§ 870-k. Criminal penalties. 1. (a) Any owner or lessee of an amusement device, viewing stand or tent who wilfully violates any provision of this article or any rule, regulation, standard or order promulgated pursuant to this article, and that violation causes physical injury to any member of the public exposed to the violation, is guilty of a class A misdemeanor and upon conviction shall be sentenced in accordance with the provisions of the penal law.

(b) Any owner or lessee of an amusement device, viewing stand or tent who wilfully violates any provision of this article or any rule, regulation, standard or order promulgated pursuant to this article, and that violation causes death or serious physical injury to any member of the public exposed to the violation, is guilty of a class E felony and upon conviction shall be sentenced in accordance with the provisions of the penal law.

(c) For the purposes of this subdivision, the term "physical injury" shall have the same meaning as that term is defined in subdivision nine of section 10.00 of the penal law and the term "serious physical injury" shall have the same meaning as that term is defined in subdivision ten of section 10.00 of the penal law.

2. A person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, is guilty of a misdemeanor and upon conviction is subject to a fine of not more than two thousand five hundred dollars or imprisonment for not more than six months, or both.

3. Nothing contained in this section shall be construed to limit or preclude a prosecution under any provision of the penal law.