

## 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,  
ANDREZESKI AND BRIGHTBILL, FEBRUARY 22, 1983

AS AMENDED ON SECOND CONSIDERATION, APRIL 20, 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.

18 This does not include enterprises principally devoted to the

1 exhibition of products of agriculture, industry, education,  
2 science, religion or the arts.

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

8 "Department." The Department of Agriculture.

9 Section 3. Affidavit of inspection and insurance.

10 No person shall operate an amusement ride or attraction  
11 unless he has filed with the department an affidavit that the  
12 ride or attraction has been inspected by a qualified inspector  
13 and that the owner or operator has a current insurance policy in  
14 force written by an insurance company authorized to do business  
15 within the Commonwealth OR ELIGIBLE TO DO BUSINESS UNDER SECTION <—  
16 7 OF THE ACT OF JANUARY 24, 1966 (1965 P.L.1509, NO.531),  
17 ENTITLED "AN ACT RELATING TO, REGULATING, TAXING, SUPERVISING  
18 AND CONTROLLING THE PLACING OF INSURANCE ON RISKS LOCATED IN THE  
19 COMMONWEALTH OF PENNSYLVANIA WITH INSURERS NOT LICENSED TO  
20 TRANSACT INSURANCE BUSINESS IN PENNSYLVANIA, PERMITTING LICENSED  
21 INSURERS TO AFFORD COVERAGE WHICH MAY BE PLACED WITH UNLICENSED  
22 INSURERS, PROVIDING FEES AND PENALTIES, AND REPEALING CERTAIN  
23 EXISTING LAWS," in an amount of not less than \$300,000 per  
24 occurrence or an aggregate of not less than \$1,000,000 insuring  
25 the owner or operator against liability for injury to persons  
26 arising out of the use of the amusement ride or attraction. A  
27 yearly inspection shall be made and an affidavit accompanied by  
28 an inspection form approved by the department shall be filed  
29 prior to the first day of July of each year. In the event the  
30 amusement ride or attraction is inspected by a qualified

1 inspector more than once a year the affidavit shall be filed not  
2 later than 15 days after each additional inspection.

3 Section 4. Accident reports.

4 Any time an owner or operator submits an accident report to  
5 his insurance company a copy of those reports which involve  
6 physical injury to an individual as a result of the operation of  
7 an amusement ride or the use of an amusement attraction shall be  
8 sent to the department by the owner or operator. The notice  
9 shall indicate the type of amusement ride or attraction by which  
10 the injury occurred and the nature of the injury.

11 Section 5. Owners and operators may deny entry.

12 The owner or operator of every amusement ride or attraction  
13 may deny entry to any person if in his opinion the entry may  
14 jeopardize the safety of the person desiring entry or the safety  
15 of other patrons of the amusement ride or attraction.

16 Section 6. Exemptions.

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

24 Section 7. Injunction and penalty.

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

29 (b) Penalty.--Any person who operates an amusement ride or  
30 attraction in violation of this act is guilty of a misdemeanor

1 of the third degree. Each day shall constitute a separate and  
2 distinct offense.

3 Section 8. Effective date.

4 This act shall take effect in 90 days.