

1 H.780

2 Introduced by Representatives Lawrence of Lyndon, Bartholomew of
3 Hartland, Bock of Chester, Graham of Williamstown, Hooper
4 of 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.

~~An act relating to the inspection of amusement rides~~ *An act relating to
portable rides at agricultural fairs, field days, and other similar events*

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

12 ~~Sec. 1. FINDINGS~~

13 ~~The General Assembly finds that:~~

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

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

18 ~~(3) Although many rides are inspected by the ride operators or other~~

1 ~~parties. Vermont is one of the few states that do not currently have a~~
2 mandatory amusement ride inspection program.

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

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

6 § 722. CERTIFICATE OF OPERATION

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

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

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

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

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

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

21 ~~(d) A copy of the certificate of operation shall be posted on or near each~~

1 ~~amusement ride covered by the certificate or at the office of the amusement~~
2 ~~ride operator and shall be in full public view at all times during the operation~~
3 ~~of the ride.~~

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

5 § 723a. SAFETY INSPECTIONS

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

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

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

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

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

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

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

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

1 ~~(d) The Agency shall:~~

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

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

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

8 § 724. PENALTY; ENFORCEMENT

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

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

18 Sec. 5. EFFECTIVE DATE

19 ~~This act shall take effect on January 1, 2019.~~

Sec. 1. FINDINGS

~~*The General Assembly finds that.*~~

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

~~(2) Attendance at Vermont fairs exceeds 375,000 people a year, and the total budget for all Vermont fairs exceeds \$7 million a year. Vermont fairs generate over \$85,000.00 of sales tax revenue per year.~~

~~(3) An inspection regime for amusement rides based upon standards that are nationally recognized and used in other states will increase the safety of fair rides and help ensure the continued popularity of Vermont fairs.~~

~~Sec. 2. 31 V.S.A. § 721 is amended to read:~~

~~§ 721. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Amusement ride" means a portable mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving the passengers amusement, pleasure, thrills, or excitement. In addition, for the purposes of this chapter, amusement ride shall also include bungee jumping.~~

~~(2) "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of amusement rides.~~

~~(3) "Certificate" or "certificate of operation" means a document issued by the Secretary of State authorizing the operation of one or more amusement rides, indicating thereon the following information for each amusement ride:~~

~~the proper ride model, serial number, passenger capacity of the ride, the recommended maximum speed of the ride, and recommended direction of travel of the ride. The Secretary of State may amend a certificate to add other amusement rides to be operated in the State during a calendar year.~~

~~Sec. 3. 31 V.S.A. § 722 is amended to read:~~

~~§ 722. CERTIFICATE OF OPERATION~~

~~(a) An amusement ride may not be operated in this State unless the Secretary of State Agency of Agriculture, Food and Markets has issued a certificate of operation to the owner or operator within the preceding 12 months.~~

~~(b) An application for a certificate of operation shall be submitted to the Agency not fewer than 30 business days before an amusement ride is operated in this State.~~

~~(c) The Secretary of State Agency shall issue a "certificate of operation" no not fewer later than 15 business days before the amusement ride is first operated in the State, if the owner or operator submits all the following:~~

~~* * *~~

~~(e)(d) The certificate of operation shall be valid for one year from the date of issue and shall be in a manner and format to be prescribed by the Agency. A certificate of operation shall identify the ride's:~~

~~(1) name and model,~~

~~(2) serial number;~~

~~(3) passenger capacity; and~~

~~(4) recommended maximum speed.~~

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

~~(f) The Agency shall:~~

~~(1) determine the manner and format of the certificate of operation and any forms to be used to apply for the certificate of operation;~~

~~(2) make any forms available on the Agency website;~~

~~(3) allow an owner or operator to apply for certificates of operation for multiple rides at one time, using one form;~~

~~(4) charge one fee for the filing of each application form, regardless of the number of rides listed on the application.~~

~~Sec. 4. 31 V.S.A. § 723a is added to read:~~

~~§ 723a. SAFETY INSPECTIONS~~

~~(a) A portable amusement ride shall not be operated in this State unless:~~

~~(1) The ride has been inspected in the State within the preceding 12 months by a person who is:~~

~~(A) certified:~~

~~(i) by the National Association of Amusement Ride Safety Officials~~

as a Level II Inspector:

(ii) by the Amusement Industry Manufacturers and Suppliers International at a level that is equivalent to the certification pursuant to subdivision (i) of this subsection (a); or

(iii) in a manner that the Agency of Agriculture, Food and Markets determines is equivalent to the certifications pursuant to subdivision (i) or (ii) of this subsection (a); and

(B) not the owner or operator of the ride or an employee or agent of the owner or operator.

(2) The inspection complied with the applicable standards determined by:

(A) the National Association of Amusement Ride Safety Officials;

(B) the Amusement Industry Manufacturers and Suppliers International; or

(C) another organization that the Agency determines is equivalent to the National Association of Amusement Ride Safety Officials or the Amusement Industry Manufacturers and Suppliers International.

(3) A valid certificate of operation has been issued for the ride pursuant to section 722 of this title.

(b) After a ride has been inspected pursuant to subsection (a) of this section.

(1) The owner or operator shall submit the certificate or other record of inspection to the Agency within 15 business days following the date of inspection.

(2) An adhesive sticker shall be affixed to the ride or the ride shall be stamped or otherwise marked in a manner that indicates:

(A) the date and location the inspection was completed; and

(B) the name of the inspector.

(c) A ride shall be inspected by the owner or operator:

(1) after the ride has been set up but before being used to carry or convey passengers; and

(2) every day thereafter that the ride is used to carry or convey passengers.

(d) The owner or operator of an amusement ride shall:

(1) keep records of all safety inspections;

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

(3) keep a paper or electronic copy of all safety inspections conducted by the owner or operator during the preceding 12 months for each ride:

(A) on or near that ride; or

(B) at the office of the amusement ride operator.

Sec. 5. 31 V.S.A. § 723 is amended to read.

~~§ 723. OPERATIONS OPERATOR AND PATRON RESPONSIBILITIES~~

~~(a) An operator of an amusement ride shall:~~

- ~~(1) be at least 18 years of age;~~
- ~~(2) operate only one amusement ride at a time; and~~
- ~~(3) be in attendance at all times that the ride is operating; and~~
- ~~(4) exercise good judgement and act in a responsible and safe manner~~

~~while operating an amusement ride.~~

~~(b) An operator of an amusement ride may deny any person entrance to an amusement ride if the operator believes that entrance by that person may jeopardize the safety of the person or other persons.~~

~~(c) A patron shall:~~

- ~~(1) understand that there are risks in riding an amusement ride;~~
- ~~(2) exercise good judgement and act in a responsible and safe manner~~

~~while riding an amusement ride; and~~

~~(3) obey all written and verbal warnings and directions from ride operators or owners.~~

~~Sec. 6. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2019.~~

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that:~~

- ~~(1) Fairs are essential to the character, community life, and economy of~~

~~Vermont, and amusement rides help to increase fair attendance.~~

~~(2) Attendance at Vermont fairs exceeds 375,000 people a year; and the total budget for all Vermont fairs exceeds \$7 million a year. Vermont fairs generate over \$85,000.00 of sales tax revenue per year.~~

~~(3) An inspection regime for amusement rides based upon standards that are nationally recognized and used in other states will increase the safety of fair rides and help ensure the continued popularity of Vermont fairs.~~

~~Sec. 2. 31 V.S.A. § 721 is amended to read:~~

~~§ 721. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Amusement ride" means a portable mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving the passengers amusement, pleasure, thrills, or excitement. In addition, for the purposes of this chapter, amusement ride shall also include bungee jumping.~~

~~(2) "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of amusement rides.~~

~~(3) "Certificate" or "certificate of operation" means a document issued by the Secretary of State authorizing the operation of one or more amusement rides, indicating thereon the following information for each amusement ride: the proper ride model, serial number, passenger capacity of the ride, the~~

~~recommended maximum speed of the ride, and recommended direction of travel of the ride. The Secretary of State may amend a certificate to add other amusement rides to be operated in the State during a calendar year.~~

Sec. 3. 31 V.S.A. § 722 is amended to read:

§ 722. CERTIFICATE OF OPERATION

~~(a) An amusement ride may not be operated in this State unless the Secretary of State has issued a certificate of operation to the owner or operator within the preceding 12 months.~~

~~(b) An application for a certificate of operation shall be submitted to the Secretary of State not fewer than 30 business days before an amusement ride is operated in this State.~~

~~(c) The Secretary of State shall issue a "certificate of operation" no later than 15 business days before the amusement ride is first operated in the State, if the owner or operator submits all the following:~~

~~* * *~~

~~(e)(d) The certificate of operation shall be valid for one year from the date of issue and shall be in a manner and format to be prescribed by the Secretary of State. A certificate of operation shall identify the ride's:~~

~~(1) name and model;~~

~~(2) serial number;~~

~~(3) passenger capacity, and~~

~~(4) recommended maximum speed~~

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

~~(f) The Secretary of State shall:~~

~~(1) determine the manner and format of the certificate of operation and any forms to be used to apply for the certificate of operation;~~

~~(2) make any forms available on the Secretary of State's website;~~

~~(3) allow an owner or operator to apply for certificates of operation for multiple rides at one time, using one form;~~

~~(4) charge one fee for the filing of each application form, regardless of the number of rides listed on the application.~~

~~Sec. 4. 31 V.S.A. § 723a is added to read:~~

~~§ 723a. SAFETY INSPECTIONS~~

~~(a) A portable amusement ride shall not be operated in this State unless:~~

~~(1) The ride has been inspected in the State within the preceding 12 months by a person who is:~~

~~(A) certified:~~

~~(i) by the National Association of Amusement Ride Safety Officials as a Level II Inspector;~~

~~(ii) by the Amusement Industry Manufacturers and Suppliers~~

~~International at a level that is equivalent to the certification pursuant to subdivision (i) of this subdivision 1(A); or~~

~~(iii) in a manner that the Secretary of State determines is equivalent to the certifications pursuant to subdivision (i) or (ii) of this subdivision 1(A); and~~

~~(B) not the owner or operator of the ride or an employee or agent of the owner or operator.~~

~~(2) The inspection complied with the American Society for Testing and Materials (ASTM) current standards for inspecting and auditing amusement rides and devices.~~

~~(3) A valid certificate of operation has been issued for the ride pursuant to section 722 of this title.~~

~~(b) After a ride has been inspected pursuant to subsection (a) of this section:~~

~~(1) The owner or operator shall submit the certificate or other record of inspection to the Secretary of State within 15 business days following the date of inspection.~~

~~(2) An adhesive sticker shall be affixed to the ride or the ride shall be stamped or otherwise marked in a manner that indicates:~~

~~(A) the date and location the inspection was completed; and~~

~~(B) the name of the inspector.~~

~~(c) A ride shall be inspected by the owner or operator:~~

~~(1) after the ride has been set up but before being used to carry or convey passengers; and~~

~~(2) every day thereafter that the ride is used to carry or convey passengers.~~

~~(d) The owner or operator of an amusement ride shall:~~

~~(1) keep records of all safety inspections;~~

~~(2) make those records available to the Secretary of State promptly upon request;~~

~~(3) keep a paper or electronic copy of all safety inspections conducted by the owner or operator during the preceding 12 months for each ride:~~

~~(A) on or near that ride; or~~

~~(B) at the office of the amusement ride operator; and~~

~~(4) operate, maintain, and inspect all rides in compliance with ASTM current standards for ownership, operation, maintenance, and inspection of amusement rides and devices.~~

Sec. 5. 31 V.S.A. § 723 is amended to read:

§ 723. OPERATIONS OPERATOR AND PATRON RESPONSIBILITIES

(a) An operator of an amusement ride shall:

(1) be at least 18 years of age;

~~(2) operate only one amusement ride at a time, and~~

~~(3) be in attendance at all times that the ride is operating; and~~

~~(4) exercise good judgment and act in a responsible and safe manner while operating an amusement ride.~~

~~(b) An operator of an amusement ride may deny any person entrance to an amusement ride if the operator believes that entrance by that person may jeopardize the safety of the person or other persons.~~

~~(c) A patron shall:~~

~~(1) understand that there are risks in riding an amusement ride;~~

~~(2) exercise good judgment and act in a responsible and safe manner while riding an amusement ride; and~~

~~(3) obey all written and verbal warnings and directions from ride operators or owners.~~

~~Sec. 6. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2019.~~

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that:~~

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

~~(2) Attendance at Vermont fairs exceeds 375,000 people a year; and the total budget for all Vermont fairs exceeds \$7 million a year. Vermont fairs generate over \$85,000.00 of sales tax revenue per year.~~

(3) An inspection regime for amusement rides based upon standards that are nationally recognized and used in other states will increase the safety of fair rides and help ensure the continued popularity of Vermont fairs.

Sec. 2. 31 V.S.A. § 721 is amended to read:

§ 721. DEFINITIONS

As used in this chapter:

(1) “Amusement ride” means a mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving the passengers amusement, pleasure, thrills, or excitement. ~~In addition, for~~ For the purposes of this chapter, amusement ride shall also not include bungee jumping, zip lines, or waterslides or obstacle, challenge, or adventure courses.

(2) “Operator” or “owner” means a person who owns or controls or has the duty to control the operation of amusement rides.

~~(3) “Certificate” or “certificate of operation” means a document issued by the Secretary of State authorizing the operation of one or more amusement rides, indicating thereon the following information for each amusement ride: the proper ride model, serial number, passenger capacity of the ride, the recommended maximum speed of the ride, and recommended direction of travel of the ride. The Secretary of State may amend a certificate to add other amusement rides to be operated in the State during a calendar year.~~

Sec. 3. 31 V.S.A. § 722 is amended to read:

§ 722. CERTIFICATE OF OPERATION

(a) An amusement ride may not be operated in this State unless the Secretary of State has issued a certificate of operation to the owner or operator within the preceding 12 months.

(b) An application for a certificate of operation shall be submitted to the Secretary of State not fewer than 30 business days before an amusement ride is operated in this State.

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

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

(2) Payment of a fee in the amount of \$100.00.

(3) Proof or a statement of compliance with the requirements of 21 V.S.A. chapter 9.

(~~e~~)(d) The certificate of operation shall be valid for one year from the date of issue and shall be in a manner and format to be prescribed by the Secretary of State. A certificate of operation shall identify the ride's:

(1) name and model;

(2) serial number;

(3) passenger capacity; and

(4) recommended maximum speed.

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

(f) The Secretary of State shall:

(1) determine the manner and format of the certificate of operation, any forms to be used to apply for the certificate of operation, the adhesive sticker that shall be affixed to the ride pursuant to subdivision 723a(b)(2) of this title, and the certification to be filed pursuant to subdivision 723a(b)(3) of this title;

(2) make any forms and certifications available on the Secretary of State's website and shall provide adhesive stickers to inspectors;

(3) allow an owner or operator to apply for certificates of operation for multiple rides at one time, using one form;

(4) charge one fee for the filing of each application form, regardless of the number of rides listed on the application.

Sec. 4. 31 V.S.A. § 723a is added to read:

§ 723a. SAFETY INSPECTIONS

(a) A amusement ride shall not be operated in this State unless:

(1) The ride has been inspected in the State within the preceding 12 months by a person who is:

(A) certified:

(i) by the National Association of Amusement Ride Safety Officials as a Level II Inspector; or

(ii) by the Amusement Industry Manufacturers and Suppliers International at a level that is equivalent to the certification pursuant to subdivision (i) of this subdivision (1)(A); and

(B) insured, including for liability; and

(C) not the owner or operator of the ride or an employee or agent of the owner or operator.

(2) The inspection complied with the American Society for Testing and Materials (ASTM) current standard F770 concerning the practices for ownership, operation, maintenance, and inspection of amusement rides and devices.

(3) A valid certificate of operation has been issued for the ride pursuant to section 722 of this title.

(b) After a ride has been inspected pursuant to subsection (a) of this section:

(1) The owner or operator shall submit the certificate or other record of

inspection to the Secretary of State within 15 business days following the date of inspection.

(2) An adhesive sticker, in a format to be determined by the Secretary of State, shall be affixed to the ride that indicates:

(A) the date and location the inspection was completed; and

(B) the name of the inspector.

(3) The owner or operator shall submit a certification, in a format to be determined by the Secretary of State, to the organization hosting a fair, field day, or other event or location, at which the owner or operator intends to operate a ride, stating that the ride has been inspected pursuant to subsection (a) of this section and stickers have been affixed pursuant to this subsection prior to the ride being used to carry or convey passengers.

(c) A ride shall be inspected for safety by the owner or operator:

(1) after the ride has been set up but before being used to carry or convey passengers; and

(2) every day thereafter that the ride is used to carry or convey passengers.

(d) The owner or operator of an amusement ride shall:

(1) keep records of all safety inspections;

(2) make those records available to the Secretary of State or the Office of the Attorney General promptly upon request;

(3) keep a paper or electronic copy of all required forms or certifications, and of all safety inspections conducted by the owner or operator during the preceding 12 months for each ride:

(A) on or near that ride; or

(B) at the office of the amusement ride operator; and

(4) operate, maintain, and inspect all rides in compliance with ASTM current standards for ownership, operation, maintenance, and inspection of amusement rides and devices.

Sec. 5. 31 V.S.A. § 723 is amended to read:

§ 723. OPERATIONS OPERATOR AND PATRON RESPONSIBILITIES

(a) An operator of an amusement ride shall:

(1) be at least 18 years of age;

(2) operate only one amusement ride at a time; ~~and~~

(3) be in attendance at all times that the ride is operating; and

(4) operate the ride in accordance with the ride manufacturer's specifications.

(b) An operator of an amusement ride may deny any person entrance to an amusement ride if the operator believes that entrance by that person may jeopardize the safety of the person or other persons.

(c) A patron shall:

(1) understand that there are risks in riding an amusement ride;

(2) exercise good judgment and act in a responsible and safe manner while riding an amusement ride; and

(3) obey all signage that is reasonably written and posted and all directions from ride operators and owners that are given in a clear and understandable manner.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2019.