

1 H.489

2 Introduced by Representative Lawrence of Lyndon

3 Referred to Committee on

4 Date:

5 Subject: Recreation and sports; amusement rides; inspections

6 Statement of purpose: This bill proposes to authorize the secretary of  
7 agriculture, food and markets to administer the inspection of amusement rides  
8 in the state and would require that all amusement rides be inspected at least  
9 annually.

10 An act relating to the inspection of amusement rides

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

12 Sec. 1. 31 V.S.A. § 721 is amended to read:

13 § 721. DEFINITIONS

14 ~~As used in~~ In this chapter:

15 (1) "Amusement ride" means a mechanical device which carries or  
16 conveys passengers along, around, or over a fixed or restricted route or course  
17 for the purpose of giving the passengers amusement, pleasure, thrills, or  
18 excitement. In addition, for the purposes of this chapter, amusement ride shall  
19 also include bungee jumping, but does not include:

1           (A) Any single-passenger coin-operated ride that is manually,  
2           mechanically, or electrically operated and customarily placed in a public  
3           location and that does not normally require the supervision or services of an  
4           operator;

5           (B) Nonmechanized playground equipment, including swings,  
6           seesaws, stationary spring-mounted animal features, rider-propelled  
7           merry-go-rounds, climbers, slides, trampolines, and inflatable bouncers; or

8           (C) Physical fitness devices or ski lifts and tramways that are not part  
9           of a carnival or fair.

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

12           (3) “Certificate” ~~or “certificate of operation”~~ means a document issued  
13           by ~~the secretary of state authorizing the operation of one or more amusement~~  
14           ~~rides, indicating thereon the following information for each amusement ride:~~  
15           an insurer with whom the operator or owner has contracted or an agent of the  
16           insurer attesting that one or more amusement rides passed the most recent  
17           inspection required by this chapter. The certificate shall include for each  
18           amusement ride the proper ride model, serial number and passenger capacity of  
19           the ride, the recommended maximum speed of the ride, and recommended  
20           direction of travel of the ride. ~~The secretary of state may amend a certificate to~~  
21           ~~add other amusement rides to be operated in the state during a calendar year.~~

1 The certificate shall also include the date of inspection, the name of the  
2 inspector, and the certification number of the inspector.

3 (4) "Secretary" means the secretary of agriculture, food and markets.

4 Sec. 2. REPEAL

5 31 V.S.A. §§ 722 (amusement ride certificate of operation) and 724  
6 (penalty) are repealed.

7 Sec. 3. 31 V.S.A. § 723 is amended to read:

8 § 723. ~~OPERATIONS~~ OPERATION REQUIREMENTS

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

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

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

12 (3) be in attendance at all times that the ride is operating.

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

16 (c) An amusement ride shall not be operated unless the amusement ride:

17 (1) Is inspected at least annually for safety by an insurer with whom the  
18 owner or operator has contracted and the owner or operator obtains from that  
19 insurer a written certificate that the inspection has been made and that the  
20 amusement ride meets the standards for coverage and is covered by the  
21 insurance required by subdivision (2) of this subsection.

1           (2) Is covered under an insurance policy currently in force in an amount  
2           of not less than \$1,000,000.00 per occurrence, insuring the owner or operator  
3           against liability for injury to persons arising out of the use of the amusement  
4           ride.

5           (3) Is identified by an inspection certificate and insurance policy, or  
6           photocopies of these documents as authorized by the secretary, filed with the  
7           agency of agriculture, food and markets in the manner required by this chapter.

8           Sec. 4. 31 V.S.A. § 725 is added to read:

9           § 725. INSURANCE FILING REQUIREMENTS

10           The documents required by section 723 of this title shall be filed annually  
11           with the secretary before June 1, but if the amusement ride is inspected under  
12           subsection 723(c) more than once a year, the inspection certificate shall be  
13           filed not later than 15 days after each inspection and the insurance policy shall  
14           be filed annually before June 1.

15           Sec. 5. 31 V.S.A. § 726 is added to read:

16           § 726. INSURANCE INFORMATION REQUEST

17           The secretary may request from any person responsible for an amusement  
18           ride being offered for use by the public information concerning whether  
19           insurance in the amount required by this chapter is in effect on the amusement  
20           ride. The person to whom the information request is made shall respond to the  
21           secretary within 15 days of the request.

1 Sec. 6. 31 V.S.A. § 727 is added to read:

2 § 727. ADMINISTRATION; ENFORCEMENT; RULES

3 (a) The secretary shall have the powers necessary to carry out the purposes  
4 of this chapter, including the general powers authorized under chapter 1 of  
5 Title 6.

6 (b) The secretary shall establish reasonable fees in an amount not to exceed  
7 \$100.00 per year for each amusement ride covered by this chapter, provided  
8 that no owner shall have to pay a fee in excess of \$2,500.00. Fees collected  
9 shall be deposited in the general fund and shall be credited to the account of  
10 the secretary for administration of this chapter.

11 (c) The secretary may adopt rules in connection with the duties created by  
12 this chapter.

13 Sec. 7. 31 V.S.A. § 728 is added to read:

14 § 728. INJUNCTIONS

15 The attorney general on request of the secretary may seek an injunction  
16 against any person operating an amusement ride in violation of this chapter, of  
17 agency of agriculture, food and markets rules, or of public health and safety  
18 policy.

1       Sec. 8. 31 V.S.A. § 729 is added to read:

2       § 729. PENALTY

3       An owner or operator who violates any portion of this chapter shall be fined  
4       not more than \$500.00 per day for each day the violation continues.

5       Sec. 9. EFFECTIVE DATE

6       This act shall take effect July 1, 2010.