

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2025

Session of  
1979

INTRODUCED BY COHEN, GREENFIELD, SCHMITT, KUKOVICH, MICHLOVIC,  
ALDEN, WACHOB, HOFFEL, ITKIN, PETRARCA, FREIND, RODGERS,  
D. R. WRIGHT, PISTELLA, FEE AND MCINTYRE, NOVEMBER 28, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 28, 1979

AN ACT

1 Providing for the regulation, inspection and issuance of permits  
2 for amusement rides; establishing a State board within the  
3 Department of Labor and Industry and prescribing its powers  
4 and duties; providing for insurance requirements and imposing  
5 penalties.

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22       The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24       Section 1.   Short title.

25       This act shall be known and may be cited as the "Amusement  
26 Ride Safety Act."

27       Section 2.   Definitions.

28       The following words and phrases when used in this act shall  
29 have, unless the context clearly indicates otherwise, the  
30 meanings given to them in this section:

1 "Board." The State Board on Amusement Ride Safety.

2 "Amusement ride" or "ride." Any mechanical device or devices  
3 which is or are designed and constructed to carry or convey  
4 passengers along, around, or over a fixed or restricted route or  
5 course for the purpose of giving passengers amusement, pleasure,  
6 thrills or excitement.

7 "Department." The Department of Labor and Industry.

8 "Inspector." An individual authorized by the department to  
9 inspect an amusement ride, such individual to be in one of the  
10 following categories, in accordance with rules and regulations  
11 of the board. If the ride is insured by a company, authorized to  
12 insure such ride in this Commonwealth, against damage to  
13 property or injury or death to persons, such inspector may be in  
14 the employ of such company. Such inspector may be an individual  
15 who is a full-time employee of the owner of the ride, employed  
16 for the purpose of making inspections of the ride. Such  
17 inspector may be an individual who is an employee of the  
18 department. Such inspector may be an individual who is an  
19 employee of any other public or any private entity engaged in  
20 the business of inspecting rides.

21 "Owner." A person who owns, leases, controls or manages the  
22 operations of an amusement ride.

23 "Patron." Any person physically present upon the grounds of  
24 an owner of an amusement ride.

25 "Ride operator." Any person or persons actually engaged in  
26 or directly controlling the operations of an amusement ride.

27 "Secretary." The Secretary of Labor and Industry.

28 "Serious injury." Permanent, prolonged, or temporary  
29 impairment of the body in which part of the body is made  
30 functionally useless or is substantially reduced in efficiency.

1 Section 3. State board on amusement ride safety; members,  
2 appointment, term; vacancies.

3 (a) There is hereby established within the Department of  
4 Labor and Industry a State board on amusement ride safety to  
5 consist of nine members, of whom one shall be a representative  
6 of the amusement ride manufacturers, one shall be an owner or  
7 operator of a registered fair, two shall be owners or operators  
8 of amusement parks or enterprises, one shall be a representative  
9 of the insurance underwriters, one shall be a representative of  
10 the amusement owners, two shall be public members who are none  
11 of the above, and one shall be a representative of the  
12 Department of Labor and Industry who shall be appointed by the  
13 secretary. The eight citizen members shall be appointed by the  
14 Governor, with the advice and consent of the Senate. The  
15 Governor shall designate the chairman and vice chairman of the  
16 board. The board members who are to be an owner or operator of  
17 an amusement park or enterprise may be appointed by the Governor  
18 from a list submitted by the Pennsylvania Amusement Parks  
19 Association. The board member who is to be an owner or operator  
20 of a registered fair may be appointed by the Governor from a  
21 list submitted by the Pennsylvania State Association of County  
22 Fairs.

23 (b) Of the eight citizen members first to be appointed, two  
24 shall be appointed for a term of one year, two shall be  
25 appointed for a term of two years, two for a term of three years  
26 and two for a term of four years. All appointments thereafter  
27 shall be made for terms of four years. All members so appointed  
28 shall serve until their respective successors are appointed and  
29 shall qualify, and any vacancy occurring in the appointed  
30 members of the board, by expiration of term or otherwise, shall

1 be filled in the same manner as the original appointment for the  
2 unexpired term and the appointee shall serve until a successor  
3 is appointed and shall qualify.

4 Section 4. Reimbursement of expenses.

5 The members of the board shall serve without compensation but  
6 shall be reimbursed for any expenses incurred in attending  
7 meetings of the board and in performance of their duties as  
8 members thereof.

9 Section 5. Powers and duties of the board.

10 (a) The board shall promulgate such rules and regulations  
11 for the safe installation, repair, maintenance, use, operation  
12 and inspection of all amusement rides as it finds necessary for  
13 the protection of the general public. Prior to the promulgation  
14 and adoption of such regulations in accordance with the act of  
15 July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
16 Documents Law, and Title 45 (Legal Notices) of the Pennsylvania  
17 Consolidated Statutes, the board shall submit such proposed  
18 rules and regulations to the General Assembly for approval or  
19 rejection in accordance with subsection (b).

20 (b) The board shall submit all proposed rules and  
21 regulations to the General Assembly for review. Upon receipt by  
22 the Secretary of the Senate and the Chief Clerk of the House,  
23 such proposed rules and regulations shall be submitted to each  
24 House of the General Assembly as a resolution and shall be  
25 placed on the calendar of each House for the next legislative  
26 day following their receipt and shall be considered by each  
27 House within 90 calendar days continuous session by the General  
28 Assembly. Within such 90 days the General Assembly may accept or  
29 reject such proposed regulations. If no action is taken by the  
30 General Assembly within 90 days, or if the General Assembly

1 accepts such rules and regulations, the board shall proceed in  
2 accordance with subsection (a) and shall deposit the proposed  
3 rules and regulations with the Legislative Reference Bureau for  
4 publication and for the scheduling of public hearings. If the  
5 General Assembly rejects the proposed rules and regulations, the  
6 board shall not promulgate the same until they have been amended  
7 and the procedure set forth in this subsection has again been  
8 complied with.

9 Section 6. Reasonableness and uniformity of rules and  
10 regulations.

11 Any rules and regulations adopted and promulgated by the  
12 board shall be of a reasonable nature, and based upon generally  
13 accepted engineering standards, formulas and practices, and,  
14 insofar as is practicable and consistent with the provisions of  
15 this act, shall be uniform with the rules and regulations of  
16 other states. Such rules and regulations may include guidelines  
17 under which an exemption or modification from the provisions of  
18 this act, or the rules and regulations adopted pursuant thereto,  
19 or any order of the department, may be granted.

20 Section 7. Administration and enforcement of act and rules and  
21 regulations.

22 The department shall administer and enforce all provisions of  
23 this act and all rules and regulations adopted and promulgated  
24 in accordance with section 5, and shall cause the text of such  
25 rules and regulations, and any changes therein, to be published  
26 in the Pennsylvania Code and in pamphlet form and a copy thereof  
27 to be furnished without charge, and by request, to each owner.

28 Section 8. Inspection and permit fees; determination of  
29 schedule.

30 The department, with the concurrence of the board shall

1 determine a schedule of inspection and uniform permit fees. Such  
2 inspection fees may differ as to amount, to reflect whether or  
3 not an inspection was performed by an employee of the  
4 department, an insurance company, an owner or any other entity.  
5 The department, with the concurrence of the board may, from time  
6 to time, make such further changes by rule and regulation as set  
7 forth in section 5, as would allow fee requirements to be, as  
8 nearly as practicable and within the limits of reasonableness,  
9 brought into line with the costs of implementing the provisions  
10 of this act.

11 Section 9. Chief inspector and other employees; employment.

12 The department shall employ a chief inspector and such  
13 additional inspectors and other employees as may be necessary to  
14 administer and enforce this act. The chief inspector shall be an  
15 employee of the department.

16 Section 10. Permits; annual issuance; inspection of rides.

17 No amusement ride may be operated without a permit issued  
18 annually by the department. No permit shall be issued or renewed  
19 without an inspection. On or before the first day of July of the  
20 year following the year of the adoption of the rules and  
21 regulations referred to in section 5, an owner shall apply to  
22 the department, for a permit to operate such ride, on a form  
23 furnished by the department and containing such information as  
24 the department may require, which shall include all locations  
25 within the Commonwealth where the ride will be operated. The  
26 application may be for one or more rides. All amusement rides  
27 shall be inspected before they are first put into operation for  
28 the public's use in Pennsylvania, and thereafter at least once a  
29 year, unless the ride is authorized to be operated on a  
30 temporary permit. Portable amusement rides shall also be

1 required to be inspected by the owner or his designee if he is  
2 certified as an inspector, in accordance with standards  
3 promulgated by the board, each time such ride is assembled or  
4 reassembled.

5 Section 11. Authorization of ride for public use; approval.

6 If, after inspection, an amusement ride is found to comply  
7 with the rules and regulations of the board, the department  
8 shall issue a permit authorizing the ride for use by the public.  
9 Such inspections shall occur so that approval or disapproval of  
10 the application occurs within 30 days after the filing of the  
11 application. Applications not approved or disapproved within 30  
12 days of filing, shall be deemed to be approved and the permit  
13 shall be deemed to have been issued. Such permit shall bear the  
14 date of such inspection, or the date of 30 days after filing the  
15 application, if the permit shall be deemed to have been issued,  
16 and shall be valid for a period of one year after such date. The  
17 denial of any application for a permit shall be by order of the  
18 department, from which the owner may take action under section  
19 17.

20 Section 12. Authorization of rides to which additions or  
21 alterations have been made.

22 Whenever, during such permit year, any additions or  
23 alterations are made which involve a major mechanical change to  
24 the structure, mechanism, classification or capacity of any  
25 amusement ride, the owner shall reapply for a permit to the  
26 department. No permit shall be reissued or renewed for such ride  
27 without an inspection by the department. If, after inspection,  
28 an amusement ride is found to comply with the rules and  
29 regulations of the board, the department shall issue a permit  
30 authorizing the ride for use by the public. Such inspections



1 shall occur so that approval or disapproval of the application  
2 occurs within 30 days after the filing of the application.  
3 Applications not approved or disapproved within 30 days of filing,  
4 shall be deemed to be approved and the permit shall be deemed to  
5 have been issued. Such permit shall bear the date of such  
6 inspection, or the date of 30 days after filing the application,  
7 if the permit shall be deemed to have been issued, and shall be  
8 valid for a period of one year after such date. The denial of  
9 any application for a permit shall be by order of the  
10 department, from which the owner may take action under section  
11 17.

12 Section 13. Order of temporary cessation of operation.

13 The department or its designee may order, in writing, a  
14 temporary cessation of operation of an amusement ride if it has  
15 been determined after inspection, in accordance with standards  
16 promulgated by the board, to be hazardous or unsafe. Operation  
17 shall not resume until such conditions are corrected to the  
18 satisfaction of the department. Such order of cessation shall  
19 constitute an order of the department, from which the owner may  
20 take action under section 17.

21 Section 14. Use of rides in existence prior to this act.

22 This act shall not be construed so as to prevent the use of  
23 any existing amusement ride found to be in a safe condition and  
24 in conformance with the rules and regulations of the board.

25 Section 15. Maintenance and inspection records for each ride.

26 The owner shall retain at all times current maintenance and  
27 inspection records for each amusement ride. Among other things,  
28 such records shall contain information as to the date and nature  
29 of all inspections, whether by a departmental inspector or a  
30 person in the employment of the owner, as well as of any

1 violations and the types of actions taken to rectify the  
2 violations. All breakdowns or repairs of any major mechanical  
3 part shall be duly noted.

4 Section 16. Accidents or injuries during operation of ride;  
5 report; inspection; cessation of operation.

6 The department shall require the immediate reporting, on a  
7 form to be provided by the department, of any accidents  
8 resulting in serious injuries requiring medical treatment, or  
9 fatalities, incurred during the operation of any amusement ride.  
10 Such report shall indicate whether or not such accident was  
11 caused by a breakdown or mechanical malfunction of the ride and,  
12 if so caused, the operation of the ride shall cease and the  
13 owner immediately shall request that such ride be inspected. The  
14 department shall cause such inspection to be commenced within 24  
15 hours after receipt of such request. If, after inspection, an  
16 amusement ride is found to comply with the rules and regulations  
17 of the board, the department shall permit its operation to  
18 continue. If, after inspection, the department refuses to permit  
19 its operation, or fails to commence an inspection such refusal  
20 or failure to commence shall constitute an order of the  
21 department, from which the owner may take action under section  
22 17.

23 Section 17. Modification of or exemption from rules,  
24 regulations or order; application; hearing;  
25 findings and recommendations; record.

26 (a) If there are practical difficulties or unnecessary  
27 hardships for an owner to comply with any rules and regulations  
28 adopted pursuant to this act, or if an owner is aggrieved by any  
29 order issued pursuant thereto, including an order denying an  
30 application for a permit or otherwise refusing to permit the

1 operation of a ride, the board may grant an exemption or may  
2 modify the application of such rules, regulations or order in  
3 the spirit of the provisions of this act with regard to public  
4 safety, and in accordance with guidelines, if any, adopted by  
5 the board. Any owner may, within ten days after the promulgation  
6 of such rules or regulations or the service of such order, apply  
7 to the board for a request for modification of or exemption from  
8 such rules, regulations or order. The request shall be in  
9 writing and shall state the grounds for applying for such  
10 modification or exemption. It shall be the duty of the board to  
11 provide such hearing at the earliest convenient opportunity, but  
12 not later than 30 days from the date of such request, at which  
13 time the owner shall have the right to be heard personally or by  
14 counsel, to cross-examine witnesses appearing against him and to  
15 provide evidence in his own behalf. No later than ten days after  
16 such hearing the board shall report in writing its findings and  
17 recommendations, which shall include a description of the  
18 conditions under which the modification or exemption, if any, is  
19 permitted. Such hearing and decision shall conform to the  
20 applicable provisions of Title 2 (Administrative Law and  
21 Procedure) of the Pennsylvania Consolidated Statutes, and a  
22 record of all authorized modifications or exemptions shall be  
23 kept by the board and open to the public.

24 (b) Upon direct request made thereto, the secretary, at any  
25 time, may grant such exemption or modification, may require the  
26 issuance of a permit, or otherwise permit the operation of the  
27 ride.

28 Section 18. Rules and regulations on safe operating procedures.

29 The board shall adopt and promulgate rules and regulations on  
30 safe operating procedures which shall include the requirement

1 that a ride operator be at least 16 years of age, that he  
2 operate no more than one major ride at the same time, and that  
3 he be in attendance at all times that said ride is in operation.

4 Section 19. Liability insurance.

5 No persons shall operate an amusement ride unless at the time  
6 there is in existence a policy of insurance in an amount to be  
7 determined by the board and including an amount of not less than  
8 \$500,000 per ride or \$1,000,000 per amusement park or enterprise  
9 blanket policy, insuring the owner or operator against liability  
10 for injury suffered by persons riding amusement rides.

11 Section 20. Inapplicability of act to single-passenger  
12 coin-operated ride.

13 This act shall not apply to any single-passenger coin-  
14 operated ride, manually, mechanically or electrically operated,  
15 which customarily is placed, singly or in groups, in a public  
16 location and which does not normally require the supervision or  
17 services of an operator.

18 Section 21. Injunction to compel compliance.

19 The department shall have the power to bring injunctive  
20 proceedings in any court of competent jurisdiction to compel  
21 compliance with any lawful order made by the board pursuant to  
22 the provisions of this act.

23 Section 22. Violations; penalty.

24 Any person who interferes in any manner with the  
25 implementation of or otherwise fails to comply with the  
26 provisions of this act, shall be guilty of a misdemeanor of the  
27 third degree.

28 Section 23. Effective date.

29 This act shall take effect in 60 days.