

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 Carnival and Amusement Rides Safety Act is
5 amended by changing Sections 2-1, 2-2, 2-3, 2-10, 2-15, 2-17,
6 and 2-20 as follows:

7 (430 ILCS 85/2-1) (from Ch. 111 1/2, par. 4051)

8 Sec. 2-1. This Article shall be known and may be cited as
9 the "Amusement Ride and Attraction Safety Act" ~~"Carnival and~~
10 ~~Amusement Rides Safety Act"~~.

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

12 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

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

15 1. "Director" means the Director of Labor or his or her
16 designee.

17 2. "Department" means Department of Labor.

18 3. "Amusement attraction" means an enclosed building or
19 structure, including electrical equipment which is an integral
20 part of the building or structure, through which people walk
21 without the aid of any moving device, that provides amusement,
22 thrills or excitement at a fair, ~~or~~ carnival, or an amusement

1 enterprise, except any such enclosed building or structure
2 which is subject to the jurisdiction of a local building code.

3 4. "Amusement ride" means:

4 (a) any mechanized device or combination of devices,
5 including electrical equipment which is an integral part of
6 the device or devices, which carries passengers along,
7 around, or over a fixed or restricted course for the
8 primary purpose of giving its passengers amusement,
9 pleasure, thrills, or excitement;

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

12 (c) (blank);

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

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

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

24 (g) any inflatable attraction.

25 5. "Carnival" or "amusement enterprise" means an
26 enterprise which offers amusement or entertainment to the

1 public by means of one or more amusement attractions or
2 amusement rides.

3 6. "Fair" means an enterprise principally devoted to the
4 exhibition of products of agriculture or industry in connection
5 with which amusement rides or amusement attractions are
6 operated.

7 7. "Operator" means a person, or the agent of a person, who
8 owns or controls or has the duty to control the operation of an
9 amusement ride or an amusement attraction at a carnival,
10 amusement enterprise, or fair. "Operator" includes an agency of
11 the State or any of its political subdivisions.

12 8. "Carnival worker" or "amusement enterprise worker"
13 means a person who is employed (and is therefore not a
14 volunteer) by a carnival, amusement enterprise, or fair to
15 manage, physically operate, or assist in the operation of an
16 amusement ride or amusement attraction when it is open to the
17 public.

18 9. "Volunteer" means a person who operates or assists in
19 the operation of an amusement ride or amusement attraction for
20 an owner or operator without pay or lodging. An individual
21 shall not be considered a volunteer if the individual is
22 otherwise employed by the same owner or operator to perform the
23 same type of service as those for which the individual proposes
24 to volunteer.

25 10. "Inflatable attraction" means an amusement ride or
26 device designed for use that may include, but not be limited

1 to, bounce, climb, slide, or interactive play, which is made of
2 flexible fabric, is kept inflated by continuous air flow by one
3 or more blowers, and relies upon air pressure to maintain its
4 shape.

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

6 (430 ILCS 85/2-3) (from Ch. 111 1/2, par. 4053)

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

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

19 (430 ILCS 85/2-10) (from Ch. 111 1/2, par. 4060)

20 Sec. 2-10. No amusement ride or amusement attraction shall
21 be operated at a carnival, amusement enterprise, or fair in
22 this State without a permit having been issued by the Director
23 to an operator of such equipment. At least 30 days prior to the
24 first day of operation or the expiration of the permit, any

1 person required to obtain a permit by this Act shall apply to
2 the Director for a permit on a form furnished by the Director
3 which form shall contain such information as the Director may
4 require. The Director may waive the requirement that an
5 application for a permit must be filed at least 30 days prior
6 to the first day of operation or the expiration of the permit
7 if the applicant gives satisfactory proof to the Director that
8 he could not reasonably comply with the date requirement and if
9 the applicant immediately applies for a permit after the need
10 for a permit is first determined. For the purpose of
11 determining if an amusement ride or amusement attraction is in
12 safe operating condition and will provide protection to the
13 public using such amusement ride or amusement attraction, each
14 amusement ride or amusement attraction shall be inspected by
15 the Director before it is initially placed in operation in this
16 State, and shall thereafter be inspected at least once each
17 year.

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

26 If, after inspection, additions or alterations are

1 contemplated which change a structure, mechanism,
2 classification or capacity, the operator shall notify the
3 Director of his intentions in writing and provide any plans or
4 diagrams requested by the Director.

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

6 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

7 Sec. 2-15. Penalties.

8 (a) Criminal penalties.

9 1. Any person who operates an amusement ride or
10 amusement attraction at a carnival, amusement enterprise,
11 or fair without having obtained a permit from the
12 Department or who violates any order or rule issued by the
13 Department under this Act is guilty of a Class A
14 misdemeanor. Each day shall constitute a separate and
15 distinct offense.

16 2. Any person who interferes with, impedes, or
17 obstructs in any manner the Director or any authorized
18 representative of the Department in the performance of
19 their duties under this Act is guilty of a Class A
20 misdemeanor.

21 (b) Civil penalties. Unless otherwise provided in this Act,
22 any person who operates an amusement ride or amusement
23 attraction without having obtained a permit from the Department
24 in violation of this Act is subject to a civil penalty not to
25 exceed \$2,500 per violation for a first violation and not to

1 exceed \$5,000 for a second or subsequent violation.

2 Prior to any determination, or the imposition of any civil
3 penalty, under this subsection (b), the Department shall notify
4 the operator in writing of the alleged violation. The
5 Department shall afford the operator 10 working days after the
6 date of the notice to request a hearing. Upon written request
7 of the 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 to
15 be issued. The final determination by the Department of Labor
16 shall be rendered within 5 working days after the conclusion of
17 the hearing. Final determinations made under this Section are
18 subject to the provisions of the Administrative Review Law. In
19 determining the amount of a penalty, the Director may consider
20 the appropriateness of the penalty to the person or entity
21 charged, upon determination of the gravity of the violation.
22 The penalties, when finally determined, may be recovered in a
23 civil action brought by the Director of Labor in any circuit
24 court. In this litigation, the Director of Labor shall be
25 represented by the Attorney General.

26 (Source: P.A. 98-541, eff. 8-23-13; revised 11-15-13.)

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

2 Sec. 2-17. A municipality within its corporate limits and a
3 county within unincorporated areas within its boundaries may
4 inspect, license or regulate any amusement ride or amusement
5 attraction operated at a carnival, amusement enterprise, or
6 fair, provided that any safety standards or regulations
7 implemented by a municipality or county in connection therewith
8 shall be at least as stringent as those provided for in this
9 Act and the rules and regulations adopted hereunder. Any
10 municipality or county which inspects, licenses, or otherwise
11 regulates amusement rides or amusement attractions may impose
12 reasonable fees to cover the costs thereof.

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

14 (430 ILCS 85/2-20)

15 Sec. 2-20. Employment of carnival and amusement enterprise
16 workers.

17 (a) Beginning on January 1, 2008, no person, firm,
18 corporation, or other entity that owns or operates a carnival,
19 amusement enterprise, or fair shall employ a carnival or
20 amusement enterprise worker who (i) has been convicted of any
21 offense set forth in Article 11 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, (ii) is a registered sex offender,
23 as defined in the Sex Offender Registration Act, or (iii) has
24 ever been convicted of any offense set forth in Article 9 of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (b) A person, firm, corporation, or other entity that owns
3 or operates a carnival, amusement enterprise, or fair must
4 conduct a criminal history records check and perform a check of
5 the National Sex Offender Public Registry for carnival or
6 amusement enterprise workers at the time they are hired, and
7 annually thereafter except if they are in the continued employ
8 of the entity.

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

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

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

24 (d) Any person, firm, corporation, or other entity that
25 owns or operates a carnival, amusement enterprise, or fair that
26 violates the provisions of subsection (a) of this Section or

1 fails to conduct a criminal history records check or a sex
2 offender registry check for carnival or amusement enterprise
3 workers in its employ, as required by subsection (b) of this
4 Section, shall be assessed a civil penalty in an amount not to
5 exceed \$1,000 for a first offense, not to exceed \$5,000 for a
6 second offense, and not to exceed \$15,000 for a third or
7 subsequent offense. The collection of these penalties shall be
8 enforced in a civil action brought by the Attorney General on
9 behalf of the Department.

10 (e) A carnival, amusement enterprise, or fair owner is not
11 responsible for:

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

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

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

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

4 (Source: P.A. 96-151, eff. 8-7-09; 97-1150, eff. 1-25-13.)