

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 464** HLS 19RS 732
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

| | |
|---|-------------------------------|
| Date: May 15, 2019 7:13 PM | Author: BERTHELOT |
| Dept./Agy.: Public Safety/Office of State Fire Marshal | Analyst: Willis Brewer |
| Subject: Relative to amusement devices, attractions, and rides | |

AMUSEMENT PARKS RE1 DECREASE SG RV See Note Page 1 of 1
 Provides relative to inflatable amusement devices, amusement attractions, and amusement rides

Proposed law requires an owner of inflatable amusement devices, amusement attractions, or amusement rides to notify the Office of the State Fire Marshal (OSFM) if a plate or decal is lost or damaged and any plate that is lost or damaged to be decommissioned. **Proposed law** provides for manufacturer's recommendations and specifications relative to the inspection of inflatable amusement devices, amusement attractions, and amusement rides. **Present law** provides that an operator who notifies OSFM of his intent to commence operation of an amusement ride or amusement attraction fewer than 5 days prior to commencing operation shall be fined \$250.00 per ride or attraction. **Proposed law** changes the fine to \$50 per ride or attraction for the first offense, \$75 per ride or attraction for the second offense, \$200 per ride or attraction for the third offense, and \$250 per ride for each additional offense. **Present law** further provides similar provisions for operation of an inflatable amusement and sets fine at \$200.00 per device. **Proposed law** changes the fine per ride or attraction to \$25 for the first offense, \$50 for the second offense, \$150 for the third offense, and \$200 for each additional offense.

| EXPENDITURES | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 5 -YEAR TOTAL |
|---------------------|------------|------------|------------|------------|------------|---------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

| REVENUES | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 5 -YEAR TOTAL |
|---------------------|----------|----------|----------|----------|----------|---------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | DECREASE | DECREASE | DECREASE | DECREASE | DECREASE | |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

Proposed law is not anticipated to create a fiscal impact to the Department of Public Safety (DPS), Office of State Fire Marshal (OSFM) to update and revise OSFM's information management system for these changes to the Amusement Rides Safety Law. OSFM's information management system amusement module has not been finalized and OSFM anticipates the provisions in **proposed law** will only require minor modifications.

REVENUE EXPLANATION

Proposed law will likely result in a reduction in SGR revenues (see NOTE below) to the Department of Public Safety (DPS), Office of State Fire Marshal (OSFM) from the revision to the fine schedule for amusement device operators that fail to notify the OSFM of his intent to commence ride operations more than five days in advance. **Present law** provides for a flat \$200 fine for each inflatable amusement device and \$250 for each amusement ride or attraction; however, **proposed law** provides for a staggered amount depending on the number offenses:

Inflatable Amusement Device - \$25 for first offense, \$50 for second, \$150 for third and \$200 for each additional.
 Amusement Ride or Attraction - \$50 for first offense, \$75 for second, \$200 for third and \$250 for each additional offense.

NOTE: While **proposed law** decreases the fine schedule for amusement devices, there have not been any fines charged to date under the current authorized fine schedule because of the complexity of implementing the fines. OSFM reports that it anticipates systems will be in place to begin fines in FY 20, thus this note shows a decrease in the revenue box. However, there is no revenue change compared to existing collections because OSFM has not issued fines under the existing schedule at this time. Based on FY 18 data, there were eight instances for which operators could have been fined for failure to timely notify of ride operations including some repeat offenders. Under **present law**, fines would have generated \$2,000 (\$250 x 8 instances). Under the **proposed law** fine schedule, these eight instances would generate \$850.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
Evan Brasseaux
Staff Director