



**North Carolina Department of Labor  
Ad Hoc Amusement Device Advisory Board  
April 19, 2007**

<b>Attendees:</b> Jonathan Brooks	Elevator & Amusement Device Bureau, DOL
E.C. Toppin	Chowan County Regional Fair
Jamie Gaffney	Carowinds
Joel Rickards	Interactive Playgrounds
Bob Rippy	Jungle Rapids
Les Powers	Powers Great American Midway
Steve Mains	Hickory American Legion Fair
Andy Frazier	Standards & Inspections, DOL
Jennifer Haigwood	Governmental Affairs, DOL
Tom Chambers	Elevator & Amusement Device Bureau, DOL
John Baldwin	Chief of Staff, Commissioner's Office, DOL
Art Britt	Director Governmental Affairs, DOL
LouAnn Bowen	Hughie & Louie's Rentals
Nancy Vick	Elevator & Amusement Device Bureau, DOL

**Absent:**

**Quorum**

*Chairman Jonathan Brooks* determined the presence of a quorum and called the meeting to order.

**Minutes**

The minutes of the March 3, 2006 meeting were read and approved as written.

**Quests**

*Chairman Brooks* introduced two guests who wish to be considered for membership on the North Carolina Department of Labor *Ad Hoc* Amusement Device Advisory Board.

They are *Mr. Jamie Gaffney* of *Carowinds* as a Permanent Amusement Park representative and *Mr. E. C. Toppin* of the *Chowan County Regional Fair* as a Small County Fair representative.

**Legislative Update**

*Art Britt*, *NCDOL Director of Administration and Governmental Affairs* was introduced to discuss legislative issues related to earlier discussions about a possible N.C. Rider Responsibility Act.

The Board was advised that at present there is not a specific piece of pending legislation that can be considered solely a “rider responsibility act”, but the closest thing would be **HB 446** – “*Legislative Research Commission Study Contributory Negligence*”.

**Britt** provided copies of this bill to each board member and explained that if passed, this bill would authorize the legislature to study the principle of contributory negligence which is a cornerstone of any efforts to adjust laws governing liability. He advised that if such a study is approved, this may be one avenue in which the industry can address their concerns about liability assumed by riders and amusement park users. It was not suggested that this would be a clear alternative to a rider responsibility act but may be an opportunity to start the discussion with the members of the General Assembly.

**Britt** went on to explain that at this time the Department did not have a position on a proposed rider responsibility act as a formal proposal has not been presented to the Commissioner for consideration.

**Britt** advised that regardless of how the industry addressed this issue with the N.C. General Assembly, they needed to be prepared to draw comparisons and contrasts to what other states are doing and the positive and negative affect those state’s liability laws were having on their industry and the health of the fair-going public. This point was made in response to suggestions that “rider responsibility acts” from other states may be used as models for N.C. Britt advised that if that effort was made then the proponents needed to guarantee that the model dovetailed with current law and existing programs.

In a similar matter, **Britt** reminded the members that the Commissioner had been approached by members of regional fair industry for assistance in adjustments to “Aiden’s Law” which had increased liability issues for fair owners as it related to animal petting areas. This legislation was a result of children who had become seriously ill at the N.C. State Fair several years prior with the illness being linked to animal-borne bacteria at petting areas of the Fair.

**Britt** clarified that this was a public health issue associated with the state’s agriculture fairs and advised that the industry work with the N.C. Department of Agriculture and the N.C. Department of Health and Human Services, Public Health Division.

In closing, Britt commended **Mr. Powers** and **Chairman Brooks** for taking time to host several members of the General Assembly and legislative staff prior to the opening of the 2006 N.C. State Fair. The member and staff came away with a better understanding of the regulatory efforts of the bureau and the partnership with the.

**Britt** concluded his remarks and departed for another DOL advisory board meeting but returned by the end of the meeting.

#### **Legislative Update – Member Discussion**

**Mr. Toppin** stated that it would help to educate those outside as to what we do to contribute and how the study is run, the processes it will go through, etc. We can discuss the needs and ask questions. We should be talking to the people at many different arenas, such as:

- Legislators
- Department of Agriculture – County fairs, State fair

- Department of Commerce – Permanent Parks
- All that have a part in Rider Responsibility Act

He further stated that the bottom line was that when in court (mediation), lawyers are representing people that violate rules of amusement companies and their rides. They make amusement companies look at fault in every case.

He believes the best approach to help in passing this Act is to talk to legislators. All fair managers should band together to form a union of support for this and have input as to how we want the end product to look.

*Mr. Mains* said that he would like to discuss this legislation at the next Fair Association Meeting in June, 2007.

*Chairman Brooks* stated that we can start working on a draft of what you want and distribute to all with backup of accident information data from the Elevator and Amusement Device Bureau. This can be used to begin the process of legislation.

### **Commissioner Berry**

Having started her day at the Eastern Safety School in Atlantic Beach and before departing for the Robeson County Safety Award Banquet in Lumberton, *Commissioner Berry* visited the meeting to say thanks for all you do and for serving on Advisory Board. She explained that she supports the Board and appreciates the recommendations of its members.

### **Board Membership Issues**

*Mr. Britt* advised that the Commissioner would need to consider recommendations to fill pending vacancies on the board. He pledged to work with Bureau staff to put these recommendations before the Commissioner in a timely manner and to help update the membership roster accordingly.

*Chairman Brooks* asked that any sitting members whose terms may be ending or who would like to make recommendations to the board may submit those to him via e-mail or in writing.

*Chairman Brooks* advised that that an inflatable repair company and a rock wall company had requested a place on the Advisory Board. There is currently no membership category for these type companies. His recommendation was to leave Board representation as it is currently. He feels that all areas are represented that need to be covered right now. They can come to meetings without being a Board Member. They can always come as a guest. Right now he doesn't see how it would help the Board in any way.

### **Star Program**

*Chairman Brooks* reported that the Department has created a NC Safety Amusement Star (flag) for excellence. This will be presented to qualifying companies that go above and beyond in safety for their patrons. This was shown to all attendees.

*Chairman Brooks* explained that this type program promoting voluntary safety compliance has been very successful in other NCDOL agencies. He cited as an example

NCDOL OSH (Occupational Safety and Health) Division has a “Carolina Star” which is presented to qualifying manufacturing facilities. They also have a 64-page document describing the program and the criteria for qualifying for the Star. We do not want anything that detailed. The bureau with the board’s input can develop a similar program criteria in detail, but not as detailed as the OSH program.

**Chairman Brooks** asked for input from the board members to set the criteria for companies to earn this flag to hang at their company business. We want the company to stay safe and maintain that, but also have above average safety rules, regulations, training, records, etc. They should go above and beyond for safety. They should set a bar for excellence. It should not be so easy to obtain because it would lose its meaning. It should also have voluntary value; something to have to work for in order to obtain. Some suggestions were:

1. Training – operators
2. Participation in Rider Safety Program
3. Excellent safety training
4. Track injuries
5. Identify a safety person to go around before fair opens – all county fairs
6. Have some criteria like OABA – Outdoor Amusement

The members were challenged to bring ideas to next meeting in order to start work on this program. Keep the criteria more to a checklist more so than a long document. We feel this will create a good alliance with the people we regulate.

### **Closing**

Chairman Brooks explained that this Board should have a voice in the industry and the industry should have input in all programs. We can come up with good ideas to help industry. Some other ideas for programs were voiced by some members below:

1. Hard Rides: Could have an award for help in safety setup (Trophy)
2. Inflatables: Could have a Safety brochure/list for each client (Inflatables)
3. Permanent Parks: Program should include “who” says you went above and beyond as criteria
4. All members think concept for flag is a good idea

### **Next Meeting**

The members agreed that the next meeting would be held **June 13<sup>th</sup> 1:00 pm, Labor Building, 4 W. Edenton Street, 2<sup>nd</sup> Floor Conference Room**

**Mr. Powers** will send OABA criteria to all members to go by for getting new ideas for bringing to next meeting.

**Chairman Brooks** asked if there was a need to meet more often or were quarterly meetings enough for their needs currently. Meeting 3-4 times per year is fine with members right now.

When **Mr. Britt** finishes the Members List and Terms, he will e-mail everyone a list of Board members with contact information and new terms.

**Future Agenda Items**

*Insurance on inflatables:* The certificate of insurance doesn't always cover all the company's pieces of equipment. How do you know if it does during inspection? Mr. Brooks stated that DOL inspects those with Certificates of Insurance and places our inspection tag on the device.

- end -

Respectfully Submitted:

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Board Secretary

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Date