

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6794

BILL NUMBER: HB 1106

NOTE PREPARED: Dec 29, 2023

BILL AMENDED:

SUBJECT: Safety Requirements for Agritourism Facilities.

FIRST AUTHOR: Rep. Culp

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill defines "qualified agritourism provider" (provider). It amends the definition of a "regulated amusement device" to exclude certain barrel trains. It requires the Department of Homeland Security (DHS) to include on the DHS's website a page to allow a provider to obtain a safety permit instead of obtaining a permit from the DHS as a regulated place of amusement or entertainment or for a regulated amusement device.

The bill establishes requirements for obtaining a safety permit from the DHS. It requires a provider to submit a safety plan before a safety permit may be approved by the DHS. The bill provides that a safety permit is valid for five years. The bill provides that, if the provider adds a regulated amusement device or builds or modifies a structure inspected prior to the expiration of a current safety permit, the provider must immediately notify the DHS and submit a revised safety plan within a time frame prescribed by the DHS. It provides that, if the provider timely submits a revised safety plan, the safety permit's expiration date shall be extended to a date five years from the date the revised safety plan is received by the DHS. It requires a provider who obtains a safety permit to maintain certain records relating to the regulated amusement device.

The bill also provides that the DHS may, upon demand by the DHS, inspect a regulated amusement device of a provider who has a current safety permit at any time following: (1) The report of an accident involving the regulated amusement device. (2) A complaint concerning the regulated amusement device. The bill makes conforming amendments.

Effective Date: July 1, 2024.

Explanation of State Expenditures: Switching to a safety permit system would initially increase workload

and/or expenditures for the Fire Prevention and Building Safety Commission at DHS to collect safety plans from agritourism providers and issue safety permits. The bill also requires the DHS to provide an application online to allow applicants to register as qualified agritourism providers and to obtain a safety permit. The DHS already has an online portal that they could use in order to meet this requirement. Over time, however, the bill would reduce the workload for the Fire Prevention and Building Safety Commission to issue permits and perform on-site safety inspections for amusement devices. Revenue from the Fire and Building Services Fund is used to fund operations of the Fire Prevention and Building Safety Commission at the DHS.

Additional Information - In 2022, DHS reported that amusement ride inspectors complete 1,936 amusement ride inspections in the state. These include inspections at fairgrounds, theme parks, indoor amusement parks, and ski lodges. The Indiana State Department of Agriculture reports that there are nearly 300 agritourism destinations in Indiana.

Explanation of State Revenues: The bill would reduce revenue to the Fire and Building Services Fund. Under the bill a qualified agritourism provider would pay a \$250 fee for a safety permit every five years. If they add or modify a regulated amusement device, they would pay \$250 minus a prorated amount covering the unused portion of their original permit. This would replace annual inspection fees of \$144 for a regulated amusement device and annual amusement and entertainment permits and inspection fees ranging from \$99 to \$272 depending on occupant load.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources: 675 IAC 12-3-8; 675 IAC 23-1-63; DHS. Elevators and Amusement Rides. <https://www.in.gov/dhs/fire-and-building-safety/elevators-and-amusement-rides/>; Indiana State Department of Agriculture. Agritourism in Indiana. <https://www.in.gov/isda/programs-and-initiatives/agritourism/>;

Fiscal Analyst: Camille Tesch, 317-232-5293.