

1 H.780

2 Introduced by Representatives Lawrence of Lyndon, Bartholomew of  
3 Hartland, Bock of Chester, Graham of Williamstown, Hooper of  
4 Randolph, Norris of Shoreham, Partridge of Windham, and  
5 Poirier of Barre City

6 Referred to Committee on

7 Date:

8 Subject: Recreation and sport; amusement rides; inspection

9 Statement of purpose of bill as introduced: This bill proposes to require that  
10 amusement rides be inspected for safety.

11 An act relating to the inspection of amusement rides

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) Fairs are essential to the character, community life, and economy of  
16 Vermont, and amusement rides help to increase fair attendance.

17 (2) The public assumes that rides have been inspected by certified  
18 inspectors and are therefore safe.

1           (3) Although many rides are inspected by the ride operators or other  
2           parties, Vermont is one of the few states that do not currently have a  
3           mandatory amusement ride inspection program.

4           (4) Establishing such a program will help ensure that amusement rides  
5           continue to be safe and that Vermonters and visitors continue to patronize fairs.

6           Sec. 2. 31 V.S.A. § 722 is amended to read:

7           § 722. CERTIFICATE OF OPERATION

8           (a) An amusement ride may not be operated in this State unless the  
9           ~~Secretary of State~~ Agency of Agriculture, Food and Markets has issued a  
10           certificate of operation to the owner or operator.

11           (b) The ~~Secretary of State~~ Agency shall issue a “certificate of operation” ~~no~~  
12           not later than 15 days before the amusement ride is first operated in the State,  
13           if the owner or operator submits all the following:

14           (1) ~~Certificate~~ a certificate of insurance in the amount of not less than  
15           \$1,000,000.00 that insures both the owner and the operator against liability for  
16           injury to persons and property arising out of the use or operation of the  
17           amusement ride;

18           (2) ~~Payment~~ payment of a fee in the amount of \$100.00; and

19           (3) a record of the most recent safety inspection.

20           (c) The certificate of operation shall be valid for one year from the date of  
21           issue.

1           (d) A copy of the certificate of operation shall be posted on or near each  
2 amusement ride covered by the certificate or at the office of the amusement  
3 ride operator and shall be in full public view at all times during the operation  
4 of the ride.

5           Sec. 3. 31 V.S.A. § 723a is added to read:

6           § 723a. SAFETY INSPECTIONS

7           (a) An amusement ride shall not be operated in this State unless the ride has  
8 had a safety inspection as follows:

9                   (1) A ride at a fixed location shall be inspected on an annual basis.

10                   (2) A ride that is moved from location to location shall be inspected  
11 after the ride has been set up but before being used to carry or convey  
12 passengers.

13           (b) An amusement ride shall be inspected by a person certified by the  
14 National Association of Amusement Ride Safety Officials as a Level III  
15 Inspector.

16           (c) The operator of an amusement ride shall:

17                   (1) keep records of all safety inspections in a manner and format to be  
18 prescribed by the Agency of Agriculture, Food and Markets;

19                   (2) make those records available to the Agency promptly upon  
20 request; and

1           (3) post in full public view during the operation of the ride a copy or  
2           record of the most recent safety inspection of each ride on or near that ride or  
3           at the office of the amusement ride operator.

4           (d) The Agency shall:

5                 (1) prescribe the manner and format of inspection records; and

6                 (2) maintain a list of all persons certified by the National Association of  
7           Amusement Ride Safety Officials as a Level III Inspector available to conduct  
8           inspections of amusement rides in Vermont and make that list easily available  
9           to amusement ride operators and owners.

10          Sec. 4. 31 V.S.A. § 724 is amended to read:

11          § 724. PENALTY; ENFORCEMENT

12                 (a) If, at any time, the Agency of Agriculture, Food and Markets  
13                 determines that an amusement ride operator is in violation of this chapter, the  
14                 Agency may order the operator to cease operating any amusement ride in this  
15                 State until the operator is in compliance with this chapter. The Agency shall  
16                 post in full public view an order to cease operation on all affected amusement  
17                 rides.

18                 (b) An operator or owner or any person who violates any provision of this  
19                 chapter shall be fined ~~no~~ not more than ~~\$500.00~~ \$1,000.00 per day for each day  
20                 the violation continues.

1       Sec. 5. EFFECTIVE DATE

2       This act shall take effect on January 1, 2019.