



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3097

Introduced 2/17/2023, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Amusement Ride and Attraction Safety Act. Provides that the Amusement Ride and Attraction Safety Board may hire such clerical and administrative help as it deems necessary, to be paid out of an appropriation from the Amusement Ride and Patron Safety Fund (rather than from an appropriation to the Board). Removes a provision providing that the Director of the Department of Labor may promulgate rules to establish a schedule of fees for inspections. Provides that the Director, after consultation with and the consent of the Board, shall determine a schedule of inspection fees and permit fees (rather than just permit fees) for each amusement ride or amusement attraction. Provides that the Director may accept applications for a permit not filed at least 30 days prior to the first day of operation or the expiration of the permit only if the applicant applies for the permit prior to the inspection of the ride or attraction. Provides that if, upon inspection, the Department determines that an element or elements of an amusement ride or amusement attraction is in violation of the Act or any rules adopted under it, the Department may issue a correction notice to the owner or operator, allowing the owner or operator to continue operating the amusement ride or amusement attraction, but requiring the owner or operator to address the deficiency and come into compliance with adopted standards by a set deadline. Provides that, if the owner or operator does not meet the deadline established in the correction notice, the Department may issue a Cessation Order as described in subsection (b) of this Section. Makes changes in provisions concerning: insurance; penalties; contracting with an entity; injunctions to compel compliance; the Amusement Ride and Patron Safety Fund; exemptions; waivers of inspections; and employment of carnival and amusement enterprise workers. Makes other changes.

LRB103 28177 CPF 54556 b

1 AN ACT concerning safety.

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

4 Section 5. The Amusement Ride and Attraction Safety Act is  
5 amended by changing Sections 2-2, 2-3, 2-4, 2-6, 2-7, 2-8,  
6 2-8.1, 2-9, 2-10, 2-12, 2-14, 2-15, 2-15.1, 2-15.2, 2-15.3,  
7 2-16, 2-17, 2-18, 2-19, and 2-20 as follows:

8 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

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

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

13 ~~2. "Department" means Department of Labor.~~

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

22 ~~4.~~ "Amusement ride" means:

23 (a) any mechanized device or combination of devices,

1 including electrical equipment which is an integral part  
2 of the device or devices, which carries passengers along,  
3 around, or over a fixed or restricted course for the  
4 primary purpose of giving its passengers amusement,  
5 pleasure, thrills, or excitement;

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

8 (c) (blank);

9 (c-5) any trampoline court;

10 (d) any dry slide, alpine slide, or toboggan slide,  
11 except:

12 (1) any slide that is placed in a playground and  
13 that does not normally require the supervision or  
14 services of a person responsible for its operation; or

15 (2) any slide that is not open to the general  
16 public and for which admission is monitored and  
17 strictly controlled by invitation, company or group  
18 identification, or other means of identification;

19 (e) any tram, open car, or combination of open cars or  
20 wagons pulled by a tractor or other motorized device which  
21 is not licensed by the Secretary of State, which may, but  
22 does not necessarily follow a fixed or restricted course,  
23 and is used primarily for the purpose of giving its  
24 passengers amusement, pleasure, thrills or excitement, and  
25 for which an individual fee is charged or a donation  
26 accepted with the exception of hayrack rides;

1 (f) any bungee cord or similar elastic device; or

2 (g) any inflatable attraction.

3 ~~5.~~ "Carnival" or "amusement enterprise" means an  
4 establishment that enterprise which offers amusement or  
5 entertainment to the general public by means of one or more  
6 amusement attractions or amusement rides, regardless of  
7 whether a form of payment is required for admission.

8 "Carnival worker" or "amusement enterprise worker" means  
9 an individual who performs work for a carnival, amusement  
10 enterprise, or fair to manage, physically operate, or assist  
11 in the operation of an amusement ride or amusement attraction  
12 when it is open to the public.

13 "Department" means the Department of Labor.

14 "Director" means the Director of the Department of Labor  
15 or the Director's designee.

16 ~~6.~~ "Fair" means an enterprise principally devoted to the  
17 exhibition of products of agriculture or industry in  
18 connection with which amusement rides or amusement attractions  
19 are operated.

20 "Inflatable attraction" means an amusement ride or device  
21 that is designed for bouncing, climbing, sliding, or other  
22 forms of interactive play, is made of flexible fabric, is kept  
23 inflated by continuous air flow by one or more blowers, and  
24 relies upon air pressure to maintain its shape.

25 ~~7.~~ "Operator" means a person, or the agent of a person, who  
26 owns or controls or has the duty to control the operation of an

1 amusement ride or an amusement attraction at a carnival,  
2 amusement enterprise, or fair. "Operator" includes an agency  
3 of the State or any of its political subdivisions.

4 ~~8. "Carnival worker" or "amusement enterprise worker"~~  
5 ~~means a person who is employed (and is therefore not a~~  
6 ~~volunteer) by a carnival, amusement enterprise, or fair to~~  
7 ~~manage, physically operate, or assist in the operation of an~~  
8 ~~amusement ride or amusement attraction when it is open to the~~  
9 ~~public.~~

10 ~~9. "Volunteer" means a person who operates or assists in~~  
11 ~~the operation of an amusement ride or amusement attraction for~~  
12 ~~an owner or operator without pay or lodging. An individual~~  
13 ~~shall not be considered a volunteer if the individual is~~  
14 ~~otherwise employed by the same owner or operator to perform~~  
15 ~~the same type of service as those for which the individual~~  
16 ~~proposes to volunteer.~~

17 ~~10. "Inflatable attraction" means an amusement ride or~~  
18 ~~device designed for use that may include, but not be limited~~  
19 ~~to, bounce, climb, slide, or interactive play, which is made~~  
20 ~~of flexible fabric, is kept inflated by continuous air flow by~~  
21 ~~one or more blowers, and relies upon air pressure to maintain~~  
22 ~~its shape.~~

23 ~~11. "Trampoline court" means a commercial facility with a~~  
24 ~~defined area composed of one or more trampolines, a series of~~  
25 ~~trampolines, a trampoline court foam pit, or a series of~~  
26 ~~trampoline court foam pits. "Trampoline court" does not~~

1 include a gymnastic training facility that only utilizes  
2 trampolines during the supervised instruction of gymnastic  
3 skills.

4 (Source: P.A. 102-255, eff. 1-1-22.)

5 (430 ILCS 85/2-3) (from Ch. 111 1/2, par. 4053)

6 Sec. 2-3. There is hereby created the Amusement Ride and  
7 Attraction Safety Board, hereafter in this Act referred to as  
8 the "Board", to consist of 9 members. One member shall be the  
9 Director. Eight members shall be appointed by the Governor  
10 with the advice and consent of the Senate. The term of members  
11 shall be 4 years. Of the 8 appointed members of the Board, 2  
12 shall be operators of amusement rides or amusement  
13 attractions, 1 shall be a registered professional engineer, 1  
14 shall represent the insurance industry, and 4 shall represent  
15 the general public. The Board shall advise the Department on  
16 carnival, amusement enterprise, and amusement safety matters.

17 (Source: P.A. 97-737, eff. 7-3-12; 98-769, eff. 1-1-15.)

18 (430 ILCS 85/2-4) (from Ch. 111 1/2, par. 4054)

19 Sec. 2-4. A majority of the 9 members of the Board  
20 constitutes a quorum. The Board shall meet at least twice  
21 yearly and at the call of the chairperson ~~chairman~~ or by  
22 written request of at least 5 members. The Board shall elect a  
23 chairperson ~~chairman~~ and such other officers as it deems  
24 necessary to perform its duties between meetings and may hire

1 such clerical and administrative help as it deems necessary,  
2 to be paid out of the appropriation to the Amusement Ride and  
3 Patron Safety Fund Board.

4 (Source: P.A. 97-737, eff. 7-3-12.)

5 (430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

6 Sec. 2-6. (a) The Director, after consultation with the  
7 Board at a meeting of the Board, shall promulgate and  
8 formulate definitions, rules and regulations for the safe  
9 installation, repair, maintenance, use, operation, training  
10 standards for operators, and inspection of all amusement rides  
11 and amusement attractions as the Director finds necessary for  
12 the protection of the general public using amusement rides and  
13 amusement attractions. These rules and standards shall be  
14 adopted pursuant to the procedures set forth in the Illinois  
15 Administrative Procedure Act. The rules shall be based upon  
16 generally accepted engineering standards and shall be  
17 concerned with, but not necessarily limited to, engineering  
18 force stresses, safety devices, and preventive maintenance.  
19 Whenever such standards are available in suitable form they  
20 may be incorporated by reference. The rules shall provide for  
21 the reporting of accidents and injuries incurred from the  
22 operation of amusement rides or amusement attractions. ~~In~~  
23 ~~addition to the permit fee herein provided, the Director may~~  
24 ~~promulgate rules to establish a schedule of fees for~~  
25 ~~inspections.~~

1 (b) After consultation with the Board, the Director is  
2 authorized to adopt by reference, in whole or in part, any  
3 code, standard, or bulletin issued by a nationally or  
4 internationally recognized organization, such as the Consumer  
5 Product Safety Commission or ASTM International, after a  
6 finding that the adoption of the code, standard, or bulletin  
7 would promote the purposes of this Act.

8 (Source: P.A. 98-541, eff. 8-23-13.)

9 (430 ILCS 85/2-7) (from Ch. 111 1/2, par. 4057)

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



1 represented by the Attorney General.

2 (Source: P.A. 94-801, eff. 5-25-06.)

3 (430 ILCS 85/2-8) (from Ch. 111 1/2, par. 4058)

4 Sec. 2-8. The Director, after consultation with and the  
5 consent of the Board, shall determine a schedule of inspection  
6 fees and permit fees for each amusement ride or amusement  
7 attraction.

8 (Source: P.A. 98-541, eff. 8-23-13.)

9 (430 ILCS 85/2-8.1)

10 Sec. 2-8.1. Suspension and revocation of permit to  
11 operate.

12 (a) The Department shall have the power to suspend or  
13 revoke an owner's permit for any good cause under the meaning  
14 and purpose of this Act. If a person whose permit has been  
15 suspended or revoked, or whose application for a permit has  
16 been denied, believes that the violation or condition  
17 justifying suspension, revocation, or denial of the permit  
18 does not exist, the person may apply to the Department for  
19 reconsideration through a hearing within 10 business working  
20 days after the Department's action. A hearing shall be  
21 scheduled, unless otherwise mutually agreed by the parties,  
22 within 48 hours after the request for hearing.

23 (b) Service of notice of a hearing, or any other document  
24 related to investigation or enforcement of violations, shall

1 be made by ~~personal service or~~ certified mail, by regular mail  
2 if service by certified mail cannot be completed, or by email  
3 to an email address previously designated by the party to be  
4 used for such purpose, to the address shown on the application  
5 for permit, or to any other address on file with the Department  
6 or and reasonably believed to be the current address of the  
7 permit holder.

8 (c) Such ~~The~~ written notice of a hearing shall specify the  
9 time, date, and location of the hearing and the reasons for the  
10 action proposed by the Department.

11 (d) At the hearing, the Department shall have the burden  
12 of establishing good cause for its action. Good cause exists  
13 if the Department establishes that the permit holder has  
14 failed to comply with the requirements of a permit under this  
15 Act and its rules.

16 (e) All hearings held under this Section shall comply with  
17 Article 10 of the Illinois Administrative Procedure Act and  
18 the Department's rules of procedure in administrative  
19 hearings, except that formal discovery, such as production  
20 requests, ~~interrogatories,~~ requests to admit, and depositions  
21 shall not be allowed. The parties shall exchange documents and  
22 witness lists prior to hearing and may request third party  
23 subpoenas to be issued.

24 (f) The final determination by the Department of Labor  
25 shall be rendered within 5 business ~~working~~ days after the  
26 conclusion of the hearing.

1 (g) Final determinations made under this Section are  
2 subject to the Administrative Review Law.

3 (Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14.)

4 (430 ILCS 85/2-9) (from Ch. 111 1/2, par. 4059)

5 Sec. 2-9. The Department of Labor may hire ride inspectors  
6 to inspect amusement rides and amusement attractions. The  
7 qualifications of ~~amusement~~ ride inspectors shall be  
8 established through regulation by the Director. The chief  
9 amusement ride inspector shall be licensed in Illinois as a  
10 professional engineer.

11 (Source: P.A. 94-801, eff. 5-25-06.)

12 (430 ILCS 85/2-10) (from Ch. 111 1/2, par. 4060)

13 Sec. 2-10. No amusement ride or amusement attraction shall  
14 be operated at a carnival, amusement enterprise, or fair in  
15 this State without a permit having been issued by the Director  
16 to an operator of such equipment. At least 30 days prior to the  
17 first day of operation or the expiration of the permit, any  
18 person required to obtain a permit by this Act shall apply to  
19 the Director for a permit on a form furnished by the Director  
20 which form shall contain such information as the Director may  
21 require. The Director may waive the requirement that an  
22 application for a permit must be filed at least 30 days prior  
23 to the first day of operation or the expiration of the permit  
24 if the applicant gives satisfactory proof to the Director that

1 the applicant ~~he~~ could not reasonably comply with the date  
2 requirement and if the applicant immediately applies for a  
3 permit after the need for a permit is first determined. The  
4 Director may accept applications for a permit not filed at  
5 least 30 days prior to the first day of operation or the  
6 expiration of the permit only if the applicant applies for the  
7 permit prior to the inspection of the ride or attraction. For  
8 the purpose of determining if an amusement ride or amusement  
9 attraction is in safe operating condition and will provide  
10 protection to the public using such amusement ride or  
11 amusement attraction, each amusement ride or amusement  
12 attraction shall be inspected by a ride inspector ~~the Director~~  
13 before it is initially placed in operation in this State, and  
14 shall thereafter be inspected by a ride inspector at least  
15 once each year. The Department may conduct inspections to  
16 ensure continued compliance with the provisions of this Act or  
17 any rules adopted hereunder.

18 If, after inspection, an amusement ride or amusement  
19 attraction is found to comply with the rules adopted under  
20 this Act, the Director shall issue a permit for the operation  
21 of the amusement ride or amusement attraction. The permit  
22 shall be issued conditioned upon the payment of the permit fee  
23 and any applicable inspection fee at the time the application  
24 for permit to operate is filed with the Department and may be  
25 suspended as provided in the Department's rules. The Director  
26 may, in the Director's discretion, deny a permit from an

1 applicant with a documented history of misrepresentation or  
2 conveying false information to the Department.

3 If, after inspection, additions or alterations are  
4 contemplated which change a structure, mechanism,  
5 classification or capacity, the operator shall notify the  
6 Director of the operator's ~~his~~ intentions in writing and  
7 provide any plans or diagrams requested by the Director.

8 (Source: P.A. 98-769, eff. 1-1-15.)

9 (430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

10 Sec. 2-12. Correction notice and order ~~Order~~ for cessation  
11 of operation of amusement ride or attraction.

12 (a) If, upon inspection, the Department determines that an  
13 element or elements of an amusement ride or amusement  
14 attraction are in violation of this Act or any rules adopted  
15 under this Act, the Department may issue a correction notice  
16 to the owner or operator, allowing the owner or operator to  
17 continue operating the amusement ride or amusement attraction  
18 but requiring the owner or operator to address the deficiency  
19 and come into compliance with adopted standards by a set  
20 deadline. If the owner or operator does not meet the deadline  
21 established in the correction notice, the Department may issue  
22 a cessation order as described in subsection (a-5) of this  
23 Section.

24 (a-5) ~~(a)~~ The Department ~~of Labor~~ may order, in writing, a  
25 temporary and immediate cessation of operation of any

1 amusement ride or amusement attraction, also known as a "stop  
2 order", if:

3 (1) it has been determined after inspection to be  
4 hazardous or unsafe;

5 (2) it is in operation before the Director has issued  
6 a permit to operate such equipment; or

7 (3) the owner or operator is not in compliance with  
8 any of the ~~insurance~~ requirements contained in ~~Section~~  
9 ~~2-14 of~~ this Act or ~~and~~ any rules or regulations adopted  
10 under this Act hereunder.

11 (b) After the cessation of operation, operation ~~Operation~~  
12 of the amusement ride or amusement attraction shall not resume  
13 until:

14 (1) the unsafe or hazardous condition is corrected to  
15 the satisfaction of the Director ~~or such inspector~~;

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

18 (3) the owner or operator is in compliance with the  
19 ~~insurance~~ requirements contained in ~~Section 2-14 of~~ this  
20 Act and any rules or regulations adopted under this Act  
21 ~~hereunder, respectively~~.

22 (c) The Department shall notify the owner or operator in  
23 writing, via certified mail, service by sheriff, personal  
24 service, or in person, of the grounds for the cessation of  
25 operation of the amusement ride or attraction and of the  
26 conditions in need of correction at the time the order for

1 cessation is issued. The Department may also notify the county  
2 sheriff or other local law enforcement where the amusement  
3 enterprise is operated that the Department has issued a  
4 cessation order to that enterprise. The Department shall post  
5 or shall require the owner or operator to post a notice at the  
6 entrance to the amusement enterprise stating that a cessation  
7 order has been issued for the attraction. The notice shall  
8 remain posted until the cessation order has been lifted by the  
9 Department.

10 (c-5) Upon request by the Department, the Illinois State  
11 Police or local law enforcement may enforce a cessation order.

12 (d) The owner or operator may appeal an order of cessation  
13 by filing a request for a hearing. The Department shall afford  
14 the owner or operator 10 business ~~working~~ days after the date  
15 of the notice to request a hearing. Upon written request for  
16 hearing, the Department shall schedule a formal administrative  
17 hearing in compliance with Article 10 of the Illinois  
18 Administrative Procedure Act and pursuant to the provisions of  
19 the Department's rules of procedure in administrative  
20 hearings, except that formal discovery, such as production  
21 requests, interrogatories, requests to admit, and depositions  
22 will not be allowed. The parties shall exchange documents and  
23 witness lists prior to hearing and may request third party  
24 subpoenas to be issued.

25 (e) The final determination by the Department of Labor  
26 shall be rendered within 5 business ~~working~~ days after the

1 conclusion of the hearing.

2 (f) The provisions of the Administrative Review Law shall  
3 apply to and govern all proceedings for the judicial review of  
4 a final determination under this Section.

5 (Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14;  
6 99-78, eff. 7-20-15.)

7 (430 ILCS 85/2-14) (from Ch. 111 1/2, par. 4064)

8 Sec. 2-14. No person shall operate an amusement ride or  
9 attraction unless there is in force a liability insurance  
10 policy or policies in an amount of not less than \$1,000,000 for  
11 bodily injury to or death of one or more persons, damage to or  
12 destruction of property of others, or a combination thereof,  
13 and, subject to the per occurrence limit, in an aggregate  
14 amount of not less than \$2,000,000 for bodily injury to or  
15 death of two or more persons, or damage to or destruction of  
16 property of others, in any one policy period, insuring the  
17 operator against liability for injury, death, or property  
18 damage. Any owner or operator applying for a permit or renewal  
19 must present proof of this insurance at the time of the  
20 inspection required under Section 2-10.

21 (Source: P.A. 98-541, eff. 8-23-13.)

22 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

23 Sec. 2-15. Penalties.

24 (a) Criminal penalties.



1           1. Any person who operates an amusement ride or  
2 amusement attraction at a carnival, amusement enterprise,  
3 or fair without having obtained a permit from the  
4 Department or who violates any cessation order or other  
5 order ~~or rule~~ issued by the Department under this Act is  
6 guilty of a Class A misdemeanor. Each day shall constitute  
7 a separate and distinct offense.

8           2. Any person who interferes with, impedes, or  
9 obstructs in any manner the Director or any authorized  
10 representative of the Department in the performance of  
11 their duties under this Act is guilty of a Class A  
12 misdemeanor.

13           (b) Civil penalties. Unless otherwise provided in this  
14 Act, any person who operates an amusement ride or amusement  
15 attraction without having obtained a permit from the  
16 Department in violation of this Act is subject to a civil  
17 penalty not to exceed \$2,500 per violation per day for a first  
18 violation, a civil penalty ~~and~~ not to exceed \$5,000 per  
19 violation per day for a second violation, and a civil penalty  
20 not to exceed \$10,000 per violation per day for a third or  
21 subsequent violation. Each amusement ride or amusement  
22 attraction operated in violation of this Act shall be a  
23 separate violation. Any amusement ride or amusement attraction  
24 owner or operator who violates any other provision of this Act  
25 or rule adopted under this Act shall be subject to a civil  
26 penalty not to exceed \$1,000 per violation.

1 Prior to any determination, or the imposition of any civil  
2 penalty, under this subsection (b), the Department shall  
3 notify the owner or operator in writing of the alleged  
4 violation. The Department shall afford the owner or operator  
5 10 business ~~working~~ days after the date of the notice to  
6 request a hearing. Upon written request for a hearing ~~of the~~  
7 ~~operator~~, the Department shall schedule a formal  
8 administrative hearing in compliance with Article 10 of the  
9 Illinois Administrative Procedure Act and the Department's  
10 rules of procedure in administrative hearings, except that  
11 formal discovery, such as production requests,  
12 interrogatories, requests to admit, and depositions shall not  
13 be allowed. The parties shall exchange documents and witness  
14 lists prior to hearing and may request third party subpoenas  
15 to be issued. The final determination by the Department ~~of~~  
16 ~~Labor~~ shall be rendered within 5 business ~~working~~ days after  
17 the conclusion of the hearing. Final determinations made under  
18 this Section are subject to the provisions of the  
19 Administrative Review Law. In determining the amount of a  
20 penalty, the Director may consider the appropriateness of the  
21 penalty to the person or entity charged, upon determination of  
22 the gravity of the violation. The penalties, when finally  
23 determined, may be recovered in a civil action brought by the  
24 Department ~~Director of Labor~~ in any circuit court. In such  
25 civil ~~this~~ litigation, the Department ~~Director of Labor~~ shall  
26 be represented by the Attorney General.

1 (Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14;  
2 98-769, eff. 1-1-15.)

3 (430 ILCS 85/2-15.1) (from Ch. 111 1/2, par. 4065.1)

4 Sec. 2-15.1. When contracting with any ~~Any~~ person or  
5 entity ~~contracting with an operator~~ for the provision of an  
6 amusement ride or amusement attraction, the amusement ride or  
7 amusement attraction owner or operator shall inform the  
8 Department of the name and address of the operator, as well as  
9 the dates on which the amusement ride or amusement attraction  
10 will be operated pursuant to the contract, the person or  
11 entity contracting with the owner or operator, and the  
12 location at which such ride or attraction will be so operated.  
13 (Source: P.A. 84-533.)

14 (430 ILCS 85/2-15.2)

15 Sec. 2-15.2. Injunction to compel compliance.

16 (a) The Department shall have the power to seek ~~bring~~  
17 injunctive relief ~~proceedings~~ in any court of competent  
18 jurisdiction to compel compliance with any order issued ~~made~~  
19 by the Department under this Act.

20 (b) The Department shall also have the power to seek ~~bring~~  
21 temporary and immediate injunctive relief in any court of  
22 competent jurisdiction when necessary for the protection of  
23 the health and safety of the general public using amusement  
24 rides and amusement attractions. In such matters, the

1 Department shall be represented by the Attorney General.

2 (Source: P.A. 98-541, eff. 8-23-13.)

3 (430 ILCS 85/2-15.3)

4 Sec. 2-15.3. Amusement Ride and Patron Safety Fund. All  
5 moneys received by the Department as fees and penalties under  
6 this Act shall be deposited into the Amusement Ride and Patron  
7 Safety Fund and shall be used by the Department, subject to  
8 appropriation by the General Assembly, in addition to any  
9 General Revenue funds, for administration, investigation, and  
10 other expenses incurred in carrying out its powers and duties  
11 under this Act, including costs related to the Board. The  
12 Department shall hire as many ride inspectors and other  
13 personnel as may be necessary to carry out the purposes of this  
14 Act. Any moneys in the Fund at the end of a fiscal year in  
15 excess of those moneys necessary for the Department to carry  
16 out its powers and duties under this Act shall be available to  
17 the Department for the next fiscal year for any of the  
18 Department's duties and may be transferred from the Amusement  
19 Ride and Patron Safety Fund to the various accounts available  
20 to the Department, as needed.

21 (Source: P.A. 98-541, eff. 8-23-13.)

22 (430 ILCS 85/2-16) (from Ch. 111 1/2, par. 4066)

23 Sec. 2-16. Exemptions. The following amusement rides or  
24 amusement attractions are exempt from the provisions of this

1 Act:

2 Any amusement ride or amusement attraction which is owned  
3 or operated by a non-profit religious, educational or  
4 charitable institution or association if such amusement ride  
5 or amusement attraction is located within a building subject  
6 to inspection by the state fire marshal or by any political  
7 subdivisions of the State under its building, fire,  
8 electrical, and related public safety ordinances, and the  
9 amusement ride or amusement attraction itself has passed an ~~is~~  
10 ~~subject to~~ inspection by a political subdivision of the State  
11 in accordance with Section 2-17.

12 (Source: P.A. 96-151, eff. 8-7-09.)

13 (430 ILCS 85/2-17) (from Ch. 111 1/2, par. 4067)

14 Sec. 2-17. A municipality within its corporate limits and  
15 a county within unincorporated areas within its boundaries may  
16 inspect, license or regulate any amusement ride or amusement  
17 attraction operated at a carnival, amusement enterprise, or  
18 fair, provided that any safety standards or regulations  
19 implemented by a municipality or county in connection  
20 therewith shall be at least as stringent as those provided for  
21 in this Act and the rules and regulations adopted hereunder.  
22 An owner or operator may use a report of such municipal or  
23 county inspection to support a request for a waiver of  
24 Department inspection under Section 2-18. Any municipality or  
25 county which inspects, licenses, or otherwise regulates

1 amusement rides or amusement attractions may impose reasonable  
2 fees to cover the costs thereof.

3 (Source: P.A. 98-769, eff. 1-1-15.)

4 (430 ILCS 85/2-18) (from Ch. 111 1/2, par. 4068)

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

19 (Source: P.A. 94-801, eff. 5-25-06.)

20 (430 ILCS 85/2-19) (from Ch. 111 1/2, par. 4069)

21 Sec. 2-19. The owner or operator of an amusement ride or  
22 amusement attraction may remove a person from or deny a person  
23 entry to an amusement ride or amusement attraction if, in the  
24 owner's or operator's opinion, the entry or conduct may

1 jeopardize the safety of such person or the safety of any other  
2 person. Nothing in this Section will permit an owner or  
3 operator to deny a ride ~~an~~ inspector access to an amusement  
4 ride or amusement attraction when such ride inspector is  
5 acting within the scope of the ride inspector's ~~his~~ duties  
6 under this Act.

7 (Source: P.A. 96-151, eff. 8-7-09; 96-1000, eff. 7-2-10.)

8 (430 ILCS 85/2-20)

9 Sec. 2-20. Employment of carnival and amusement enterprise  
10 workers.

11 (a) Beginning on January 1, 2008, no person, firm,  
12 corporation, or other entity that owns or operates a carnival,  
13 amusement enterprise, or fair shall allow a person to perform  
14 work associated with an amusement ride or amusement  
15 attraction, including any volunteer work, ~~employ a carnival or~~  
16 ~~amusement enterprise worker~~ who (i) has been convicted of any  
17 offense set forth in Article 11 of the Criminal Code of 1961 or  
18 the Criminal Code of 2012, (ii) is a registered sex offender,  
19 as defined in the Sex Offender Registration Act, or (iii) has  
20 ever been convicted of any offense set forth in Article 9 of  
21 the Criminal Code of 1961 or the Criminal Code of 2012.

22 (b) A person, firm, corporation, or other entity that owns  
23 or operates a carnival, amusement enterprise, or fair must  
24 conduct a criminal history records check and perform a check  
25 of the National Sex Offender Public Registry for carnival or

1 amusement enterprise workers at the time they are hired, and  
2 annually thereafter except if they are in the continued employ  
3 of the entity.

4 The criminal history records check performed under this  
5 subsection (b) shall be performed by the Illinois State  
6 Police, another State or federal law enforcement agency, or a  
7 business belonging to the ~~National Association of~~ Professional  
8 Background ~~Check~~ Screeners Association. Any criminal history  
9 checks performed by the Illinois State Police shall be  
10 performed pursuant to the Illinois Uniform Conviction  
11 Information Act.

12 ~~Individuals who are under the age of 17 are exempt from the~~  
13 ~~criminal history records check requirements set forth in this~~  
14 ~~subsection (b).~~

15 (c) Any person, firm, corporation, or other entity that  
16 owns or operates a carnival, amusement enterprise, or fair  
17 must have a substance abuse policy in place for its workers,  
18 which shall include random drug testing of carnival or  
19 amusement enterprise workers.

20 (d) Any person, firm, corporation, or other entity that  
21 owns or operates a carnival, amusement enterprise, or fair  
22 that violates the provisions of subsection (a) of this Section  
23 or fails to conduct a criminal history records check or a sex  
24 offender registry check for carnival or amusement enterprise  
25 workers in its employ, as required by subsection (b) of this  
26 Section, or fails to maintain a substance abuse policy as



1 required by subsection (c) of this Section shall be assessed a  
2 civil penalty in an amount not to exceed \$5,000 for a first  
3 offense, shall be assessed a civil penalty in an amount not to  
4 exceed \$10,000 for a second offense, and a subsequent offense  
5 shall result in the revocation of a permit to operate in  
6 accordance with Section 2-8.1. The collection of these  
7 penalties shall be enforced in a civil action brought by the  
8 Attorney General on behalf of the Department.

9 (e) Unless the owner or operator knew or reasonably should  
10 have known that the information was falsified, a ~~A~~ carnival,  
11 amusement enterprise, or fair owner is not responsible for the  
12 accuracy of:

13 (1) any personal information submitted by a carnival  
14 or amusement enterprise worker for criminal history  
15 records check purposes; or

16 (2) any information provided by a third party for a  
17 criminal history records check or a sex offender registry  
18 check.

19 (f) Recordkeeping requirements. Any person, firm,  
20 corporation, or other entity that owns or operates a carnival,  
21 amusement enterprise, or fair subject to the provisions of  
22 this Act shall make, preserve, and make available to the  
23 Department, upon its request, all records that are required by  
24 this Act, including but not limited to a written substance  
25 abuse policy, evidence of the required criminal history  
26 records check and sex offender registry check, and any other

1 information the Director may deem necessary and appropriate  
2 for enforcement of this Act.

3 (g) A carnival, amusement enterprise, or fair owner shall  
4 not be liable to any employee in carrying out the requirements  
5 of this Section.

6 (h) At all times that an amusement ride or amusement  
7 attraction is in use, an owner or operator shall ensure that at  
8 least one operator working on site has been certified to  
9 provide First Aid and cardiopulmonary resuscitation (CPR).

10 (Source: P.A. 100-944, eff. 1-1-19.)

11 (430 ILCS 85/2-21 rep.)

12 Section 10. The Amusement Ride and Attraction Safety Act  
13 is amended by repealing Section 2-21.

1

## INDEX

2

## Statutes amended in order of appearance

3	430 ILCS 85/2-2	from Ch. 111 1/2, par. 4052
4	430 ILCS 85/2-3	from Ch. 111 1/2, par. 4053
5	430 ILCS 85/2-4	from Ch. 111 1/2, par. 4054
6	430 ILCS 85/2-6	from Ch. 111 1/2, par. 4056
7	430 ILCS 85/2-7	from Ch. 111 1/2, par. 4057
8	430 ILCS 85/2-8	from Ch. 111 1/2, par. 4058
9	430 ILCS 85/2-8.1	
10	430 ILCS 85/2-9	from Ch. 111 1/2, par. 4059
11	430 ILCS 85/2-10	from Ch. 111 1/2, par. 4060
12	430 ILCS 85/2-12	from Ch. 111 1/2, par. 4062
13	430 ILCS 85/2-14	from Ch. 111 1/2, par. 4064
14	430 ILCS 85/2-15	from Ch. 111 1/2, par. 4065
15	430 ILCS 85/2-15.1	from Ch. 111 1/2, par. 4065.1
16	430 ILCS 85/2-15.2	
17	430 ILCS 85/2-15.3	
18	430 ILCS 85/2-16	from Ch. 111 1/2, par. 4066
19	430 ILCS 85/2-17	from Ch. 111 1/2, par. 4067
20	430 ILCS 85/2-18	from Ch. 111 1/2, par. 4068
21	430 ILCS 85/2-19	from Ch. 111 1/2, par. 4069
22	430 ILCS 85/2-20	
23	430 ILCS 85/2-21 rep.	