**Section 6000.90 Penalties**

a) *Any person who operates an amusement ride or amusement attraction at a carnival, amusement enterprise, or fair without having obtained a permit from the Department or who violates any order or rule issued by the Department under the Act is guilty of a Class A misdemeanor. Each day shall constitute a separate and distinct offense.* (Section 2-15 of the Act)

b) *Any person who interferes with, impedes, or obstructs in any manner the Director or any authorized representative of the Department in the performance of their duties under the Act is guilty of a Class A misdemeanor.* (Section 2-15 of the Act)

c) The Department may assess *a civil penalty not to exceed $2,500 per violation for a first violation and not to exceed $5,000 for a second or subsequent violation* to any person who owns or operates an amusement ride or amusement attraction without having obtained a permit from the Department in violation of the Act. (Section 2-15 of the Act)

d) The Department may assess a civil penalty *in an amount not to exceed $5,000 for a first offense, not to exceed $10,000 for a second offense, and a subsequent offense shall result in the revocation of a permit to operate in accordance with Section 2-8.1* of the Act to any person that owns or operates a carnival or fair that fails to conduct a criminal history records check or a sex offender registry check for carnival or amusement enterprise workers in its employ, as required by the Act. (Section 2-20 of the Act)

e) When the Department assesses a penalty in accordance with subsection (c) or (d), the Department shall notify the owner/operator of the grounds for its action.

f) If a person against whom the penalty has been assessed wishes to challenge the basis for the penalty or the amount of the penalty, the person may appeal the Department's decision by filing a written request for a hearing within 10 working days after the Department's action. Failure to file an appeal and request for a hearing shall cause the decision of the Department to become a final decision of the Department, subject to the Administrative Review Law.

g) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file with the Department and reasonably believed to be the current address of the permit holder.

h) The written notice of a hearing shall specify the time, date and location of the hearing.

i) At the hearing, the Department shall have the burden of establishing the violation for which the penalty has been assessed.

j) The hearing under this Section shall comply with the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120), except that formal discovery, such as production requests, interrogatories, requests to admit and depositions shall not be allowed. Prior to hearing, the parties shall exchange documents and witness lists and have the right to issue subpoenas.

k) The Administrative Law Judge's decision shall be deemed a final administrative decision of the Department, subject to the Administrative Review Law.

l) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included, and the designated period shall run until the end of the last day, or the next following working day.

(Source: Amended at 44 Ill. Reg. 19907, effective December 8, 2020)