

No. 1992-107

## AN ACT

SB 515

Amending the act of June 18, 1984 (P.L.384, No.81), entitled "An act providing for the inspection of amusement rides and attractions; granting powers and imposing duties on the Department of Agriculture; creating the Amusement Ride Safety Advisory Board; and imposing civil and criminal penalties," further defining "amusement ride"; providing for the Amusement Ride Safety Advisory Board; and further providing for inspections.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "amusement ride" in section 2 of the act of June 18, 1984 (P.L.384, No.81), known as the Amusement Ride Inspection Act, is amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Amusement ride." Any device that carries, *suspends* or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

\* \* \*

Section 2. Section 5 of the act is repealed.

Section 3. The act is amended by adding a section to read:

**Section 5. Amusement Ride Safety Advisory Board.**

(a) *Establishment.*—*There is hereby established under the jurisdiction of the department a board known as the Amusement Ride Safety Advisory Board.*

(b) *Composition.*—*The board, appointed by the Governor, shall consist of ten members of whom one member shall be a representative of the amusement ride manufacturers, two shall be representatives of the Pennsylvania State Showmen's Association, two shall be representatives of the Pennsylvania Amusement Park Association, one shall be a representative of the Pennsylvania State Association of County Fairs, one shall be a mechanical engineer and two shall represent the public. The Secretary of Agriculture or his designee shall be designated by the Governor as the chairman.*

(c) *Terms of members.*—*The members of the board shall serve at the pleasure of the Governor. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments.*

Section 4. Section 7 of the act is amended by adding a subsection to read:

## Section 7. Inspections.

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*(e) Stop-use order.—Notwithstanding any other provision of this act, the secretary or his duly authorized agent is authorized to issue and enforce a written stop-use order to the owner, lessee or operator of any amusement ride, attraction or new amusement ride or attraction who is operating or using the ride without having complied with or in violation of this act if the secretary or his duly authorized agent deems it necessary for the safety and protection of the citizens of the Commonwealth. A stop-use order shall order the owner, lessee or operator to immediately cease and desist the operation or use of an amusement ride, amusement attraction or new amusement ride or attraction. The order shall remain effective until the secretary or his duly authorized agent has determined that the violation has been remedied or until the order has been stayed or overturned by the court as provided by law and this act. It shall be unlawful to and no person shall operate or use an amusement ride, amusement attraction or new amusement ride or attraction contrary to and in violation of a stop-use order issued under this section.*

Section 5. Section 19 of the act is repealed.

Section 6. This act shall take effect immediately.

APPROVED—The 24th day of November, A. D. 1992.

ROBERT P. CASEY