
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 REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 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 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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11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Short title.~~

<—

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~~

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

~~Section 4. Accident reports.~~

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

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

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

~~Section 6. Exemptions.~~

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

~~Section 7. Injunction and penalty.~~

~~(a) Injunction against violation. The district attorney of each county and the department are hereby authorized to seek an~~

1 ~~injunction against the owner or lessee of any amusement ride or~~
2 ~~attraction being operated in violation of this act.~~

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

7 ~~Section 8. Commonwealth not liable.~~

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

17 ~~Section 9. Effective date.~~

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

19 SECTION 1. SHORT TITLE.

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

22 SECTION 2. DEFINITIONS.

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

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

1 EXHIBITION OF PRODUCTS OF AGRICULTURE, INDUSTRY, EDUCATION,
2 SCIENCE, RELIGION OR THE ARTS.

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

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

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

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

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

17 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OR ITS
18 AUTHORIZED REPRESENTATIVE.

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

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

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

30 "OWNER." A PERSON WHO OWNS AN AMUSEMENT RIDE OR ATTRACTION,

1 OR IN THE EVENT THAT THE AMUSEMENT RIDE OR ATTRACTION IS LEASED,
2 THE LESSEE. THE TERM INCLUDES THE STATE OR ITS POLITICAL
3 SUBDIVISION.

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

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

9 "TEMPORARY STRUCTURE." A STRUCTURE, ENCLOSURE OR ARRANGEMENT
10 OF PARTS, USED OR INTENDED TO BE USED, FOR OR AS AN AMUSEMENT
11 RIDE OR ATTRACTION, THAT IS RELOCATED FROM TIME TO TIME WITH OR
12 WITHOUT DISASSEMBLY.

13 "WORKING DAYS." THE PERIOD OF TIME FROM MONDAY THROUGH
14 FRIDAY INCLUSIVE. THE TERM DOES NOT INCLUDE ANY SATURDAY, SUNDAY
15 OR STATE HOLIDAY.

16 SECTION 3. NONAPPLICATION OF ACT.

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

20 SECTION 4. POWERS AND DUTIES OF DEPARTMENT OF LABOR AND
21 INDUSTRY.

22 (A) RESPONSIBILITY.--THE DEPARTMENT OR ITS AUTHORIZED
23 REPRESENTATIVE SHALL HAVE 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.

27 (3) CONDUCT ANY NECESSARY INSPECTIONS AND
28 INVESTIGATIONS.

29 (4) ISSUE CITATIONS FOR VIOLATIONS OF THIS ACT OR ANY
30 RULE, REGULATION OR STANDARD PROMULGATED PURSUANT TO THIS

1 ACT.

2 (5) PERMIT VARIANCES.

3 (6) IMPOSE CIVIL PENALTIES IN ACCORDANCE WITH SECTION
4 17.

5 (7) ESTABLISH RECORDKEEPING AND REPORTING PROCEDURES.

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

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

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

15 (B) INSPECTION.--THE POWER OF INSPECTION MAY BE DELEGATED BY
16 THE DEPARTMENT TO ANY DEPARTMENT, AGENCY OR POLITICAL
17 SUBDIVISION OF THE STATE THAT PRESENTS SATISFACTORY EVIDENCE TO
18 THE DEPARTMENT OF ITS ABILITY TO PERFORM THE INSPECTIONS
19 REQUIRED BY THIS ACT. NO DELEGATION OF POWER SHALL OCCUR UNLESS
20 THERE IS A WRITTEN AGREEMENT SETTING FORTH THE RESPONSIBILITIES
21 OF THE RESPECTIVE PARTIES. THE DEPARTMENT SHALL, AT ALL TIMES,
22 RETAIN THE RIGHT TO REVOKE THE AGREEMENT AND TO MONITOR ANY
23 INSPECTION AUTHORIZED BY THIS ACT.

24 SECTION 5. AMUSEMENT RIDE SAFETY ADVISORY BOARD.

25 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED UNDER THE
26 JURISDICTION OF THE DEPARTMENT A BOARD KNOWN AS THE AMUSEMENT
27 RIDE SAFETY ADVISORY BOARD.

28 (B) COMPOSITION.--THE BOARD, APPOINTED BY THE GOVERNOR WITH
29 THE CONSENT OF A MAJORITY OF THE SENATE, SHALL CONSIST OF NINE
30 MEMBERS OF WHOM ONE MEMBER SHALL BE A REPRESENTATIVE OF THE

1 AMUSEMENT RIDE MANUFACTURERS, ONE SHALL BE A REPRESENTATIVE OF
2 THE CARNIVAL OWNERS, TWO SHALL BE REPRESENTATIVES OF THE
3 AMUSEMENT PARK OWNERS, ONE SHALL BE A REPRESENTATIVE OF THE
4 STATE OR COUNTY FAIRS, ONE SHALL BE A MECHANICAL ENGINEER AND
5 THREE SHALL REPRESENT THE PUBLIC. ONE OF THE PUBLIC MEMBERS
6 SHALL BE DESIGNATED BY THE GOVERNOR AS THE CHAIRMAN.

7 (C) TERMS OF MEMBERS.--THE MEMBERS OF THE BOARD SHALL SERVE
8 A TERM OF SIX YEARS, EXCEPT OF THE FIRST MEMBERS APPOINTED, OF
9 THOSE REPRESENTING THE AMUSEMENT RIDE MANUFACTURERS, CARNIVAL
10 OWNERS, AMUSEMENT PARK OWNERS AND STATE AND COUNTY FAIRS, ONE
11 SHALL BE APPOINTED FOR THREE YEARS, ONE SHALL BE APPOINTED FOR
12 FOUR YEARS, ONE SHALL BE APPOINTED FOR FIVE YEARS AND ONE SHALL
13 BE APPOINTED FOR SIX YEARS AND THE MECHANICAL ENGINEER AND, OF
14 THOSE MEMBERS REPRESENTING THE PUBLIC, ONE SHALL BE APPOINTED
15 FOR FOUR YEARS, ONE SHALL BE APPOINTED FOR FIVE YEARS AND ONE
16 SHALL BE APPOINTED FOR SIX YEARS. ALL MEMBERS SHALL SERVE UNTIL
17 THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. VACANCIES SHALL BE
18 FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
19 AS THE ORIGINAL APPOINTMENTS.

20 (D) COMPENSATION.--THE MEMBERS OF THE BOARD WHEN ACTUALLY
21 ENGAGED IN THE PERFORMANCE OF THEIR DUTIES SHALL RECEIVE A PER
22 DIEM COMPENSATION OF \$100 AND MILEAGE.

23 (E) REAPPOINTMENT.--ALL MEMBERS OF THE BOARD SHALL BE
24 ELIGIBLE FOR REAPPOINTMENT.

25 SECTION 6. POWERS AND DUTIES OF BOARD.

26 (A) ADVISE AND CONSULT.--THE BOARD SHALL ADVISE, CONSULT,
27 MAKE RECOMMENDATIONS AND PROPOSE REASONABLE RULES, REGULATIONS
28 AND STANDARDS TO THE DEPARTMENT FOR THE PREVENTION OF CONDITIONS
29 DETRIMENTAL TO THE PUBLIC IN THE USE OF AMUSEMENT RIDES AND
30 ATTRACTIONS AS THE BOARD FINDS NECESSARY FOR THE PROTECTION AND

1 SAFETY OF THE PUBLIC UPON THE BASIS OF CIRCUMSTANTIAL EVIDENCE
2 AND INFORMATION AVAILABLE TO OR DEVELOPED BY THE DEPARTMENT, OR
3 UPON CIRCUMSTANTIAL EVIDENCE AND INFORMATION SUBMITTED BY ANY
4 INTERESTED PERSON AT A PUBLIC HEARING HELD IN ACCORDANCE WITH
5 SUBSECTION (B). THE DEPARTMENT SHALL MAKE SUCH RECOMMENDATIONS
6 TO THE BOARD REGARDING RULES, REGULATIONS AND STANDARDS AS IT
7 DEEMS NECESSARY TO CARRY OUT THE INTENT OF THIS ACT.

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

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

19 SECTION 7. INSPECTIONS.

20 (A) GENERAL RULE.--THE DEPARTMENT SHALL INSPECT ANY:

21 (1) AMUSEMENT PARK RIDE AND ATTRACTION ANNUALLY.

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

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

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

29 (C) NOTIFICATION.--AN OWNER OR LESSEE OF ANY FAIR OR
30 CARNIVAL SHALL NOTIFY THE DEPARTMENT IN WRITING AT LEAST 30 DAYS

1 BEFORE THE OPENING OF THE CARNIVAL OR FAIR AT EACH LOCATION. IF,
2 AFTER THE NOTIFICATION, THE OWNER OR LESSEE CHANGES HIS SCHEDULE
3 OF LOCATIONS OR DATES, HE IMMEDIATELY SHALL NOTIFY THE
4 DEPARTMENT OF THE CHANGE.

5 (D) AMUSEMENT PARKS.--IF AN INSPECTION DISCLOSES THAT AN
6 AMUSEMENT RIDE OR ATTRACTION LOCATED IN AN AMUSEMENT PARK
7 COMPLIES WITH ALL RELEVANT PROVISIONS OF THIS ACT AND THE
8 ADOPTED STANDARDS AND REGULATIONS, THE DEPARTMENT SHALL ISSUE A
9 CERTIFICATE OF INSPECTION FOR EACH RIDE TO ITS OWNER OR LESSEE.
10 THE CERTIFICATE SHALL BE VALID FOR NOT MORE THAN ONE YEAR FROM
11 THE DATE OF ISSUANCE AND SHALL BE POSTED, IN PLAIN VIEW, ON THE
12 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 THIS ACT AND THE ADOPTED STANDARDS AND
16 REGULATIONS, THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF
17 INSPECTION TO ITS OWNER OR LESSEE. THE CERTIFICATE SHALL BE
18 VALID FOR NOT MORE THAN 30 DAYS AND SHALL BE POSTED, IN PLAIN
19 VIEW, ON THE AMUSEMENT RIDE OR ATTRACTION.

20 (F) ISSUANCE.--EXCEPT FOR THE PURPOSES OF TESTING AND
21 INSPECTION, AN AMUSEMENT RIDE OR ATTRACTION SHALL NOT BE
22 OPERATED UNTIL A CERTIFICATE OF INSPECTION HAS BEEN ISSUED BY
23 THE DEPARTMENT.

24 (G) INVESTIGATION.--THE DEPARTMENT SHALL INSPECT AND
25 INVESTIGATE, UPON NOTIFICATION OR INFORMATION, ACCIDENTS OR
26 COMPLAINTS INVOLVING ANY AMUSEMENT RIDE OR ATTRACTION.
27 SECTION 8. VARIANCES.

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

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

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

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

SECTION 9. NOTICE OF VIOLATION.

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

(B) APPEAL.--ANY PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT MAY APPEAL TO THE COMMONWEALTH COURT. THE FILING OF AN APPEAL DOES NOT STAY THE ORDER OF THE DEPARTMENT, EXCEPT THAT THE COURT, AFTER NOTICE TO THE DEPARTMENT AND HEARING, MAY GRANT A STAY CONDITIONED UPON THE APPELLANT POSTING SECURITY OR BOND AS THE COURT MAY DEEM PROPER.

SECTION 10. ISSUANCE OF CITATION FOR VIOLATION.

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

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

14 (C) TIME LIMIT.--A CITATION MAY NOT BE ISSUED AFTER THE
15 EXPIRATION OF THREE MONTHS FOLLOWING THE ALLEGED VIOLATION.
16 SECTION 11. NOTICE OF ISSUANCE OF CITATION.

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

26 (B) FAILURE TO CONTEST CITATION OR ASSESSMENT.--IF, WITHIN
27 15 WORKING DAYS FROM THE RECEIPT OF THE NOTICE ISSUED BY THE
28 DEPARTMENT, THE OWNER OR LESSEE OF THE AFFECTED AMUSEMENT RIDE
29 OR ATTRACTION DOES NOT NOTIFY THE DEPARTMENT THAT HE INTENDS TO
30 CONTEST THE CITATION OR ASSESSMENT OR A PENALTY, THE CITATION

1 AND ASSESSMENT SHALL BECOME FINAL.

2 SECTION 12. NOTICE OF FAILURE TO CORRECT VIOLATION.

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

8 (1) OF THE FAILURE TO CORRECT THE VIOLATION AND PAY ANY
9 PENALTY.

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

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

18 SECTION 13. HEARINGS.

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

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

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

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

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

16 SECTION 14. APPEALS.

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

26 SECTION 15. RECORDS.

27 (A) OWNER OR LESSEE.--EVERY OWNER OR LESSEE OF AMUSEMENT
28 RIDES OR ATTRACTIONS OPERATED IN THIS COMMONWEALTH SHALL:

29 (1) MAKE, KEEP AND PRESERVE AND MAKE AVAILABLE TO THE
30 DEPARTMENT FOR INSPECTION RECORDS RELATING TO HIS ACTIVITIES

1 WITH REGARD TO THIS ACT.

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

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

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

21 SECTION 16. INSURANCE.

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

27 (B) POLICY.--THE INSURANCE POLICY SHALL BE PROCURED FROM ANY
28 INSURER THAT IS ACCEPTABLE TO THE INSURANCE COMMISSIONER.

29 (C) CERTIFICATE.--A CERTIFICATE OF INSURANCE SHALL BE
30 FURNISHED TO THE DEPARTMENT PRIOR TO THE ISSUANCE OF A

1 CERTIFICATE OF INSPECTION.

2 SECTION 17. CIVIL PENALTIES.

3 (A) SERIOUS VIOLATIONS.--

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

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

16 (3) FOR THE PURPOSES OF THIS SUBSECTION, A SERIOUS
17 VIOLATION SHALL BE DEEMED TO EXIST IF THERE IS A SUBSTANTIAL
18 PROBABILITY OF DEATH OR SERIOUS PHYSICAL INJURY TO THE
19 MEMBERS OF THE PUBLIC FROM AN UNSAFE CONDITION OR FROM ONE OR
20 MORE PRACTICES, MEANS OR METHODS OF OPERATION WHICH ARE IN
21 USE BY THE OWNER OR LESSEE OF AN AMUSEMENT RIDE OR ATTRACTION
22 UNLESS SUCH OWNER OR LESSEE DID NOT AND COULD NOT WITH THE
23 EXERCISE OF REASONABLE DILIGENCE, KNOW OF THE PRESENCE OF THE
24 VIOLATION.

25 (B) NONSERIOUS VIOLATIONS.--ANY OWNER OR LESSEE OF AN
26 AMUSEMENT RIDE OR ATTRACTION WHO HAS RECEIVED A CITATION FOR A
27 VIOLATION OF ANY PROVISION OF THIS ACT OR ANY RULE, REGULATION,
28 STANDARD OR ORDER PROMULGATED PURSUANT TO THIS ACT WHERE THE
29 VIOLATION IS SPECIFICALLY DETERMINED NOT TO BE OF A SERIOUS
30 NATURE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH

1 VIOLATION.

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

7 (D) POSTING.--ANY OWNER OR LESSEE OF AN AMUSEMENT RIDE OR
8 ATTRACTION WHO VIOLATES ANY OF THE POSTING REQUIREMENTS, AS
9 PRESCRIBED UNDER THE PROVISIONS OF THIS ACT, IS SUBJECT TO A
10 CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION.

11 (E) FACTORS.--UNDER THIS ACT THE SECRETARY SHALL, IN
12 ASSESSING PENALTIES, GIVE DUE CONSIDERATION TO THE
13 APPROPRIATENESS OF THE PENALTY WITH RESPECT TO THE SIZE OF THE
14 BUSINESS OF THE AMUSEMENT RIDE OR ATTRACTION OWNER OR LESSEE
15 BEING CHARGED, THE GRAVITY OF THE VIOLATION, THE GOOD FAITH OF
16 THE OWNER OR LESSEE AND THE OWNER'S OR LESSEE'S HISTORY OF
17 PREVIOUS VIOLATIONS.

18 SECTION 18. CRIMINAL PENALTIES.

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

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

8 SECTION 19. EFFECTIVE DATE.

9 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.