching of the original structure.

D. Flume Exit.

(1) When the water slide ends in a splash pool, the following requirements apply:

(a) The pool shall be of sufficient length and width so as to preclude a slider from contacting the walls, adjacent flume exits, and sliders exiting from multiple exit flumes;

(b) Unless the manufacturer specifies otherwise, the flumes shall terminate:

(i) At a depth of at least 6 inches below the splash pool's operating water surface level; or

(ii) If the flume is level for a distance of at least 10 feet from its exit, at a height not more than 2 inches above the water's surface.

(2) When the water slide ends in a runout, the owner shall ensure that the runout is of a sufficient length to allow for the safe deceleration of sliders.

E. Splash Pool.

(1) Unless the manufacturer specifies otherwise, a splash pool depth of at least 3 feet shall be provided at the end of each flume for a distance of at least 20 feet.

(2) Inlets from the water circulation system shall be designed so as to prevent injury to the splash pool user.

.08 Access, Egress, and Walking Surfaces.

In addition to the access, egress, and walking surfaces requirements contained in COMAR 09.12.62.11, the owner shall ensure that the means of access and egress are slip-resistant and do not retain standing water.

Administrative History

Effective date: October 15, 1986 (13:16 Md. R. 1826)

Regulation .07A amended effective June 12, 1989 (16:11 Md. R. 1218)

Regulation .08 amended effective June 12, 1989 (16:11 Md. R. 1218)

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 64 Amusement Ride Safety Standard for Go-Kart Operations

Authority: Business Regulation Article, §§3-307—3-313, Annotated Code of Maryland

.01 Scope.

- A. This chapter applies to go-kart operations.
- B. This chapter does not preclude or preempt the applicability of COMAR 09.12.62 to go-kart operations.

.02 Purpose.

The purpose of this chapter is to ensure that go-karts in the State are safely designed, operated, and maintained.

.03 Definitions.

- A. The following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "Go-kart operation" means a facility having at least one track on which at least one kart operates.
 - (2) "Kart" means a self-propelled motorized vehicle that is designed to be driven on a go-kart track where the driver has full control over acceleration from a stopped position, deceleration, stopping, and steering of the vehicle.
 - (3) "Operator" means a person who directly controls the loading and unloading of riders and activity on the go-kart track and immediate vicinity.
 - (4) "Slick track" means a track designed to allow karts to slide.

.04 Manual.

- A. Each owner of a go-kart operation shall develop a detailed written operational manual for the construction, operation, maintenance, and repair of the go-kart operation.
- B. Each owner shall ensure that the manual is legible, in English, and readily accessible to operators.
- C. The manual shall include:
 - (1) Manufacturer specifications for kart maintenance, repair, operation, and inspection;
 - (2) Track maintenance and repair procedures;
 - (3) Equipment operation instructions;
 - (4) Inspection procedures which include items specified in Regulation .06 of this chapter;
 - (5) Operator job descriptions;
 - (6) First aid procedures;
 - (7) A list of emergency medical telephone numbers;
 - (8) Recordkeeping logs for:
 - (a) Operational activities, including daily inspections; and
 - (b) Injuries; and
 - (9) A written emergency plan which includes the requirements contained in COMAR 09.12.62.08.
- D. If manufacturer specifications for kart maintenance, repair, operation, and inspection are unavailable for good cause, the owner shall:
 - (1) Develop specifications that shall ensure the safety of the riding public; and
 - (2) Include the specifications in §D(1), of this regulation, in the manual.
- E. Each owner shall ensure compliance with the manual.
- F. The owner shall make the manual available to the Commissioner upon request.

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.05 Posted Warning Signs.

A. At the entrance to the track, at the pit area, and at the ticket booth, the owner shall post a sign conveying the following instructions:

- (1) Obey all instructions given by the operator;
- (2) The following activities are strictly prohibited:
 - (a) Use of a kart when under the influence of alcohol or drugs;
 - (b) Bumping karts together;
 - (c) Smoking in a kart or in any area posted with a no smoking sign; and
 - (d) Weaving, cutting off, or horseplay on the track;
- (3) Loose clothing shall be secured;
- (4) Hair that is shoulder-length or longer shall be tied up;
- (5) Restraining devices, when provided, shall be worn;
- (6) Both hands shall be kept on the wheel when the kart is in operation;
- (7) Both feet shall be kept in the kart at all times;
- (8) Except for karts designed for two passengers, only one person may occupy each kart;
- (9) Remain inside the kart until directed by the operator to exit.

B. Directional Signs.

- (1) At least one sign indicating the direction of travel shall be posted at the pit area.
- (2) Additional signs indicating the direction of travel shall be posted at regular intervals around the track perimeter.

C. Signs shall be in English, or, if appropriate, in other languages, pictures, symbols, or any combination of these.

D. A sign shall:

- (1) Be constructed of wood, metal, or other material which can endure for several years;
- (2) Be constructed, placed, and maintained in such a manner that it poses no hazard and is clearly visible; and
- (3) Contain lettering at least 1 inch high, on a contrasting background.

.06 Daily Inspections.

A. The owner shall ensure that a go-kart operation is inspected each day before the start of operation.

B. The inspection and test shall be made:

(1) By an owner or operator experienced and instructed in the proper assembly and operation of the amusement ride or attraction; and

- (2) In accordance with the specifications included in the manual.

C. The owner shall inspect the go-kart operation to determine that the karts, tracks, and facility:

- (1) Are in safe operating condition; and
- (2) Conform to the requirements in this chapter and COMAR 09.12.62.

D. The inspection of each kart shall:

- (1) Include the operation of:
 - (a) Speed-limiting devices,
 - (b) The brake system, and
 - (c) Control devices;
- (2) Ensure that a part is not damaged, missing, or worn in a manner that is or may become unsafe.

- E. A record of each inspection shall be:
- (1) Made at once upon completion of the test;
 - (2) Kept at a central location at the site of operation;
 - (3) Maintained for 30 days; and
 - (4) Made available to the Commissioner upon request.

.07 Control of Operation.

- A. A kart shall be operated in accordance with the manual as required in Regulation .04 of this chapter.
- B. The owner shall authorize each operator to prevent unsafe conditions.
- C. The owner shall provide a sufficient number of operators to ensure that:
- (1) Karts are operated in a safe manner; and
 - (2) Riders comply with the posted signs.
- D. When determining the number of operators to provide, the owner shall take into account the:
- (1) Design and size of the track;
 - (2) Number of karts on the track; and
 - (3) Capacity of the track.
- E. At least one operator shall be at each track during operation.
- F. Before assignment to a track, each operator shall be trained in:
- (1) The use and function of the kart;
 - (2) Procedures for refueling;
 - (3) Posted instructions for riders;
 - (4) The go-kart operation's general emergency plan; and
 - (5) Methods of controlling horseplay or unsafe behavior.
- G. Karts operating simultaneously on a track shall:
- (1) Operate at a rate of speed sufficiently similar to ensure that speed differentials pose no hazard; and
 - (2) Be sufficiently similar in design to ensure that contact between karts does not result in:
 - (a) The interlock of karts or kart parts;
 - (b) A roll-over; or
 - (c) Other similar hazards.
- H. Maximum Speed.
- (1) Each track shall have a maximum speed which ensures safe operation.
 - (2) The maximum speed shall be one of the following:
 - (a) The speed established by the Commissioner, after such investigation as the Commissioner deems appropriate; or
 - (b) If the Commissioner does not establish a maximum speed, the speed established by the owner based on the following considerations:
 - (i) Track design, including the grade;
 - (ii) Track surface;
 - (iii) Radius of the curves; and
 - (iv) Age of the riders.
 - (3) The owner shall ensure that a kart cannot be operated in excess of the maximum speed.

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I. Operating Speed.

- (1) Throughout each day's operation, the owner shall adjust the kart speed as necessary to ensure safe operation.
- (2) The operating speed may not exceed the maximum speed.
- (3) In determining the operating speed, the owner shall consider such factors as:
 - (a) Age of riders;
 - (b) Number of karts on the track;
 - (c) Track conditions; and
 - (d) Weather conditions.
- (4) An owner shall ensure that a kart cannot be operated in excess of the operating speed.

.08 Design Criteria.**A. Track.**

- (1) The go-kart track shall be designed so that paths do not cross at any location.
- (2) Track Surface. The track surface shall:
 - (a) Be hard and smooth;
 - (b) Be kept free of ruts, holes, and bumps; and
 - (c) Except for a slick track, provide road grip sufficient to enable a kart to be driven safely at the operating speed.
- (3) Loading and Unloading Area.
 - (a) Each track shall have a designated area for loading and unloading passengers.
 - (b) The owner or operator shall ensure that a passenger enters or leaves a kart only in the designated loading and unloading area.
 - (c) The loading and unloading area of each track shall be designed and constructed to be:
 - (i) Level;
 - (ii) Graded; and
 - (iii) Free from obstructions or obstacles.
 - (d) Except for a track where all karts start and stop at the same time, the loading and unloading area shall be:
 - (i) Designed and constructed to reduce the speed of an incoming kart; and
 - (ii) Separated from the track by a barrier as described in §§A(4)(b)—(d) of this regulation.
 - (e) The loading and unloading area for a track where all karts start and stop at the same time shall be:
 - (i) Clearly marked as such; and
 - (ii) Located so it will not inhibit the free flow of karts on the track.
- (4) Barriers.
 - (a) A barrier shall be installed along the entire outer and inner edge of each track.
 - (b) The barrier shall be designed to:
 - (i) Prevent a kart from overturning or running over, under, or through the barrier;
 - (ii) Minimize impact;
 - (iii) Absorb shock;
 - (iv) Keep a kart on the track area upon impact; and
 - (v) Not be a hazard in itself.

- (c) The barrier shall be constructed:
 - (i) To ensure the requirements listed in §A(4)(b) of this regulation are met; and
 - (ii) Of material capable of withstanding impact, such as, but not limited to, wood, steel, or rubber tires.
- (d) When tires are used as a barrier, they shall be:
 - (i) The same size;
 - (ii) Stacked not more than two high; and
 - (iii) Connected in such a manner to provide a continuous barrier.

(5) Fencing.

(a) Each go-kart operation shall be surrounded by a fence at least 42 inches high, with a gate and entrance and exit signs.

(b) Pedestrian access to each track shall be fenced so that a pedestrian cannot enter the track area except through a track entrance gate.

B. Karts.

(1) A kart shall be designed in accordance with COMAR 09.12.62.10.

(2) Exposed components on a kart, including but not limited to the steering wheel hub and headrest, which the rider may come into contact with in the case of impact or rollover, shall be padded and designed to minimize the risk of injury.

(3) Engine parts that may become hot, mufflers, and all moving or rotating parts shall be shielded.

(4) The brake and throttle pedal shall:

- (a) Be marked and identified;
- (b) Be foot-operated; and
- (c) Return to a nonoperational position when released.

(5) The fuel system shall be:

- (a) Designed and mounted so that it may not be damaged from impact;
- (b) Located away from the exhaust.

(6) The wheels of a kart shall be enclosed or guarded to avoid accidental contact with another kart wheel.

(7) If kart speed and track design may contribute to a roll-over situation, a kart shall be equipped with roll-over protection, such as a roll bar or head pad.

(8) Before January 1, 1991, if designed by the manufacturer, or if required by the Commissioner following such investigation as the Commissioner deems appropriate, a kart shall be equipped with an appropriate restraining device.

(9) After December 31, 1990, each kart operated within the State shall have a lap and shoulder belt which is properly mounted, installed to ensure passenger safety, and effective to retain the passenger in the kart.

.09 General Environment.

A. If weather conditions make visibility by the operator or rider insufficient to ensure safe operation, the go-kart track shall be closed.

B. During night-time operation, illumination adequate to ensure safe operation shall be provided.

.10 Fire Protection.

A. At each go-kart operation:

- (1) At least one fire extinguisher shall be located in the:
 - (a) Pit area of each track;
 - (b) Refueling area; and
 - (c) Garage;

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(2) Fire extinguishers shall be located in the infield area as necessary to ensure safety and ready access.

B. The fire extinguishers shall be:

(1) Prominently marked; and

(2) Easily accessible.

C. No Smoking Sign.

(1) A no smoking sign shall be posted in the pit area of each track, refueling area, garage, and in the infield area at locations to give adequate notice.

(2) The no smoking signs shall be clearly visible.

D. Karts shall be refueled:

(1) At a designated location away from any area accessible to the public;

(2) After the kart is:

(a) Turned off; and

(b) Evacuated.

Administrative History

Effective date: May 28, 1990 (17:10 Md. R. 1219)

Regulation .06D amended effective April 13, 1992 (19:7 Md. R. 745)

Regulation .07 amended effective April 13, 1992 (19:7 Md. R. 745)

Regulation .08 amended effective April 13, 1992 (19:7 Md. R. 745)

Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 65 Passenger Ropeways — Repealed.

Administrative History

Effective date: August 30, 2004 (31:17 Md. R. 1312)

Regulation .01 repealed effective November 1, 2022 (49:21 Md. R. 951)

Regulation .02 recodified to be COMAR 09.12.61.02 effective November 1, 2022 (49:21 Md. R. 951)

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Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 66 Inflatable Amusement Attractions

Authority: Business Regulation Article, §§3-204(c), 3-307—3-313 and 3-402, Annotated Code of Maryland

.01 Purpose.

A. This chapter establishes safety standards for the installation, assembly, repair, maintenance, use, operation, disassembly, and inspection of inflatable amusement attractions operated in the State.

B. COMAR 09.12.60 and 09.12.62 do not apply to inflatable amusement attractions.

.02 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference to the extent that they are referenced in this chapter:

A. The ASTM International Standards on Amusement Rides and Devices: 7th Edition, F2374—04 Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (2004) (ASTM F2374-04); and

B. The National Electrical Code, ANSI/NFPA #70-2005, which is incorporated by reference in COMAR 20.50.02.02.

.03 Definitions.

A. In addition to terms defined in Business Regulation Article, §3-101, Annotated Code of Maryland, in this chapter the following terms have the meanings indicated.

B. Terms Defined.

(1) “ASTM” means ASTM International, originally known as the American Society for Testing and Materials.

(2) “Attendant” means a person assigned to assist the operator in attending to the safety needs of users.

(3) “Certificate of inspection of an inflatable amusement attraction” means a certificate issued by the Commissioner of Labor and Industry.

(4) “Exit” means a doorway or other opening affording safe and unobstructed egress.

(5) “Fire official” means the authority having jurisdiction in the locality over matters relating to fire prevention and explosion.

(6) “Inflatable amusement attraction” means an air-supported amusement attraction that:

(a) Incorporates a structural and mechanical system; and

(b) Uses a high strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure.

(7) “Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist” means the Commissioner of Labor and Industry’s form to be completed by the owner prior to the operation of an inflatable amusement attraction.

(8) “Operator” means a person who is trained and who is capable of identifying existing and predictable hazards involving the inflatable amusement attraction operation, and has the authority to control and eliminate any hazards.

(9) “Owner” means a person, the State or a political subdivision of the State that owns an inflatable amusement attraction, or if the amusement attraction is leased, the lessee.

(10) “Qualified person” means a person who has successfully demonstrated the ability to solve or resolve problems related to the subject matter or the work:

(a) By possession of a recognized degree, certificate, or professional standing; or

(b) By extensive knowledge, training, and experience.

(11) “Rated capacity” means a capacity:

(a) Established by the manufacturer for the normal loading and operation of an inflatable amusement attraction by weight or number of users; or

(b) If the manufacturer has not established a capacity, as established by the Commissioner after inspection.

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(12) "Safety work order" means a written demand issued by an authorized representative of the Commissioner to perform work that has potential safety impact if not corrected.

(13) "Special inflated amusement structure" means a fun house, dark ride, walk through, haunted house, or any other similar inflated amusement attraction that uses air pressure to support the walls and roof of the structure.

(14) User.

(a) "User" means any person who is a participant in the use of an inflatable amusement attraction as defined by the manufacturer's specifications.

(b) "User" does not include employees of the inflatable amusement attraction owner while engaged in the duties of their employment.

.04 General Responsibility for Compliance.

A. Each owner of an inflatable amusement attraction erected in the State shall:

(1) Comply with the provisions of this chapter; and

(2) Ensure that the manufacturer's recommendations, specifications, and other requirements relating to safety in the erection, operation, maintenance, repair, and disassembly of the inflatable amusement attraction are followed.

B. In the event of a conflict between a regulation under this chapter and a manufacturer's specification, the owner shall comply with the provision that best ensures the safety of the public as determined by the Commissioner or his authorized representative.

.05 Registration, Inspection, and Notice of Operation.

A. Except as specified by law, an owner may not operate an inflatable amusement attraction unless the Commissioner has issued a certificate of inspection of an inflatable amusement attraction.

B. Annually, each owner shall register with the Commissioner those inflatable amusement attractions that the owner intends to operate in Maryland that year and file a certificate of insurance indicating that the owner has obtained insurance in the amount of at least \$200,000 against liability for injury to an individual that arises out of the use of the inflatable amusement attraction.

C. Request for Certificate Inspection.

(1) Each owner requiring a certificate inspection of an inflatable amusement attraction shall notify the Commissioner that the inflatable amusement attraction is ready for inspection by submitting a completed inspection request form at least 30 days in advance of the anticipated operation date.

(2) If there is a cancellation or change in the schedule of location or dates after initial notification, an owner shall:

(a) Immediately notify the Commissioner by telephone; and

(b) Promptly confirm the change in writing.

(3) If an owner is unable to provide the Commissioner with the required 30-day advance notice, the owner shall submit to the Commissioner an inspection request form along with a detailed explanation of the reason for the lack of advance notice. The Commissioner may grant the inspection request contingent upon the availability of State resources.

(4) The inspection request form shall be furnished by the Commissioner.

D. Notice of Operation.

(1) At least 5 business days in advance of anticipated operation of an inflatable amusement attraction with a current certificate of inspection, an owner of an inflatable amusement attraction shall submit to the Commissioner an itinerary of scheduled locations and dates.

(2) If there is a cancellation or change in the schedule of location or dates after submission of the itinerary, an owner shall:

(a) Immediately notify the Commissioner by telephone, email, or fax; and

(b) If by telephone, promptly confirm the change in writing.

.06 Inspections.

A. Inspection Hours.

(1) Inflatable amusement attraction inspections will normally be conducted during the business hours of 8 a.m. through 5 p.m., Monday through Friday, excluding holidays.

(2) The Commissioner may schedule inspections at other times when the Commissioner determines that there are extenuating circumstances.

B. The Commissioner may review the following as part of the inspection:

(1) The Daily Inspection Pre-Opening Checklist;

(2) The owner's manual; and

(3) Other information as requested including, but not limited to, the manufacturer's specifications.

C. If after an inspection the Commissioner determines that corrective action is necessary, the Commissioner may issue a safety work order that details the required corrective action, including the time allowed for abatement of each action.

D. In response to the issuance of a safety work order, the Commissioner may:

(1) Grant an extension of the time allowed to abate the action;

(2) Deny or revoke a certificate of inspection of an inflatable amusement attraction; or

(3) Issue a citation with a penalty.

E. If required, a certificate of inspection of an inflatable amusement attraction shall be posted in public view on or in front of the inflatable amusement attraction for which the certificate is issued.

.07 Special Inflated Amusement Structures.

A. For a special inflated amusement structure located in an amusement park, carnival, or fair, the owner shall make a request to the fire official for the jurisdiction where the amusement attraction is located for fire safety inspection:

(1) Before operation at each location; and

(2) When there is a change in construction, materials, or decorations.

B. Exits.

(1) At least two exits remote from each other shall be provided for each floor, tier, room, or balcony in a structure that contains a special inflatable amusement structure.

(2) An exit may not be less than 22 inches wide.

C. A certificate of inspection for an inflatable amusement attraction issued by the Commissioner is valid for the inflatable attraction only and does not address fire safety issues that may require review by the local fire official.

.08 Information Panel and State Registration Sticker.

A. Information Panel.

(1) The information panel shall include the following, as applicable:

(a) Serial number, which is a manufacturer-issued or owner-issued unique identifying number;

(b) Name of the inflatable amusement attraction;

(c) Manufacturer of the inflatable amusement attraction;

(d) Date of manufacture, which is the month and year of manufacture, as determined by the manufacturer, if known;

(e) Direction of travel, if the direction of travel is essential to the safe operation of the inflatable amusement attraction;

and

(f) Rated capacity in weight or number of users.

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(2) An information panel:

- (a) Is required for each inflatable amusement attraction;
- (b) Shall be printed in English; and
- (c) Shall be designed to remain legible for the expected life of the inflatable amusement attraction.

B. State Registration Sticker.

(1) The Commissioner shall issue a State registration number and State registration sticker to each registered inflatable amusement attraction.

(2) If the registration number is no longer legible, the owner shall notify the Commissioner for issuance of a replacement State registration sticker.

C. Each inflatable amusement attraction shall have the State registration sticker on site in a readily visible location on the inflatable amusement attraction.

.09 Operation.

A. Each owner shall obtain the manufacturer's operations manual and shall:

(1) Read and become familiar with the contents of the manufacturer's recommended operating instructions and specifications;

(2) Keep the manufacturer's operations manual on location with the inflatable amusement attraction; and

(3) Provide a copy of the manufacturer's operations manual, in English, to the Commissioner on request.

B. Except as provided in §C of this regulation, an owner shall ensure that an inflatable amusement attraction is operated in accordance with ASTM F2374-04.6.

C. The owner shall set up and operate an inflatable amusement attraction in accordance with the following:

(1) Inflatable amusement attractions may not be operated when the wind speed is 25 mph or greater;

(2) Anchorage points installed near an entrance or exit of an inflatable amusement attraction shall be connected in such a manner as to minimize the potential for tripping, abrasions, or other injuries;

(3) Blowers and inflation tubes shall be positioned to prevent kinks or bends in the inflation tube;

(4) Blowers and inflation tubes may not impede the ingress to or egress from the inflatable amusement attraction; and

(5) Inflatable amusement attractions shall be anchored or secured in accordance with the manufacturer's specifications or the following requirements:

(a) The on-ground anchor weight used for inflatable amusement attractions shall be at least 75 pounds for bounce-type rides;

(b) The on-ground anchor weight for slide-type rides over 15 feet tall shall be at least 500 pounds for each installed anchor position;

(c) Anchors shall be used at all of the manufacturer's required positions at all times for both indoor and outdoor use;

(d) Anchors can be straight stakes, screw stakes, ground weights, or sandbag ground anchors, and must comply with the following:

(i) If straight stakes are used, they must range from 30 inches to 42 inches in length with at least 75 percent or more of the length in the ground; and

(ii) The ends of the stakes should be covered to prevent a tripping hazard;

(e) Tie-downs should be attached to a secure device or permanent structure and attached so that they cannot slip off the anchor during use;

(f) Tie-downs should not be attached to motor vehicles; and

(g) Tie-downs should comply with manufacturer's specifications or have a minimum tensile strength of 3,700 pounds or 370 pounds safe working load.

D. Operator, Attendant, and User Operating Requirements.

(1) For an inflatable amusement attraction less than 15 feet in height, the owner shall provide the appropriate number of operators and attendants as specified by the manufacturer.

(2) For an inflatable amusement attraction over 15 feet in height, the owner shall follow the manufacturer's specifications as to the appropriate number of operators and attendants, but a minimum of one operator and one attendant shall be provided.

(3) For an inflatable amusement attraction over 15 feet in height, the owner shall follow the manufacturer's specifications as to maximum number of users.

(4) If the manufacturer's specifications do not provide the number of users, there shall be no more than two users on the attraction and two users in a queue at any one time.

E. General Owner Obligations.

(1) The owner shall have a prohibition on the use of drugs and alcohol for operators and attendants during the performance of their duties.

(2) The owner shall prevent the use of an inflatable amusement attraction when the attraction is not in operation.

(3) The owner shall ensure that the amusement attraction is positioned at a location so that the operator has a clear view of the user loading and unloading areas.

(4) The owner shall ensure that a designated operator shall operate only one inflatable amusement attraction at a time.

F. Operators.

(1) The owner shall ensure each inflatable amusement attraction is under the direct control of an operator who has been trained in the operation of the assigned inflatable amusement attraction.

(2) The owner shall ensure that a designated operator:

(a) Does not operate any inflatable amusement attraction while under the influence of drugs or alcohol;

(b) Knows the use and function of all operating controls, signal systems, and safety devices applicable to the inflatable amusement attraction;

(c) Knows the proper user loading sequence and capacity of the particular inflatable amusement attraction being operated;

(d) Remains stationed at the inflatable amusement attraction during operation;

(e) Has control of the inflatable amusement attraction at all times; and

(f) Enforces applicable restrictions.

G. Operator and Attendant Identification.

(1) An owner shall issue to each operator and attendant identification that is highly visible.

(2) The identification shall clearly indicate the following:

(a) The title, that is, operator or attendant;

(b) Either the name of the operator or attendant or an identification number; and

(c) The name of the inflatable amusement attraction company.

(3) Before issuing any identification, the owner shall train the operator and the attendant in accordance with §H of this regulation.

H. Operator and Attendant Training.

(1) The owner shall provide training to each operator and attendant of an inflatable amusement attraction.

(2) An owner shall train operators and attendants in the following:

(a) Specific inflatable amusement attraction operational policies and procedures consistent with the manufacturer's instructions;

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- (b) Specific duties and responsibilities of the operator and the attendant;
 - (c) Emergency procedures in the event of an abnormal condition, interruption of power, or severe environmental conditions;
 - (d) Instructions on general safety procedures; and
 - (e) Additional instructions considered necessary by the owner.
- (3) As part of the training, the owner shall observe and document each operator's and attendant's ability to operate an inflatable amusement attraction.

I. Daily Inspection Program.

- (1) The owner shall ensure that each inflatable amusement attraction is inspected and tested by a qualified person each day before operation, with a daily preopening inspection program that complies with this subsection.
- (2) The daily preopening inspection program shall include, but not be limited to, the following:
- (a) Inspection and testing of all user-carrying devices, including tie-downs, anchors, blowers, and electrical systems;
 - (b) Inspection and testing of all automatic and manual safety devices;
 - (c) Inspection and testing of control devices, and other equipment provided for safety;
 - (d) Visual inspection of all fencing, gates, and guardrails;
 - (e) Visual inspection of the inflatable amusement attraction structure, supports, electrical components, and wiring;
 - (f) Inspection of entrances, exits, stairways, ramps, and the area surrounding the inflatable amusement attraction; and
 - (g) Confirmation of functioning communication system and, where necessary, testing of all communication equipment.
- (3) The owner of an inflatable amusement attraction shall ensure that the Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist is properly filled out and signed at the completion of the daily pre-opening program.
- (4) A copy of the Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist shall be provided to the Commissioner on request.
- (5) Worn and damaged components shall be repaired or replaced immediately and before operation.

.10 Injury Reporting and Recording.

A. Injury Reporting.

- (1) Whenever a death, in-patient hospitalization, amputation, compound fracture, broken tooth, or loss of an eye occurs during the use of an amusement attraction:
- (a) The person who directly controls the operation of the amusement attraction shall immediately close the amusement attraction until it has been inspected by the Commissioner; and
 - (b) The amusement owner shall report orally or in writing to the Commissioner within 24 hours:
 - (i) Date and time of the incident;
 - (ii) Name, address, and telephone number of the injured person and parent or guardian information if the injured person is a minor;
 - (iii) Age of the injured person;
 - (iv) Name and manufacturer of the amusement attraction;
 - (v) Description of the injury;
 - (vi) Description of events related to the incident; and
 - (vii) Name, address, and phone number of the amusement attraction operator and attendants.
- (2) If an owner is unaware of the condition of a member of the public injured during the operation of an amusement attraction who was transported away from the premises by an emergency response vehicle, the owner shall report verbally to the Commissioner within 24 hours the information required in §A(1)(b) of this regulation.

B. Injury Recording.

(1) In addition to the reporting requirements of §A of this regulation, all owners shall maintain an injury log of all injuries to the public that occur during use of amusement attractions that require medical treatment by a physician other than one-time first aid and does not include:

(a) An injury that does not ordinarily require medical treatment, such as a minor burn, splinter, contusion, scratch, or cut not requiring stitches; or

(b) A diagnostic procedure, including examination and x-ray, even though provided by a physician or other licensed professional personnel.

(2) The injury log shall contain the following information:

(a) Company name;

(b) Location;

(c) Date;

(d) Certificate number;

(e) Type of amusement attraction;

(f) Nature of incident;

(g) Description of injury;

(h) Age of injured person;

(i) Last known condition of injured person, including date information obtained; and

(j) Date added to log.

(3) Each injury required under this section and §A of this regulation, shall be recorded on the injury log within 7 calendar days and updated as additional required information becomes available.

(4) A copy of a sample injury log is available on the Department's webpage.

(5) An owner shall maintain injury logs on a calendar year basis beginning January 1, 2023.

(6) Beginning January 1, 2024, an owner shall certify the completeness and accuracy of the information contained on the injury log by January 15 of the following calendar year.

(7) Beginning January 1, 2023, an owner shall provide access to prior years', and the portion completed for the current year, injury log to the Commissioner.

(8) Each owner shall maintain, and make available for inspection by the Commissioner, an injury log for 5 years.

.11 Records and Reports.

A. The Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist shall be:

(1) Signed by the person performing the inspection immediately upon completion of the inspection;

(2) Kept with the inflatable amusement attraction or at an on-site office; and

(3) Maintained for at least 30 days.

B. Identification Records. An owner shall maintain a record of the name and identification number of each operator and attendant with the following information:

(1) Inflatable amusement attraction that the operator and attendant operated; and

(2) The date and location of operation.

C. Record of Training.

(1) Each owner shall:

(a) Maintain a record of training provided to each operator and attendant; and

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- (b) Provide the Commissioner with a copy of the record of training on request.
- (2) The training record shall indicate the following for each operator and attendant:
 - (a) The name or identification number;
 - (b) A detailed description of the training provided; and
 - (c) A list of all the inflatable amusement attractions for which the operator and attendant received training.

.12 Design Criteria.

A. An owner shall ensure that an inflatable amusement attraction is designed and manufactured in accordance with the criteria set forth in ASTM F2374-04.5.

B. Upon request, an owner shall provide the Commissioner with information to document compliance with §A of this regulation.

C. Copies of all documents provided to the Commissioner shall be in English.

.13 Access, Egress, and Walking Surfaces.

A. Access to and egress from all inflatable amusement attractions shall be free from all recognized hazards.

B. All walking surfaces including, but not limited to, loading and unloading areas, platforms, landings, stairs, and ramps shall be stable and slip-resistant.

C. If there is the potential for exposure to a fall distance exceeding 30 inches, the owner shall take steps to prevent such falls.

.14 Signage.

A. When a manufacturer or the Commissioner requires a restriction on the use of an inflatable amusement attraction, such as the age or weight of a user, a legible sign indicating the restriction shall be posted in full view of individuals seeking admission to the inflatable amusement attraction.

B. The location of the sign shall be:

- (1) At the location specified by the manufacturer;
- (2) At the entrance of the inflatable amusement attraction; or
- (3) Close to the inflatable amusement attraction.

.15 General Environment.

A. All manufacturer wind-related and weather-related restrictions shall be complied with.

B. In the event of lightning, winds gusting in excess of 25 mph, a tornado watch, a severe storm predicted within a 5 mile radius, fire, or other disturbance, an owner shall implement the following:

- (1) Users shall be unloaded or evacuated safely from the inflatable amusement attraction immediately; and
- (2) The inflatable amusement attraction shall be closed and secured immediately.

C. Illumination.

(1) Each inflatable amusement attraction, including entrances and exits, shall be illuminated to provide adequate visibility of the surfaces used.

(2) For the assembly and disassembly of inflatable amusement attractions, all work areas shall be illuminated to provide adequate visibility.

.16 Fire Protection.

A. Flammable and Combustible Liquids.

(1) An owner shall store and handle flammable and combustible liquids consistent with the applicable National Fire Protection Association (NFPA) standards.

(2) An owner may not handle or fuel equipment with flammable liquids within 20 feet of an inflatable amusement attraction.

(3) An owner shall store flammable and combustible liquids at least 75 feet from an inflatable amusement attraction or other spark-producing equipment.

B. Fire Extinguishers.

- (1) An owner shall provide at least one portable fire extinguisher listed and labeled with a 10-B:C rating.
- (2) The fire extinguisher shall be located not less than 25 feet, or more than 75 feet, from any:
 - (a) Flammable or combustible liquid storage; or
 - (b) Portable electric generator.

.17 Equipment and Materials.

A. Guarding.

(1) The owner shall ensure that machinery is guarded to prevent contact with belts, fan blades, or similar moving components.

- (2) Guards shall be:
 - (a) Designed to perform a specific task;
 - (b) Properly secured; and
 - (c) Properly maintained in a condition consistent with the intent of the guard's design.
- (3) Before a guard is removed for maintenance purposes:
 - (a) The equipment shall be locked out or tagged out; and
 - (b) The guard shall be replaced before normal operation is resumed.
- (4) A guard shall be designed so that it does not pose a hazard itself.

B. Portable Electric Generators.

- (1) A portable electric generator is not required to be grounded if the portable electric generator:
 - (a) Supplies only equipment mounted on the generator; or
 - (b) Supplies power to the equipment through receptacles mounted on the generator that are connected by plug and cord and single extensions.
- (2) If a portable electric generator does not comply with §B(1) of this regulation, the owner shall ensure that a grounding electrode, such as a ground rod, is used for any fault current.
- (3) A portable electric generator shall be listed and labeled by a Nationally Recognized Testing Laboratory.
- (4) A portable electric generator may not be located:
 - (a) Near user or pedestrian traffic; or
 - (b) In locations that may be hazardous.

.18 Location and Operation.

A. Assembly and Disassembly.

- (1) The assembly and disassembly of an inflatable amusement attraction shall be performed:
 - (a) In accordance with the manufacturer's procedures and specifications; and
 - (b) Using only manufacturer specified components, fasteners, tools, replacement parts, and materials.
- (2) During assembly, parts shall be closely inspected to discover excessively worn or damaged parts.

B. Location.

- (1) Placement of the inflatable amusement attraction at the location where it is to be operated shall ensure that:
 - (a) The inflatable amusement attraction will be on a level and stable surface;

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- (b) The inflatable amusement attraction is compliant with manufacturer specifications;
- (c) There is continuous pedestrian traffic flow; and
- (d) It is accessible by emergency personnel.

(2) Tie-Downs.

(a) Tie-downs and anchors used to support an inflatable amusement attraction may not create a tripping or impalement hazard.

(b) The immediate area surrounding the inflatable amusement attraction shall be clear of:

- (i) Trees and shrubs, if they pose a hazard;
- (ii) Trash; and
- (iii) Other tripping hazards including, but not limited to, pot holes.

C. Clearances.

(1) Except for equipment required for operation of the inflatable amusement attraction, there shall be side and overhead clearances of at least 48 inches between an inflatable amusement attraction and any other object.

(2) Except for conductors supplying power to the device, an inflatable amusement attraction may not operate under or within 15 feet of any power lines.

.19 Electrical Requirements.

A. Electrical systems, conductors, and equipment installed on or used in conjunction with inflatable amusement attractions shall conform to the requirements of the National Electrical Code, ANSI/NFPA #70-2005.

B. Each owner shall ensure that electrical systems required to operate the inflatable amusement attractions are maintained by a qualified person.

C. Wiring Methods.

(1) Flexible cords used with temporary and portable lights and extension cord sets used in conjunction with inflatable amusement attractions shall be:

- (a) Suitable for location (physical damage);
- (b) Suitable for use (outdoor);
- (c) Suitable for voltage (insulation rating); and
- (d) Adequate for ampacity (conductor size).

(2) Flexible cords and extension cord sets shall be continuous without splice or tap between connectors.

D. Lighting systems. Lighting systems, including fluorescent lighting systems, shall be:

- (1) In good repair;
- (2) Protected against accidental contact and breakage; and
- (3) Capable of containing the pieces of a broken light should breakage occur.

.20 Rules of Procedure for Hearings.

All contested case hearings before the Commissioner shall be governed by COMAR 09.01.02.

.21 Variances.

A. Application for Variance.

(1) An affected owner may apply to the Commissioner for a variance from any regulation adopted under Business Regulation Article, Title 3, Annotated Code of Maryland.

(2) An application for variance shall be in writing and shall include:

- (a) The name and address of the applicant;

- (b) Identification of the regulation from which the applicant seeks a variance;
- (c) The location, equipment, and practices involved;
- (d) A detailed statement of the applicant's reasons for requesting a variance;
- (e) A statement of the steps the applicant has taken and will take, with specific dates when appropriate, to protect the public against the specific hazard covered by the regulation; and
- (f) Any request for a hearing.

B. Posting of Notice.

(1) Immediately on filing a request for a variance pursuant to Business Regulation Article, §3-314, Annotated Code of Maryland, an applicant shall post notice of the application at the place or places where a certificate of inspection is required to be posted.

(2) The notice shall include:

- (a) The name and address of the applicant;
- (b) The date on which the application was filed;
- (c) Identification of the regulation from which the applicant seeks a variance;
- (d) The location, equipment, and practices involved; and
- (e) Notice to the public and affected employees of their right to participate in the proceeding.

(3) The notice shall be maintained until the commencement of the proceedings.

C. Order of Variance.

(1) After investigation, on-site inspection, and such hearing as the Commissioner may direct, the Commissioner may grant a variance from a regulation under this chapter if:

(a) It is evident that action is necessary to prevent undue hardship; or

(b) Existing conditions prevent practical compliance and the reasonable safety of the public can, in the opinion of the Commissioner, be ensured.

(2) An order of variance may require such special conditions as are reasonably necessary to ensure public safety.

(3) A declaration, act, or omission of the Commissioner or the Commissioner's authorized representative, other than a written order authorizing a variance as permitted above, may not be construed to exempt, either wholly or in part, expressly or implicitly, any owner from full compliance with the terms of any regulation under this chapter.

D. Modification, Revocation, and Renewal of Order of Variance.

(1) The Commissioner may modify, revoke, or renew an order of variance in the same manner prescribed for the issuance of an order of variance.

(2) An order of variance may not be modified or revoked unless affected parties are informed of the proposed action and afforded an opportunity to:

- (a) Submit written data, views, or arguments regarding the proposed action; and
- (b) Request a hearing on the proposal.

Administrative History

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Regulation .01B amended effective November 1, 2022 (49:21 Md. R. 951)

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