

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, MAY 2, 1983

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

14 "Amusement attraction." Any building or structure around,
15 over or through which persons may move to walk, without the aid
16 of any moving device integral to the building or structure,
17 which provides amusement, pleasure, thrills or excitement.
18 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 excitement
8 INCLUDING THOSE AMUSEMENT RIDES OPERATING AT AN AMUSEMENT <—
9 ATTRACTION.

10 "Department." The Department of Agriculture.

11 "LESSEE." ANY PERSON WHO LEASES AN AMUSEMENT RIDE OR <—
12 ATTRACTION.

13 "OPERATOR." ANY PERSON ACTUALLY ENGAGED IN OR DIRECTLY
14 CONTROLLING THE OPERATION OF THE AMUSEMENT RIDE OR ATTRACTION.

15 "OWNER." ANY PERSON WHO OWNS AN AMUSEMENT RIDE OR
16 ATTRACTION.

17 Section 3. Affidavit of inspection and insurance.

18 ~~No person shall operate an amusement ride or attraction~~ <—
19 ~~unless he has filed with the department an affidavit that the NO~~ <—
20 AMUSEMENT RIDE OR ATTRACTION SHALL BE OPERATED UNLESS THE OWNER
21 OR LESSEE HAS FILED WITH THE DEPARTMENT AN AFFIDAVIT THAT THE
22 ride or attraction has been inspected by a qualified inspector
23 and that the owner or ~~operator~~ LESSEE has a current insurance <—
24 policy in force written by an insurance company authorized to do
25 business within the Commonwealth or eligible to do business
26 under section 7 of the act of January 24, 1966 (1965 P.L.1509,
27 No.531), entitled "An act relating to, regulating, taxing,
28 supervising and controlling the placing of insurance on risks
29 located in the Commonwealth of Pennsylvania with insurers not
30 licensed to transact insurance business in Pennsylvania,

1 permitting licensed insurers to afford coverage which may be
2 placed with unlicensed insurers, providing fees and penalties,
3 and repealing certain existing laws," in an amount of not less
4 than \$300,000 per occurrence or an aggregate of not less than
5 \$1,000,000 insuring the owner or ~~operator~~ LESSEE against <—
6 liability for injury to persons arising out of the use of the
7 amusement ride or attraction. A yearly inspection shall be made
8 and an affidavit accompanied by an inspection form approved by
9 the department shall be filed prior to the first day of July of
10 each year. In the event the amusement ride or attraction is
11 inspected by a qualified inspector more than once a year the
12 affidavit shall be filed not later than 15 days after each
13 additional inspection.

14 Section 4. Accident reports.

15 Any time an owner or ~~operator~~ LESSEE submits an accident <—
16 report to his insurance company a copy of those reports which
17 involve physical injury to an individual as a result of the
18 operation of an amusement ride or the use of an amusement
19 attraction shall be sent to the department by the owner or
20 ~~operator~~ LESSEE. The notice shall indicate the type of amusement <—
21 ride or attraction by which the injury occurred and the nature
22 of the injury.

23 Section 5. Owners ~~and~~, LESSEES OR operators may deny entry. <—

24 The owner, LESSEE or operator of every amusement ride or <—
25 attraction may deny entry to any person if in his opinion the
26 entry may jeopardize the safety of the person desiring entry or
27 the safety of other patrons of the amusement ride or attraction.

28 Section 6. Exemptions.

29 Nonmechanized playground equipment including, but not limited
30 to: swings, seesaws, stationary spring-mounted animal features,

1 rider-propelled merry-go-rounds, climbers, slides, trampolines,
2 swinging gates and physical fitness devices except where an
3 admission fee is charged for usage or an admission fee is
4 charged to areas where such equipment is located are exempt from
5 the provisions of this act.

6 Section 7. Injunction and penalty.

7 (a) Injunction against violation.--The district attorney of
8 each county and the department are hereby authorized to seek an
9 injunction against the owner or ~~operator~~ LESSEE of any amusement <—
10 ride or attraction being operated in violation of this act.

11 (b) Penalty.--Any person who ~~operates~~ OWNS OR LEASES an <—
12 amusement ride or attraction in violation of this act is guilty
13 of a misdemeanor of the third degree. Each day shall constitute
14 a separate and distinct offense.

15 SECTION 8. COMMONWEALTH NOT LIABLE. <—

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

25 Section & 9. Effective date. <—

26 This act shall take effect in 90 days.