

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 780 entitled “An act relating to the inspection of amusement rides”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

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

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

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

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

18 § 721. DEFINITIONS

19 As used in this chapter:

20 (1) “Amusement ride” means a mechanical device that carries or
21 conveys passengers along, around, or over a fixed or restricted route or course

1 for the purpose of giving the passengers amusement, pleasure, thrills, or
2 excitement. In addition, for the purposes of this chapter, amusement ride shall
3 also include bungee jumping.

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

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

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

14 § 722. CERTIFICATE OF OPERATION

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

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

1 (1) ~~Certificate~~ a certificate of insurance in the amount of not less than
2 \$1,000,000.00 that insures both the owner and the operator against liability for
3 injury to persons and property arising out of the use or operation of the
4 amusement ride;

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

6 (3) a valid certificate of inspection issued pursuant to section 723a of
7 this title; and

8 (4) any other information or documentation that the Agency requests.

9 (c) The certificate of operation shall be valid for one year from the date of
10 issue and shall be in a manner and format to be prescribed by the Agency.

11 Each certificate of operation shall identify the ride's:

12 (1) model;

13 (2) serial number;

14 (3) passenger capacity;

15 (4) recommended maximum speed; and

16 (5) recommended direction of travel.

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

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

2 § 723a. SAFETY INSPECTIONS

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

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

6 (2) A ride that is moved from location to location shall be inspected:

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

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

11 (b) An amusement ride shall be inspected by a person who is:

12 (1) certified by the National Association of Amusement Ride Safety
13 Officials as a Level II Inspector;

14 (2) certified by the Amusement Industry Manufacturers and Suppliers
15 International at a level that is equivalent to the certification pursuant to
16 subdivision (1) of this subsection; or

17 (3) certified in a manner that the Agency of Agriculture, Food and
18 Markets determines is equivalent to the certifications pursuant to subdivision
19 (1) or (2) of this subsection.

20 (c) The inspection shall comply with the applicable standards
21 determined by:

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

2 (2) the Amusement Industry Manufacturers and Suppliers

3 International; or

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

7 (d) After a ride has been inspected, it shall be stamped or otherwise marked
8 in a manner that identifies the date the inspection was completed.

9 (e) The operator of an amusement ride shall:

10 (1) keep records of all safety inspections in a manner and format to be
11 prescribed by the Agency;

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

14 (3) keep a copy of the most recent safety inspection of each ride on or
15 near that ride or at the office of the amusement ride operator.

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

17 § 723b. PATRON RESPONSIBILITIES

18 (a) A patron shall:

19 (1) not embark upon or disembark from an amusement ride except at a
20 designated location and during designated hours of operation;

21 (2) not throw or expel any object from any amusement ride while riding;

1 (3) not act in any manner while riding on an amusement ride that may
2 interfere with its proper or safe operation, including tampering with or taking
3 any action to defeat the operation of safety restraint systems;

4 (4) not engage in any type of conduct that may injure any person or
5 property;

6 (5) not place any object in the track of an amusement ride that may
7 cause injury to any third party or property;

8 (6) while operating any self-directed amusement ride, maintain control
9 of his or her speed and course at all times;

10 (7) read all instructional and warning signage before boarding any
11 amusement ride;

12 (8) follow any written or oral instruction given regarding the amusement
13 ride's use;

14 (9) not embark on any amusement ride without authority of the operator;

15 (10) not enter into any facility or portion of the facility that has been
16 designated closed;

17 (11) be presumed to know his or her ability to utilize an amusement
18 ride;

19 (12) be presumed to know of the existence of certain unavoidable risks
20 inherent in the utilizing of an amusement ride and shall assume the risk of
21 injury or loss caused by such inherent risks;

1 (13) before entering onto or embarking on any amusement ride, have
2 control of clothing and other apparel for the purpose of restraining or
3 preventing any item from being caught or entangled in the ride or falling or
4 flying off to the detriment of other patrons; and

5 (14) forfeit his or her amusement ride use privileges and may be refused
6 further use of a ride if he or she fails to heed a warning issued by an operator.

7 (b) No operator of an amusement ride or its owners, employees, or agents
8 shall be held responsible for ensuring the safety of or for damages, including
9 bodily injury or death, resulting to patrons who, without license, permission, or
10 authority, access areas designated as closed to patrons or the general public.

11 (c)(1) A patron or member of the general public involved in an incident at a
12 fair, amusement park, or carnival that results in bodily injury to any person has
13 a duty to report the incident, the identities of the persons involved, and his or
14 her name and local and permanent address to the owner or operator prior to
15 leaving the fair, amusement park, or carnival. The patron or member of the
16 general public may satisfy this duty by providing that information to first aid or
17 customer service personnel at a first aid or customer service facility within the
18 fair, amusement park, or carnival or by providing it to an employee or agent of
19 the owner or operator responding to and investigating the incident.

20 (2) No owner or operator of the fair, amusement park, or carnival or of
21 an amusement ride or its employees or agents shall be held responsible for

1 ensuring compliance with these duties by any patron or member of the general
2 public, nor shall it be liable in any way for a failure to obtain such person's
3 name or address.

4 (d)(1) In any action brought against a fair, amusement park, carnival, or
5 amusement ride owner or operator, based on negligence, evidence that the
6 conduct of an owner or operator has conformed with the provisions of this
7 chapter shall be evidence of due care.

8 (2) In any action brought against a fair, amusement park, carnival, or
9 amusement ride owner or operator, it shall be a defense to such action that a
10 patron or member of the general public involved in the incident giving rise to
11 the action did not comply with the patron responsibilities set forth in this
12 section, including the duty to report an incident involving bodily injury.

13 (3) An action by a patron or member of the general public against an
14 owner or operator to recover for any damages or injury, including bodily injury
15 or death, arising out of the ownership or operation of a fair, amusement park,
16 carnival, or amusement ride owner or operator shall be brought within one year
17 after the date of the injury, including bodily injury or death.

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on January 1, 2019.
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1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE