

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING**

Amusement Ride Safety

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 23

**COMMONWEALTH OF VIRGINIA
RICHMOND
1986**

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Division of Legislative Services

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Administrative and Clerical

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**Report of the Joint Subcommittee Studying
Amusement Ride Safety
To
The Governor and the General Assembly of Virginia
Richmond, Virginia
January, 1986**

To: Honorable Gerald L. Baliles, Governor of Virginia
and
The General Assembly of Virginia

INTRODUCTION

The following resolution, House Joint Resolution No. 331, agreed to during the 1985 General Assembly Session, requested that a joint subcommittee study how an amusement ride safety inspection program might best be implemented on the state and local levels of government.

HOUSE JOINT RESOLUTION NO. 331

Requesting that a joint subcommittee be established to study amusement ride safety.

Agreed to by the House of Delegates February 4, 1985

Agreed to by the Senate February 20, 1985

WHEREAS, currently there are nineteen states that have full laws and regulations applicable to amusement ride safety, nineteen states that have no laws or regulations, and fourteen other states, including Virginia, that have laws which apply in varying degrees; and

WHEREAS, such laws as currently exist in Virginia have little or no practical application to intinerant fairs and carnivals; and

WHEREAS, tourism is a major source of revenue for the Commonwealth of Virginia and its citizens; and

WHEREAS, Virginia's State Fair, and various theme and amusement parks, county fairs and carnivals attract more than seven million people each year, thereby contributing substantially to the state tourist industry; and

WHEREAS, the public perceives a need for a regular program of inspections to maintain or even improve amusement ride safety and to ensure the continued vitality of the tourist industry in Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee is hereby established to study how such an inspection program might best be implemented on the state and local levels of government.

The joint subcommittee shall be composed of ten members: one member from the House Committee on Labor and Commerce, one member from the House Committee on General Laws, one member from the House Committee on Counties, Cities and Towns, one member of the House at large and one member of the general public to be appointed by the Speaker of the House of Delegates; and one member from the Senate Committee on Commerce and Labor, one member from the Senate Committee on General Laws, one member from the Senate Committee on Local Government, one member of the Senate at large and one member of the general public to be appointed by the Senate Committee on Privileges and Elections.

The joint subcommittee shall complete its work in time to submit its recommendations, if any, to the 1986 Session of the General Assembly.

The costs of this study, including direct and indirect costs, are estimated to be \$18,060.

The Speaker of the House of Delegates appointed the following persons to serve on the subcommittee: George W. Grayson from the House Committee on Labor and Commerce; Stephen E. Gordy from the House Committee on General Laws; Shirley F. Cooper from the House Committee on Counties, Cities and Towns; S. Wallace Stieffen from the House of Delegates at large and J. W. Hershberger from the general public. The Senate Committee on Privileges and Elections appointed the following persons to serve on the subcommittee: Edward M. Holland from the Senate Committee on Privileges and Elections; R. Edward Houck from the Senate Committee on General Laws; Kevin G. Miller from the Senate Committee on Local Government; Elmo G. Cross, Jr., from the Senate at large and C. L. Teachworth from the general public.

BACKGROUND

Virginia currently has no legislation specifically addressing amusement ride safety or inspection. There is no state inspection program, nor does any state agency regulate amusement rides. However, the Uniform Statewide Building Code does provide some regulation of amusement rides.

The Uniform Statewide Building Code regulates the construction and maintenance of buildings and structures. In 1978 the General Assembly amended the definition of "structure" in Virginia Code § 36-97 to include "amusement devices." Therefore, a building permit is required in order to erect an amusement device and the device must be inspected during construction or upon completion. Under Virginia Code § 36-105 local governing bodies have the authority to conduct periodic maintenance inspections of permanent or temporary buildings or structures which are "occupied or to be used by twenty or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein..." Buildings and structures falling within this definition may be inspected periodically after completion to ensure that there is continuing compliance with Building Code regulations. There are no regulations in the Uniform Statewide Building Code which specifically address the construction, erection or maintenance of amusement rides. General structural and electrical standards apply to amusement devices.

Other Virginia statutes that relate to amusement ride safety do so only in a haphazard fashion.

Virginia Code § 40.1-44.1 authorizes the Virginia Safety and Health Codes Commission to adopt rules to protect the safety and health of employees and the public conveyed in tramways not subject to the Passenger Tramway Safety Act or other hauling and lifting devices used in connection with recreational areas. According to the Department of Labor and Industry, no regulations have been promulgated under § 40.1-44.1 because funding for additional staff positions to implement them has not been available.

Sections 40.1-49.3 through 40.1-51.4:3 address the Occupational Safety and Health Act (OSHA). OSHA inspectors are authorized to inspect any place of employment for possible violations of safety and health standards and may cite, under the general duty clause, safety hazards not

addressed in these standards. The protection of this law extends only to employees of the operation, facility or business. Although the enforcement of general industry standards that protect employees also provides some public protection, there are no standards or regulations addressing the construction, design or maintenance of amusement rides.

Sections 40.1-128 through 40.1-134, Passenger Tramway Safety, apply to ski lifts. The Commissioner of the Department of Labor and Industry is authorized to adopt and enforce regulations relating to public safety in the construction, operation and maintenance of passenger tramways. All passenger tramways as defined in § 40.1-28 must be registered with the Department of Labor and Industry. Section 40.1-132 requires that the public liability insurer of the operator or an engineering consultant hired by the operator inspect the tramway and submit a written report to the Department of Labor and Industry. Upon review of the report, a certificate of inspection is issued by the Department. The Department of Labor and Industry reports that regulations have been adopted pursuant to this legislation and that all ski resorts are registered.

Federal Involvement With Amusement Rides

The United States Consumer Products Safety Commission (CPSC) serves as a clearinghouse for information on amusement device safety and regulation. CPSC has no inspection program but is authorized to investigate injuries associated with mobile amusement devices. When CPSC believes that a ride poses a potential danger, it works with the operator to develop a voluntary corrective action plan. CPSC had the same authority over fixed-site amusement devices until 1981, when the Consumer Product Safety Act was amended to exclude fixed-site devices. CPSC serves as a resource to the states by furnishing technical expertise, issuing bulletins about specific hazards uncovered during investigations and compiling accident statistics and other data regarding amusement ride safety.

There have been a number of measures concerning amusement ride safety introduced in Congress in the last several years; however, none of the measures have passed both the House and the Senate. During the 1985 Session the Senate passed a resolution calling for the creation of a temporary study commission to analyze amusement ride safety issues, review existing state regulations and evaluate the need for federal intervention. The House of Representatives is carrying over to the 1986 Session an amendment to the Consumer Products Safety Act which gives the CPSC the authority to inspect fixed-site devices if the state or political subdivision in which the device is located does not have the authority to inspect or if the ride is involved in a fatality or a personal injury requiring hospitalization. A similar bill passed the House of Representatives in 1984 but did not reach the Senate in time to be acted upon before the end of the Congressional session.

Regulation in Other States

Approximately twenty-eight states have legislation governing amusement device safety. Twenty-four states regulate both mobile and fixed-site amusement rides and one state, Georgia, regulates only fixed-site amusement devices. There is great variation in the extent and method of regulation and in what entity is responsible for overseeing the regulation. Some states, like Maryland, have a state inspection bureau, with comprehensive regulations and a team of state inspectors who inspect each ride every time it is erected. Some states have no provision for inspection, while others require inspection by an insurance inspector and certain minimum amounts of liability insurance.

Amusement Attractions in Virginia

Virginia has three fixed-site parks: Busch Gardens in James City County; Kings Dominion in Hanover County and Lakeside in the City of Salem. Their combined attendance figures indicate that over four million persons visited those attractions in 1984. In addition, 522,415 people attended the 1984 Virginia State Fair. Other amusement attractions in Virginia include waterparks, county, city and town fairs and other mobile amusement attractions. Although there is no way of determining the exact number of amusement devices operated in Virginia in any

one year or the number of persons using those devices, it is estimated that there are approximately three traveling carnivals per locality each year. Some localities have zoning ordinances which prohibit the erection of amusement devices.

Amusement Device Related Injuries

Accurate statistics regarding injuries associated with amusement rides are not available. The Consumer Products Safety Commission (CPSC) keeps records of amusement device-related injuries, but does not receive reports of all accidents or injuries. Statistics and accident investigation information tabulated by CPSC is obtained from the Commission's field offices and from state consumer protection agencies. Many times information is based on police reports, newspaper accounts and third party information.

Nationwide, eighty-seven deaths have occurred on amusement devices since 1973, with an average of seven per year. In 1984 there were twelve deaths, with one occurring in Virginia. CPSC estimates that there is an average of 10,000 injuries associated with amusement devices each year. The four major causes of accidents have been identified by CPSC as: (1) product failure, (2) operator error, (3) rider misbehavior, and (4) inadvertent rider mishap (catching fingers, tripping, etc.). No conclusive statistics regarding the relationship between state regulation of amusement devices and the injury rate have been found.

While it is generally believed that mobile amusement devices are more susceptible to mechanical failure than permanent devices because of the repeated assembly and disassembly and transporting, no statistics addressing this issue have been found.

ACTIVITIES AND FINDINGS

The joint subcommittee held five meetings, including three public hearings. The public hearings were held in Williamsburg, Roanoke and Fairfax and the subcommittee received public testimony at its organizational meeting held in Richmond. Work sessions were held in Richmond and Fairfax. The subcommittee received input from representatives of theme parks, carnival owners, building officials and inspectors, third party inspectors, the Department of Labor and Industry, the Office of Uniform Building Code within the Department of Housing and Community Development and the administrator of the Maryland Amusement Ride Inspection Program. In addition, staff conducted a survey of seventy-five of the 168 local building departments in the State.

The subcommittee learned that there is great variation across the State in the quality of amusement device inspections that are performed. Some local building departments make no provision to inspect the amusement rides that come into their jurisdiction, some do cursory inspections, some inspect only for electrical or fire hazards, some accept third party inspection reports and some have established comprehensive inspection programs. Although some building inspectors have received training outside the State and several have become certified as amusement device inspectors by the National Association of Elevator Safety Authorities, most local building inspectors feel that they do not have the training or expertise to perform competent amusement device inspections. Most local building inspectors would welcome the opportunity to receive increased amusement device inspection training and become certified as competent to inspect amusement devices. Most would also welcome regulations that pertain specifically to amusement devices. Currently there are no specific guidelines to follow and it is difficult for the building inspector to determine whether a certain amusement device is properly erected and being operated in a safe manner. However, some local building inspectors feel, that because of the limited number of amusement device inspections they would be called on to perform, the complex, technical nature of the inspection and the difficulty in getting time away from the office to receive training, the State should provide the inspectors.

Some local bulding inspectors feel that having a set of regulations governing the operation of amusement devices would mitigate pressure on the inspector to keep questionable devices open. The subcommittee learned that political pressure is sometimes exerted to keep devices open,

especially when carnivals are sponsored by civic or charitable organizations. Currently, the decision to shut down a device is almost entirely within the discretion of the building inspector. Many building inspectors feel that having a set of regulations will reduce their discretion and give them the support they need to close unsafe devices.

The amusement park representatives and carnival owners who spoke to the subcommittee spoke in favor of an amusement device regulatory program, although carnival owners expressed concern that the cost of inspections might be an economic burden, especially for those with small operations. Carnival operators report that as they travel from locality to locality within Virginia they face varied and inconsistent requirements from local building departments. A lack of knowledge about amusement devices on the part of building inspectors contributes to problems experienced by carnival operators.

Representatives of the theme parks called attention to the repeated efforts in Congress to pass federal legislation giving the Consumer Products Safety Commission the authority to inspect fixed-site rides when the state or political subdivision in which the ride is located does not have the authority to inspect. They feel that a state or local inspection program would be more effective than a federal program and that it would be preferable to establish an inspection program in Virginia so that if such federal legislation is passed, Virginia would be exempt.

Representatives of the theme parks testified that although their internal inspection and maintenance programs are of the highest quality, the public should have the reassurance that an impartial governmental body is monitoring the safety of rides. Failure to provide this reassurance could adversely affect the amusement and tourism industries in Virginia.

The theme parks also stressed that Virginia has a good amusement device safety record, that a regulatory program could help maintain this record and that it would be preferable to establish a regulatory program for preventive reasons rather than in response to an accident.

RECOMMENDATIONS

The joint subcommittee is recommending legislation which would require the Board of Housing and Community Development to promulgate regulations pertaining to the construction, maintenance, operation and inspection of amusement rides and the training and certification of inspectors. The Board of Housing and Community Development would be required to appoint a five-member Amusement Device Technical Advisory Committee to advise the Board in the promulgation of regulations. The regulations would be part of the Uniform Statewide Building Code and would be enforced by local building departments.

The subcommittee has determined that it is both logical and economical to place regulatory responsibility in the Office of Uniform Building Code within the Department of Housing and Community Development. Many of the basic substantive provisions as well as procedures for government administration which would be necessary for an inspection program currently exist in the system of building inspections conducted under the Uniform Statewide Building Code. Because amusement devices are currently under the jurisdiction of the Uniform Statewide Building Code, the enabling legislation as well as the fundamental bureaucracy necessary to administer an inspection program is already in place. The cost of implementing a comprehensive amusement device regulatory program in an existing bureaucratic system will be less than the cost of creating a new bureaucratic system.

The legislation recommended by the subcommittee sets the statutory framework for the establishment of an amusement device regulatory program. In keeping with the rest of the Uniform Statewide Building Code, much of the program is left to regulation. The subcommittee determined that this arrangement is preferable to a comprehensive legislative program because of the technical nature of the regulations. A program based primarily on regulation rather than statute will remain flexible enough to adapt to constantly developing technologies and the differing demands of the fixed-site and mobile sectors of the amusement device industry. However, in addition to the broad regulatory powers given the Board of Housing and Community Development, the Board is mandated to promulgate regulations covering the following:

1. The issuance of certificates of inspection prior to the operation of an amusement device;

Requiring a certificate of inspection will provide evidence of compliance with inspection requirements and will help ensure that amusement devices are inspected.

2. The demonstration of financial responsibility of the owner or operator of the amusement device prior to the operation of an amusement device;

This requirement will ensure that amusement device owners or operators carry adequate liability insurance or have other means of satisfying claims against them. The Board can determine what financial arrangements are acceptable and can determine the required amount of coverage based on the risks associated with different types of amusement devices.

3. Maintenance inspections of existing amusement devices;

At present, the Board is authorized, but not required, to promulgate regulations for existing buildings. Enforcement of any regulations that may be promulgated by the Board concerning existing buildings is optional on the part of the local governing body. The subcommittee has determined that the promulgation and enforcement of regulations concerning the inspection of existing amusement devices should not be optional. The above provision requires the Board to promulgate regulations for maintenance inspections of existing amusement devices. A separate provision in the proposed legislation (§ 36-98.3 D) requires local governing bodies to enforce the regulations promulgated by the Board for existing amusement devices.

4. Reporting of accidents resulting in serious injury or death;

The subcommittee felt that serious accidents should be reported to a central source. The Board is given the discretion to determine where accident reports should be directed, what form the accident report should take and what constitutes a serious injury.

5. Immediate investigative inspections following accidents involving an amusement device that result in serious injury or death;

The subcommittee decided that serious accidents should be investigated immediately after occurrence to determine the cause of the accident and to aid in the prevention of future accidents and that the Board should determine by regulation the circumstances under which a ride should be closed. The Board can determine the time frame under which accidents should be investigated and the procedures for accident investigations.

6. Certification of amusement device inspectors;

Currently, there is no requirement that amusement device inspectors be certified. Therefore, the standards of competency may vary greatly from one locality to another, because an inspector need only satisfy the requirements of the local building official in order to be "approved" to submit inspection reports. This requirement would establish a uniform standard for qualifications of inspectors. The Board may determine what qualifications an individual must have in order to become certified.

7. Qualifications of amusement device operators;

The subcommittee heard testimony that second to patron misbehavior operator error is the leading cause of amusement device accidents. The Board would determine what requirements could be set to reduce the likelihood of operator error.

8. Notification by amusement device owners or operators of an intent to operate at a location within the Commonwealth;

Prior notification that a traveling carnival plans to set up in its jurisdiction would give the local building department time to make inspection arrangements. The Board would determine the number of days prior to operation that notification should be given and could make provisions for late notification under certain circumstances.

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.

The Uniform Statewide Building Code prescribes a process for appealing adverse decisions, but the time involved in the standard appeal procedure would cripple the operation of a traveling carnival. Recognizing the unique demands of the amusement device industry, the subcommittee is recommending legislation directing the Board to adopt a speedier reconsideration process for amusement device owners and operators. The Board is given the discretion to determine whether the current appeal process under the Uniform Statewide Building Code should be expedited for amusement devices or whether a separate reconsideration process for amusement device owners and operators should be established.

The proposed legislation requires the Board of Housing and Community Development to have due regard for amusement device codes which have been developed by nationally recognized organizations and to take into consideration the differences between mobile units and fixed-site devices when promulgating regulations.

Because of the highly specialized technology associated with the amusement industry, the subcommittee is recommending the establishment of an Amusement Device Technical Advisory Committee to assist the Board of Housing and Community Development in the promulgation of regulations. The Committee would be composed of five persons who, by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement industry. The Committee would have the responsibility of recommending to the Board standards for the construction, maintenance, operation and inspection of amusement devices, including the qualifications of amusement device operators and the certification of inspectors. The Committee would perform other advisory functions at the request of the Board.

The recommended legislation specifically requires that amusement device inspections be performed by persons certified as competent to inspect amusement devices. The subcommittee recognizes that it would not be feasible or desirable for a building inspector from each local building department to become certified. It is anticipated that local building departments will work out cooperative arrangements where a certified inspector from one locality will perform inspections for localities without a certified inspector. The subcommittee understands that there is currently a lot of cooperation between local building departments. It is hoped that the Virginia Building Officials Association, which is divided into eight regions, will assist in working out cooperative arrangements. The joint subcommittee believes that the effectiveness of the proposed amusement device inspection program will be greatly facilitated by cooperation between localities and strongly encourages local building departments to work together to form cooperative arrangements.

The proposed legislation clarifies that the local building department may accept inspections performed by independent third party inspectors, such as insurance inspectors and engineers, so long as the inspector has been certified as competent to inspect amusement devices. Another provision authorizes the Board of Housing and Community Development to conduct, or cause to be conducted, amusement device inspections. The Board of Housing and Community Development is not expected to supply amusement device inspectors on a regular basis, but is expected to assist a local building department which is unable to supply or locate a certified amusement device inspector.

The recommended legislation contains a provision clarifying that to the extent they are not superseded by the proposed legislation, the provisions of Chapter 6 in Title 36 of the Code of Virginia and the Uniform Statewide Building Code apply to amusement devices. Because these provisions apply, there are issues that are not addressed by the proposed legislation since they are covered by existing provisions of the Uniform Statewide Building Code. For example, § 36-105 allows local governing bodies to levy fees to offset the cost of enforcing the building code and § 36-106 provides that the violation of the building code is a misdemeanor.

The recommended legislation amends two existing Virginia Code sections to allow independent third party inspectors to receive training offered by the Department of Housing and Community Development and to become certified by the Board of Housing and Community Development. At present, paragraph G of § 36-137 allows the Board of Housing and Community Development to issue certificates of competence in specified areas of the Uniform Statewide

Building Code only to "present or prospective personnel of local governing bodies." The proposed amendment would allow certificates of competence to be issued to any other person seeking to become qualified to perform inspections under the Uniform Statewide Building Code. Paragraph O of § 36-139 provides that the Director of Housing and Community Development shall establish and operate voluntary training programs concerning the Uniform Statewide Building Code for the personnel of local building departments. This section would be amended to allow other persons seeking to become qualified to perform inspections under the Uniform Statewide Building Code to attend the training sessions. The subcommittee feels that these amendments will help expand the pool of certified amusement device inspectors, which will increase the number of inspection options available to local building departments.

It is the recommendation of the subcommittee that two employees be added to the Office of Uniform Building Code to administer the amusement device inspection program. A level 10 technician would be responsible for coordinating training programs, establishing and administering a certification program for inspectors, working with the Amusement Device Technical Advisory Committee, overseeing the promulgation of regulations and providing technical assistance to local building departments. Salary and benefits for the level 10 technician would be \$24,700 and costs for the initial purchase of office equipment, travel, management services and other expenses would amount to \$20,381, for a total of \$45,081. A level 4 clerk-typist would serve as support staff. Salary and benefits for the clerk-typist would be \$13,595 and costs for the initial purchase of office equipment and related expenses would amount to \$7,358, for a total of \$20,953.

The subcommittee recommends that the Office of Uniform Building Code sponsor training on the inspection of amusement devices. The Office of Uniform Building Code estimates that approximately seventy-five persons will receive training the first year, at a total cost of \$15,000. It is anticipated that a nationally recognized organization will offer a five-day training program at one of Virginia's three theme parks at a cost of \$1000 per day. Three training sessions will be necessary, since the maximum class size is twenty-five persons.

The subcommittee recommends that \$25,000 be allotted for per diem expenses for local building inspectors attending the training. Some inspectors would not otherwise be able to attend the training because the cost of food and lodging for five days exceeds their annual budget.

The subcommittee also recommends that \$3,500 be allotted for per diem expenses for the Amusement Device Technical Advisory Committee's first year of operation.

Total expenses for the first year of operation are estimated to be \$109,534. It is anticipated that expenses would be lower in subsequent years, as the initial purchase of office equipment and inspector training and per diem are one-time expenses. Ongoing training expenses could be absorbed in the Department of Housing and Community Development's training budget, although the Department would not anticipate paying per diem expenses for persons trained in later years.

CONCLUSION

The subcommittee conducted a thorough examination of the current status of amusement device regulation in Virginia. The subcommittee found that there is wide variation in the comprehensiveness and effectiveness of amusement device inspections among the localities. The need for statewide regulations specifically addressing the construction, maintenance, operation and inspection of amusement devices became apparent to the subcommittee. The subcommittee recognized the advantages of strengthening an existing system rather than creating a new program and recommends requiring the Department of Housing and Community Development to promulgate and administer regulations pertaining specifically to amusement devices, as part of the Uniform Statewide Building Code.

Respectfully submitted,

.....
Delegate S. Wallace Stieffen, Chairman

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Senator Elmo G. Cross, Jr., Vice Chairman

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Delegate Shirley F. Cooper

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Delegate Stephen E. Gordy

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Delegate George W. Grayson

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Senator Edward M. Holland

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Senator R. Edward Houck

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Senator Kevin G. Miller

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Mr. J. H. Hershberger

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Mr. C. L. Teachworth

APPENDIX

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 36-137 and 36-139 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-98.3, the amended and added sections relating to the authority of the Board of Housing and Community Development to regulate amusement devices and to train and certify inspectors.

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-137 and 36-139 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-98.3 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. 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. 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. 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. Inspections required by this section shall be performed by persons certified by the Board pursuant to § 36-137 G of the Code of Virginia as competent to inspect amusement devices. The provisions of § 36-105 of the Code of Virginia notwithstanding, the local governing body shall enforce the regulations promulgated by the Board for existing amusement devices. Nothing in this section shall be construed as preventing 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 provided herein.

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

§ 36-137. Powers and duties of Board.—The Board shall exercise the following powers and duties, and such others as may be provided by law:

A. Provide a means of citizen access to the Department.

B. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.

C. Monitor the policies and activities of the Department and have the right of access to departmental information.

D. Advise the Governor and the Director on matters relating to housing and community development.

E. ~~From time to time make~~ Make such rules and regulations as may be necessary to carry out its responsibilities and ~~from time to time thereafter to~~ repeal or amend such rules ~~when necessary~~ .

F. [Repealed.]

G. Issue a certificate of competence concerning the content, application, and intent of specified subject areas of the Uniform Statewide Building Code to present or prospective personnel of local governments *and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of this title and any regulations adopted thereunder*, who have completed training programs or in other ways demonstrated adequate knowledge.

§ 36-139. Powers and duties of Director.—The Director of the Department of Housing and Community Development shall have the following responsibilities:

A. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as it may deem necessary.

B. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

C. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

D. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.1-1412 of the Code of Virginia.

E. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

F. Developing state housing and community development policies, goals, plans and programs

for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

G. Determining present and future housing requirements of the *State Commonwealth* and designing programs to coordinate the elements of housing production which programs shall be designed to assure the availability of housing where and when needed.

H. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

I. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

J. ~~Administering the provisions of the Urban Assistance Incentive Fund as set forth in §§ 15.1-1500 through 15.1-1505 of the Code of Virginia.~~

K. Administering the provisions of the Industrial Building Unit and Mobile Home Safety Law.

L. Administering the provisions of the Uniform Statewide Building Code.

M. Administering the provisions of the Virginia Public Building Safety Law.

N. ~~Administering design standards promulgated by the Board pursuant to § 36-137 F.~~

O. Establishing and operating a voluntary training program for the instruction of the personnel of local building departments *and any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of this title and any regulations adopted thereunder*, concerning the content, application and intent of the Uniform Statewide Building Code.

P. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

Q. Administering, in conjunction with the federal government, and promulgating any necessary rules and regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

R. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

S. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

