

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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 14, 1984

AN ACT

1 ~~To require inspections and insurance in connection with~~ <—
2 ~~amusement rides and attractions; giving powers to owners,~~
3 ~~lessees and operators; and providing for injunctions and~~
4 ~~penalties.~~
5 PROVIDING FOR THE INSPECTION OF AMUSEMENT RIDES AND ATTRACTIONS; <—
6 GRANTING POWERS AND IMPOSING DUTIES ON THE DEPARTMENT OF
7 LABOR AND INDUSTRY; CREATING THE AMUSEMENT RIDE SAFETY
8 ADVISORY BOARD; AND IMPOSING CIVIL AND CRIMINAL PENALTIES.

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12 SECTION 19. EFFECTIVE DATE.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Short title.~~ <—

16 ~~This act shall be known and may be cited as the Amusement~~
17 ~~Ride Safety Act.~~

18 ~~Section 2. Definitions.~~

19 ~~The following words and phrases when used in this act shall~~
20 ~~have the meanings given to them in this section unless the~~
21 ~~context clearly indicates otherwise:~~

22 ~~"Amusement attraction." Any building or structure around,~~
23 ~~over or through which persons may move to walk, without the aid~~
24 ~~of any moving device integral to the building or structure,~~
25 ~~which provides amusement, pleasure, thrills or excitement.~~

26 ~~Excluded are arenas, stadiums, theatres, convention halls,~~ <—
27 ~~RETAIL STORES AND SHOPPING CENTERS. This does not include~~
28 ~~enterprises principally devoted to the exhibition of products of~~
29 ~~agriculture, industry, education, science, religion or the arts.~~

1 ~~"Amusement ride." Any mechanical device which carries or~~
2 ~~conveys passengers along, around or over a fixed or restricted~~
3 ~~route or course or within a defined area, for the purpose of~~
4 ~~giving its passengers amusement, pleasure, thrills or excitement~~
5 ~~including those amusement rides operating at an amusement~~
6 ~~attraction.~~

7 ~~"Department." The Department of Agriculture.~~

8 ~~"Lessee." Any person who leases an amusement ride or~~
9 ~~attraction.~~

10 ~~"Operator." Any person actually engaged in or directly~~
11 ~~controlling the operation of the amusement ride or attraction.~~

12 ~~"Owner." Any person who owns an amusement ride or~~
13 ~~attraction.~~

14 ~~Section 3. Affidavit of inspection and insurance.~~

15 ~~No amusement ride or attraction shall be operated unless the~~
16 ~~owner or lessee has filed with the department an affidavit that~~
17 ~~the ride or attraction has been inspected by a qualified~~
18 ~~inspector and that the owner or lessee has a current insurance~~
19 ~~policy in force written by an insurance company authorized to do~~
20 ~~business within the Commonwealth or eligible to do business~~
21 ~~under section 7 of the act of January 24, 1966 (1965 P.L.1509,~~
22 ~~No.531), entitled "An act relating to, regulating, taxing,~~
23 ~~supervising and controlling the placing of insurance on risks~~
24 ~~located in the Commonwealth of Pennsylvania with insurers not~~
25 ~~licensed to transact insurance business in Pennsylvania,~~
26 ~~permitting licensed insurers to afford coverage which may be~~
27 ~~placed with unlicensed insurers, providing fees and penalties,~~
28 ~~and repealing certain existing laws," in an amount of not less~~
29 ~~than \$300,000 per occurrence or an aggregate of not less than~~
30 ~~\$1,000,000 insuring the owner or lessee against liability for~~

1 ~~injury to persons arising out of the use of the amusement ride~~
2 ~~or attraction. A yearly inspection shall be made and an~~
3 ~~affidavit accompanied by an inspection form approved by the~~
4 ~~department shall be filed prior to the first day of July of each~~
5 ~~year. In the event the amusement ride or attraction is inspected~~
6 ~~by a qualified inspector more than once a year the affidavit~~
7 ~~shall be filed not later than 15 days after each additional~~
8 ~~inspection.~~

9 ~~Section 4. Accident reports.~~

10 ~~Any time an owner or lessee submits an accident report to his~~
11 ~~insurance company a copy of those reports which involve physical~~
12 ~~injury to an individual as a result of the operation of an~~
13 ~~amusement ride or the use of an amusement attraction shall be~~
14 ~~sent to the department by the owner or lessee. The notice shall~~
15 ~~indicate the type of amusement ride or attraction by which the~~
16 ~~injury occurred and the nature of the injury.~~

17 ~~Section 5. Owners, lessees or operators may deny entry.~~

18 ~~The owner, lessee or operator of every amusement ride or~~
19 ~~attraction may deny entry to any person if in his opinion the~~
20 ~~entry may jeopardize the safety of the person desiring entry or~~
21 ~~the safety of other patrons of the amusement ride or attraction.~~

22 ~~Section 6. Exemptions.~~

23 ~~Nonmechanized playground equipment including, but not limited~~
24 ~~to: swings, seesaws, stationary spring mounted animal features,~~
25 ~~rider propelled merry go rounds, climbers, slides, trampolines,~~
26 ~~swinging gates and physical fitness devices except where an~~
27 ~~admission fee is charged for usage or an admission fee is~~
28 ~~charged to areas where such equipment is located are exempt from~~
29 ~~the provisions of this act.~~

30 ~~Section 7. Injunction and penalty.~~

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

~~(b) Penalty. Any person who owns or leases an amusement ride or attraction in violation of this act is guilty of a misdemeanor of the third degree. Each day shall constitute a separate and distinct offense.~~

~~Section 8. Commonwealth not liable.~~

~~Neither the Commonwealth nor any political subdivision, directly or indirectly, is the guarantor of the safety of any amusement attraction or amusement ride not owned or operated by the Commonwealth or the political subdivision and the Commonwealth and its political subdivisions shall have all the attributes of sovereign immunity with regard to the activities of its officials and employees with respect to the inspection of amusement attractions and amusement rides as required under the provisions of this act.~~

~~Section 9. Effective date.~~

~~This act shall take effect in 90 days.~~

SECTION 1. SHORT TITLE.

<—

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE AMUSEMENT RIDE INSPECTION ACT.

SECTION 2. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"AMUSEMENT ATTRACTION." ANY BUILDING OR STRUCTURE AROUND, OVER OR THROUGH WHICH PEOPLE MAY MOVE OR WALK, WITHOUT THE AID OF ANY MOVING DEVICE INTEGRAL TO THE BUILDING OR STRUCTURE, THAT

1 PROVIDES AMUSEMENT, PLEASURE, THRILLS OR EXCITEMENT. THE TERM
2 DOES NOT INCLUDE ANY ENTERPRISE PRINCIPALLY DEVOTED TO THE
3 EXHIBITION OF PRODUCTS OF AGRICULTURE, INDUSTRY, EDUCATION,
4 SCIENCE, RELIGION OR THE ARTS.

5 "AMUSEMENT PARK." A TRACT OR AREA USED PRINCIPALLY AS A
6 LOCATION FOR PERMANENT AMUSEMENT STRUCTURES OR RIDES.

7 "AMUSEMENT RIDE." ANY DEVICE THAT CARRIES OR CONVEYS
8 PASSENGERS ALONG, AROUND OR OVER A FIXED OR RESTRICTED ROUTE OR
9 COURSE OR WITHIN A DEFINED AREA, FOR THE PURPOSE OF GIVING ITS
10 PASSENGERS AMUSEMENT, PLEASURE, THRILLS OR EXCITEMENT.

11 ~~"BOARD." THE AMUSEMENT RIDE SAFETY ADVISORY BOARD.~~ <—

12 "ASTM." AMERICAN SOCIETY FOR TESTING MATERIALS. <—

13 "CARNIVAL." AN ITINERANT ENTERPRISE CONSISTING PRINCIPALLY
14 OF TEMPORARY AMUSEMENT STRUCTURES OR MECHANICAL RIDES.

15 "CERTIFICATE OF INSPECTION." A CERTIFICATE ISSUED BY THE
16 DEPARTMENT OF LABOR AND INDUSTRY, SUBSEQUENT TO AN INSPECTION BY
17 THE DEPARTMENT, THAT CERTIFIES THAT AN AMUSEMENT RIDE OR
18 ATTRACTION MEETS ALL RELEVANT PROVISIONS OF THIS ACT AND THE
19 STANDARDS AND REGULATIONS ADOPTED UNDER THIS ACT.

20 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OR ITS
21 AUTHORIZED REPRESENTATIVE.

22 "FAIR." AN ENTERPRISE PRINCIPALLY DEVOTED TO THE PERIODIC
23 AND RECURRING EXHIBITION OF PRODUCTS OF AGRICULTURE, INDUSTRY,
24 EDUCATION, SCIENCE, RELIGION OR THE ARTS THAT HAS ONE OR MORE
25 AMUSEMENT RIDES OR ATTRACTIONS OPERATED IN CONJUNCTION THEREWITH
26 IN EITHER TEMPORARY OR PERMANENT STRUCTURES.

27 "KIDDY RIDE." ANY AMUSEMENT RIDE OR ATTRACTION DESIGNED FOR <—
28 USE BY CHILDREN UP TO 12 YEARS OF AGE.

29 "MAJOR RIDE." ANY AMUSEMENT RIDE OR ATTRACTION THAT IS NOT A
30 KIDDY RIDE.

1 "NEW AMUSEMENT RIDE OR ATTRACTION." AN AMUSEMENT RIDE OR
2 ATTRACTION OF A DESIGN NOT PREVIOUSLY OPERATED IN THE STATE AND
3 FOR WHICH NO STANDARDS AND REGULATIONS HAVE BEEN ADOPTED.

4 "OPERATOR." ANY PERSON OR PERSONS ACTUALLY ENGAGED IN OR
5 DIRECTLY CONTROLLING THE OPERATION OF AN AMUSEMENT RIDE OR
6 ATTRACTION.

7 "OWNER." A PERSON WHO OWNS AN AMUSEMENT RIDE OR ATTRACTION,
8 OR IN THE EVENT THAT THE AMUSEMENT RIDE OR ATTRACTION IS LEASED,
9 THE LESSEE. THE TERM INCLUDES THE STATE OR ITS POLITICAL
10 SUBDIVISION.

11 "PERMANENT STRUCTURE." A STRUCTURE, ENCLOSURE OR ARRANGEMENT
12 OF PARTS, USED OR INTENDED TO BE USED, FOR OR AS AN AMUSEMENT
13 RIDE OR ATTRACTION, THAT IS ERECTED TO REMAIN A LASTING PART OF
14 THE PREMISES.

15 "QUALIFIED INSPECTOR." A PERSON CERTIFIED BY THE DEPARTMENT <—
16 WHO BY EDUCATION, TRAINING AND EXPERIENCE IS QUALIFIED TO MEET
17 MINIMUM STANDARDS PROMULGATED IN RULES AND REGULATIONS PUBLISHED
18 BY THE DEPARTMENT PURSUANT TO THE PROVISIONS OF THIS ACT TO
19 INSPECT AMUSEMENT RIDES IN ACCORDANCE WITH RULES AND REGULATIONS
20 FURTHER PUBLISHED BY THE DEPARTMENT. A QUALIFIED INSPECTOR MAY
21 BE ANY ONE OF THE FOLLOWING:

22 (1) AN EMPLOYEE OF A COMPANY INSURING A RIDE AGAINST
23 DAMAGE TO PROPERTY OR INJURY TO PERSONS.

24 (2) AN EMPLOYEE OF THE DEPARTMENT.

25 (3) AN EMPLOYEE OF A PUBLIC OR PRIVATE ENTITY ENGAGED IN
26 THE BUSINESS OF INSPECTING RIDES.

27 "SECRETARY." THE SECRETARY OF LABOR AND INDUSTRY.

28 "TEMPORARY STRUCTURE." A STRUCTURE, ENCLOSURE OR ARRANGEMENT
29 OF PARTS, USED OR INTENDED TO BE USED, FOR OR AS AN AMUSEMENT
30 RIDE OR ATTRACTION, THAT IS RELOCATED FROM TIME TO TIME WITH OR

1 WITHOUT DISASSEMBLY.

2 ~~"WORKING DAYS." THE PERIOD OF TIME FROM MONDAY THROUGH~~ <—
3 ~~FRIDAY INCLUSIVE. THE TERM DOES NOT INCLUDE ANY SATURDAY, SUNDAY~~
4 ~~OR STATE HOLIDAY.~~

5 SECTION 3. NONAPPLICATION OF ACT.

6 THIS ACT DOES NOT APPLY TO SINGLE PASSENGER, COIN-OPERATED,
7 MANUALLY, MECHANICALLY OR ELECTRICALLY OPERATED RIDES, EXCEPT
8 WHERE ADMISSION IS CHARGED FOR THE USE OF THE EQUIPMENT.

9 SECTION 4. POWERS AND DUTIES OF DEPARTMENT OF LABOR AND
10 INDUSTRY.

11 ~~(A) RESPONSIBILITY.~~ THE DEPARTMENT OR ITS AUTHORIZED <—
12 REPRESENTATIVE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

13 (1) ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT.

14 (2) PRESCRIBE SAFETY STANDARDS RELATING TO THE OPERATION
15 AND MAINTENANCE OF AMUSEMENT RIDES OR ATTRACTIONS TAKING INTO <—
16 CONSIDERATION THOSE STANDARDS ADOPTED BY THE ASTM, F-24
17 COMMITTEE.

18 (3) CONDUCT ~~ANY~~ OR ENFORCE NECESSARY INSPECTIONS. ~~AND~~ <—
19 ~~INVESTIGATIONS.~~

20 (4) ISSUE CITATIONS FOR VIOLATIONS OF THIS ACT OR ANY
21 RULE, REGULATION OR STANDARD PROMULGATED PURSUANT TO THIS
22 ACT.

23 (5) PERMIT VARIANCES.

24 (6) IMPOSE CIVIL PENALTIES IN ACCORDANCE WITH SECTION ~~17~~ <—
25 16.

26 (7) ESTABLISH RECORDKEEPING AND REPORTING PROCEDURES.

27 (8) CONDUCT ANY AND ALL HEARINGS IN ACCORDANCE WITH
28 TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING
29 TO ADMINISTRATIVE LAW AND PROCEDURE).

30 (9) ADMINISTER OATHS, TAKE OR CAUSE TO BE TAKEN

1 DEPOSITIONS, ISSUE SUBPOENAS AND COMPEL THE ATTENDANCE OF
2 WITNESSES AND THE PRODUCTION OF PAPERS, BOOKS, DOCUMENTS,
3 RECORDS AND OTHER TESTIMONY.

4 (10) ADOPT SUCH RULES AND REGULATIONS AS ARE NECESSARY
5 TO EFFECTIVELY ADMINISTER THE PROVISIONS OF THIS ACT.

6 ~~(B) INSPECTION. THE POWER OF INSPECTION MAY BE DELEGATED BY~~ <—
7 ~~THE DEPARTMENT TO ANY DEPARTMENT, AGENCY OR POLITICAL~~
8 ~~SUBDIVISION OF THE STATE THAT PRESENTS SATISFACTORY EVIDENCE TO~~
9 ~~THE DEPARTMENT OF ITS ABILITY TO PERFORM THE INSPECTIONS~~
10 ~~REQUIRED BY THIS ACT. NO DELEGATION OF POWER SHALL OCCUR UNLESS~~
11 ~~THERE IS A WRITTEN AGREEMENT SETTING FORTH THE RESPONSIBILITIES~~
12 ~~OF THE RESPECTIVE PARTIES. THE DEPARTMENT SHALL, AT ALL TIMES,~~
13 ~~RETAIN THE RIGHT TO REVOKE THE AGREEMENT AND TO MONITOR ANY~~
14 ~~INSPECTION AUTHORIZED BY THIS ACT.~~

15 ~~SECTION 5. AMUSEMENT RIDE SAFETY ADVISORY BOARD.~~

16 ~~(A) ESTABLISHMENT. THERE IS HEREBY ESTABLISHED UNDER THE~~
17 ~~JURISDICTION OF THE DEPARTMENT A BOARD KNOWN AS THE AMUSEMENT~~
18 ~~RIDE SAFETY ADVISORY BOARD.~~

19 ~~(B) COMPOSITION. THE BOARD, APPOINTED BY THE GOVERNOR WITH~~
20 ~~THE CONSENT OF A MAJORITY OF THE SENATE, SHALL CONSIST OF NINE~~
21 ~~MEMBERS OF WHOM ONE MEMBER SHALL BE A REPRESENTATIVE OF THE~~
22 ~~AMUSEMENT RIDE MANUFACTURERS, ONE SHALL BE A REPRESENTATIVE OF~~
23 ~~THE CARNIVAL OWNERS, TWO SHALL BE REPRESENTATIVES OF THE~~
24 ~~AMUSEMENT PARK OWNERS, ONE SHALL BE A REPRESENTATIVE OF THE~~
25 ~~STATE OR COUNTY FAIRS, ONE SHALL BE A MECHANICAL ENGINEER AND~~
26 ~~THREE SHALL REPRESENT THE PUBLIC. ONE OF THE PUBLIC MEMBERS~~
27 ~~SHALL BE DESIGNATED BY THE GOVERNOR AS THE CHAIRMAN.~~

28 ~~(C) TERMS OF MEMBERS. THE MEMBERS OF THE BOARD SHALL SERVE~~
29 ~~A TERM OF SIX YEARS, EXCEPT OF THE FIRST MEMBERS APPOINTED, OF~~
30 ~~THOSE REPRESENTING THE AMUSEMENT RIDE MANUFACTURERS, CARNIVAL~~

1 OWNERS, AMUSEMENT PARK OWNERS AND STATE AND COUNTY FAIRS, ONE
2 SHALL BE APPOINTED FOR THREE YEARS, ONE SHALL BE APPOINTED FOR
3 FOUR YEARS, ONE SHALL BE APPOINTED FOR FIVE YEARS AND ONE SHALL
4 BE APPOINTED FOR SIX YEARS AND THE MECHANICAL ENGINEER AND, OF
5 THOSE MEMBERS REPRESENTING THE PUBLIC, ONE SHALL BE APPOINTED
6 FOR FOUR YEARS, ONE SHALL BE APPOINTED FOR FIVE YEARS AND ONE
7 SHALL BE APPOINTED FOR SIX YEARS. ALL MEMBERS SHALL SERVE UNTIL
8 THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. VACANCIES SHALL BE
9 FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
10 AS THE ORIGINAL APPOINTMENTS.

11 ~~(D) COMPENSATION. THE MEMBERS OF THE BOARD WHEN ACTUALLY~~
12 ~~ENGAGED IN THE PERFORMANCE OF THEIR DUTIES SHALL RECEIVE A PER~~
13 ~~DIEM COMPENSATION OF \$100 AND MILEAGE.~~

14 ~~(E) REAPPOINTMENT. ALL MEMBERS OF THE BOARD SHALL BE~~
15 ~~ELIGIBLE FOR REAPPOINTMENT.~~

16 ~~SECTION 6. POWERS AND DUTIES OF BOARD.~~

17 ~~(A) ADVISE AND CONSULT. THE BOARD SHALL ADVISE, CONSULT,~~
18 ~~MAKE RECOMMENDATIONS AND PROPOSE REASONABLE RULES, REGULATIONS~~
19 ~~AND STANDARDS TO THE DEPARTMENT FOR THE PREVENTION OF CONDITIONS~~
20 ~~DETRIMENTAL TO THE PUBLIC IN THE USE OF AMUSEMENT RIDES AND~~
21 ~~ATTRACTIONS AS THE BOARD FINDS NECESSARY FOR THE PROTECTION AND~~
22 ~~SAFETY OF THE PUBLIC UPON THE BASIS OF CIRCUMSTANTIAL EVIDENCE~~
23 ~~AND INFORMATION AVAILABLE TO OR DEVELOPED BY THE DEPARTMENT, OR~~
24 ~~UPON CIRCUMSTANTIAL EVIDENCE AND INFORMATION SUBMITTED BY ANY~~
25 ~~INTERESTED PERSON AT A PUBLIC HEARING HELD IN ACCORDANCE WITH~~
26 ~~SUBSECTION (B). THE DEPARTMENT SHALL MAKE SUCH RECOMMENDATIONS~~
27 ~~TO THE BOARD REGARDING RULES, REGULATIONS AND STANDARDS AS IT~~
28 ~~DEEMS NECESSARY TO CARRY OUT THE INTENT OF THIS ACT.~~

29 ~~(B) HEARINGS. THE BOARD SHALL HOLD PUBLIC HEARINGS AT SUCH~~
30 ~~TIME AND PLACE AS THE BOARD MAY SPECIFY TO CARRY OUT ITS~~

~~RESPONSIBILITIES. ALL HEARINGS SHALL BE CONDUCTED PURSUANT TO
THE ACT OF JULY 19, 1974 (P.L.486, NO.175), REFERRED TO AS THE
PUBLIC AGENCY OPEN MEETING LAW.~~

~~(C) RECOMMENDATIONS. THE BOARD SHALL SUBMIT TO THE
DEPARTMENT ITS RECOMMENDATIONS CONCERNING PROPOSED RULES,
REGULATIONS AND STANDARDS, TOGETHER WITH A REPORT, INDICATING
THE NEED FOR THE PROPOSALS AND SUMMARIZING THE TESTIMONY
PRESENTED AT ANY PUBLIC HEARING AND ANY OTHER INFORMATION OR
TECHNICAL DATA AVAILABLE TO THE BOARD.~~

SECTION 7 5. INSPECTIONS. <—

~~(A) GENERAL RULE. THE DEPARTMENT SHALL INSPECT ANY:~~ <—

(A) INSPECTION OF DEVICES.--THE SELECTED OWNER OR OPERATOR <—
SHALL HAVE INSPECTED BY A QUALIFIED INSPECTOR:

(1) AMUSEMENT PARK RIDE AND ATTRACTION ANNUALLY.

(2) FAIR AND CARNIVAL AMUSEMENT RIDE AND ATTRACTION
BEFORE ITS OPERATION AT EACH NEW LOCATION.

(3) NEW OR MODIFIED AMUSEMENT RIDE AND ATTRACTION BEFORE
ITS PUBLIC OPERATION COMMENCES.

(B) OWNER OR LESSEE.--AN OWNER OR LESSEE OF A NEW, MODIFIED
OR RECONSTRUCTED AMUSEMENT RIDE OR ATTRACTION SHALL NOTIFY THE
DEPARTMENT BEFORE BEGINNING OPERATION.

(C) NOTIFICATION.--AN OWNER OR LESSEE OF ANY FAIR OR
CARNIVAL SHALL NOTIFY THE DEPARTMENT IN WRITING AT LEAST 30 DAYS
BEFORE THE OPENING OF THE CARNIVAL OR FAIR AT EACH LOCATION. IF,
AFTER THE NOTIFICATION, THE OWNER OR LESSEE CHANGES HIS SCHEDULE
OF LOCATIONS OR DATES, HE IMMEDIATELY SHALL NOTIFY THE
DEPARTMENT OF THE CHANGE.

(D) AMUSEMENT PARKS.--IF AN INSPECTION DISCLOSES THAT AN
AMUSEMENT RIDE OR ATTRACTION LOCATED IN AN AMUSEMENT PARK
COMPLIES WITH ALL RELEVANT PROVISIONS OF THIS ACT AND THE

1 ADOPTED STANDARDS AND REGULATIONS, THE DEPARTMENT SHALL ISSUE A
2 CERTIFICATE OF INSPECTION FOR EACH RIDE TO ITS OWNER OR LESSEE.
3 THE CERTIFICATE SHALL BE VALID FOR NOT MORE THAN ONE YEAR FROM
4 THE DATE OF ISSUANCE AND SHALL BE POSTED, IN PLAIN VIEW, ON THE
5 AMUSEMENT RIDE OR ATTRACTION.

6 ~~(E) CARNIVALS. IF AN INSPECTION DISCLOSES THAT A FAIR OR~~ <—
7 ~~CARNIVAL AMUSEMENT RIDE OR ATTRACTION COMPLIES WITH ALL RELEVANT~~
8 ~~PROVISIONS OF THIS ACT AND THE ADOPTED STANDARDS AND~~
9 ~~REGULATIONS, THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF~~
10 ~~INSPECTION TO ITS OWNER OR LESSEE. THE CERTIFICATE SHALL BE~~
11 ~~VALID FOR NOT MORE THAN 30 DAYS AND SHALL BE POSTED, IN PLAIN~~
12 ~~VIEW, ON THE AMUSEMENT RIDE OR ATTRACTION.~~

13 (E) CARNIVALS.--IF AN INSPECTION DISCLOSES THAT A FAIR OR <—
14 CARNIVAL AMUSEMENT RIDE OR ATTRACTION COMPLIES WITH ALL RELEVANT
15 PROVISIONS OF THE ACT AND THE ADOPTED STANDARDS AND REGULATIONS,
16 THE OWNER OR OPERATOR SHALL FILE WITH THE DEPARTMENT A WRITTEN
17 AFFIDAVIT, AFFIRMED BY THE QUALIFIED INSPECTOR THAT THE
18 INSPECTION OF SAID RIDE OR ATTRACTION WAS CONDUCTED AT THE
19 SPECIFIED NEW LOCATION AND THAT SAID RIDE IS IN COMPLIANCE WITH
20 THE ADOPTED STANDARDS AND REGULATIONS. THE AFFIDAVIT SHALL BE
21 FILED PRIOR TO THE OPERATION OF SAID RIDE OR ATTRACTION AND
22 SHALL BE FILED BY CERTIFIED MAIL. UPON RECEIPT OF THE AFFIDAVIT,
23 THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF INSPECTION TO THE
24 OWNER OR OPERATOR WHICH SHALL BE VALID FOR NO MORE THAN 30 DAYS
25 AT THE SAID LOCATION FROM THE DATE OF FILING. THE AFFIDAVIT
26 SHALL BE CONSIDERED TO BE FILED BY THE DEPARTMENT ON THE DATE OF
27 THE POSTMARK. UNTIL THE CERTIFICATE IS RECEIVED BY THE OWNER OR
28 OPERATOR, A COPY OF THE AFFIDAVIT SHALL BE POSTED IN PLAIN VIEW
29 ON THE AMUSEMENT RIDE OR ATTRACTION PRIOR TO ITS OPERATION.

30 (F) ISSUANCE.--EXCEPT FOR THE PURPOSES OF TESTING AND

1 INSPECTION, AN AMUSEMENT RIDE OR ATTRACTION SHALL NOT BE
2 OPERATED UNTIL A CERTIFICATE OF INSPECTION HAS BEEN ISSUED BY
3 THE DEPARTMENT.

4 ~~(G) INVESTIGATION. THE DEPARTMENT SHALL INSPECT AND~~ <—
5 ~~INVESTIGATE, UPON NOTIFICATION OR INFORMATION, ACCIDENTS OR~~
6 ~~COMPLAINTS INVOLVING ANY AMUSEMENT RIDE OR ATTRACTION.~~

7 (G) SERIOUS INJURY OR DEATH.--WHEN A SERIOUS INJURY OR DEATH <—
8 OCCURS AS A RESULT OF THE OPERATION OF AN AMUSEMENT RIDE OR
9 ATTRACTION, THE OPERATOR SHALL IMMEDIATELY CLOSE THE ATTRACTION
10 OR RIDE UNTIL IT HAS BEEN INSPECTED, REPAIRED AND DECLARED SAFE
11 FOR OPERATION BY A QUALIFIED INSPECTOR. HOWEVER, IN THE EVENT OF
12 A DEATH, THE RIDE OR ATTRACTION MAY NOT BE REOPENED UNTIL
13 DECLARED SAFE BY THE DEPARTMENT.

14 SECTION 6. PASSENGER CONDUCT.

15 (A) REFUND.--THE OWNER SHALL HAVE THE RIGHT TO REFUSE ANY
16 MEMBER OF THE PUBLIC ADMISSION TO A RIDE IF, IN THE OPINION OF
17 THE OPERATOR, THE PASSENGER'S BEARING OR CONDUCT WILL ENDANGER
18 HIMSELF OR OTHER MEMBER OF THE PUBLIC.

19 (B) REFUSAL FOR HEALTH REASONS.--THE OWNER SHALL HAVE THE
20 RIGHT TO REFUSE ADMITTANCE TO ANY MEMBER OF THE PUBLIC TO ANY
21 RIDE IF, IN THE OPINION OF THE OPERATOR, THE INTENDED
22 PASSENGER'S HEALTH OR PHYSICAL CONDITION MAKES IT UNSAFE FOR HIM
23 OR HER TO USE THE RIDE.

24 (C) REFUSAL FOR RIDE RESTRICTIONS.--THE OWNER SHALL REFUSE
25 ADMITTANCE TO ANY MEMBER OF THE PUBLIC SEEKING ADMISSION TO A
26 MAJOR RIDE ACCORDING TO THE RESTRICTIONS OF THE MAJOR RIDE.
27 LEGIBLE SIGNS TO THAT EFFECT SHALL BE POSTED IN CLOSE PROXIMITY
28 TO THE RIDE IN FULL VIEW OF THE PUBLIC SEEKING ADMISSION TO
29 MAJOR RIDES.

30 SECTION 8 7. VARIANCES. <—

1 (A) APPLICATION.--ANY AFFECTED OWNER OR LESSEE OF AMUSEMENT
2 RIDES OR ATTRACTIONS MAY APPLY IN WRITING TO THE DEPARTMENT FOR
3 AN ORDER FOR A VARIANCE FROM ANY RULE, REGULATION OR STANDARD.

4 (B) EXCEPTIONS.--THE SECRETARY MAY GRANT EXCEPTIONS FROM THE
5 RULES, REGULATIONS AND STANDARDS ADOPTED BY THE DEPARTMENT
6 PURSUANT TO THIS ACT IF:

7 (1) IT IS EVIDENT THAT ACTION IS NECESSARY TO PREVENT
8 UNDUE HARDSHIP; OR

9 (2) EXISTING CONDITIONS PREVENT PRACTICAL COMPLIANCE AND
10 REASONABLE SAFETY OF THE PUBLIC CAN, IN THE OPINION OF THE
11 SECRETARY, BE ASSURED.

12 SECTION 9 8. NOTICE OF VIOLATION. <—

13 (A) VIOLATION.--IF, AFTER INSPECTION OR INVESTIGATION OF ANY
14 AMUSEMENT RIDE OR ATTRACTION, AN AUTHORIZED INSPECTOR DETERMINES
15 THAT THE AMUSEMENT RIDE OR ATTRACTION IS IN VIOLATION OF ANY
16 RULE, REGULATION OR STANDARD AND THAT THERE IS A SUBSTANTIAL
17 PROBABILITY OF DEATH OR SERIOUS PHYSICAL INJURY TO THE PUBLIC
18 FROM ITS CONTINUED USE, NOTICE OF THE DETERMINATION SHALL BE
19 GIVEN IN WRITING TO THE OWNER OR LESSEE OF THE AMUSEMENT RIDE OR
20 ATTRACTION. A COPY OF THE NOTICE SHALL BE ATTACHED TO THE
21 AMUSEMENT RIDE OR ATTRACTION. AFTER THE NOTICE OF VIOLATION IS
22 ISSUED, THE USE OF THE AMUSEMENT RIDE OR ATTRACTION SHALL BE
23 PROHIBITED. THE NOTICE SHALL NOT BE REMOVED UNTIL THE AMUSEMENT
24 RIDE OR ATTRACTION IS MADE SAFE FOR PUBLIC USE AND THE REQUIRED
25 SAFEGUARDS ARE PROVIDED. THE NOTICE MAY NOT BE REMOVED EXCEPT BY
26 AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT.

27 (B) APPEAL.--ANY PERSON AGGRIEVED BY A DECISION OF THE
28 DEPARTMENT MAY APPEAL TO THE COMMONWEALTH COURT. THE FILING OF
29 AN APPEAL DOES NOT STAY THE ORDER OF THE DEPARTMENT, EXCEPT THAT
30 THE COURT, AFTER NOTICE TO THE DEPARTMENT AND HEARING, MAY GRANT

1 A STAY CONDITIONED UPON THE APPELLANT POSTING SECURITY OR BOND
2 AS THE COURT MAY DEEM PROPER.

3 SECTION ~~10~~ 9. ISSUANCE OF CITATION FOR VIOLATION. <—

4 (A) CITATION.--IF, AFTER INSPECTION OR INVESTIGATION, AN
5 AUTHORIZED INSPECTOR FINDS THAT THIS ACT OR ANY RULE,
6 REGULATION, STANDARD OR ORDER PROMULGATED AND ISSUED UNDER THIS
7 ACT HAS BEEN VIOLATED, HE SHALL ISSUE A CITATION WITH REASONABLE
8 PROMPTNESS TO THE OWNER OR LESSEE OF AN AMUSEMENT RIDE OR
9 ATTRACTION AND SHALL DESCRIBE WITH PARTICULARITY THE NATURE OF
10 THE VIOLATION INCLUDING A REFERENCE TO THE PROVISION OF THIS
11 ACT, RULE, REGULATION, STANDARD OR ORDER ALLEGED TO HAVE BEEN
12 VIOLATED. IN ADDITION, THE CITATION SHALL SET A REASONABLE TIME
13 FOR THE ABATEMENT AND CORRECTION OF THE VIOLATION.

14 (B) POSTING.--A CITATION ISSUED UNDER THIS ACT, OR ITS COPY,
15 SHALL BE PROMINENTLY POSTED AT OR NEAR EACH PLACE A VIOLATION
16 REFERRED TO IN THE CITATION HAS ALLEGEDLY OCCURRED.

17 (C) TIME LIMIT.--A CITATION MAY NOT BE ISSUED AFTER THE
18 EXPIRATION OF THREE MONTHS FOLLOWING THE ALLEGED VIOLATION.

19 SECTION ~~11~~ 10. NOTICE OF ISSUANCE OF CITATION. <—

20 (A) GENERAL RULE.-- IF, AFTER AN INSPECTION AND
21 INVESTIGATION, THE DEPARTMENT ISSUES A CITATION, IT, WITHIN A
22 REASONABLE TIME AFTER THE DATE OF ISSUANCE, SHALL NOTIFY THE
23 OWNER OR LESSEE OF THE AFFECTED AMUSEMENT RIDE OR ATTRACTION, BY
24 CERTIFIED MAIL, OF THE ISSUANCE OF THE CITATION, OF ANY PROPOSED
25 CIVIL PENALTY ASSESSED UNDER THIS ACT AND THAT THE OWNER OR
26 LESSEE HAS 15 WORKING DAYS WITHIN WHICH TO NOTIFY THE DEPARTMENT
27 IN WRITING THAT HE WISHES TO CONTEST THE CITATION OR PROPOSED
28 ASSESSMENT OF A PENALTY.

29 (B) FAILURE TO CONTEST CITATION OR ASSESSMENT.--IF, WITHIN
30 15 WORKING DAYS FROM THE RECEIPT OF THE NOTICE ISSUED BY THE

1 DEPARTMENT, THE OWNER OR LESSEE OF THE AFFECTED AMUSEMENT RIDE
2 OR ATTRACTION DOES NOT NOTIFY THE DEPARTMENT THAT HE INTENDS TO
3 CONTEST THE CITATION OR ASSESSMENT OR A PENALTY, THE CITATION
4 AND ASSESSMENT SHALL BECOME FINAL.

5 SECTION ~~12~~ 11. NOTICE OF FAILURE TO CORRECT VIOLATION. <—

6 (A) NOTIFICATION.--IF THE SECRETARY HAS REASON TO BELIEVE
7 THAT AN OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION HAS
8 NOT CORRECTED A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED
9 WITHIN THE PERIOD PERMITTED FOR ITS CORRECTION, THE SECRETARY
10 SHALL NOTIFY THE OWNER OR LESSEE BY CERTIFIED MAIL:

11 (1) OF THE FAILURE TO CORRECT THE VIOLATION AND PAY ANY
12 PENALTY.

13 (2) THAT THE OWNER OR LESSEE HAS 15 WORKING DAYS WITHIN
14 WHICH TO NOTIFY THE DEPARTMENT IN WRITING THAT HE WISHES TO
15 CONTEST THE SECRETARY'S NOTIFICATION OR THE ASSESSED PENALTY.

16 (B) PENALTY.--IF WITHIN 15 WORKING DAYS FROM THE RECEIPT OF
17 NOTIFICATION ISSUED BY THE DEPARTMENT, THE OWNER OR LESSEE DOES
18 NOT NOTIFY THE DEPARTMENT OF HIS INTENTION TO CONTEST THE
19 NOTIFICATION OR THE ASSESSED PENALTY, THE NOTIFICATION AND
20 PENALTY SHALL BECOME FINAL.

21 SECTION ~~13~~ 12. HEARINGS. <—

22 (A) HEARING.--WHENEVER AN OWNER OR LESSEE OF AN AMUSEMENT
23 RIDE OR ATTRACTION NOTIFIES THE DEPARTMENT IN WRITING THAT THE
24 OWNER OR LESSEE INTENDS TO CONTEST ANY CITATION OR NOTICE ISSUED
25 PURSUANT TO SECTION ~~10, 11 OR 12~~ 9, 10 OR 11, THE SECRETARY <—
26 SHALL GRANT A HEARING WITHIN 30 DAYS AFTER RECEIPT OF
27 NOTIFICATION BY THE DEPARTMENT.

28 (B) HEARING EXAMINER.--THE SECRETARY MAY APPOINT A HEARING
29 EXAMINER TO CONDUCT HEARINGS AND MAKE DETERMINATIONS UPON ANY
30 PROCEEDING INSTITUTED BEFORE THE SECRETARY AND ANY MOTION IN

1 CONNECTION THEREWITH. THE HEARING EXAMINER SHALL PREPARE AN
2 OFFICIAL RECORD WITH TESTIMONY AND REPORT HIS DETERMINATION IN
3 WRITING.

4 (C) REPORT.--THE REPORT OF THE HEARING EXAMINER SHALL BECOME
5 FINAL UNLESS, WITHIN 20 WORKING DAYS AFTER IT IS ISSUED, ANY
6 AFFECTED OWNER OR LESSEE REQUESTS IN WRITING A REVIEW BY THE
7 SECRETARY OF THE PROCEEDINGS BEFORE THE HEARING EXAMINER.

8 (D) ORDER.--AFTER A REVIEW OF THE PROCEEDINGS THE SECRETARY
9 SHALL, WITH OR WITHOUT A HEARING, ISSUE AN ORDER, AFFIRMING,
10 MODIFYING OR VACATING THE CITATION OR CIVIL PENALTY, OR
11 DIRECTING OTHER APPROPRIATE RELIEF. THE SECRETARY'S ORDER SHALL
12 BECOME FINAL 15 DAYS AFTER ITS ISSUANCE.

13 (E) ABATEMENT.--AFTER AN OPPORTUNITY FOR HEARING AS PROVIDED
14 IN THIS SECTION, THE SECRETARY, UPON A SHOWING BY AN AMUSEMENT
15 RIDE OR ATTRACTION OWNER OR LESSEE OF A GOOD FAITH EFFORT TO
16 COMPLY WITH THE ABATEMENT REQUIREMENTS OF A CITATION, MAY ISSUE
17 AN ORDER AFFIRMING OR MODIFYING THE ABATEMENT REQUIREMENTS IN
18 THE CITATION.

19 SECTION ~~14~~ 13. APPEALS. <—

20 ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED BY ANY RULE,
21 REGULATION, STANDARD OR ORDER OF THE DEPARTMENT ISSUED UNDER
22 THIS ACT MAY APPEAL TO THE COMMONWEALTH COURT. THE COMMENCEMENT
23 OF APPELLATE PROCEEDINGS DOES NOT OPERATE AS A STAY OF ANY RULE,
24 REGULATION, STANDARD OR ORDER ISSUED BY THE DEPARTMENT OR
25 SECRETARY UNDER THE PROVISIONS OF THIS ACT, EXCEPT THAT THE
26 COURT, AFTER NOTICE TO THE DEPARTMENT AND HEARING, MAY GRANT A
27 STAY CONDITIONED UPON THE APPELLANT POSTING SECURITY OR BOND AS
28 THE COURT MAY DEEM PROPER.

29 ~~SECTION 15. RECORDS.~~ <—

30 ~~(A) OWNER OR LESSEE. EVERY OWNER OR LESSEE OF AMUSEMENT~~

~~RIDES OR ATTRACTIONS OPERATED IN THIS COMMONWEALTH SHALL:~~

~~(1) MAKE, KEEP AND PRESERVE AND MAKE AVAILABLE TO THE
DEPARTMENT FOR INSPECTION RECORDS RELATING TO HIS ACTIVITIES
WITH REGARD TO THIS ACT.~~

~~(2) MAINTAIN ACCURATE RECORDS OF AND MAKE PERIODIC
REPORTS ON INJURIES TO THE PUBLIC INCURRED IN THE USE OF AN
AMUSEMENT RIDE OR ATTRACTION OTHER THAN MINOR INJURIES
REQUIRING ONLY FIRST AID TREATMENT AND WHICH DO NOT INVOLVE
MEDICAL TREATMENT OR LOSS OF CONSCIOUSNESS.~~

~~(3) ON THE BASIS OF THE RECORDS MADE AND KEPT, FILE
REPORTS WITH THE DEPARTMENT.~~

~~(B) REPORTS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
SECTION, EVERY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR
ATTRACTION SHALL REPORT, IN WRITING OR ORALLY, TO THE
DEPARTMENT, WITHIN 72 HOURS, THE OCCURRENCE OF ANY ACCIDENT,
OTHER THAN THOSE REQUIRING ONLY MINOR FIRST AID, RESULTING IN
SERIOUS INJURY OR DEATH SUFFERED DURING THE OPERATION OF ANY
AMUSEMENT RIDE OR ATTRACTION. WHEN A SERIOUS PHYSICAL INJURY OR
DEATH OCCURS AS A RESULT OF THE OPERATION OF AN AMUSEMENT RIDE
OR ATTRACTION, THE OPERATOR SHALL IMMEDIATELY CLOSE THE RIDE OR
ATTRACTION UNTIL IT HAS BEEN INSPECTED. THE DEPARTMENT SHALL
INSPECT THE RIDE OR ATTRACTION WITHIN 24 HOURS AFTER RECEIVING
NOTIFICATION OF AN ACCIDENT.~~

~~SECTION 16. — INSURANCE.~~

~~(A) MINIMUM. — AN AMUSEMENT RIDE OR ATTRACTION MAY NOT
OPERATE UNLESS THE OWNER OR LESSEE OF THE RIDE OR ATTRACTION HAS
PURCHASED INSURANCE IN AN AMOUNT OF NOT LESS THAN \$300,000
AGAINST LIABILITY FOR INJURY TO PERSONS ARISING OUT OF THE USE
OF THE AMUSEMENT RIDE OR ATTRACTION.~~

~~SECTION 14. RECORDS AND REPORTS.~~

<—

1 ANYTIME AN OWNER OR OPERATOR SUBMITS AN ACCIDENT REPORT TO
2 HIS INSURANCE COMPANY, A COPY OF THOSE REPORTS WHICH INVOLVE
3 SERIOUS INJURIES OR DEATH TO AN INDIVIDUAL OR INDIVIDUALS AS A
4 RESULT OF A MALFUNCTION OF AN AMUSEMENT RIDE SHALL BE SENT TO
5 THE DEPARTMENT BY THE OWNER OR OPERATOR. THE NOTICE SHALL
6 INDICATE THE DESCRIPTION OF THE AMUSEMENT RIDE OR ATTRACTION BY
7 WHICH THE INJURY OR DEATH OCCURRED AND THE NATURE OF THE
8 INJURIES OR CAUSE OF DEATH.

9 SECTION 15. INSURANCE.

10 (A) MINIMUM AMOUNT.--A PERSON MAY NOT OPERATE AN AMUSEMENT
11 RIDE OR ATTRACTION UNLESS HE HAS PURCHASED INSURANCE IN AN
12 AMOUNT NOT LESS THAN \$1,000,000 PER OCCURRENCE INSURING THE
13 OWNER OR OPERATOR AGAINST LIABILITY FOR THE INJURY TO THE
14 PERSONS ARISING OUT OF THE USE OF SUCH AMUSEMENT RIDE OR
15 ATTRACTION.

16 (B) POLICY.--THE INSURANCE POLICY SHALL BE PROCURED FROM ANY
17 INSURER OR SURETY THAT IS ACCEPTABLE TO THE INSURANCE
18 COMMISSIONER OF PENNSYLVANIA AND LICENSED TO TRANSACT BUSINESS
19 IN THE COMMONWEALTH.

20 (C) CERTIFICATE.--A CERTIFICATE OF INSURANCE SHALL BE
21 FURNISHED TO THE DEPARTMENT PRIOR TO THE ISSUANCE OF A
22 CERTIFICATE OF INSPECTION.

23 SECTION ~~17~~ 16. CIVIL PENALTIES.

24 (A) SERIOUS VIOLATIONS.--

25 (1) ANY PERSON WHO OPERATES AN AMUSEMENT RIDE OR
26 ATTRACTION WITHOUT A CERTIFICATE OF INSPECTION FROM THE
27 DEPARTMENT OR WHO WILLFULLY OR REPEATEDLY VIOLATES ANY
28 PROVISION OF THIS ACT OR ANY RULE, REGULATION, STANDARD OR
29 ORDER PROMULGATED PURSUANT TO THIS ACT IS SUBJECT TO A CIVIL
30 PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION.

1 (2) ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR
2 ATTRACTION WHO HAS RECEIVED A CITATION FOR A SERIOUS
3 VIOLATION OF ANY PROVISION OF THIS ACT OR ANY RULE,
4 REGULATION, STANDARD OR ORDER PROMULGATED PURSUANT TO THIS
5 ACT IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$1,000 FOR
6 EACH VIOLATION.

7 (3) FOR THE PURPOSES OF THIS SUBSECTION, A SERIOUS
8 VIOLATION SHALL BE DEEMED TO EXIST IF THERE IS A SUBSTANTIAL
9 PROBABILITY OF DEATH OR SERIOUS PHYSICAL INJURY TO THE
10 MEMBERS OF THE PUBLIC FROM AN UNSAFE CONDITION OR FROM ONE OR
11 MORE PRACTICES, MEANS OR METHODS OF OPERATION WHICH ARE IN
12 USE BY THE OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION
13 UNLESS SUCH OWNER OR LESSEE DID NOT AND COULD NOT WITH THE
14 EXERCISE OF REASONABLE DILIGENCE, KNOW OF THE PRESENCE OF THE
15 VIOLATION.

16 (B) NONSERIOUS VIOLATIONS.--ANY OWNER OR LESSEE OF AN
17 AMUSEMENT RIDE OR ATTRACTION WHO HAS RECEIVED A CITATION FOR A
18 VIOLATION OF ANY PROVISION OF THIS ACT OR ANY RULE, REGULATION,
19 STANDARD OR ORDER PROMULGATED PURSUANT TO THIS ACT WHERE THE
20 VIOLATION IS SPECIFICALLY DETERMINED NOT TO BE OF A SERIOUS
21 NATURE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH
22 VIOLATION.

23 (C) CITATION VIOLATION.--ANY OWNER OR LESSEE OF AN AMUSEMENT
24 RIDE OR ATTRACTION WHO DOES NOT CORRECT A VIOLATION FOR WHICH A
25 CITATION HAS BEEN ISSUED WITHIN THE PERIOD PERMITTED FOR ITS
26 CORRECTION IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 FOR
27 EACH DAY DURING WHICH THE VIOLATION CONTINUES.

28 (D) POSTING.--ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR
29 ATTRACTION WHO VIOLATES ANY OF THE POSTING REQUIREMENTS, AS
30 PRESCRIBED UNDER THE PROVISIONS OF THIS ACT, IS SUBJECT TO A

1 CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION.

2 (E) FACTORS.--UNDER THIS ACT THE SECRETARY SHALL, IN
3 ASSESSING PENALTIES, GIVE DUE CONSIDERATION TO THE
4 APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE
5 BUSINESS OF THE AMUSEMENT RIDE OR ATTRACTION OWNER OR LESSEE
6 BEING CHARGED, THE GRAVITY OF THE VIOLATION, THE GOOD FAITH OF
7 THE OWNER OR LESSEE AND THE OWNER'S OR LESSEE'S HISTORY OF
8 PREVIOUS VIOLATIONS.

9 SECTION ~~18~~ 17. CRIMINAL PENALTIES. <—

10 (A) VIOLATIONS RESULTING IN DEATH.--ANY OWNER OR LESSEE OF
11 AN AMUSEMENT RIDE OR ATTRACTION WHO WILLFULLY VIOLATES ANY
12 PROVISION OF THIS ACT OR ANY RULE, REGULATION, STANDARD OR ORDER
13 PROMULGATED PURSUANT TO THIS ACT, WHERE THE VIOLATION CAUSES
14 DEATH TO ANY MEMBER OF THE PUBLIC EXPOSED TO THE VIOLATION,
15 COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON
16 CONVICTION, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$2,500 OR
17 TO A TERM OF IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH. IF
18 THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST
19 CONVICTION, THE OFFENDER SHALL BE SENTENCED TO PAY A FINE NOT
20 EXCEEDING \$5,000 OR TO A TERM OF IMPRISONMENT NOT EXCEEDING ONE
21 YEAR, OR BOTH.

22 (B) FALSE REPRESENTATIONS.--A PERSON WHO KNOWINGLY MAKES ANY
23 FALSE STATEMENT, REPRESENTATION OR CERTIFICATION IN ANY
24 APPLICATION, RECORD, REPORT, PLAN OR OTHER DOCUMENT FILED OR
25 REQUIRED TO BE MAINTAINED PURSUANT TO THIS ACT COMMITS A
26 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION, BE
27 SENTENCED TO PAY A FINE NOT EXCEEDING \$2,500 OR TO A TERM OF
28 IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH.

29 SECTION 18. PAYMENT OF COST OF ADMINISTERING ACT. <—

30 THE COST OF ADMINISTERING THIS ACT SHALL BE INCLUDED IN THE

1 BUDGET OF THE DEPARTMENT TO BE PAID FROM THE GENERAL FUND.

2 SECTION 19. EFFECTIVE DATE.

3 THIS ACT SHALL TAKE EFFECT IN ~~60~~ 90 DAYS.

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