



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-31</u>
<b>Regulation title</b>	Virginia Amusement Device Regulations
<b>Action title</b>	Amend and Update Virginia Amusement Device Regulations
<b>Document preparation date</b>	August 12, 2009

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

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) (the "USBC") as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR.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 (ASTM). To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development initiates a regulatory action under the VADR to consider any changes necessary to correlate with the Department's other building and fire regulations and to consider any available newer ASTM standards. 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.

The changes in the proposed regulations are outlined below:

13 VAC 5-31-20: Moves the definition of “kiddie ride” from the text of the regulation to the definition section of the regulation.

13 VAC 5-31-50: In conjunction with correlating changes to the USBC, the existing requirements for continuing education are reworded for clarity without substantive changes.

13 VAC 5-31-75(C): Changes the requirements for liability insurance for amusement devices using language which is more in line with industry standards and consistent with language used in prior provisions in the regulation. There was confusion in the industry concerning whether the insurance requirements were applied per device when insuring multiple devices under one policy, thereby raising the necessary overall amount of insurance which needed to be provided. The return to the prior language makes it clear that \$1,000,000 per occurrence only need be provided regardless of the number of devices insured on one policy. No aggregate amount is specified.

13 VAC 5-31-75(D): The change to this subsection is in correlation with adding the definition of the term “kiddie ride” to § 20.

13 VAC 5-31-75(F): The change to this subsection is to correct an error which occurred when the regulation was reformatted in a prior regulatory amendment action. The clarification that the subsection applied only to amusement devices permanently affixed to a site was inadvertently removed as was a requirement for mid-season inspection of rides.

13 VAC 5-31-75(G): Corrects the standard designation from ASTM F628 to ASTM F698. The ASTM F628 designation was in error.

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

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