
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 THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 30, 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 AGRICULTURE; CREATING THE AMUSEMENT RIDE SAFETY ADVISORY
8 BOARD; AND IMPOSING CIVIL AND CRIMINAL PENALTIES.

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11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Short title.~~

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

16 ~~Section 2. Definitions.~~

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

20 ~~"Amusement attraction." Any building or structure around,~~
21 ~~over or through which persons may move to walk, without the aid~~
22 ~~of any moving device integral to the building or structure,~~
23 ~~which provides amusement, pleasure, thrills or excitement.~~
24 ~~Excluded are arenas, stadiums, theatres, convention halls,~~
25 ~~retail stores and shopping centers. This does not include~~
26 ~~enterprises principally devoted to the exhibition of products of~~
27 ~~agriculture, industry, education, science, religion or the arts.~~

28 ~~"Amusement ride." Any mechanical device which carries or~~
29 ~~conveys passengers along, around or over a fixed or restricted~~
30 ~~route or course or within a defined area, for the purpose of~~

~~giving its passengers amusement, pleasure, thrills or excitement including those amusement rides operating at an amusement attraction.~~

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

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

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

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

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

~~No amusement ride or attraction shall be operated unless the owner or lessee has filed with the department an affidavit that the ride or attraction has been inspected by a qualified inspector and that the owner or lessee has a current insurance policy in force written by an insurance company authorized to do business within the Commonwealth or eligible to do business under section 7 of the act of January 24, 1966 (1965 P.L.1509, No.531), entitled "An act relating to, regulating, taxing, supervising and controlling the placing of insurance on risks located in the Commonwealth of Pennsylvania with insurers not licensed to transact insurance business in Pennsylvania, permitting licensed insurers to afford coverage which may be placed with unlicensed insurers, providing fees and penalties, and repealing certain existing laws," in an amount of not less than \$300,000 per occurrence or an aggregate of not less than \$1,000,000 insuring the owner or lessee against liability for injury to persons arising out of the use of the amusement ride or attraction. A yearly inspection shall be made and an affidavit accompanied by an inspection form approved by the~~

1 ~~department shall be filed prior to the first day of July of each~~
2 ~~year. In the event the amusement ride or attraction is inspected~~
3 ~~by a qualified inspector more than once a year the affidavit~~
4 ~~shall be filed not later than 15 days after each additional~~
5 ~~inspection.~~

6 ~~Section 4. Accident reports.~~

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

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

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

19 ~~Section 6. Exemptions.~~

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

27 ~~Section 7. Injunction and penalty.~~

28 ~~(a) Injunction against violation. The district attorney of~~
29 ~~each county and the department are hereby authorized to seek an~~
30 ~~injunction against the owner or lessee of any amusement ride or~~

1 ~~attraction being operated in violation of this act.~~

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

6 ~~Section 8. Commonwealth not liable.~~

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

16 ~~Section 9. Effective date.~~

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

18 SECTION 1. SHORT TITLE.

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

21 SECTION 2. DEFINITIONS.

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

25 "AMUSEMENT ATTRACTION." ANY BUILDING OR STRUCTURE AROUND,
26 OVER OR THROUGH WHICH PEOPLE MAY MOVE OR WALK, WITHOUT THE AID
27 OF ANY MOVING DEVICE INTEGRAL TO THE BUILDING OR STRUCTURE, THAT
28 PROVIDES AMUSEMENT, PLEASURE, THRILLS OR EXCITEMENT. THE TERM
29 DOES NOT INCLUDE ANY ENTERPRISE PRINCIPALLY DEVOTED TO THE
30 EXHIBITION OF PRODUCTS OF AGRICULTURE, INDUSTRY, EDUCATION,

1 SCIENCE, RELIGION OR THE ARTS.

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

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

8 "ASTM." AMERICAN SOCIETY FOR TESTING MATERIALS.

9 "BOARD." THE AMUSEMENT RIDE SAFETY ADVISORY BOARD.

10 "CARNIVAL." AN ITINERANT ENTERPRISE CONSISTING PRINCIPALLY
11 OF TEMPORARY AMUSEMENT STRUCTURES OR MECHANICAL RIDES.

12 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE.

13 "FAIR." AN ENTERPRISE PRINCIPALLY DEVOTED TO THE PERIODIC
14 AND RECURRING EXHIBITION OF PRODUCTS OF AGRICULTURE, INDUSTRY,
15 EDUCATION, SCIENCE, RELIGION OR THE ARTS THAT HAS ONE OR MORE
16 AMUSEMENT RIDES OR ATTRACTIONS OPERATED IN CONJUNCTION THEREWITH
17 IN EITHER TEMPORARY OR PERMANENT STRUCTURES.

18 "KIDDY RIDE." ANY AMUSEMENT RIDE OR ATTRACTION DESIGNED FOR
19 USE BY CHILDREN UP TO 12 YEARS OF AGE.

20 "MAJOR RIDE." ANY AMUSEMENT RIDE OR ATTRACTION THAT IS NOT A
21 KIDDY RIDE.

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

25 "OABA." OUTDOOR AMUSEMENT BUSINESS ASSOCIATION.

26 "OPERATOR." ANY PERSON OR PERSONS ACTUALLY ENGAGED IN OR
27 DIRECTLY CONTROLLING THE OPERATION OF AN AMUSEMENT RIDE OR
28 ATTRACTION.

29 "OWNER." A PERSON WHO OWNS AN AMUSEMENT RIDE OR ATTRACTION.
30 THE TERM EXCLUDES THE STATE OR ITS POLITICAL SUBDIVISIONS.

1 "PERMANENT STRUCTURE." A STRUCTURE, ENCLOSURE OR ARRANGEMENT
2 OF PARTS, USED OR INTENDED TO BE USED, FOR OR AS AN AMUSEMENT
3 RIDE OR ATTRACTION, THAT IS ERECTED TO REMAIN A LASTING PART OF
4 THE PREMISES.

5 "QUALIFIED INSPECTOR." A PERSON CERTIFIED BY THE DEPARTMENT
6 WHO BY EDUCATION, TRAINING OR EXPERIENCE IS KNOWLEDGEABLE WITH
7 AMUSEMENT RIDE OPERATING MANUALS AND THE PSYCHOLOGICAL EFFECTS
8 EACH RIDE HAS UPON A PASSENGER. SUCH PERSON SHALL ALSO BE
9 EXPERIENCED IN THE ERECTION AND DISMANTLING OF AMUSEMENT RIDES
10 AND SHALL BE FAMILIAR WITH THE SPECIFIC EQUIPMENT WITH THAT
11 PARTICULAR OPERATOR.

12 "SECRETARY." THE SECRETARY OF AGRICULTURE.

13 "TEMPORARY STRUCTURE." A STRUCTURE, ENCLOSURE OR ARRANGEMENT
14 OF PARTS, USED OR INTENDED TO BE USED, FOR OR AS AN AMUSEMENT
15 RIDE OR ATTRACTION, THAT IS RELOCATED FROM TIME TO TIME WITH OR
16 WITHOUT DISASSEMBLY.

17 SECTION 3. NONAPPLICATION OF ACT.

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

21 SECTION 4. POWERS AND DUTIES OF DEPARTMENT OF AGRICULTURE.

22 THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE SHALL HAVE
23 THE FOLLOWING POWERS AND DUTIES:

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

25 (2) PRESCRIBE SAFETY STANDARDS RELATING TO THE OPERATION
26 AND MAINTENANCE OF AMUSEMENT RIDES OR ATTRACTIONS, WITH
27 RECOMMENDATIONS FROM THE BOARD, TAKING INTO CONSIDERATION
28 THOSE STANDARDS ADOPTED BY THE ASTM, F-24 COMMITTEE AND BY
29 OABA.

30 (3) ISSUE NOTICES FOR VIOLATIONS OF THIS ACT OR ANY

1 RULE, REGULATION OR STANDARD PROMULGATED PURSUANT TO THIS
2 ACT.

3 (4) PERMIT VARIANCES.

4 (5) IMPOSE CIVIL PENALTIES IN ACCORDANCE WITH SECTION
5 15.

6 (6) ESTABLISH RECORDKEEPING AND REPORTING PROCEDURES.

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

10 (8) ADMINISTER OATHS, TAKE OR CAUSE TO BE TAKEN
11 DEPOSITIONS, ISSUE SUBPOENAS AND COMPEL THE ATTENDANCE OF
12 WITNESSES AND THE PRODUCTION OF PAPERS, BOOKS, DOCUMENTS,
13 RECORDS AND OTHER TESTIMONY.

14 (9) ADOPT SUCH RULES AND REGULATIONS AS ARE NECESSARY TO
15 EFFECTIVELY ADMINISTER THE PROVISIONS OF THIS ACT.

16 (10) NOTHING IN THIS ACT SHALL PROHIBIT THE DEPARTMENT
17 FROM CONDUCTING OR ENFORCING NECESSARY INSPECTIONS AND
18 INVESTIGATIONS.

19 SECTION 5. AMUSEMENT RIDE SAFETY ADVISORY BOARD.

20 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED UNDER THE
21 JURISDICTION OF THE DEPARTMENT A BOARD KNOWN AS THE AMUSEMENT
22 RIDE SAFETY ADVISORY BOARD.

23 (B) COMPOSITION.--THE BOARD, APPOINTED BY THE GOVERNOR,
24 SHALL CONSIST OF NINE MEMBERS OF WHOM ONE MEMBER SHALL BE A
25 REPRESENTATIVE OF THE AMUSEMENT RIDE MANUFACTURERS, ONE SHALL BE
26 THE PRESIDENT OF THE PENNSYLVANIA STATE SHOWMAN'S ASSOCIATION,
27 ONE SHALL BE THE CHAIRMAN AND ONE SHALL BE THE PRESIDENT OF THE
28 PENNSYLVANIA AMUSEMENT PARK ASSOCIATION, ONE SHALL BE THE
29 PRESIDENT OF THE PENNSYLVANIA COUNTY FAIRS ASSOCIATION, ONE
30 SHALL BE A MECHANICAL ENGINEER AND TWO SHALL REPRESENT THE

1 PUBLIC. THE SECRETARY SHALL BE DESIGNATED BY THE GOVERNOR AS THE
2 CHAIRMAN.

3 (C) TERMS OF MEMBERS.--THE MEMBERS OF THE BOARD SHALL SERVE
4 AT THE PLEASURE OF THE GOVERNOR. ALL MEMBERS SHALL SERVE UNTIL
5 THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. VACANCIES SHALL BE
6 FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
7 AS THE ORIGINAL APPOINTMENTS.

8 SECTION 6. POWERS AND DUTIES OF BOARD.

9 (A) ADVISE AND CONSULT.--THE BOARD SHALL ADVISE, CONSULT,
10 MAKE RECOMMENDATIONS AND PROPOSE REASONABLE RULES, REGULATIONS
11 AND STANDARDS TO THE DEPARTMENT FOR THE PREVENTION OF CONDITIONS
12 DETRIMENTAL TO THE PUBLIC IN THE USE OF AMUSEMENT RIDES AND
13 ATTRACTIONS AS THE BOARD FINDS NECESSARY FOR THE PROTECTION AND
14 SAFETY OF THE PUBLIC UPON THE BASIS OF CIRCUMSTANTIAL EVIDENCE
15 AND INFORMATION AVAILABLE TO OR DEVELOPED BY THE DEPARTMENT, OR
16 UPON CIRCUMSTANTIAL EVIDENCE AND INFORMATION SUBMITTED BY ANY
17 INTERESTED PERSON AT A PUBLIC HEARING HELD IN ACCORDANCE WITH
18 SUBSECTION (B). THE DEPARTMENT SHALL MAKE SUCH RECOMMENDATIONS
19 TO THE BOARD REGARDING RULES, REGULATIONS AND STANDARDS AS IT
20 DEEMS NECESSARY TO CARRY OUT THE INTENT OF THIS ACT.

21 (B) HEARINGS.--THE BOARD SHALL HOLD PUBLIC HEARINGS AT SUCH
22 TIME AND PLACE AS THE BOARD MAY SPECIFY TO CARRY OUT ITS
23 RESPONSIBILITIES. ALL HEARINGS SHALL BE CONDUCTED PURSUANT TO
24 THE ACT OF JULY 19, 1974 (P.L.486, NO.175), REFERRED TO AS THE
25 PUBLIC AGENCY OPEN MEETING LAW.

26 (C) RECOMMENDATIONS.--THE BOARD SHALL SUBMIT TO THE
27 DEPARTMENT ITS RECOMMENDATIONS CONCERNING PROPOSED RULES,
28 REGULATIONS AND STANDARDS, TOGETHER WITH A REPORT, INDICATING
29 THE NEED FOR THE PROPOSALS AND SUMMARIZING THE TESTIMONY
30 PRESENTED AT ANY PUBLIC HEARING AND ANY OTHER INFORMATION OR

1 TECHNICAL DATA AVAILABLE TO THE BOARD.

2 SECTION 7. INSPECTIONS.

3 (A) INSPECTION OF DEVICES.--THE SELECTED OWNER OR LESSEE
4 SHALL HAVE INSPECTED BY A QUALIFIED INSPECTOR:

5 (1) ANY AMUSEMENT PARK RIDE AND ATTRACTION ON A MONTHLY
6 BASIS.

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

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

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

14 (C) INSPECTION AFFIDAVITS.--IF AN INSPECTION DISCLOSES THAT
15 AN AMUSEMENT RIDE OR ATTRACTION COMPLIES WITH ALL RELEVANT
16 PROVISIONS OF THE ACT AND THE ADOPTED STANDARDS AND REGULATIONS,
17 THE OWNER OR LESSEE SHALL FILE WITH THE DEPARTMENT A WRITTEN
18 AFFIDAVIT, AFFIRMED BY THE QUALIFIED INSPECTOR, THAT THE
19 INSPECTION OF SAID RIDE OR ATTRACTION WAS CONDUCTED AND THAT
20 SAID RIDE IS IN COMPLIANCE WITH SUBSECTION (A) AND THE ADOPTED
21 STANDARDS AND REGULATIONS. THE AFFIDAVIT SHALL BE FILED WITHIN
22 48 HOURS OF THE INSPECTION OF SAID RIDE OR ATTRACTION AND SHALL
23 BE FILED BY MAIL.

24 (D) SERIOUS INJURY OR DEATH.--WHEN A SERIOUS INJURY, DEATH
25 OR FIRE OCCURS AS A RESULT OF THE OPERATION OF AN AMUSEMENT RIDE
26 OR ATTRACTION, THE OPERATOR SHALL IMMEDIATELY CLOSE THE
27 ATTRACTION OR RIDE UNTIL IT HAS BEEN INSPECTED, REPAIRED AND
28 DECLARED SAFE FOR OPERATION BY A QUALIFIED INSPECTOR. HOWEVER,
29 IN THE EVENT OF A DEATH, THE RIDE OR ATTRACTION MAY NOT BE
30 REOPENED UNTIL DECLARED SAFE BY THE INSURANCE COMPANY OF THE

1 OPERATOR.

2 SECTION 8. PASSENGER CONDUCT.

3 (A) REFUSAL.--THE OWNER SHALL HAVE THE RIGHT TO REFUSE ANY
4 MEMBER OF THE PUBLIC ADMISSION TO A RIDE IF, IN THE OPINION OF
5 THE OPERATOR, THE PASSENGER'S BEARING OR CONDUCT WILL ENDANGER
6 HIMSELF OR OTHER MEMBER OF THE PUBLIC.

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

12 (C) REFUSAL FOR RIDE RESTRICTIONS.--THE OWNER SHALL REFUSE
13 ADMITTANCE TO ANY MEMBER OF THE PUBLIC SEEKING ADMISSION TO A
14 MAJOR RIDE ACCORDING TO THE RESTRICTIONS OF THE MAJOR RIDE.
15 LEGIBLE SIGNS TO THAT EFFECT SHALL BE POSTED IN CLOSE PROXIMITY
16 TO THE RIDE IN FULL VIEW OF THE PUBLIC SEEKING ADMISSION TO
17 MAJOR RIDES.

18 SECTION 9. VARIANCES.

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

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

25 (1) IT IS EVIDENT THAT ACTION IS NECESSARY TO PREVENT
26 UNDUE HARDSHIP; OR

27 (2) EXISTING CONDITIONS PREVENT PRACTICAL COMPLIANCE AND
28 REASONABLE SAFETY OF THE PUBLIC CAN, IN THE OPINION OF THE
29 SECRETARY, BE ASSURED.

30 SECTION 10. NOTICE.

1 (A) NOTIFICATION.--IF THE SECRETARY HAS REASON TO BELIEVE
2 THAT AN OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION HAS
3 FAILED TO COMPLY WITH THE PROVISIONS OF THIS ACT, THE SECRETARY
4 SHALL NOTIFY THE OWNER OR LESSEE BY CERTIFIED MAIL:

5 (1) OF THE VIOLATION AND THE IMPOSITION OF ANY PENALTY
6 IN ACCORDANCE WITH SECTIONS 15 AND 16.

7 (2) THAT THE OWNER OR LESSEE HAS SEVEN WORKING DAYS
8 WITHIN WHICH TO NOTIFY THE DEPARTMENT IN WRITING THAT HE
9 WISHES TO CONTEST THE SECRETARY'S NOTIFICATION OR THE
10 ASSESSED PENALTY.

11 (B) PENALTY.--IF WITHIN SEVEN WORKING DAYS FROM THE RECEIPT
12 OF NOTIFICATION ISSUED BY THE DEPARTMENT, THE OWNER OR LESSEE
13 DOES NOT NOTIFY THE DEPARTMENT OF HIS INTENTION TO CONTEST THE
14 NOTIFICATION OR THE ASSESSED PENALTY, THE NOTIFICATION AND
15 PENALTY SHALL BECOME FINAL.

16 SECTION 11. HEARINGS.

17 (A) HEARING.--WHENEVER AN OWNER OR LESSEE OF AN AMUSEMENT
18 RIDE OR ATTRACTION NOTIFIES THE DEPARTMENT IN WRITING THAT THE
19 OWNER OR LESSEE INTENDS TO CONTEST ANY NOTICE ISSUED PURSUANT TO
20 SECTION 10, THE SECRETARY SHALL GRANT A HEARING WITHIN SEVEN
21 DAYS AFTER RECEIPT OF NOTIFICATION BY THE DEPARTMENT.

22 (B) HEARING EXAMINER.--THE SECRETARY MAY APPOINT A HEARING
23 EXAMINER TO CONDUCT HEARINGS AND MAKE DETERMINATIONS UPON ANY
24 PROCEEDING INSTITUTED BEFORE THE SECRETARY AND ANY MOTION IN
25 CONNECTION THEREWITH. THE HEARING EXAMINER SHALL PREPARE AN
26 OFFICIAL RECORD WITH TESTIMONY AND REPORT HIS DETERMINATION IN
27 WRITING.

28 (C) REPORT.--THE REPORT OF THE HEARING EXAMINER SHALL BECOME
29 FINAL UNLESS, WITHIN SEVEN WORKING DAYS AFTER IT IS ISSUED, ANY
30 AFFECTED OWNER OR LESSEE REQUESTS IN WRITING A REVIEW BY THE

1 SECRETARY OF THE PROCEEDINGS BEFORE THE HEARING EXAMINER.

2 (D) ORDER.--AFTER A REVIEW OF THE PROCEEDINGS THE SECRETARY
3 SHALL, WITH OR WITHOUT A HEARING, ISSUE AN ORDER, AFFIRMING,
4 MODIFYING OR VACATING THE NOTICE OR CIVIL PENALTY, OR DIRECTING
5 OTHER APPROPRIATE RELIEF. THE SECRETARY'S ORDER SHALL BECOME
6 FINAL 15 DAYS AFTER ITS ISSUANCE.

7 (E) ABATEMENT.--AFTER AN OPPORTUNITY FOR HEARING AS PROVIDED
8 IN THIS SECTION, THE SECRETARY, UPON A SHOWING BY AN AMUSEMENT
9 RIDE OR ATTRACTION OWNER OR LESSEE OF A GOOD FAITH EFFORT TO
10 COMPLY WITH THE ABATEMENT REQUIREMENTS, MAY ISSUE AN ORDER
11 AFFIRMING OR MODIFYING THE ABATEMENT REQUIREMENTS.

12 SECTION 12. APPEALS.

13 ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED BY ANY RULE,
14 REGULATION, STANDARD OR ORDER OF THE DEPARTMENT ISSUED UNDER
15 THIS ACT MAY APPEAL TO THE COMMONWEALTH COURT. THE COMMENCEMENT
16 OF APPELLATE PROCEEDINGS DOES NOT OPERATE AS A STAY OF ANY RULE,
17 REGULATION, STANDARD OR ORDER ISSUED BY THE DEPARTMENT OR
18 SECRETARY UNDER THE PROVISIONS OF THIS ACT, EXCEPT THAT THE
19 COURT, AFTER NOTICE TO THE DEPARTMENT AND HEARING, MAY GRANT A
20 STAY CONDITIONED UPON THE APPELLANT POSTING SECURITY OR BOND AS
21 THE COURT MAY DEEM PROPER.

22 SECTION 13. RECORDS AND REPORTS.

23 ANYTIME AN OWNER OR LESSEE SUBMITS AN ACCIDENT REPORT TO HIS
24 INSURANCE COMPANY, A COPY OF THOSE REPORTS WHICH INVOLVE
25 PHYSICAL INJURIES OR DEATH TO AN INDIVIDUAL OR INDIVIDUALS AS A
26 RESULT OF THE OPERATION OF AN AMUSEMENT RIDE OR ATTRACTION SHALL
27 BE SENT TO THE DEPARTMENT BY THE OWNER OR LESSEE. THE NOTICE
28 SHALL INDICATE THE DESCRIPTION OF THE AMUSEMENT RIDE OR
29 ATTRACTION BY WHICH THE INJURY OR DEATH OCCURRED AND THE NATURE
30 OF THE INJURIES OR CAUSE OF DEATH.

1 SECTION 14. INSURANCE.

2 (A) MINIMUM AMOUNT.--A PERSON MAY NOT OPERATE AN AMUSEMENT
3 RIDE OR ATTRACTION UNLESS A POLICY OF INSURANCE HAS BEEN
4 PURCHASED TO INSURE THE OWNER OR OPERATOR AGAINST LIABILITY FOR
5 INJURIES TO THE PERSONS ARISING OUT OF THE USE OF ANY AMUSEMENT
6 RIDE OR ATTRACTION WITHIN THE OWNER'S CONTROL. SUCH INSURANCE
7 SHALL BE IN AN AMOUNT OF NOT LESS THAN \$300,000 PER OCCURRENCE,
8 OR \$1,000,000 IN THE AGGREGATE.

9 (B) POLICY.--THE INSURANCE POLICY SHALL BE PROCURED FROM ANY
10 INSURER OR SURETY THAT IS AUTHORIZED TO DO BUSINESS WITHIN THE
11 COMMONWEALTH OR ELIGIBLE TO DO BUSINESS UNDER SECTION 7 OF THE
12 ACT OF JANUARY 24, 1966 (1965 P.L.1509, NO.531), REFERRED TO AS
13 THE SURPLUS LINES INSURANCE LAW.

14 (C) CERTIFICATE.--A CERTIFICATE OF INSURANCE SHALL BE
15 FURNISHED TO THE DEPARTMENT.

16 SECTION 15. CIVIL PENALTIES.

17 (A) VIOLATIONS.--ANY PERSON WHO WILLFULLY OR REPEATEDLY
18 VIOLATES ANY PROVISION OF THIS ACT OR ANY RULE, REGULATION,
19 STANDARD OR ORDER PROMULGATED PURSUANT TO THIS ACT IS SUBJECT TO
20 A CIVIL PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION.

21 (B) FACTORS.--UNDER THIS ACT THE SECRETARY SHALL, IN
22 ASSESSING PENALTIES, GIVE DUE CONSIDERATION TO THE
23 APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE
24 BUSINESS OF THE AMUSEMENT RIDE OR ATTRACTION OWNER OR LESSEE
25 BEING CHARGED, THE GRAVITY OF THE VIOLATION, THE GOOD FAITH OF
26 THE OWNER OR LESSEE AND THE OWNER'S OR LESSEE'S HISTORY OF
27 PREVIOUS VIOLATIONS.

28 SECTION 16. CRIMINAL PENALTIES.

29 (A) VIOLATIONS RESULTING IN DEATH.--ANY OWNER OR LESSEE OF
30 AN AMUSEMENT RIDE OR ATTRACTION WHO WILLFULLY VIOLATES ANY

1 PROVISION OF THIS ACT OR ANY RULE, REGULATION, STANDARD OR ORDER
2 PROMULGATED PURSUANT TO THIS ACT, WHERE THE VIOLATION CAUSES
3 DEATH TO ANY MEMBER OF THE PUBLIC EXPOSED TO THE VIOLATION,
4 COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON
5 CONVICTION, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$2,500 OR
6 TO A TERM OF IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH. IF
7 THE CONVICTION IS FOR A VIOLATION COMMITTED AFTER A FIRST
8 CONVICTION, THE OFFENDER SHALL BE SENTENCED TO PAY A FINE NOT
9 EXCEEDING \$5,000 OR TO A TERM OF IMPRISONMENT NOT EXCEEDING ONE
10 YEAR, OR BOTH.

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

18 SECTION 17. PAYMENT OF COST OF ADMINISTERING ACT.

19 THE COST OF ADMINISTERING THIS ACT SHALL BE INCLUDED IN THE
20 BUDGET OF THE DEPARTMENT TO BE PAID FROM THE GENERAL FUND.

21 SECTION 18. COMMONWEALTH NOT LIABLE.

22 NEITHER THE COMMONWEALTH NOR ANY POLITICAL SUBDIVISION,
23 DIRECTLY OR INDIRECTLY, IS THE GUARANTOR OF THE SAFETY OF ANY
24 AMUSEMENT ATTRACTION OR AMUSEMENT RIDE NOT OWNED OR OPERATED BY
25 THE COMMONWEALTH OR THE POLITICAL SUBDIVISION AND THE
26 COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS SHALL HAVE ALL THE
27 ATTRIBUTES OF SOVEREIGN IMMUNITY WITH REGARD TO THE ACTIVITIES
28 OF ITS OFFICIALS AND EMPLOYEES WITH RESPECT TO THE INSPECTION OF
29 AMUSEMENT ATTRACTIONS AND AMUSEMENT RIDES AS REQUIRED UNDER THE
30 PROVISIONS OF THIS ACT.

1 SECTION 19. EXPIRATION OF ADVISORY BOARD.

2 SECTION 5 OF THE ACT EXPIRES DECEMBER 31, 1987.

3 SECTION 20. EFFECTIVE DATE.

4 THIS ACT SHALL TAKE EFFECT JANUARY 1, 1985.