

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 36-98.3 of the Code of Virginia, relating to the Virginia Amusement*
3 *Device Act; amusement device or structure.*

4 [S 1455]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 36-98.3 of the Code of Virginia is amended and reenacted as follows:**

8 § 36-98.3. Amusement devices.

9 A. The Board shall have the power and duty to promulgate regulations pertaining to the construction,
10 maintenance, operation and inspection of amusement devices. Amusement device means (i) a device or
11 structure open to the public by which persons are conveyed or moved in an unusual manner for
12 diversion, *but excluding snow tubing parks and rides, ski terrain parks, ski slopes and ski trails*, and (ii)
13 passenger tramways. A "passenger tramway" means a device used to transport passengers uphill, and
14 suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by
15 trestles or towers with one or more spans. Regulations promulgated hereunder shall include provisions
16 for the following:

- 17 1. The issuance of certificates of inspection prior to the operation of an amusement device;
- 18 2. The demonstration of financial responsibility of the owner or operator of the amusement device
- 19 prior to the operation of an amusement device;
- 20 3. Maintenance inspections of existing amusement devices;
- 21 4. Reporting of accidents resulting in serious injury or death;
- 22 5. Immediate investigative inspections following accidents involving an amusement device that result
- 23 in serious injury or death;
- 24 6. Certification of amusement device inspectors;
- 25 7. Qualifications of amusement device operators;
- 26 8. Notification by amusement device owners or operators of an intent to operate at a location within
- 27 the Commonwealth; and

28 9. A timely reconsideration of the decision of the local building department when an amusement
29 device owner or operator is aggrieved by such a decision.

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

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

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

50 E. To the extent they are not superseded by the provisions of this section and the regulations
51 promulgated hereunder, the provisions of this chapter and the Uniform Statewide Building Code shall
52 apply to amusement devices.

ENROLLED

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