

AN ACT concerning safety.

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

Section 5. The Amusement Ride and Attraction Safety Act is amended by changing Sections 2-2, 2-3, 2-4, 2-6, 2-7, 2-8, 2-8.1, 2-9, 2-10, 2-12, 2-14, 2-15, 2-15.1, 2-15.2, 2-15.3, 2-16, 2-17, 2-18, 2-19, and 2-20 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 travel ~~walk~~ without the aid of any moving device, that provides amusement, thrills or excitement at a fair, a carnival, or an amusement enterprise, 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);

(c-5) any trampoline court;

(d) any dry slide, alpine slide, or toboggan slide, except:

(1) any slide that is placed in a playground and that does not normally require the supervision or services of a person responsible for its operation; or

(2) any slide that is not open to the general public and for which admission is monitored and strictly controlled by invitation, company or group identification, or other means of identification;

(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;

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

(g) any inflatable attraction.

~~5.~~ "Carnival" or "amusement enterprise" means an establishment that enterprise which offers amusement or entertainment to the general public by means of one or more amusement attractions or amusement rides, regardless of whether a form of payment is required for admission.

"Carnival worker" or "amusement enterprise worker" means an individual who performs work for a carnival, amusement enterprise, or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor or the Director's designee.

~~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.

"Inflatable attraction" means an amusement ride or device that is designed for bouncing, climbing, sliding, or other forms of interactive play, is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape.

~~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, amusement enterprise, or fair. "Operator" includes an agency of the State or any of its political subdivisions.

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

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

~~10. "Inflatable attraction" means an amusement ride or device designed for use that may include, but not be limited to, bounce, climb, slide, or interactive play, which is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape.~~

~~11. "Trampoline court" means a commercial facility with a defined area composed of one or more trampolines, a series of trampolines, a trampoline court foam pit, or a series of trampoline court foam pits. "Trampoline court" does not~~

include a gymnastic training facility that only utilizes trampolines during the supervised instruction of gymnastic skills.

(Source: P.A. 102-255, eff. 1-1-22.)

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

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

(Source: P.A. 97-737, eff. 7-3-12; 98-769, eff. 1-1-15.)

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

Sec. 2-4. A majority of the 9 members of the Board constitutes a quorum. The Board shall meet at least twice yearly and at the call of the chairperson ~~chairman~~ or by written request of at least 5 members. The Board shall elect a chairperson ~~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 Amusement Ride and Patron Safety Fund Board.

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

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

Sec. 2-6. (a) The Director, after consultation with the Board at a meeting of the Board, shall promulgate and formulate definitions, rules and regulations for the safe installation, repair, maintenance, use, operation, training standards for operators, and inspection of all amusement rides and amusement attractions as the Director finds necessary for the protection of the general public using amusement rides and amusement attractions. These rules and standards shall be adopted pursuant to the procedures set forth in the Illinois Administrative Procedure Act. 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 may promulgate rules to establish a schedule of fees for inspections.~~

(b) After consultation with the Board, the Director is authorized to adopt by reference, in whole or in part, any code, standard, or bulletin issued by a nationally or internationally recognized organization, such as the Consumer Product Safety Commission or ASTM International, after a finding that the adoption of the code, standard, or bulletin would promote the purposes of this Act.

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

(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. 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 the Director's ~~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 the witness ~~he or she~~ may be lawfully interrogated, the circuit court shall, upon application of the Director or the Director's ~~his or her~~ authorized representative, compel compliance by proceedings for contempt. In such matters, the Department shall be

represented by the Attorney General.

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

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

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

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

(430 ILCS 85/2-8.1)

Sec. 2-8.1. Suspension and revocation of permit to operate.

(a) The Department shall have the power to suspend or revoke an owner's permit for any good cause under the meaning and purpose of this Act. If a person whose permit has been suspended or revoked, or whose application for a permit has been denied, believes that the violation or condition justifying suspension, revocation, or denial of the permit does not exist, the person may apply to the Department for reconsideration through a hearing within 10 business ~~working~~ days after the Department's action. A hearing shall be scheduled, unless otherwise mutually agreed by the parties, within 48 hours after the request for hearing.

(b) Service of notice of a hearing, or any other document related to investigation or enforcement of violations, shall



be made by ~~personal service or~~ certified mail, by regular mail if service by certified mail cannot be completed, or by email to an email address previously designated by the party to be used for such purpose, to the address shown on the application for permit, or to any other address on file with the Department ~~or~~ and reasonably believed to be the current address of the permit holder.

(c) Such ~~The~~ written notice of a hearing shall specify the time, date, and location of the hearing and the reasons for the action proposed by the Department.

(d) At the hearing, the Department shall have the burden of establishing good cause for its action. Good cause exists if the Department establishes that the permit holder has failed to comply with the requirements of a permit under this Act and its rules.

(e) All hearings held under this Section shall comply with Article 10 of the Illinois Administrative Procedure Act and the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, ~~interrogatories,~~ requests to admit, and depositions shall not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued.

(f) The final determination by the Department of Labor shall be rendered within 5 business ~~working~~ days after the conclusion of the hearing.

(g) Final determinations made under this Section are subject to the Administrative Review Law.

(Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14.)

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

Sec. 2-9. The Department of Labor may hire ride 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. 94-801, eff. 5-25-06.)

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

Sec. 2-10. No amusement ride or amusement attraction shall be operated at a carnival, amusement enterprise, or fair in this State without a permit having been issued by the Director to an operator of such equipment. At least 30 days prior to the first day of operation or the expiration of the permit, any person required to obtain a permit by this Act shall apply to the Director for a permit on a form furnished by the Director which form shall contain such information as the Director may require. The Director may waive the requirement that an application for a permit must be filed at least 30 days prior to the first day of operation or the expiration of the permit if the applicant gives satisfactory proof to the Director that

the applicant ~~he~~ could not reasonably comply with the date requirement and if the applicant immediately applies for a permit after the need for a permit is first determined. The Director may accept applications for a permit not filed at least 30 days prior to the first day of operation or the expiration of the permit only if the applicant applies for the permit prior to the inspection of the ride or attraction. For the purpose of determining if an amusement ride or amusement attraction is in safe operating condition and will provide protection to the public using such amusement ride or amusement attraction, each amusement ride or amusement attraction shall be inspected by a ride inspector ~~the Director~~ before it is initially placed in operation in this State, and shall thereafter be inspected by a ride inspector at least once each year. The Department may conduct inspections to ensure continued compliance with the provisions of this Act or any rules adopted hereunder.

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

applicant with a documented history of misrepresentation or conveying false information to the Department.

If, after inspection, additions or alterations are contemplated which change a structure, mechanism, classification or capacity, the operator shall notify the Director of the operator's ~~his~~ intentions in writing and provide any plans or diagrams requested by the Director.

(Source: P.A. 98-769, eff. 1-1-15.)

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

Sec. 2-12. Correction notice and order ~~Order~~ for cessation of operation of amusement ride or attraction.

(a) If, upon inspection, the Department determines that an element or elements of an amusement ride or amusement attraction are in violation of this Act or any rules adopted under this Act, the Department may issue a correction notice to the owner or operator, allowing the owner or operator to continue operating the amusement ride or amusement attraction but requiring the owner or operator to address the deficiency and come into compliance with adopted standards by a set deadline. If the owner or operator does not meet the deadline established in the correction notice, the Department may issue a cessation order as described in subsection (a-5) of this Section.

(a-5) ~~(a)~~ The Department ~~of Labor~~ may order, in writing, a temporary and immediate cessation of operation of any

amusement ride or amusement attraction, also known as a "stop order", if:

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

(2) it 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 any of the ~~insurance~~ requirements contained in ~~Section 2-14~~ of this Act or ~~and~~ any rules or regulations adopted under this Act hereunder.

(b) After the cessation of operation, ~~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 under this Act ~~hereunder, respectively.~~

(c) The Department shall notify the owner or operator in writing, via certified mail, service by sheriff, personal service, or in person, of the grounds for the cessation of operation of the amusement ride or attraction and of the conditions in need of correction at the time the order for

cessation is issued. The Department may also notify the county sheriff or other local law enforcement where the amusement enterprise is operated that the Department has issued a cessation order to that enterprise. The Department shall post or shall require the owner or operator to post a notice at the entrance to the amusement enterprise stating that a cessation order has been issued for the attraction. The notice shall remain posted until the cessation order has been lifted by the Department.

(c-5) Upon request by the Department, the Illinois State Police or local law enforcement may enforce a cessation order.

(d) The owner or operator may appeal an order of cessation by filing a request for a hearing. The Department shall afford the owner or operator 10 business ~~working~~ days after the date of the notice to request a hearing. Upon written request for hearing, the Department shall schedule a formal administrative hearing in compliance with Article 10 of the Illinois Administrative Procedure Act and pursuant to the provisions of the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, interrogatories, requests to admit, and depositions will not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued.

(e) The final determination by the Department of Labor shall be rendered within 5 business ~~working~~ days after the

conclusion of the hearing.

(f) The provisions of the Administrative Review Law shall apply to and govern all proceedings for the judicial review of a final determination under this Section.

(Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14; 99-78, eff. 7-20-15.)

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

Sec. 2-14. No person shall operate an amusement ride or attraction unless there is in force a liability insurance policy or policies in an amount of not less than \$1,000,000 for bodily injury to or death of one or more persons, damage to or destruction of property of others, or a combination thereof, and, subject to the per occurrence limit, in an aggregate amount of not less than \$2,000,000 for bodily injury to or death of two or more persons, or damage to or destruction of property of others, in any one policy period, insuring the operator against liability for injury, death, or property damage. Any owner or operator applying for a permit or renewal must present proof of this insurance at the time of the inspection required under Section 2-10.

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

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

Sec. 2-15. Penalties.

(a) Criminal penalties.

1. 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 cessation order or other order ~~or rule~~ issued by the Department 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 Department in the performance of their duties under this Act is guilty of a Class A misdemeanor.

(b) Civil penalties. Unless otherwise provided in this Act, any person who operates an amusement ride or amusement attraction without having obtained a permit from the Department in violation of this Act is subject to a civil penalty not to exceed \$2,500 per violation per day for a first violation, a civil penalty ~~and~~ not to exceed \$5,000 per violation per day for a second violation, and a civil penalty not to exceed \$10,000 per violation per day for a third or subsequent violation. Each amusement ride or amusement attraction operated in violation of this Act shall be a separate violation. Any amusement ride or amusement attraction owner or operator who violates any other provision of this Act or rule adopted under this Act shall be subject to a civil penalty not to exceed \$1,000 per violation.



Prior to any determination, or the imposition of any civil penalty, under this subsection (b), the Department shall notify the owner or operator in writing of the alleged violation. The Department shall afford the owner or operator 10 business ~~working~~ days after the date of the notice to request a hearing. Upon written request for a hearing ~~of the operator~~, the Department shall schedule a formal administrative hearing in compliance with Article 10 of the Illinois Administrative Procedure Act and the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, interrogatories, requests to admit, and depositions shall not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued. The final determination by the Department ~~of Labor~~ shall be rendered within 5 business ~~working~~ days after the conclusion of the hearing. Final determinations made under this Section are subject to the provisions of the Administrative Review Law. In determining the amount of a penalty, the Director may consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violation. The penalties, when finally determined, may be recovered in a civil action brought by the Department ~~Director of Labor~~ in any circuit court. In such civil ~~this~~ litigation, the Department ~~Director of Labor~~ shall be represented by the Attorney General.

(Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14; 98-769, eff. 1-1-15.)

(430 ILCS 85/2-15.1) (from Ch. 111 1/2, par. 4065.1)

Sec. 2-15.1. When contracting with any ~~Any~~ person or entity ~~contracting with an operator~~ for the provision of an amusement ride or amusement attraction, the amusement ride or amusement attraction owner or operator shall inform the Department of the name and address of the operator, as well as the dates on which the amusement ride or amusement attraction will be operated pursuant to the contract, the person or entity contracting with the owner or operator, and the location at which such ride or attraction will be so operated.

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

(430 ILCS 85/2-15.2)

Sec. 2-15.2. Injunction to compel compliance.

(a) The Department shall have the power to seek ~~bring~~ injunctive relief ~~proceedings~~ in any court of competent jurisdiction to compel compliance with any order issued ~~made~~ by the Department under this Act.

(b) The Department shall also have the power to seek ~~bring~~ temporary and immediate injunctive relief in any court of competent jurisdiction when necessary for the protection of the health and safety of the general public using amusement rides and amusement attractions. In such matters, the

Department shall be represented by the Attorney General.

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

(430 ILCS 85/2-15.3)

Sec. 2-15.3. Amusement Ride and Patron Safety Fund. All moneys received by the Department as fees and penalties under this Act shall be deposited into the Amusement Ride and Patron Safety Fund and shall be used by the Department, subject to appropriation by the General Assembly, in addition to any General Revenue funds, for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act, including costs related to the Board. The Department shall hire as many ride inspectors and other personnel as may be necessary to carry out the purposes of this Act. Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available to the Department for the next fiscal year for any of the Department's duties and may be transferred from the Amusement Ride and Patron Safety Fund to the various accounts available to the Department, as needed.

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

(430 ILCS 85/2-16) (from Ch. 111 1/2, par. 4066)

Sec. 2-16. Exemptions. The following amusement rides or amusement attractions are exempt from the provisions of this

Act:

Any amusement ride or amusement attraction which is owned or operated by a non-profit religious, educational or charitable institution or association if such amusement ride or amusement attraction is located within a building subject to inspection by the state fire marshal or by any political subdivisions of the State under its building, fire, electrical, and related public safety ordinances, and the amusement ride or amusement attraction itself has passed an inspection ~~is~~ ~~subject to~~ inspection by a political subdivision of the State in accordance with Section 2-17.

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

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

Sec. 2-17. A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license or regulate any amusement ride or amusement attraction operated at a carnival, amusement enterprise, or fair, provided that any safety standards or regulations implemented by a municipality or county in connection therewith shall be at least as stringent as those provided for in this Act and the rules and regulations adopted hereunder. An owner or operator may use a report of such municipal or county inspection to support a request for a waiver of Department inspection under Section 2-18. Any municipality or county which inspects, licenses, or otherwise regulates

amusement rides or amusement attractions may impose reasonable fees to cover the costs thereof.

(Source: P.A. 98-769, eff. 1-1-15.)

(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 as stringent as ~~equal to~~ those requirements and standards established by the Department under the provisions of this Act. The Department may compel any documentation or evidence necessary to prove compliance with the requirements of Section 2-17. The annual permit fees shall be paid before the Director may waive this requirement.

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

(430 ILCS 85/2-19) (from Ch. 111 1/2, par. 4069)

Sec. 2-19. The owner or operator of an amusement ride or amusement attraction may remove a person from or deny a person entry to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry or conduct may

jeopardize the safety of such person or the safety of any other person. Nothing in this Section will permit an owner or operator to deny a ride ~~an~~ inspector access to an amusement ride or amusement attraction when such ride inspector is acting within the scope of the ride inspector's ~~his~~ duties under this Act.

(Source: P.A. 96-151, eff. 8-7-09; 96-1000, eff. 7-2-10.)

(430 ILCS 85/2-20)

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

(a) Beginning on January 1, 2008, no person, firm, corporation, or other entity that owns or operates a carnival, amusement enterprise, or fair shall allow a person to perform work associated with an amusement ride or amusement attraction, including any volunteer work, ~~employ a carnival or amusement enterprise worker~~ who (i) has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961 or the Criminal Code of 2012.

(b) A person, firm, corporation, or other entity that owns or operates a carnival, amusement enterprise, or fair must conduct a criminal history records check and perform a check of the National Sex Offender Public Registry for carnival or

amusement enterprise workers at the time they are hired, and annually thereafter except if they are in the continued employ of the entity.

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

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

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

(d) Any person, firm, corporation, or other entity that owns or operates a carnival, amusement enterprise, or fair that violates the provisions of subsection (a) of this Section or 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 subsection (b) of this Section, or fails to maintain a substance abuse policy as

required by subsection (c) of this Section shall be assessed a civil penalty in an amount not to exceed \$5,000 for a first offense, shall be assessed a civil penalty in an amount 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. The collection of these penalties shall be enforced in a civil action brought by the Attorney General on behalf of the Department.

(e) Unless the owner or operator knew or reasonably should have known that the information was falsified, a ~~A~~ carnival, amusement enterprise, or fair owner is not responsible for the accuracy of:

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

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

(f) Recordkeeping requirements. Any person, firm, corporation, or other entity that owns or operates a carnival, amusement enterprise, or fair subject to the provisions of this Act shall make, preserve, and make available to the Department, upon its request, all records that are required by this Act, including but not limited to a written substance abuse policy, evidence of the required criminal history records check and sex offender registry check, and any other



information the Director may deem necessary and appropriate for enforcement of this Act.

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

(h) At all times that an amusement ride or amusement attraction is in use, an owner or operator shall ensure that at least one operator working on site has been certified to provide First Aid and cardiopulmonary resuscitation (CPR).

(Source: P.A. 100-944, eff. 1-1-19.)

(430 ILCS 85/2-21 rep.)

Section 10. The Amusement Ride and Attraction Safety Act is amended by repealing Section 2-21.

INDEX

Statutes amended in order of appearance

430 ILCS 85/2-2	from Ch. 111 1/2, par. 4052
430 ILCS 85/2-3	from Ch. 111 1/2, par. 4053
430 ILCS 85/2-4	from Ch. 111 1/2, par. 4054
430 ILCS 85/2-6	from Ch. 111 1/2, par. 4056
430 ILCS 85/2-7	from Ch. 111 1/2, par. 4057
430 ILCS 85/2-8	from Ch. 111 1/2, par. 4058
430 ILCS 85/2-8.1	
430 ILCS 85/2-9	from Ch. 111 1/2, par. 4059
430 ILCS 85/2-10	from Ch. 111 1/2, par. 4060
430 ILCS 85/2-12	from Ch. 111 1/2, par. 4062
430 ILCS 85/2-14	from Ch. 111 1/2, par. 4064
430 ILCS 85/2-15	from Ch. 111 1/2, par. 4065
430 ILCS 85/2-15.1	from Ch. 111 1/2, par. 4065.1
430 ILCS 85/2-15.2	
430 ILCS 85/2-15.3	
430 ILCS 85/2-16	from Ch. 111 1/2, par. 4066
430 ILCS 85/2-17	from Ch. 111 1/2, par. 4067
430 ILCS 85/2-18	from Ch. 111 1/2, par. 4068
430 ILCS 85/2-19	from Ch. 111 1/2, par. 4069
430 ILCS 85/2-20	
430 ILCS 85/2-21 rep.	