



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4904

Introduced 1/19/2006, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

430 ILCS 85/2-2	from Ch. 111 1/2, par. 4052
430 ILCS 85/2-3	from Ch. 111 1/2, par. 4053
430 ILCS 85/2-4	from Ch. 111 1/2, par. 4054
430 ILCS 85/2-6	from Ch. 111 1/2, par. 4056
430 ILCS 85/2-7	from Ch. 111 1/2, par. 4057
430 ILCS 85/2-8	from Ch. 111 1/2, par. 4058
430 ILCS 85/2-9	from Ch. 111 1/2, par. 4059
430 ILCS 85/2-12	from Ch. 111 1/2, par. 4062
430 ILCS 85/2-13	from Ch. 111 1/2, par. 4063
430 ILCS 85/2-14	from Ch. 111 1/2, par. 4064
430 ILCS 85/2-15	from Ch. 111 1/2, par. 4065
430 ILCS 85/2-18	from Ch. 111 1/2, par. 4068

Amends the Carnival and Amusement Rides Safety Act. Provides that the Board shall advise the Department of Labor on safety matters. Changes the membership of the Board from 5 to 8 members. Provides that the Director of Labor in consultation with the Board (instead of the Board) shall promulgate and formulate definitions, rules, and regulations for the safe installation, repair, maintenance, use, operation, and inspection of amusement rides and amusement attractions. Grants the Director the authority to require by subpoena the attendance and testimony of witnesses and the production of all books, records, equipment, and other evidence relative to a matter under investigation or hearing. Provides that qualifications of amusement ride inspectors shall be established through regulation by the Director. Removes the requirement that the chief amusement ride inspector be licensed in Illinois as a professional engineer. Provides that any person who violates any provision of the Act or any rule or regulation adopted under the Act, if that violation results in the bodily injury or death of a person, is guilty of a Class 4 felony. Effective immediately.

LRB094 17115 LCT 52401 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Carnival and Amusement Rides Safety Act is
5 amended by changing Sections 2-2, 2-3, 2-4, 2-6, 2-7, 2-8, 2-9,
6 2-12, 2-13, 2-14, 2-15, and 2-18 as follows:

7 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

8 Sec. 2-2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 1. "Director" means the Director of Labor or his or her
11 designee.

12 2. "Department" means Department of Labor.

13 3. "Amusement Attraction" means an enclosed building or
14 structure, including electrical equipment which is an integral
15 part of the building or structure, through which people walk
16 without the aid of any moving device, that provides amusement,
17 thrills or excitement at a fair or carnival, except any such
18 enclosed building or structure which is subject to the
19 jurisdiction of a local building code.

20 4. "Amusement ride" means:

21 (a) any mechanized device or combination of devices,
22 including electrical equipment which is an integral part of
23 the device or devices, which carries passengers along,
24 around, or over a fixed or restricted course for the
25 primary purpose of giving its passengers amusement,
26 pleasure, thrills, or excitement;

27 (b) any ski lift, rope tow, or other device used to
28 transport snow skiers;

29 (c) (blank);

30 (d) any dry slide over 20 feet in height, alpine slide,
31 or toboggan slide;

32 (e) any tram, open car, or combination of open cars or

1 wagons pulled by a tractor or other motorized device which
2 is not licensed by the Secretary of State, which may, but
3 does not necessarily follow a fixed or restricted course,
4 and is used primarily for the purpose of giving its
5 passengers amusement, pleasure, thrills or excitement, and
6 for which an individual fee is charged or a donation
7 accepted with the exception of hayrack rides; or

8 (f) any bungee cord or similar elastic device.

9 5. "Carnival" means an enterprise which offers amusement or
10 entertainment to the public by means of one or more amusement
11 attractions or amusement rides.

12 6. "Fair" means an enterprise principally devoted to the
13 exhibition of products of agriculture or industry in connection
14 with which amusement rides or amusement attractions are
15 operated.

16 7. "Operator" means a person, or the agent of a person, who
17 owns or controls or has the duty to control the operation of an
18 amusement ride or an amusement attraction at a carnival or
19 fair. "Operator" includes an agency of the State or any of its
20 political subdivisions.

21 (Source: P.A. 92-26, eff. 7-1-01.)

22 (430 ILCS 85/2-3) (from Ch. 111 1/2, par. 4053)

23 Sec. 2-3. There is hereby created the Carnival-Amusement
24 Safety Board, hereafter in this Act referred to as the "Board",
25 to consist of 8 ~~5~~ members. One member shall be the Director.
26 Seven ~~Four~~ members shall be appointed by the Governor with the
27 advice and consent of the Senate. The term of members shall be
28 4 years, except that of those members initially appointed by
29 the Governor, 1 shall be appointed for 3 years and 1 shall be
30 appointed for 4 years, and of the members initially appointed
31 pursuant to this amendatory Act of 2006 ~~1985~~, 1 shall be
32 appointed for 3 years. Of the 7 ~~4~~ appointed members of the
33 Board, 1 shall be an operator of amusement rides, ~~and~~ 1 shall
34 be a registered professional engineer, 1 shall represent the
35 insurance industry, and 1 shall represent the general public.

1 The Board shall advise the Department on carnival and amusement
2 safety matters.

3 (Source: P.A. 84-533.)

4 (430 ILCS 85/2-4) (from Ch. 111 1/2, par. 4054)

5 Sec. 2-4. A majority of the 8 ~~5~~ members of the Board
6 constitutes a quorum. The Board shall meet at least twice
7 yearly and at the call of the chairman or by written request of
8 at least 5 ~~3~~ members. The Board shall elect a chairman and such
9 other officers as it deems necessary to perform its duties
10 between meetings and may hire such clerical and administrative
11 help as it deems necessary, to be paid out of the appropriation
12 to the Board.

13 (Source: P.A. 84-533.)

14 (430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

15 Sec. 2-6. The Director, in consultation with the Board,
16 shall promulgate and formulate definitions, rules and
17 regulations for the safe installation, repair, maintenance,
18 use, operation and inspection of all amusement rides and
19 amusement attractions as the Director ~~Board~~ finds necessary for
20 the protection of the general public using amusement rides and
21 amusement attractions. The rules shall be based upon generally
22 accepted engineering standards and shall be concerned with, but
23 not necessarily limited to, engineering force stresses, safety
24 devices, and preventive maintenance. Whenever such standards
25 are available in suitable form they may be incorporated by
26 reference. The rules shall provide for the reporting of
27 accidents and injuries incurred from the operation of amusement
28 rides or amusement attractions. In addition to the permit fee
29 herein provided, the Director ~~Board~~ may promulgate rules to
30 establish a schedule of fees for inspections.

31 Before adopting, modifying or amending any rule consistent
32 with and necessary for the enforcement of this Act, the
33 Director ~~or Board~~ shall hold a public hearing on the proposed
34 rule, modification or amendment to a rule. Any interested

1 person may appear and be heard at the hearing, in person or by
2 agent or counsel. The Director shall give the news media notice
3 of each hearing at least 30 days in advance of the hearing date
4 and shall make available a copy of the proposed rule, or
5 modification or amendment to a rule to any person requesting
6 same. The provisions of this Section are in addition to all
7 other existing requirements pertaining to the promulgation of
8 administrative rules and regulations.

9 (Source: P.A. 83-1240.)

10 (430 ILCS 85/2-7) (from Ch. 111 1/2, par. 4057)

11 Sec. 2-7. The Director shall administer and enforce all
12 provisions of this Act and all codes, rules and regulations
13 promulgated pursuant to this Act ~~by the Board~~. The Director or
14 his or her authorized representative has the authority to
15 require by subpoena the attendance and testimony of witnesses
16 and the production of all books, records, equipment, and other
17 evidence relative to a matter under investigation or hearing.
18 The subpoena shall be signed and issued by the Director or his
19 or her authorized representative. If a person fails to comply
20 with any subpoena lawfully issued under this Section or a
21 witness refuses to produce evidence or testify to any matter
22 regarding which he or she may be lawfully interrogated, the
23 circuit court shall, upon application of the Director or his or
24 her authorized representative, compel compliance by
25 proceedings for contempt.

26 (Source: P.A. 83-1240.)

27 (430 ILCS 85/2-8) (from Ch. 111 1/2, par. 4058)

28 Sec. 2-8. The Director, in consultation with the Board,
29 shall determine a schedule of permit fees for each amusement
30 ride or amusement attraction.

31 (Source: P.A. 85-229.)

32 (430 ILCS 85/2-9) (from Ch. 111 1/2, par. 4059)

33 Sec. 2-9. The Department of Labor may hire inspectors to

1 inspect amusement rides and amusement attractions. The
2 qualifications of amusement ride inspectors shall be
3 established through regulation by the Director. ~~The chief~~
4 ~~amusement ride inspector shall be licensed in Illinois as a~~
5 ~~professional engineer.~~

6 (Source: P.A. 84-8.)

7 (430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

8 Sec. 2-12. Order for cessation of operation of amusement
9 ride or attraction.

10 (a) The Director or an inspector hired by the Department of
11 Labor may order, in writing, a temporary and immediate
12 cessation of operation of any amusement ride or amusement
13 attraction if it:

14 (1) has been determined after inspection to be
15 hazardous or unsafe;

16 (2) is in operation before the Director has issued a
17 permit to operate such equipment; or

18 (3) the owner or operator is not in compliance with the
19 insurance requirements contained in Section 2-14 of this
20 Act and any rules or regulations adopted hereunder.

21 (b) Operation of the amusement ride or amusement attraction
22 shall not resume until:

23 (1) the unsafe or hazardous condition is corrected to
24 the satisfaction of the Director or such inspector;

25 (2) the Director has issued a permit to operate such
26 equipment; or

27 (3) the owner or operator is in compliance with the
28 insurance requirements contained in Section 2-14 of this
29 Act and any rules or regulations adopted hereunder,
30 respectively.

31 (Source: P.A. 92-26, eff. 6-28-01.)

32 (430 ILCS 85/2-13) (from Ch. 111 1/2, par. 4063)

33 Sec. 2-13. Judicial review of action of the Director ~~or~~
34 ~~Board~~ may be sought pursuant to the Administrative Review Law.

1 (Source: P.A. 83-1240.)

2 (430 ILCS 85/2-14) (from Ch. 111 1/2, par. 4064)

3 Sec. 2-14. (1) Except as provided in subsection (2) of this
4 Section no person shall operate an amusement ride or attraction
5 unless there is in force: (a) a liability insurance policy or
6 policies in an aggregate amount of not less than \$100,000 for
7 bodily injury to or death of one person in any one accident,
8 and, subject to the limit for one person, in an amount of not
9 less than \$1,000,000 for bodily injury to or death of two or
10 more persons in any one accident, and in an amount of not less
11 than \$50,000 for injury to or destruction of property of others
12 in any one accident, insuring the operator against liability
13 for injury or death suffered by a person attending a fair or
14 carnival; or (b) a bond in like amount, the aggregate liability
15 of the surety of which shall not exceed the face amount
16 thereof; or (c) a deposit with the Illinois Department of Labor
17 ~~Board~~ of cash or other security acceptable to the Director
18 ~~Chairman~~.

19 (2) With respect to the operation of an amusement ride or
20 attraction under this Act for a carnival located at a permanent
21 site which has 5 or fewer amusement rides, none of which
22 operates at a height exceeding 8 feet, the insurance policy,
23 bond, or cash or security deposit amount required for bodily
24 injury to or death of 2 or more persons in any one accident
25 shall be not less than \$500,000.

26 (Source: P.A. 85-144.)

27 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

28 Sec. 2-15. Penalties. 1. Any person who operates an
29 amusement ride or amusement attraction at a carnival or fair
30 without having obtained a permit from the Director or who
31 violates any order or rule issued by the Director ~~or Board~~
32 under this Act is guilty of a Class A misdemeanor. Each day
33 shall constitute a separate and distinct offense.

34 2. Any person who interferes with, impedes, or obstructs in

1 any manner the Director or any authorized representative of the
2 ~~Board or~~ Department in the performance of their duties under
3 this Act is guilty of a Class A misdemeanor.

4 3. Any person who violates any provision of this Act or any
5 rule or regulation adopted under this Act, if that violation
6 results in the bodily injury or death of a person, is guilty of
7 a Class 4 felony.

8 (Source: P.A. 83-1240.)

9 (430 ILCS 85/2-18) (from Ch. 111 1/2, par. 4068)

10 Sec. 2-18. Waiver of inspection. The Director may waive the
11 requirement that an amusement ride or amusement attraction or
12 any part thereof be inspected before being operated, and may
13 waive any applicable fees for inspection, if an operator gives
14 satisfactory proof to the Director that the amusement ride or
15 amusement attraction or any part thereof has passed an
16 inspection conducted by a public or private agency whose
17 inspection standards and requirements are at least equal to
18 those requirements and standards established by the Department
19 ~~Board~~ under the provisions of this Act. The annual permit fees
20 shall be paid before the Director may waive this requirement.

21 (Source: P.A. 83-1240.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.