



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5-31</u>
Regulation title	Virginia Amusement Device Regulations
Action title	Amend and Update Virginia Amusement Device Regulations
Document preparation date	April 6, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Amusement Device Regulations (VADR) are regulations governing the construction and operation of amusement devices, which are by statutory definition devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion and passenger tramways. The regulations are very closely related to the Virginia Uniform Statewide Building Code (13 VAC 5-63) as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR. The VADR utilizes nationally recognized standards to provide the technical requirements for the construction and operation of amusement devices. The standards are produced by the American Society for Testing and Materials and new standards are developed from time and time and when available are considered for incorporation into the VADR. To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer standards into the regulations through the publishing of a proposed regulation. Those affected by the regulations then review the proposed regulations to assure that the newest standards reflect the minimum standards necessary for the safe construction and operation of amusement devices. After the publishing of the proposed regulations, the board establishes a comment period for the acceptance of code change proposals to modify the standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a

staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Changes in the proposed regulation may be categorized into two groups. The first are changes necessary to incorporate the newest editions of the nationally recognized standards into the regulations. These changes are located in § 13 VAC 5-31-40.

The second group of changes are general clarifications and correlation changes. These changes are simply to more closely match legislative language and to coordinate the application of the regulations with the other building and fire regulations of the board. This group of changes were developed by an Amusement Technical Advisory Committee, an advisory committee appointed by the board pursuant to § 36-98.3 of the Code of Virginia and consisting of five members, who by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement device industry. This group of changes is summarized below by section number.

13 VAC 5-31-30: Clarification of exemptions from the regulations to include new language for water slides used in community club swimming pools.

13 VAC 5-31-70 – 13 VAC 5-31-85: Combining the owner and operator responsibilities with the local building department responsibilities to provide a more logical arrangement of the requirements without any substantive changes.

13 VAC 5-31-75(C): Change in the liability insurance requirements based on standard industry practice and a more standardized wording of the requirements.

13 VAC 5-31-75(E): Adding a requirement that the local building department personnel verify that a private inspector being utilized to inspect amusement devices is properly certified under the board's amusement device inspector certification program.

13 VAC 5-31-210: Adding an allowance for rock-climbing walls which have a valid certification of inspection to be moved and setup at a different location provided the certificate of inspection was issued within the past 90 days.

Part VIII – Bungee Jumping: Moving the requirements to the end of the regulation without any substantive changes.

As discussed above in the description of the procedures the board uses to update its building and fire regulations, since all the regulations are interrelated and must be coordinated, the board will consider code change proposals on all provisions of this regulation during the comment period after the proposed regulations are published.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The proposed regulations do not have an impact on the institution of the family and family stability.