

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1160

Short Title: Amusement Device Inspections.

(Public)

Sponsors: Senator Reeves.

Referred to: Finance.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO THE REGULATION OF AMUSEMENT DEVICES AND AERIAL TRAMWAYS BY THE DEPARTMENT OF LABOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-106 reads as rewritten:

"§ 95-106. Amusement, aerial tramway, and inclined railroad inspection fees.

(a) The Department of Labor shall assess and collect the following inspection service fees for ~~annual~~—inspections for each location within the State of amusement devices, aerial passenger tramways, and inclined railroads:

Type Inspection Unit Fee

Amusement Devices	\$15
Gondolas, Chairlifts, and Inclined Railroads	137
J- or T-Bars	62
Rope Tows	31

(b) In the event that an amusement device owner or operator notifies the Department of Labor pursuant to G.S. 95-111.8 that he intends to operate one or more amusement devices for the public at a particular location and requests an inspection at a particular time:

- 1 (1) When the inspector arrives and no amusement devices are present, the
2 Department shall assess a fee against the owner or operator to cover the
3 cost of travel to and from the location at the mileage rate set forth in
4 G.S. 138-6 plus an hourly rate of up to sixty dollars (\$60.00) for each
5 inspector for the time expended by the inspector in travelling to and
6 from the location.
- 7 (2) When the inspector arrives and amusement devices are present, are not
8 ready for inspection, but become ready for inspection before the
9 inspector leaves, the Department shall assess a fee against the owner or
10 operator to cover the time the inspector must wait before making the
11 inspection at an hourly rate not to exceed sixty dollars (\$60.00) for each
12 inspector.
- 13 (2a) In addition to the regular fee set forth in subdivision (2) of this
14 subsection, the Department shall assess a flat fee of one hundred dollars
15 (\$100.00) against the owner or operator for each special inspection as
16 defined by G.S. 95-111.3(g1).
- 17 (2b) The Department shall assess an annual inspection fee of one hundred
18 dollars (\$100.00) for the annual inspection of inflatable devices
19 pursuant to G.S. 95-111.2(c).
- 20 (3) When the inspector must make a return trip to a location because
21 amusement devices were not ready for inspection when the inspector
22 made a previous trip to the location, the Department shall assess a fee
23 against the owner or operator to cover the cost of travel to and from the
24 location ~~in the amount set in subdivision (1) of this subsection.~~ at the
25 mileage rate set forth in G.S. 138-6, plus an hourly rate of up to sixty
26 dollars (\$60.00) for each inspector for the time expended by the
27 inspector in conducting the inspection and traveling to and from the
28 location.
- 29 (4) No fee shall be assessed pursuant to this subsection if the owner or
30 operator has notified the Department of Labor at least 24 hours in
31 advance that the amusement devices will not be present or that the
32 devices will not be ready for inspection until a later specified time.
- 33 (c) The Commissioner of Labor may adopt rules to implement this section. The
34 rules shall conform to Article 14B of this Chapter and shall promote the effective
35 utilization of the staff of the Commissioner."

36 Section 2. G.S. 95-111.2 reads as rewritten:

37 "**§ 95-111.2. Scope.**

38 (a) This Article shall govern the design, construction, installation, plans review,
39 testing, inspection, certification, operation, use, maintenance, alteration, relocation and
40 investigation of accidents involving amusement devices.

41 (b) This Article shall not apply to any device which does not normally require the
42 supervision or services of an operator. Unless they are located in an amusement park or
43 carnival area, the following devices or attractions are exempt from this Article:

- 1 (1) ~~Hot or cold air inflatable devices;~~
2 (2) Bumper boats; and
3 (3) Simulator devices that simulate the movement shown on various video
4 tapes.

5 (c) Hot or cold air inflatable devices operated in this State shall be inspected on an
6 annual basis for compliance with the provisions of this Article and all applicable
7 regulations."

8 Section 3. G.S. 95-111.3 is amended by adding a new subsection to read:

9 "(g1) The term 'special inspection' shall mean those inspections that require the
10 inspector to make a special trip to meet the needs of the individual or organization
11 requesting the inspection and includes inspections performed during hours other than the
12 normal working hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, and
13 inspections performed on a State-recognized holiday that falls on a weekday."

14 Section 4. G.S. 95-119 reads as rewritten:

15 "**§ 95-119. Registration criteria and procedure.**

16 The Commissioner shall issue to the applying operator without delay a registration
17 certificate for each passenger tramway owned, managed, or the operation of which is
18 directed by such operator when the Commissioner is satisfied:

- 19 (1) That the facts stated in the application are sufficient to enable the
20 Commissioner to fulfill his duties under this Article; and
21 (2) That each such passenger tramway sought to be registered complies
22 with the rules and regulations of the Commissioner promulgated
23 pursuant to the provisions of this Article.
24 (3) In order to satisfy himself that the conditions described in subdivisions
25 (1) and (2) of this section have been fulfilled, the Commissioner may
26 cause to be made such inspections hereinafter described as he may
27 reasonably deem necessary.
28 (4) When an operator installs a passenger tramway subsequent to November
29 1, of any year, such operator shall file a supplemental application for
30 registration of such passenger tramway. Upon the receipt of such
31 supplemental application, the Commissioner shall proceed immediately
32 to initiate proceedings leading to the registration or rejection of
33 registration of such passenger tramway pursuant to the provisions of this
34 Article.
35 (5) Each registration shall expire ~~on October 31, next following the day of~~
36 ~~issue.~~ twelve months from the date of issuance. Each operator shall
37 cause the registration certificate for each passenger tramway thus
38 registered to be displayed prominently at the place where passengers
39 are loaded thereon."

40 Section 5. This act becomes effective July 1, 1999.