

1 H.734

2 Introduced by Representative Lippert of Hinesburg

3 Referred to Committee on

4 Date:

5 Subject: Recreation and sports; amusement rides; inspection

6 Statement of purpose: This bill proposes to require that amusement rides be  
7 inspected for safety before operating in Vermont.

8 An act relating to inspection of amusement rides

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

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

11 § 721. DEFINITIONS

12 As used in this chapter:

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

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

1           (3) “Certificate” or “certificate of ~~operation~~ registration” means a  
2 document issued by the secretary of state authorizing the operation of one or  
3 more amusement rides, indicating thereon the following information for each  
4 amusement ride: the proper ride model, serial number and passenger capacity  
5 of the ride, the recommended maximum speed of the ride, ~~and~~ recommended  
6 direction of travel of the ride. ~~The secretary of state may amend a certificate to~~  
7 ~~add other amusement rides to be operated in the state during a calendar year,~~  
8 the date of the most recent inspection, the name and permanent mailing address  
9 of the owner, the name of the insurance carrier, and any other information  
10 required by the secretary. A certificate of inspection shall be attached to the  
11 certificate of registration.

12           (4) “Certificate of inspection” means a notarized document signed by a  
13 person who is a qualified amusement ride inspector, or has been contracted by  
14 an insurer to inspect amusement rides, or is licensed in another state to inspect  
15 amusement rides, in which the person certifies that the inspector has performed  
16 a safety inspection of all listed amusement rides within 30 days prior to the  
17 first operation of the ride in this state. The certificate shall include the date or  
18 dates the inspections were performed and the name and permanent address of  
19 the inspector.

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

2 § 722. INITIAL INSPECTION; CERTIFICATE OF OPERATION

3 REGISTRATION

4 (a) An amusement ride may not be operated in this state unless the  
5 ~~secretary of state~~ amusement ride has been inspected within 30 days before the  
6 first scheduled operation in the state and the secretary has issued a certificate  
7 of ~~operation~~ registration to the owner or operator.

8 (b) The secretary of state shall issue a “certificate of ~~operation~~ registration”  
9 no later than 15 days before the amusement ride is first operated in the state, if  
10 the owner or operator submits all the following:

11 (1) Certificate of insurance in the amount of not less than ~~\$1,000,000.00~~  
12 ~~which~~ \$2,000,000.00 that insures both the owner and the operator against  
13 liability for injury to persons and property arising out of the use or operation of  
14 the amusement ride.

15 (2) Certificate of inspection.

16 (3) Payment of a fee in the amount of ~~\$100.00~~ \$250.00.

17 (4) Documentation that the owner has complied with 21 V.S.A. § 687.

18 (5) The dates and locations of each operation of the amusement ride in  
19 the state.

20 (6) If a foreign corporation, a certificate of authority from the secretary.

21 (7) Any other information requested by the secretary.

1 (c) The certificate of ~~operation~~ registration shall be valid for one year from  
2 the date of issue.

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

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

7 § 723. OPERATIONS; SAFETY INSPECTIONS

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

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

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

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

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

15 (5) not operate an amusement ride while under the influence of drugs or  
16 alcohol.

17 (b) ~~An operator of an amusement ride may deny any person entrance to an~~  
18 ~~amusement ride if the operator believes that entrance by that person may~~  
19 ~~jeopardize the safety of the person or other persons~~ The secretary of state may  
20 enter the premises of any amusement ride that is being installed or operated in  
21 this state at any time to assure compliance with this subchapter.

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

2 § 724. PENALTY; ENFORCEMENT

3 (a) If, at any time, the secretary of state determines that an amusement ride  
4 operator is in violation of this chapter, he or she may order the operator to  
5 cease operating any amusement rides in this state until the ride operator is in  
6 compliance with all rules adopted by the secretary. The secretary shall post an  
7 order to cease operation in full public view on all affected amusement rides.

8 (b) An operator or owner or any person who violates any provision of this  
9 chapter shall be fined no more than ~~\$500.00~~ \$1,000.00 per day for each day the  
10 violation continues.