

FILED

2005 MAY -3 A 9:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2980

(By Mr. Speaker, Mr. Kiss, and Delegates DeLong,
Pino, Varner, Pethtel, Cann and Amores)



Passed April 9, 2005

In Effect Ninety Days from Passage

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H. B. 2980

(BY MR. SPEAKER, MR. KISS, AND DELEGATES DELONG, PINO,
VARNER, PETHTEL, CANN AND AMORES)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §21-10-4, §21-10-5 and §21-10-6 of the Code of West Virginia, 1931, as amended, relating to the regulation of amusement rides and amusement attractions; providing for oversight and review of special inspectors; increasing annual permit fee; requiring Division of Labor to set qualifications and process for certification of special inspectors by legislative rule; authorizing annual certification fee; allowing suspension or revocation of certifications; and allowing inspections by special inspectors.

Be it enacted by the Legislature of West Virginia:

That §21-10-4, §21-10-5 and §21-10-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 10. AMUSEMENT RIDES AND AMUSEMENT ATTRACTIONS
SAFETY ACT.**

§21-10-4. Inspection and permit fees.

1 (a) The division shall charge inspection and permit fees.
2 The annual permit fee is one hundred dollars for each ride or
3 attraction. The annual inspection fee, if an inspection is to be
4 done by the division, is one hundred dollars for each ride or
5 attraction. The annual inspection fee, if an inspection is to be
6 done by the division, is due at the time of application for the
7 annual permit. The division shall waive the inspection fee for
8 any ride or attraction whose owner provides proof of nonprofit
9 business status or for any ride or attraction whose owner
10 provides proof that an inspection has been completed within the
11 last year by a certified special inspector as provided in section
12 six of this article.

13 (b) The division may charge additional inspection fees
14 equal to the annual inspection fee for additional inspections
15 required as the result of the condemnation of a device for safety
16 standards violations and for inspections required as a result of
17 accidents involving serious or fatal injury. If any owner or
18 operator requires an inspection as the result of a violation of the
19 permitting requirements of section six of this article, the
20 division shall charge the owner or operator seventy-five dollars
21 per hour in addition to the established inspection fee, including
22 travel time.

23 (c) All fees received shall be deposited in a special revenue
24 account in the state treasury known as the “ Amusement Rides
25 and Amusement Attractions Safety Fund” . The division may
26 use moneys from the fund for the purpose of enforcement of the
27 provisions of this article. Expenditures are not authorized from
28 collections, but are to be made only in accordance with appro-
29 priation by the Legislature and in accordance with the provi-
30 sions of article three, chapter twelve of this code and upon

31 fulfillment of the provisions of article two, chapter eleven-b of
32 this code.

33 (d) No inspection fee may be charged public agencies.

34 (e) The division shall issue, and the owner, operator or both
35 of the amusement rides and amusement attractions shall visibly
36 display to the public, inspection stickers denoting and signify-
37 ing that the inspection and permit fee authorized by this section
38 has been paid or waived.

§21-10-5. Inspectors.

1 (a) The Division may hire or contract with inspectors to
2 inspect amusement rides and amusement attractions. The
3 Division is responsible for oversight and review of the activities
4 of special inspectors and may hire or contract with inspectors
5 to review the activities of special inspectors.

6 (b) The Division shall certify all special inspectors who are
7 employed by insurance providers that write insurance policies
8 for amusement rides and amusement attractions required by
9 section twelve of this article. The Division may suspend or
10 revoke any certification of a special inspector upon a showing
11 of good cause. The Division shall propose rules for legislative
12 approval in accordance with the provisions of article three,
13 chapter twenty-nine-a of this code providing an application
14 process and minimum qualifications for certification of special
15 inspectors. The Division may charge an annual certification fee
16 not to exceed fifty dollars.

§21-10-6. Permits; application; annual inspection.

1 No operator or owner may knowingly permit the operation
2 of an amusement ride or amusement attraction without a permit
3 issued by the Division. Each year and at least fifteen days
4 before the first time the amusement ride or amusement attrac-

5 tion is made available in this state for public use, an operator or
6 owner shall apply for a permit to the Division on a form
7 furnished by the Division and containing any information the
8 division may require. The Division shall, upon application and
9 within ten days of the first time the ride or attraction is made
10 available in this state for public use, inspect all amusement
11 rides and amusement attractions. The Division shall inspect all
12 stationary rides and attractions at least once every year. The
13 Division may inspect all mobile amusement rides and amuse-
14 ment attractions each time they are disassembled and reassem-
15 bled for use in this state. The Division may conduct inspections
16 at any reasonable time without prior notice: *Provided*, That in
17 lieu of performing its own inspection, the Division may accept
18 inspection reports from special inspectors certified by the
19 Division.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White
Chairman Senate Committee

H. Rex Byrd
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Daniel E. Blane
Clerk of the Senate

Emory D. Byrd
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *2nd*
day of *May* 2005.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 10:25 AM