

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 298

Session of  
1983

---

INTRODUCED BY GREENLEAF, JUBELIRER, KELLEY, SINGEL, SNYDER,  
SHAFFER, MELLOW, ROCKS, FISHER, PECORA, STAPLETON, EARLY AND  
ANDREZESKI, FEBRUARY 22, 1983

---

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 22, 1983

---

AN ACT

1 To require inspections and insurance in connection with  
2 amusement rides and attractions; giving powers to owners and  
3 operators; and providing for injunctions and penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Amusement  
8 Ride Safety Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Amusement attraction." Any building or structure around,  
14 over or through which persons may move to walk, without the aid  
15 of any moving device integral to the building or structure,  
16 which provides amusement, pleasure, thrills or excitement.  
17 Excluded are arenas, stadiums, theatres and convention halls.

1 This does not include enterprises principally devoted to the  
2 exhibition of products of agriculture, industry, education,  
3 science, religion or the arts.

4 "Amusement ride." Any mechanical device which carries or  
5 conveys passengers along, around or over a fixed or restricted  
6 route or course or within a defined area, for the purpose of  
7 giving its passengers amusement, pleasure, thrills or  
8 excitement.

9 "Department." The Department of Agriculture.

10 Section 3. Affidavit of inspection and insurance.

11 No person shall operate an amusement ride or attraction  
12 unless he has filed with the department an affidavit that the  
13 ride or attraction has been inspected by a qualified inspector  
14 of an insurance underwriter and that the owner or operator has a  
15 current insurance policy in force written by an insurance  
16 company authorized to do business within the Commonwealth in an  
17 amount of not less than \$300,000 per occurrence or an aggregate  
18 of not less than \$1,000,000 insuring the owner or operator  
19 against liability for injury to persons arising out of the use  
20 of the amusement ride or attraction. A yearly inspection shall  
21 be made and an affidavit accompanied by an inspection form  
22 approved by the department shall be filed prior to the first day  
23 of July of each year. In the event the amusement ride or  
24 attraction is inspected by a qualified inspector of an insurance  
25 underwriter more than once a year the affidavit shall be filed  
26 not later than 15 days after each additional inspection.

27 Section 4. Accident reports.

28 Any time an owner or operator submits an accident report to  
29 his insurance company a copy of those reports which involve  
30 physical injury to an individual as a result of the operation of

1 an amusement ride or the use of an amusement attraction shall be  
2 sent to the department by the owner or operator. The notice  
3 shall indicate the type of amusement ride or attraction by which  
4 the injury occurred and the nature of the injury.

5 Section 5. Owners and operators may deny entry.

6 The owner or operator of every amusement ride or attraction  
7 may deny entry to any person if in his opinion the entry may  
8 jeopardize the safety of the person desiring entry or the safety  
9 of other patrons of the amusement ride or attraction.

10 Section 6. Exemptions.

11 Nonmechanized playground equipment including, but not limited  
12 to: swings, seesaws, stationary spring-mounted animal features,  
13 rider-propelled merry-go-rounds, climbers, slides, trampolines,  
14 swinging gates and physical fitness devices except where an  
15 admission fee is charged for usage or an admission fee is  
16 charged to areas where such equipment is located are exempt from  
17 the provisions of this act.

18 Section 7. Injunction and penalty.

19 (a) Injunction against violation.--The district attorney of  
20 each county and the department are hereby authorized to seek an  
21 injunction against the owner or operator of any amusement ride  
22 or attraction being operated in violation of this act.

23 (b) Penalty.--Any person who operates an amusement ride or  
24 attraction in violation of this act is guilty of a misdemeanor  
25 of the third degree. Each day shall constitute a separate and  
26 distinct offense.

27 Section 8. Effective date.

28 This act shall take effect in 90 days.