



Sen. Pamela J. Althoff

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09500HB0820sam001

LRB095 07618 RAS 35944 a

1 AMENDMENT TO HOUSE BILL 820

2 AMENDMENT NO. _____. Amend House Bill 820 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Carnival and Amusement Rides Safety Act is
5 amended by changing Sections 2-2 and 2-6 and by adding Section
6 2-20 as follows:

7 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

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

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

12 2. "Department" means Department of Labor.

13 3. "Amusement Attraction" means an enclosed building or
14 structure, including electrical equipment which is an integral
15 part of the building or structure, through which people walk
16 without the aid of any moving device, that provides amusement,

1 thrills or excitement at a fair or carnival, except any such
2 enclosed building or structure which is subject to the
3 jurisdiction of a local building code.

4 4. "Amusement ride" means:

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

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

13 (c) (blank);

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

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

24 (f) any bungee cord or similar elastic device.

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

1 attractions or amusement rides.

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

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

11 8. "Carnival worker" means a person who is employed by a
12 carnival to physically operate an amusement ride or amusement
13 attraction when it is open to the public and who is not a
14 volunteer.

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

16 (430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

17 Sec. 2-6. The Director, with the consent of the Board,
18 shall promulgate and formulate definitions, rules and
19 regulations for the safe installation, repair, maintenance,
20 use, operation, training standards for operators, and
21 inspection of all amusement rides and amusement attractions as
22 the Director finds necessary for the protection of the general
23 public using amusement rides and amusement attractions. The
24 rules shall be based upon generally accepted engineering
25 standards and shall be concerned with, but not necessarily

1 limited to, engineering force stresses, safety devices, and
2 preventive maintenance. Whenever such standards are available
3 in suitable form they may be incorporated by reference. The
4 rules shall provide for the reporting of accidents and injuries
5 incurred from the operation of amusement rides or amusement
6 attractions. In addition to the permit fee herein provided, the
7 Director may promulgate rules to establish a schedule of fees
8 for inspections.

9 Before adopting, modifying or amending any rule consistent
10 with and necessary for the enforcement of this Act, the
11 Director shall hold a public hearing on the proposed rule,
12 modification or amendment to a rule. Any interested person may
13 appear and be heard at the hearing, in person or by agent or
14 counsel. The Director shall give the news media notice of each
15 hearing at least 30 days in advance of the hearing date and
16 shall make available a copy of the proposed rule, or
17 modification or amendment to a rule to any person requesting
18 same. The provisions of this Section are in addition to all
19 other existing requirements pertaining to the promulgation of
20 administrative rules and regulations.

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

22 (430 ILCS 85/2-20 new)

23 Sec. 2-20. Employment of carnival workers.

24 (a) Beginning on January 1, 2008, no person, firm,
25 corporation, or other entity that owns or operates a carnival

1 shall employ a carnival worker who (i) has been convicted of
2 any offense set forth in Article 11 of the Criminal Code of
3 1961, (ii) is a registered sex offender, as defined in the Sex
4 Offender Registration Act, or (iii) has ever been convicted of
5 any offense set forth in Article 9 of the Criminal Code of
6 1961.

7 Any person, firm, corporation, or other entity that owns or
8 operates a carnival and knowingly violates the provisions of
9 this subsection (a) shall be assessed a civil penalty in an
10 amount not less than \$1,000 and not more than \$5,000 for a
11 first offense, and not less than \$5,000 and not more than
12 \$10,000 for a second or subsequent offense.

13 (b) In the interest of compliance with the requirements of
14 this Section, a person, firm, corporation, or other entity that
15 owns or operates a carnival must conduct a criminal history
16 records check for each carnival worker in its employ consistent
17 with the Illinois Uniform Conviction Information Act and
18 perform a check of the Sex Offender Registry maintained by the
19 Department of State Police for each carnival worker in its
20 employ.

21 In the case of carnival workers who are hired on a
22 temporary basis to work at a specific event, the carnival owner
23 may work with local enforcement agencies in order expedite the
24 criminal history records check required under this subsection
25 (b).

26 Individuals who are under the age of 17 are exempt from the

1 criminal history records check requirements set forth in this
2 subsection (b).

3 (c) Any person, firm, corporation, or other entity that
4 owns or operates a carnival must have a substance abuse policy
5 in place for its workers, which shall include random drug
6 testing of carnival workers.

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