

AN ACT concerning public safety.

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

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

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

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

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

2. "Department" means Department of Labor.

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

4. "Amusement ride" means:

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

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

(c) (blank);

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

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

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

(f) any bungee cord or similar elastic device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2-7. The Director shall administer and enforce all provisions of this Act and all codes, rules and regulations promulgated pursuant to this Act ~~by the Board~~. The Director or his or her authorized representative has 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. The subpoena shall be signed and issued by the Director or his or her authorized representative. If a person fails to comply with any subpoena lawfully issued under this Section or a witness refuses to produce evidence or testify to any matter regarding which he or she may be lawfully interrogated, the circuit court shall, upon application of the Director or his or her authorized representative, compel compliance by proceedings for contempt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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