

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 780  
3 entitled “An act relating to portable rides at agricultural fairs, field days, and  
4 other similar events” respectfully reports that it has considered the same and  
5 recommends that the Senate propose to the House that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

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

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

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

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

19 § 721. DEFINITIONS

20 As used in this chapter:

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

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

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

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

17 § 722. CERTIFICATE OF OPERATION

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

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

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

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

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

11                   (3) Proof or a statement of compliance with the requirements of  
12                   21 V.S.A. chapter 9.

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

16                   (1) name and model;

17                   (2) serial number;

18                   (3) passenger capacity; and

19                   (4) recommended maximum speed.

20           ~~(e)~~(e) A copy of the certificate of operation shall be ~~posted on or near each~~  
21           ~~amusement ride covered by the certificate and shall be in full public view at all~~

1 ~~times during the operation of the ride~~ kept at the office of the amusement ride  
2 operator.

3 (f) The Secretary of State shall:

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

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

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

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

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

15 § 723a. SAFETY INSPECTIONS

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

17 (1) The ride has been inspected in the State within the preceding  
18 12 months by a person who is:

19 (A) certified:

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

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

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

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

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

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

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

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

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

20                   (B) the name of the inspector.

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

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

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

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

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

13           (1) keep records of all safety inspections;

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

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

19           (A) on or near that ride; or

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

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

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

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

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

7                 (1) be at least 18 years of age;

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

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

10                (4) operate the ride in accordance with the ride manufacturer's  
11           requirements.

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

15           (c) A patron shall:

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

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

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

1       Sec. 6. EFFECTIVE DATE

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

3       and that after passage the title of the bill be amended to read: “An act relating  
4       to rides at agricultural fairs, field days, and other similar events”

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6           (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE