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**HOUSE BILL NO. 895**

Offered January 9, 2008

Prefiled January 8, 2008

*A BILL to amend and reenact §§ 36-98.3 and 59.1-519 of the Code of Virginia, relating to the Uniform Statewide Building Code; amusement devices; definitions.*

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Patron—Lohr

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Referred to Committee on General Laws

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**Be it enacted by the General Assembly of Virginia:****1. That §§ 36-98.3 and 59.1-519 of the Code of Virginia are amended and reenacted as follows:**

§ 36-98.3. Amusement devices.

A. The Board shall have the power and duty to promulgate regulations pertaining to the construction, maintenance, operation and inspection of amusement devices.

B. For purposes of this section:

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways. "Amusement device" shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while such structure or device is in use for a private meeting or party that is limited in attendance to members of the organization sponsoring the meeting or party and invited guests and not otherwise open to the public.

A "Passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans.

C. Regulations promulgated hereunder shall include provisions for the following:

1. The issuance of certificates of inspection prior to the operation of an amusement device;
2. The demonstration of financial responsibility of the owner or operator of the amusement device prior to the operation of an amusement device;
3. Maintenance inspections of existing amusement devices;
4. Reporting of accidents resulting in serious injury or death;
5. Immediate investigative inspections following accidents involving an amusement device that result in serious injury or death;
6. Certification of amusement device inspectors;
7. Qualifications of amusement device operators;
8. Notification by amusement device owners or operators of an intent to operate at a location within the Commonwealth; and
9. A timely reconsideration of the decision of the local building department when an amusement device owner or operator is aggrieved by such a decision.

~~B-D.~~ In promulgating regulations, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations. Where appropriate, the Board shall establish separate standards for mobile amusement devices and for amusement devices permanently affixed to a site.

~~C.~~ E. To assist the Board in the administration of this section, the Board shall appoint an Amusement Device Technical Advisory Committee, which shall be composed of five members who, by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement industry. The Board shall determine the terms of the Amusement Device Technical Advisory Committee members. The Amusement Device Technical Advisory Committee shall recommend standards for the construction, maintenance, operation and inspection of amusement devices, including the qualifications of amusement device operators and the certification of inspectors, and otherwise perform advisory functions as the Board may require.

~~D.~~ F. Inspections required by this section shall be performed by persons certified by the Board pursuant to subdivision 6 of § 36-137 as competent to inspect amusement devices. The provisions of § 36-105 notwithstanding, the local governing body shall enforce the regulations promulgated by the Board for existing amusement devices. Nothing in this section shall be construed to prohibit the local governing body from authorizing inspections to be performed by persons who are not employees of the local governing body, provided those inspectors are certified by the Board as provided herein. The Board is authorized to conduct or cause to be conducted any inspection required by this section, provided that the person performing the inspection on behalf of the Board is certified by the Board as

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59 provided herein.

60 ~~E. G.~~ To the extent they are not superseded by the provisions of this section and the regulations  
61 promulgated hereunder, the provisions of this chapter and the Uniform Statewide Building Code shall  
62 apply to amusement devices.

63 § 59.1-519. Definitions.

64 As used in this chapter:

65 "Amusement device" means (i) a device or structure open to the public by which persons are  
66 conveyed or moved in an unusual manner for diversion and (ii) a device suspended in the air by the use  
67 of steel cables, chains, belts, or ropes, and usually supported by trestles or towers with one or more  
68 spans, also known as a passenger tramway, used to transport passengers uphill. *"Amusement device"*  
69 *shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while*  
70 *such structure or device is in use for a private meeting or party that is limited in attendance to*  
71 *members of the organization sponsoring the meeting or party and invited guests and not otherwise open*  
72 *to the public.*

73 "Operator" means the entity listed as operator on the Certificate of Inspection issued for the  
74 amusement device pursuant to § 36-98.3 and the regulations promulgated pursuant thereto.

75 "Owner" means the entity listed as owner on the Certificate of Inspection issued for the amusement  
76 device pursuant to § 36-98.3 and the regulations promulgated pursuant thereto.

77 "Parent or guardian" means any parent, guardian, legal custodian or other person having immediate  
78 control or charge of a child.

79 "Rider" means any person who is (i) waiting in the immediate vicinity to get on an amusement  
80 device; (ii) getting on an amusement device; (iii) using an amusement device; (iv) getting off an  
81 amusement device; or (v) leaving an amusement device and still in its immediate vicinity. "Rider" does  
82 not include employees, agents, or servants of the owner or operator of the amusement device while  
83 engaged in the duties of their employment.