
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 3, 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,

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1 RETAIL STORES AND SHOPPING CENTERS. This does not include
2 enterprises principally devoted to the exhibition of products of
3 agriculture, industry, education, 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 amusement ride or attraction shall be operated unless the
19 owner or lessee has filed with the department an affidavit that
20 the ride or attraction has been inspected by a qualified
21 inspector and that the owner or lessee has a current insurance
22 policy in force written by an insurance company authorized to do
23 business within the Commonwealth or eligible to do business
24 under section 7 of the act of January 24, 1966 (1965 P.L.1509,
25 No.531), entitled "An act relating to, regulating, taxing,
26 supervising and controlling the placing of insurance on risks
27 located in the Commonwealth of Pennsylvania with insurers not
28 licensed to transact insurance business in Pennsylvania,
29 permitting licensed insurers to afford coverage which may be
30 placed with unlicensed insurers, providing fees and penalties,

1 and repealing certain existing laws," in an amount of not less
2 than \$300,000 per occurrence or an aggregate of not less than
3 \$1,000,000 insuring the owner or lessee against liability for
4 injury to persons arising out of the use of the amusement ride
5 or attraction. A yearly inspection shall be made and an
6 affidavit accompanied by an inspection form approved by the
7 department shall be filed prior to the first day of July of each
8 year. In the event the amusement ride or attraction is inspected
9 by a qualified inspector more than once a year the affidavit
10 shall be filed not later than 15 days after each additional
11 inspection.

12 Section 4. Accident reports.

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

20 Section 5. Owners, lessees or operators may deny entry.

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

25 Section 6. Exemptions.

26 Nonmechanized playground equipment including, but not limited
27 to: swings, seesaws, stationary spring-mounted animal features,
28 rider-propelled merry-go-rounds, climbers, slides, trampolines,
29 swinging gates and physical fitness devices except where an
30 admission fee is charged for usage or an admission fee is

1 charged to areas where such equipment is located are exempt from
2 the provisions of this act.

3 Section 7. Injunction and penalty.

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

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

12 Section 8. Commonwealth not liable.

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

22 Section 9. Effective date.

23 This act shall take effect in 90 days.