

AMUSEMENT DEVICE SAFETY ACT

North Carolina General Statutes
Chapter 95, Article 14B

AND

ADMINISTRATIVE RULES

North Carolina Administrative Code
Title 13, Chapter 15

With Revisions Through July 1, 2005



Elevator and Amusement Device Bureau
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Cherie K. Berry
Commissioner of Labor

Introduction

The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman's hoists, dumbwaiters, moving walks, aerial passenger tramways, amusement rides, incline railways and lifting devices for persons with disabilities that operate in public establishments (except federal buildings) and private places of employment. More than 28,000 inspections are conducted annually by the Bureau, which first undertook its periodic safety code inspection program in 1938. It now operates under a set of laws passed by the N.C. General Assembly in 1986 – the Elevator Safety Act of North Carolina (Chapter 95, Article 14A of the N.C. General Statutes) and the Amusement Device Safety Act of North Carolina (Chapter 95, Article 14B of the N.C. General Statutes).

Any company or persons wanting to erect any equipment under the Bureau's jurisdiction, except amusement rides, must submit prints and applications for approval before any installation is begun. Any company or person wanting to operate amusement devices is required to submit a location notice in writing to the bureau's Raleigh office at least ten (10) days prior to the intended date of operation. The Bureau will issue an installation permit, which must be posted on the job site. All new installations, as well as all alterations to existing equipment, are inspected. In addition Bureau personnel conduct regular, periodic inspections of all such operating equipment in the state and inspect amusement rides before they operate at each location. Employers, institutions such as churches, and private individuals who desire technical assistance in selecting and installing safe lifting devices for persons with disabilities may acquire help from the Bureau. The Bureau also offers architects and builders the service of reviewing plans for code compliance on proposed installations of elevators and related equipment.

This publication contains the Amusement Device Safety Act of North Carolina and the Administrative Rules contained in the N.C. Administrative Code which govern these laws. It is intended to be used by owners and operators of equipment and devices covered under these laws, as well as employees of such owners and operators, in order to inform them of their rights and obligations with regard to ensuring the safe operation of such equipment and devices in North Carolina. Our experience shows that most businesses and workers want to comply with the labor laws of the State, and will generally do so when they know what the laws provide. We hope the use of this publication will help build the spirit of cooperation and fairness which currently characterizes most workplaces in North Carolina. That gives our State a more effective and productive workforce with which to maintain our competitive national economic position.

We encourage and solicit public comments concerning these laws and regulations. Please direct your comments and questions to the Elevator and Amusement Device Bureau, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

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Commissioner of Labor

July 2005

Table of Contents

	Page
Amusement Device Safety Act	1
§ 95-111.1 Short Title and Legislative Purpose	1
§ 95-111.2 Scope	1
§ 95-111.3 Definitions	1
§ 95-111.4 Powers and Duties of Commissioner	2
§ 95-111.5 Pre-Opening Inspection and Test; Records; Revocation of Certificate of Operation.....	4
§ 95-111.6 Noncomplying Devices; Appeal	4
§ 95-111.7 Operation Without Certificate; Operation Not in Accordance with Article or Rules and Regulations; Operation After Refusal to Issue or After Revocation of Certificate.....	4
§ 95-111.8 Location Notice	5
§ 95-111.9 Operation of Unsafe Device	5
§ 95-111.10 Reports Required.....	5
§ 95-111.11 Operators	6
§ 95-111.12 Liability Insurance.....	6
§ 95-111.13 Violations; Civil Penalties; Appeal.....	6
§ 95-111.14 Denial of Permission to Enter Amusement Device	7
§ 95-111.15 Legal Representation.....	8
§ 95-111.16 Authorization for Similar Safety and Health Federal-State Programs.....	8
§ 95-111.17 Confidentiality of Trade Secrets	8
§ 95-111.18 Construction of Article and Rules and Regulations and Severability.....	8
Administrative Rules	9
Section .0100 General Provisions	9
.0101 Elevator and Amusement Device Division.....	9
.0102 Applicability.....	9
.0103 Definitions.....	9
.0104 Notification of Decision by Owner or Operator	10
.0105 Notation of Suspension or Revocation (Repealed).....	10
.0106 Occurrence Reporting for Tramways.....	10
.0107 Exceptions and Special Devices	11
Section .0200 Codes and Standards	11
.0201 New Installations of Elevators, Escalators, Dumbwaiters and Moving Walks.....	11
.0202 Existing Installations of Elevators, Escalators, Dumbwaiters and Moving Walks, Alterations, Repairs and Exceptions ...	13
.0203 Safety Standard for Manlifts	15
.0204 Personnel Hoists Code	15
.0205 Tramway Requirements	16

.0206	National Electrical Code	16
.0207	Safety Standards for Stairway Chairlifts, and Inclined and Vertical Wheelchair Lifts	16
Section .0400	Amusement Devices.....	17
.0401	Applicability.....	17
.0402	Responsibility for Compliance.....	17
.0403	Load Tests	18
.0404	Location Notices	18
.0405	Inspections.....	19
.0406	Unsafe Devices.....	19
.0407	Identification and Rating Plates	19
.0408	Rebuilt and Modified Devices	19
.0409	Assembly and Disassembly	19
.0410	Daily Inspection and Test	20
.0411	Control of Operation	20
.0412	Overloading and Overspeeding.....	21
.0413	Wind and Storm Hazards	21
.0414	Lighting	21
.0415	Design and Construction Requirements.....	21
.0416	Number of Exits	22
.0417	Access and Egress	22
.0418	Emergency Brakes and Anti-Rollback Devices.....	22
.0419	Signal Systems	23
.0420	Public Protection	23
.0421	Guarding of Machinery	23
.0422	Speed-Limiting Devices Required	23
.0423	Passenger-Carrying Devices	23
.0424	Electrical Safety Requirements	24
.0425	Air Compressors and Equipment	25
.0426	Fire Prevention and Protection.....	25
.0427	Cleanliness	26
.0428	Substitute Devices and Parts	26
.0429	Go Karts	26
.0430	Regulation of Inflatable or Air-Supported Amusement Devices	30
.0431	Definitions.....	30
.0432	Ride Design.....	31
.0433	Anchorage or Tie-Down	31
.0434	Operation of Inflatable or Air-Supported Amusement Devices	32
.0435	Blowers	32
.0436	Wind Speed	32
.0437	Signs.....	33

.0438	Operating Manual and Documentation	33
Section .0500	Civil Money Penalties	33
.0501	Civil Penalties (Repealed).....	33
.0502	Exceptions to Civil Penalty	34
.0503	Refusal to Issue Certificate of Operation.....	34
Section .0600	Forms (Repealed)	34
Section .0700	Fees	35
.0701	Elevator, Escalator, Dumbwaiter, and Special Equipment Installation and Alteration Fees Schedule.....	35
.0702	Elevator, Escalator, Dumbwaiter, and Special Equipment Annual Inspection Fees Schedule	35
.0703	Amusement Device Inspection Fee Schedule.....	35
.0704	Amusement Device Inspection Fee Schedule.....	36

NORTH CAROLINA DEPARTMENT OF LABOR
AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA

(Revised as of July 1, 2005)

§ 95-111.1. Short title and legislative purpose.

(a) This Article shall be known as the "Amusement Device Safety Act of North Carolina".

(b) The General Assembly finds that although most amusement devices are free from defect and operated in a safe manner, those which are not impose a substantial probability of serious and preventable injury to the public. Protection of the public from exposure to such unsafe conditions and the prevention of injuries is in the best interest and welfare of the people of the State.

(c) It is the intent of this Article that amusement devices shall be designed, constructed, assembled or disassembled, maintained, and operated so as to prevent injuries. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.2. Scope.

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

(b) This Article shall not apply to any device which does not normally require the supervision or services of an operator. (1985 (Reg. Sess., 1986), c. 990, s. 2; 1991, c. 178, s. 1; 2003-170, s. 1.)

§ 95-111.3. Definitions.

(a) The term "amusement device" shall mean any mechanical or structural device or attraction that carries or conveys or permits persons to walk along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of giving such persons amusement, pleasure, thrills or excitement. The term shall include but not be limited to roller coasters, Ferris wheels, merry-go-rounds, glasshouses, waterslides, and walk-through dark houses. This term shall not include the following:

- (1) Devices operated on a river, lake, or any other natural body of water;
- (2) Wavepools;
- (3) Roller skating rinks;
- (4) Ice skating rinks;
- (5) Skateboard ramps or courses;
- (6) Mechanical bulls;
- (7) Buildings or concourses used in laser games;
- (8) All terrain vehicles;
- (9) Motorcycles;
- (10) Bicycles; and
- (11) Mopeds.

(b) The term "amusement park" shall mean any tract or area used principally as a permanent location for amusement devices.

(b1) The term "carnival area" shall mean any area, tract, or structure that is rented, leased, or owned as a temporary location for amusement devices.

(c) The term "Commissioner" shall mean the North Carolina Commissioner of Labor or his authorized representative.

(d) The term "Director" shall mean the Director of the Elevator and Amusement Device Division of the North Carolina Department of Labor.

(e) The term "operator" shall mean any person having direct control of the operation of an amusement device. The term "operator" shall not include any person on the device for the purpose of receiving amusement, pleasure, thrills, or excitement.

(f) The term "owner" shall mean any person or authorized agent of such person who owns an amusement device or in the event such device is leased, the lessee. The term "owner" also shall include the State of North Carolina or any political subdivision thereof or any unit of local government.

(g) The term "person" shall mean any individual, association, partnership, firm, corporation, private organization, or the State of North Carolina or any political subdivision thereof or any unit of local government.

(h) The term "waterslide" shall mean a stationary amusement device that provides a descending ride on a flowing water film through a trough or tube or on an inclined plane into a pool of water. This term does not include devices where the vertical distance between the highest and the lowest points does not exceed 15 feet. (1985 (Reg. Sess., 1986), c. 990, s. 2; 1987, c. 864, s. 90(a); 1991, c. 178, s. 2.)

§ 95-111.4. Powers and duties of Commissioner.

The Commissioner of Labor is hereby empowered:

- (1) To delegate to the Director of the Elevator and Amusement Device Division such powers, duties and responsibilities as the Commissioner determines will best serve the public interest in the safe operation of amusement devices;
- (2) To supervise the Director of the Elevator and Amusement Device Division;
- (3) To adopt, modify, or revoke such rules and regulations as are necessary for the purpose of carrying out the provisions of this Article including, but not limited to, those governing the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration and relocation of devices subject to the provisions of this Article. The rules and regulations promulgated pursuant to this rulemaking authority shall conform with good engineering and safety standards, formulas and practices;
- (4) To enforce rules and regulations adopted under authority of this Article;
- (5) To inspect and have tested for acceptance all new and relocated devices subject to the provisions of this Article. Relocated amusement devices shall be inspected upon reassembly at each new location within this State; provided that the Commissioner may provide for less frequent inspections when he determines that the device is of such a type and its use is of such a nature that inspection less often than upon each reassembly would not expose the public to an unsafe condition likely to result in serious personal injury or property damage;
- (6) To inspect amusement devices which have been substantially rebuilt or substantially modified so as to change the original action, structure or capacity of the device;

- (7) To make maintenance and periodic inspections and tests of all devices subject to the provisions of this Article. Devices located in amusement parks shall be inspected at least once annually;
- (8) To issue certificates of operation which certify for use such devices as are found to be in compliance with this Article and the rules and regulations promulgated thereunder;
- (9) To have reasonable access, with or without notice, to the devices subject to the provisions of this Article during reasonable hours, for purposes of inspection or testing;
- (10) To obtain an Administrative Search and Inspection Warrant in accordance with the provisions of Article 4A of Chapter 15 of the General Statutes;
- (11) To investigate accidents involving devices subject to the provisions of this Article to determine the cause of such accident, and he shall have full subpoena powers in conducting such investigation;
- (12) To institute proceedings in the civil courts of this State, when a provision of this Article or the rules and regulations promulgated thereunder has been violated;
- (13) To adopt, modify or revoke rules and regulations governing the qualifications of inspectors;
- (14) To grant exceptions from the requirements of the rules and regulations promulgated under authority of this Article and to permit the use of other devices when such exceptions and uses will not expose the public to an unsafe condition likely to result in serious personal injury or property damage;
- (15) To require that before any device subject to the provisions of this Article is erected in this State, or before any additions or alterations which substantially change such device are made, or before the physical spacing between such devices is changed, the owner or his authorized agent shall file with the Commissioner a written notice of his intention to do so and the type of device involved. Should circumstances necessitate, the Commissioner may require that such owner or his authorized agent furnish a copy of the plans, diagrams, specifications or stress analyses of such device before the inspection of same. When such plans, diagrams, specifications or stress analyses are requested by the Commissioner, he shall review them within 10 days of receipt, and upon approval, he shall authorize the device for use by the public;
- (16) To prohibit the use of any device subject to the provisions of this Article which is found upon inspection to expose the public to an unsafe condition likely to cause personal injury or property damage. Such device shall be made operational only upon the Commissioner's determination that such device has been made safe;
- (17) To order the payment of all civil penalties provided by this Article. The clear proceeds of funds collected pursuant to a civil penalty order shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2; and
- (18) To coordinate enforcement and inspection activity relative to equipment, devices and operations covered by this Article in order to minimize

duplication of liability or regulatory responsibility on the part of the employer or owner.

- (19) To establish fees not to exceed two hundred fifty dollars (\$250.00) for the inspection and issuance of certificates of operation for devices subject to this Article that are in use. (1985 (Reg. Sess., 1986), c. 990, s. 2; 1987, c. 635, s. 2; 1998-215, s. 110; 2001-427, s. 11(f).)

§ 95-111.5. Pre-opening inspection and test; records; revocation of certificate of operation.

(a) An owner of a device subject to the provisions of this Article, or his authorized agent, is hereby required to make a pre-opening inspection and test of such device, prior to admitting the public, each day such device is intended to be used.

(b) An owner of a device subject to the provisions of this Article, or his authorized agent, is hereby required to maintain for at least the previous 12 months a signed record of the required pre-opening inspection and test and such other pertinent information as the Commissioner may require by rule or regulation.

(c) The Commissioner is hereby empowered to revoke the certificate of operation for any device regulated by this Article upon failure by the owner or his authorized agent to make the required pre-opening inspection and test or to maintain the required record. (1985 (Reg. Sess., 1986), c. 990, s. 2; 2003-170, s. 2.)

§ 95-111.6. Noncomplying devices; appeal.

(a) Whenever the Commissioner determines that a device is subject to the provisions of this Article and the operation of such device is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, he immediately may order in writing that the use of the device be stopped or limited until such time as he determines that the device has been made safe for use by the public.

(b) Whenever the Commissioner determines that the provisions of this Article or the rules and regulations promulgated thereunder have not been complied with, he may refuse to issue or renew or may revoke, suspend or amend a certificate of operation.

(c) Whenever action is taken under this section, the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Chapter 150B of the General Statutes, the Administrative Procedure Act. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.7. Operation without certificate; operation not in accordance with Article or rules and regulations; operation after refusal to issue or after revocation of certificate.

(a) No person shall operate or permit to be operated or use any device subject to the provisions of this Article without a valid certificate of operation.

(b) No person shall operate or permit to be operated or use any device subject to the provisions of this Article otherwise than in accordance with this Article and the rules and regulations promulgated thereunder.

(c) No person shall operate or permit to be operated or use any device subject to the provisions of this Article after the Commissioner has refused to issue or has revoked the certificate of operation for such device. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.8. Location notice.

No person shall operate for the public or permit the operation for the public any device subject to the provisions of this Article after initial assembly or after reassembly at any location within this State without first notifying the Commissioner of the intention to operate for the public. Written notice of a planned schedule of operation or use shall be received at least 10 days prior to the first planned date of operation or use. (1985 (Reg. Sess., 1986), c. 990, s. 2; 2003-170, s. 3.)

§ 95-111.9. Operation of unsafe device.

No person shall operate, permit to be operated or use any device subject to the provisions of this Article if such person knows or reasonably should know that such operation or use will expose the public to an unsafe condition which is likely to result in personal injury or property damage. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.10. Reports required.

(a) The owner of any device regulated under the provisions of this Article, or his authorized agent, shall within 24 hours, notify the Commissioner of each and every occurrence involving such device when:

- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
- (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.

(b) The Commissioner, without delay, after notification and determination that an occurrence involving injury or damage as specified in subsection (a) has occurred, shall make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the office of the division and shall give in detail all facts and information available. The owner may submit for inclusion in the file results of investigations independent of the department's investigation.

(c) No person, following an occurrence as specified in subsection (a), shall operate, attempt to operate, use or move or attempt to move such device or part thereof, without the approval of the Commissioner, unless so as to prevent injury to any person or persons.

(d) No person, following an occurrence as specified in subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such device or repair or attempt to repair any damaged part necessary to a complete and thorough investigation. The department must initiate its investigation within 24 hours of being notified. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.11. Operators.

(a) Any operator of a device subject to the provisions of this Article shall be at least 18 years of age. An operator shall operate no more than one device at any given time. An operator shall be in attendance at all times the device is in operation.

(b) No person shall operate any amusement device equipment while under the influence of alcohol or any other impairing substance as defined by G.S. 20-4.01(14a). It shall be a violation of this subsection to knowingly permit the operation of any amusement device while the operator is under the influence of an impairing substance. (1985 (Reg. Sess., 1986), c. 990, s. 2; 2003-170, s. 4.)

§ 95-111.12. Liability insurance.

(a) No owner shall operate a device subject to the provisions of this Article, unless at the time, there is in existence a contract of insurance providing coverage of not less than one million dollars (\$1,000,000) per occurrence against liability for injury to persons or property arising out of the operation or use of such device or there is in existence a contract of insurance providing coverage of not less than five hundred thousand dollars (\$500,000) per occurrence against liability for injury to persons or property arising out of the operation or use of the amusement devices if the annual gross volume of the devices does not exceed two hundred seventy-five thousand dollars (\$275,000); provided waterslides shall not be required to be insured as herein provided for an amount in excess of one hundred thousand dollars (\$100,000) per occurrence. The insurance contract to be provided must be by any insurer or surety that is acceptable to the North Carolina Insurance Commissioner and authorized to transact business in this State; provided, however, that insurance for waterslides may be purchased under Article 21 of Chapter 58 of the General Statutes or under G.S. 58-28-5(b).

(b) No certificate of operation shall be issued by the Commissioner until such time as the owner or his authorized agent provides proof of the required contract of insurance.

(c) The Commissioner shall have the right to request from the owner of a device regulated by this Article, or his authorized agent, proof of the required contract of insurance, and upon failure of the owner or his authorized agent to provide such proof, the Commissioner shall have the right to prevent the commencement of or to stop the operation of the device until such time as proof is provided.

(d) Operators of waterslides, as defined in G.S. 95-111.3(h), shall notify the Commissioner of all incidences of personal injury involving the waterslides, as required by G.S. 95-111.10(a). (1985 (Reg. Sess., 1986), c. 990, s. 2; 1987, c. 635, s. 1; c. 864, ss. 90(b), 91(a); 1989, c. 232; 1989 (Reg. Sess., 1990), c. 914; 1995, c. 517, s. 34.)

§ 95-111.13. Violations; civil penalties; appeal; criminal penalties.

(a) Any person who violates G.S. 95-111.7(a) or (b) (Operation without certificate; operation not in accordance with Article or rules and regulations) shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.00) for each day each device is so operated or used.

(b) Any person who violates G.S. 95-111.7(c) (Operation after refusal to issue or after revocation of certificate) or G.S. 95-111.10(c) (Reports required) or G.S. 95-111.12 (Liability insurance) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) for each day each device is so operated or used.

(c) Any person who violates G.S. 95-111.8 (Location notice) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) for each day any device is operated or used without the location notice having been provided.

(d) Any person who violates the provisions of G.S. 95-111.10(d) (Reports required) or knowingly permits the operation of an amusement device in violation of G.S. 95-111.11(a) (Operator requirements) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00).

(e) Any person who violates G.S. 95-111.9 (Operation of unsafe device) or G.S. 95-111.11(b) (Operation of an amusement device while impaired) shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000).

(f) In determining the amount of any penalty ordered under authority of this section, the Commissioner shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person being charged, the gravity of the violation, the good faith of the person and the record of previous violations.

(g) The determination of the amount of the penalty by the Commissioner shall be final, unless within 15 days after receipt of notice thereof by certified mail or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, the person charged with the violation takes exception to the determination, in which event final determination of the penalty shall be made in an administrative proceeding and in a judicial proceeding pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.

(h) The Commissioner may file in the office of the clerk of the superior court of the county wherein the person, against whom a civil penalty has been ordered, resides, or if a corporation is involved, in the county wherein the corporation maintains its principal place of business, or in the county wherein the violation occurred, a certified copy of a final order of the Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal. Whereupon, the clerk of said court shall enter judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in a suit duly heard and determined by the superior court of the General Court of Justice.

(i) Any person who willfully violates any provision of this Article, and the violation causes the death of any person, shall be guilty of a Class 2 misdemeanor, which may include a fine of not more than ten thousand dollars (\$10,000); except that if the conviction is for a violation committed after a first conviction of such person, the person shall be guilty of a Class 1 misdemeanor, which may include a fine of not more than twenty thousand dollars (\$20,000). This subsection shall not prevent any prosecuting officer of the State of North Carolina from proceeding against such person on a prosecution charging any degree of willful or culpable homicide. (1985 (Reg. Sess., 1986), c. 990, s. 2; 2003-170, s. 5; 2003-308, s. 4.)

§ 95-111.14. Denial of permission to enter amusement device.

The owner or amusement device operator may deny any person entrance to an amusement device if he or she believes such entry may jeopardize the safety of the person desiring entry, riders or other persons. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.15. Legal representation.

It shall be the duty of the Attorney General of North Carolina, when requested, to represent the Department of Labor in actions or proceedings in connection with this Article or the rules and regulations promulgated thereunder. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.16. Authorization for similar safety and health federal-State programs.

Consistent with the requirements and conditions provided in this Article and the rules and regulations promulgated thereunder, the State, upon recommendation of the Commissioner of Labor, may enter into agreements or arrangements with appropriate federal agencies for the purpose of administering the enforcement of federal statutes and rules and regulations governing devices subject to the provisions of this Article. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.17. Confidentiality of trade secrets.

All information reported to or otherwise obtained by the Commissioner or his agents or representatives in connection with any inspection or proceeding under this Article or the rules and regulations promulgated thereunder which contains or might reveal a trade secret shall be considered confidential, except as to carrying out this Article and the rules and regulations promulgated thereunder or when it is relevant in any proceeding under the same. In any such proceeding the Commissioner or the Court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

§ 95-111.18. Construction of Article and rules and regulations and severability.

This Article and the rules and regulations promulgated thereunder shall receive a liberal construction to the end that the welfare of the people may be protected. If any provisions of either or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect those provisions or applications which can be given effect without the invalid provision or application, and to that end the provisions of this Article are severable. (1985 (Reg. Sess., 1986), c. 990, s. 2.)

NORTH CAROLINA DEPARTMENT OF LABOR

AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA

ADMINISTRATIVE RULES

(Revised as of July 1, 2005)

N.C. ADMINISTRATIVE CODE

TITLE 13, CHAPTER 15

SECTION .0100 – GENERAL PROVISIONS

13 NCAC 15 .0101 ELEVATOR AND AMUSEMENT DEVICE DIVISION

The main office of the Elevator and Amusement Device Division, which administers the provisions of Article 14, Article 14A, Article 14B and Article 15 of Chapter 95 of the North Carolina General Statutes, is located in the Raleigh office of the North Carolina Department of Labor. The mailing address and telephone number are:

Elevator and Amusement Device Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101
(919) 807-2770

*History Note: Authority G.S. 95-110.4; 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004.*

13 NCAC 15 .0102 APPLICABILITY

The requirements of this Chapter shall be applicable to the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, and relocation of, and investigation of accidents involving devices and equipment subject to Articles 14, 14A, 14B and 15 of Chapter 95 of the North Carolina General Statutes as hereinafter specified.

*History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987.*

13 NCAC 15 .0103 DEFINITIONS

- (a) The definitions found in G.S. 95-110.3, 95-111.3 and 95-117 are applicable throughout this Chapter unless a different meaning is plainly required by the context.
- (b) The following definitions also apply throughout this Chapter.
 - (1) The term "alteration" means any change made to an existing device or piece of equipment other than the repair or replacement of damaged, worn or other parts necessary for operation.

- (2) The term "division" means the Elevator and Amusement Device Division of the North Carolina Department of Labor.
- (3) The term "existing installation" means any device or equipment, the application for the installation of which was filed with the department or the installation of which was completed before the effective date of the rules and regulations which are currently in effect.
- (4) The term "new installation" means any device or equipment, the application for the installation or relocation of which is filed with the department on or after the effective date of these rules and regulations.

History Note: Authority G.S. 95-110.3; 95-110.5; 95-111.3; 95-111.4; 95-117; 95-120; Eff. August 1, 1987; Amended Eff. December 1, 2004.

13 NCAC 15 .0104 NOTIFICATION OF DECISION BY OWNER OR OPERATOR

(a) Whenever the owner or operator of any device or equipment has received an order from the Commissioner that the use of the device or equipment should be stopped or limited pursuant to G.S. 95-110.6, 95-111.6, or 95-123, he shall notify the Director in writing within 15 days of receipt of such order:

- (1) certifying that the device or equipment has been repaired or altered in compliance with the Commissioner's specifications;
- (2) indicating his intention to comply with the standards of safety for such devices or equipment with the understanding that:
 - (A) the use of the device or equipment will be limited as specified by the Commissioner's order;
 - (B) the certificate of operation is suspended until the device or equipment has been repaired or altered in compliance with the Commissioner's specifications; or
 - (C) the certificate of operation has been permanently revoked; or
- (3) requesting a hearing pursuant to Chapter 150B of the General Statutes.

(b) Where the owner or operator fails to notify the Director within 15 days of receipt of the order or refuses to discontinue or limit operation of the device or equipment, the Director may obtain injunctive relief on behalf of the Commissioner.

History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-123; Eff. August 1, 1987.

13 NCAC 15 .0105 NOTATION OF SUSPENSION OR REVOCATION

History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-124; Eff. August 1, 1987; Repealed Eff. April 1, 2001.

13 NCAC 15 .0106 OCCURRENCE REPORTING FOR TRAMWAYS

(a) The owner of any aerial passenger tramway shall within 24 hours notify the Director of each and every occurrence involving such device or equipment when:

- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one-time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
 - (2) The occurrence results in a damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.
- (b) The Director, without delay, after notification and determination that an occurrence involving injury or damage as specified in Subsection (a) has occurred, shall make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the office of the Division and shall give in detail all facts and information available. The owner may submit for inclusion in the file results of investigations independent of the department's investigation.
- (c) No person, following an occurrence as specified in Subsection (a), shall operate, attempt to operate, use or move or attempt to move such device or equipment, or part thereof, without the approval of the Director, unless so as to prevent injury to any person or persons.
- (d) No person, following an occurrence as specified in Subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such device or equipment or repair or attempt to repair any damaged part necessary to a complete and thorough investigation. The department must initiate its investigation within 24 hours of being notified.

*History Note: Authority G.S. 95-120; 95-122;
Eff. August 1, 1987.*

13 NCAC 15 .0107 EXCEPTIONS AND SPECIAL DEVICES

The Director may at his discretion grant exceptions from the requirements of this Chapter or permit the use of other devices. Requests for exceptions or use of special devices shall contain specific information detailing how the exception or use of a special device will provide equivalent safety as the original design or device. Exceptions or the use of special devices shall be considered only when made by written request. All requests for exceptions or use of special devices shall be given due consideration by the Director and a decision rendered within ten days of receipt of such request whenever possible. Where the investigation of such requests makes it impossible to render a decision within the time specified, the person making the request shall be notified of the delay within ten days.

*History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987.*

SECTION .0200 – CODES AND STANDARDS

13 NCAC 15 .0201 NEW INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS

(a) The design, construction, installation, inspection, and operation of all new installations of elevators, dumbwaiters, escalators, and moving walks, shall conform to the rules in this Section

and the A17.1 - American National Standard Safety Code for Elevators and Escalators, which is incorporated by reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of the Code.

(b) The provisions of the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be subject to the following modifications:

- (1) Rule 2.1.2.1 – Observation Elevators Not Fully Enclosed. Change the rule to read as follows: For observation elevators which are not fully enclosed, protection at landings shall be provided as follows:
 - (A) An enclosure shall be provided which shall extend a minimum of ten (10) feet above the floor.
 - (B) The enclosure shall be constructed of unperforated material.
 - (C) Enclosures shall be located in the general line of the hoistway. Horizontal clearance shall be the same as stated in Section 2.5.
- (2) Rule 3.18.3.4 – Safety Bulkhead. Change the rule to read as follows:
 - (A) For new installations only, cylinders buried in the ground shall be provided with a safety bulkhead having an orifice of a size that would permit the car to descend at a speed not greater than 0.075 m/s (14 ft/min), nor less than 0.025 m/s (5 ft/min). A space of not less than 25 mm (1 in.) shall be left between the welds of the safety bulkhead and the other cylinder head. Safety bulkheads shall conform to 3.18.3.6.
 - (B) For existing installations only, cylinders buried in the ground do not have to be provided with a safety bulkhead of the type referred to in Part (A) of this Paragraph, provided that the following conditions are met:
 - (i) The relief valve setting and system pressure test prescribed by 8.11.3.2.1, and the cylinder test prescribed by 8.11.3.2.2, are each performed two times per year; and
 - (ii) After each of the tests referred to Subpart (i) of this Part, have been performed successfully, the test tag prescribed by 8.11.1.6 shall be installed in the machine room.
 - (C) A safety bulkhead shall not be required where a double cylinder is used and where both inner and outer cylinders conform to 3.18.3.

(c) The rules of this Chapter shall control when any conflict between these Rules and the A17.1 - American National Standard Safety Code for Elevators and Escalators exists.

(d) Copies of the A17.1 - American National Standard Safety Code for Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one-hundred ninety-five dollars (\$195.00) per copy.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;

Amended Eff. May 1, 1992;

Temporary Amendment Eff. January 1, 2000;

Amended Eff. December 1, 2004; July 1, 2003; April 1, 2001.

13 NCAC 15 .0202 EXISTING INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS, ALTERATIONS, REPAIRS AND EXCEPTIONS

(a) Existing Installations. Existing installations of elevators, escalators, dumbwaiters, and moving walks shall be maintained under the departmental standards (if any) in effect at the time of their installation. Existing installations shall also meet the following standards, whether or not there were departmental standards in effect at the time of their installation:

- (1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically.
- (2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. The safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank). All safeties shall be designed and installed in accordance with Section 2.17 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.
- (3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type. Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used.
- (4) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one hour.
- (5) Hoistway enclosure doors or gates shall be equipped with electric interlocks.
- (6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not exceed one inch.
- (7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one point.
- (8) An emergency exit with a cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only.
- (9) A door or gate shall be provided at each entrance to the car.
- (10) Doors shall be of the horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six feet above the car floor.
- (11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate.

- (12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two inches.

The completion of any of the items in Subparagraphs (a)(1) through (12) of this Rule that increases the gross load of the elevator shall not reduce the safety factor of the driving machine below that required by Rule 2.24.3 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

(b) Exceptions. Existing elevators in warehouses of not more than two floors that are not accessible to the general public are exempt from Subparagraphs (a)(4) through (12) of this Rule providing that all of the following conditions are met:

- (1) The warehouse shall be used solely for the purpose of storing materials and products.
- (2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel.
- (3) All capabilities of operating the elevator from the car or platform shall be removed.
- (4) Riders shall not be permitted to ride the car or platform.
- (5) A sign stating "Absolutely No Riders Permitted" in letters no less than one inch high on a contrasting background shall be posted at each entrance to the elevator.

(c) If an existing installation meets the requirements of Paragraph (a) of this Rule, it shall be issued a regular certificate of operation pursuant to Rule .0306 of this Chapter. If an existing installation is maintained under the departmental standards (if any) in effect at the time of its installation and is not exposing the public to an unsafe condition likely to result in serious personal injury or property damage, but does not meet the twelve standards specifically set out in Paragraph (a) of this Rule, it shall be issued a certificate of operation containing the following statement:

"Warning: This elevator has been inspected and found to be in a reasonably safe condition; however, it is not equipped with some of the safety features now required by the Department of Labor."

If the existing installation is not in compliance with the requirements of Paragraph (a) of this Rule, the following sign in letters no less than one inch high on a contrasting background shall be posted within and at each entrance to the elevator:

"Riders prohibited -- only a trained operator may ride this elevator."

(d) Units of existing installations which are out-of-service and not continuously maintained for a period exceeding one year shall be properly landed by complying with the following:

- (1) Land both car and counterweight (if any) at the bottom of the hoistway. Elevators of the roped type shall have their hoist ropes disconnected at both ends.
- (2) All electric power shall be removed by disconnecting and removing the power feeders.
- (3) All hoistway entrances shall be permanently secured to prevent accidental or inadvertent entry into the hoistway.

Any elevator, dumbwaiter, escalator or moving walk that has been properly landed or otherwise removed from service for a period exceeding one year shall comply with the requirements of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators in effect at the time they are returned to service, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code. Copies of the A17.3 -

American National Standard Safety Code for Existing Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.

(e) Alterations, repairs, replacement, maintenance, inspections and operation of existing installations of elevators, escalators, dumbwaiters or moving walks shall conform to the requirements of Sections 8.6 and 8.7 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. January 1, 2005; May 1, 1992.*

13 NCAC 15 .0203 SAFETY STANDARD FOR MANLIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all manlifts shall conform to the rules in this Section and the A90.1 - American National Standard Safety Standard for Manlifts, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A90.1 - American National Standard Safety Standard for Manlifts exists.

(c) Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost if fifty dollars (\$50.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.*

13 NCAC 15 .0204 PERSONNEL HOISTS CODE

(a) The design, construction, installation, alteration, repair, replacement, inspection and operation of all personnel hoists shall conform to the rules in this Section and the A10.4 - American National Standard Safety Requirements for Personnel Hoists, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A10.4 - American National Standard Safety Requirements for Personnel Hoists exists.

(c) Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 11 West 42nd Street, New York, New York 10036, via telephone at (212) 642-4980, or via the internet at www.ansi.org. The cost is fifty-three dollars (\$53.00) per copy.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0205 TRAMWAY REQUIREMENTS

- (a) The construction, operation and maintenance of all passenger tramways shall conform to the rules in this Section and the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.
- (b) The rules of this Chapter shall control when any conflict between these Rules and the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways exists.
- (c) Copies of the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 11 West 42nd Street, New York, New York 10036, via telephone at (212) 642-4980, or via the internet at www.ansi.org. The cost is ninety-four dollars (\$94.00) per copy.

History Note: Authority G.S. 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0206 NATIONAL ELECTRICAL CODE

- (a) All devices and equipment subject to this Chapter shall be designed, constructed, installed, maintained and operated in accordance with the rules in this Section and the requirements of the NFPA 70 - National Electrical Code, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.
- (b) The rules of this Chapter shall control when any conflict between these rules and the NFPA 70 -National Electrical Code exists.
- (c) Copies of the NFPA 70 - National Electrical Code are available for inspection in the offices of the Division and may be obtained from the North Carolina State Board of Examiners of Electrical Contractors, via U.S. Mail at P. O. Box 18727, Raleigh, North Carolina 27619-8727, via telephone at (919) 733-4092, or via the internet at www.ncbeec.org. The cost is fifty-nine dollars (\$59.00) per copy.

History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0207 SAFETY STANDARDS FOR STAIRWAY CHAIRLIFTS, AND INCLINED AND VERTICAL WHEELCHAIR LIFTS

- (a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all installations of inclined stairway chairlifts, and inclined and vertical wheelchair lifts shall conform to the rules in this Section and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts exists.

(c) Copies of the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. December 1, 2004.*

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SECTION .0400 - AMUSEMENT DEVICES

13 NCAC 15 .0401 APPLICABILITY

The Section is applicable to all amusement devices within the scope of Article 14B of Chapter 95 of the General Statutes.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0402 RESPONSIBILITY FOR COMPLIANCE

(a) Every owner or operator of an amusement device shall comply with all provisions of the rules of this Section, and every employer and employee shall comply with all provisions which concern or affect his conduct.

(b) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F1159 – Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(c) Copies of the ASTM F1159 – Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures may be obtained from the American Society of Testing and Materials (ASTM), via U.S. Mail at 100 Barr Harbor Drive West, Conshohocken, Pennsylvania 19428-2959, via telephone at (610) 832-9585, or via the internet at www.astm.org. The cost is twenty-seven dollars (\$27.00) per copy.

(d) An engineering analysis of each ride or device shall be submitted to the North Carolina Department of Labor, Elevator and Amusement Device Division, before it is operated in North Carolina.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; June 1, 1992.*

13 NCAC 15 .0403 LOAD TESTS

(a) Test Required. Load tests will not be required on a regular basis. The Director may, however, at his discretion require a load test to be made on devices of the following types:

- (1) devices having suspended passenger seats or spaces,
- (2) devices normally operated at speeds or with movements creating severe centrifugal forces,
- (3) devices so elevated that structural failure is likely to cause passengers to be injured by falling, or
- (4) devices on which the Director has ordered such a test upon finding it necessary to assure safety.

(b) Evidence of Test. Unless a load test is made in the presence of a representative of the Director, the Director may accept a certified copy of such test made by a person qualified to perform such tests, showing whether the device withstood the test without failures in any material respect and setting forth such other relevant information as the Director may require. Until such a statement is so filed it shall be presumed that the device has not withstood the test as required.

(c) Nature of Test. Each passenger seat or space shall be weighted with at least 170 pounds dead weight, except that in a device intended only for small children each seat or space shall be weighted with at least 90 pounds as recommended by ASTM F 1159. While so loaded the device shall be so operated at maximum normal speed as to test the full operation or all control devices, speed limiting devices, brakes and other equipment provided for safety.

(d) Effect of Test. If the device fails to withstand a load test it shall be deemed unsafe and shall not be used until and unless it has withstood a subsequent load test without failure in any material respect. If the device has withstood a load test without failure in any material respect it shall be required to be so tested again only if rebuilt or modified or if there are reasonable grounds to believe that a further test is necessary to assure safety and the Director orders such test to be made.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0404 LOCATION NOTICES

No amusement device shall be used at any time or location unless prior notice has been given to the Director pursuant to G.S. 95-111.8. Notice shall include:

- (1) the name and permanent address of the operator,
- (2) the name and identification number of every amusement device,
- (3) the intended date(s) and location(s) of use, and
- (4) the date the inspection is requested.

*History Note: Authority G.S. 95-111.4; 95-111.8;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0405 INSPECTIONS

An inspector shall inspect each amusement device at each location to determine if the device:

- (1) has been soundly constructed and properly erected,
- (2) has been modified to comply with any changes in safety requirements prescribed by the manufacturer,
- (3) has complied with the rules and regulations of this Section, and
- (4) has in existence a policy of insurance as required by G.S. 95-111.12.

*History Note: Authority G.S. 95-111.4; 95-111.12;
Eff. August 1, 1987.*

13 NCAC 15 .0406 UNSAFE DEVICES

If the inspector finds that the amusement device presents an imminent danger, he may attach to such device a notice warning all persons against the use thereof. Such notice shall not be removed until the device is made safe, and then only by a representative of the Director. In the meantime, the device shall not be used.

*History Note: Authority G.S. 95-111.4; 95-111.6; 95-111.9;
Eff. August 1, 1987.*

13 NCAC 15 .0407 IDENTIFICATION AND RATING PLATES

Every amusement device shall be identified by a trade or descriptive name and an identification number, and there shall be firmly attached to the device in a readily visible location a metal plate upon which there is legibly impressed the name and number of the device, its model number if any, and the name and address of its manufacturer. Upon the same or another metal plate so attached there shall be legibly impressed the maximum safe number of passengers, and the maximum safe speed.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0408 REBUILT AND MODIFIED DEVICES

If an amusement device which has withstood a performance test as required in Rule .0403 of this Section is thereafter materially rebuilt or so modified to change its original action:

- (1) The device shall be re-identified by a different name or identification number or both.
- (2) The device shall be subject to all other rules of this Section as if it were a new device not previously used.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0409 ASSEMBLY AND DISASSEMBLY

(a) Competent Supervision. The assembly and disassembly of an amusement device shall be done by or under the immediate supervision of a person experienced and instructed in the proper performance of such work in respect to the device.

(b) Quality of Assembly. Assembly work shall be performed in a proper and workmanlike manner. Parts shall be properly aligned, and shall not be bent, distorted, cut or otherwise injured to force a fit. Parts requiring lubrication shall be lubricated in course of assembly. Fastening and locking devices, such as bolts, cap screws, cotter pins, and lock washers, shall be installed where required for dependable operation. Nuts shall be drawn tight, cotter pins shall be spread and lock nuts firmly set. All brakes shall be adjusted for proper operation.

(c) Welding. Welding of parts upon which safe operation depends shall be done by welders qualified in accordance with the requirements of the American Welding Society.

(d) Quality and Inspection of Parts. Parts which are excessively worn or which have been materially damaged shall not be used. Close visual inspection of parts shall be made during assembly to discover such wear or damage and immediate inspection of fastening devices shall be made after assembly to assure that they have been properly installed.

(e) Tools and Equipment. Persons engaged in the assembly or disassembly of amusement devices shall be provided with and shall use tools of proper size and design to enable the work to be done safely. Broken, damaged and unsuitable tools shall not be used. Electrically operated tools shall be grounded during use. Ladders, scaffolds, and safety belts used in assembly or disassembly work shall be of such design, material and construction as to provide reasonable and adequate protection to the persons using them. Fiber rope used in assembly or disassembly work shall be standard quality manila or equivalent in strength. Tackle blocks shall be of a size to fit the rope. All load-carrying equipment shall be designed and constructed throughout to support the intended load.

(f) Lighting. Assembly and disassembly of amusement devices shall be done under light conditions sufficient to permit the work to be properly performed and inspected.

(g) Persons in Work Area. A sufficient number of persons to do the work properly shall be engaged for the assembly or disassembly of amusement devices. Persons not so engaged in this work and who may create a hazard shall be prevented from entering the work area.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0410 DAILY INSPECTION AND TEST

An amusement device shall be inspected and tested each day when it is intended to be used. The inspection and test shall be made by a person experienced and instructed in the proper assembly and operation of the device and shall be performed before the device is put into normal operation. The inspection and test shall include the operation of control devices, speed-limiting devices, brakes and other equipment provided for safety. A record of each inspection and test shall be made at once upon completion of the test on a form provided by the Director and shall be kept with the device and available to the Director for at least the previous 12 months.

*History Note: Authority G.S. 95-111.4; 95-111.5;
Eff. August 1, 1987;
Amended Eff December 1, 2004.*

13 NCAC 15 .0411 CONTROL OF OPERATION

Every operator shall have knowledge of the use and function of all normal emergency operation controls and of the proper use of the device. An operator shall be in the immediate vicinity of the

operating controls during operation and no other person shall be permitted to handle such controls during normal operation. This provision does not apply to amusement devices designed to be operated or controlled by a passenger.

*History Note: Authority G.S. 95-111.4; 95-111.11;
Eff. August 1, 1987.*

13 NCAC 15 .0412 OVERLOADING AND OVERSPEEDING

An amusement device shall not be overcrowded, or loaded in excess of its carrying capacity; nor shall it be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0413 WIND AND STORM HAZARDS

The manufacturer or designer of amusement rides or devices shall post on the ride, in a prominent place, the maximum design wind speed for safe operation of the ride. An amusement device which is exposed to wind or storms shall not be operated under dangerous weather conditions except to release or discharge occupants.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0414 LIGHTING

- (a) Amusement devices, access thereto and exits therefrom, shall, while in operation or occupied, be provided with illumination by natural or artificial means sufficient to guard against personal injuries under these circumstances.
- (b) Lighting fixtures shall have their lamps guarded to protect against accidental contact and to reduce possible injury from glass if the lamps break. Fluorescent lamps installed on or over moving parts of a ride shall be covered with plastic sleeves.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0415 DESIGN AND CONSTRUCTION REQUIREMENTS

- (a) All structures used in connection with amusement devices shall be so designed and constructed as to carry safely all loads to which such structures may normally be subjected.
- (b) All amusement devices shall be designed, constructed and installed so as to withstand any normal stresses to which they may be subjected.
- (c) Before being used by the public, amusement devices shall be so placed or secured with blocking, cribbing, outriggers, guides or other means as to be stable under all operating conditions.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0416 NUMBER OF EXITS

At least two exits remote from each other shall be provided from each floor, tier, room or balcony in structures which house amusement devices and which are not places of public assembly. No exit shall be less than 20 inches wide.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0417 ACCESS AND EGRESS

(a) General Requirements. Safe and adequate means of access to and egress from amusement devices shall be provided. Such means of access and egress shall have:

- (1) protection from adjacent hazards or from falling by the use of rails, enclosures, barriers or similar means;
- (2) secure treading and supporting surface free from debris, obstruction, projections and slipping, tripping, and other hazards;
- (3) adequate clearance.

(b) Design of Stairways, Landings and Ramps. Stairways, landings and ramps shall be designed, constructed and maintained so as to sustain safely a live load of at least 90 pounds per square foot.

(c) Stairways, Ramps and Platforms. Stairways and ramps shall be at least 20 inches wide. Stair treads shall be at least nine inches deep exclusive of nosing and the height of rise shall not exceed eight inches. Between any two levels the treads shall be of uniform depth and the risers of uniform height. The slope of ramps shall not exceed one in four. The open sides of stairways, ramps and platforms shall be provided with adequate protection against falling except as the safe and normal access to the device may otherwise require.

(d) Measurement of Widths. The width of a stairway shall be taken as the length of the treads between stringers. The width of a doorway shall be taken as the width of the door.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0418 EMERGENCY BRAKES AND ANTI-ROLLBACK DEVICES

If cars or other components of an amusement device may collide in such a way as to cause personal injuries upon failure of normal controls, emergency brakes sufficient to prevent such collisions shall be provided. On rides which make use of inclined tracks, automatic anti-rollback devices shall be installed to prevent backward movement of the passenger carrying units in case of failure of the propelling mechanism.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0419 SIGNAL SYSTEMS

Signal systems for the starting and stopping of amusement devices shall be provided where the operator of the device does not have a clear view of the point at which passengers are loaded or unloaded. Any code of signals adopted shall be printed and kept posted at both operator's and signalman's stations. All persons who may use these signals shall be carefully instructed in their use. Signals for the movement or operation of an amusement device shall not be given until all passengers and other persons who may be endangered are in a position of safety.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0420 PUBLIC PROTECTION

An amusement device shall not be used or operated while any person is so located as to be endangered by it. Areas in which persons may be so endangered shall be fenced, barricaded, or otherwise guarded against public intrusion.

When fences are used to comply with this Rule, the fences:

- (1) shall be at least 42 inches high; and
- (2) shall not have horizontal mullions; and
- (3) shall have mullions located to reject a ball:
 - (a) six inches in diameter if the fences are used for amusement devices manufactured before January 1, 1993; and
 - (b) four inches in diameter if the fences are used for amusement devices manufactured after January 1, 1993.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. April 1, 2001; May 1, 1992.*

13 NCAC 15 .0421 GUARDING OF MACHINERY

Machinery used in or with an amusement device shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0422 SPEED-LIMITING DEVICES REQUIRED

An amusement device powered so as to be capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0423 PASSENGER-CARRYING DEVICES

The interior and exterior parts of all passenger-carrying amusement devices with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or

splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury. Interior parts upon or against which a passenger may be forcibly thrown by the action of the ride shall be adequately padded. Devices which are self-powered and which are operated by a passenger shall have the driving mechanism so guarded and the guards so locked in place as to prevent passengers from gaining access to the mechanism. Such belts, bars, foot rests and other equipment as may be necessary for safe entrance and exit and for support while the device is in operation shall be provided. Such equipment and the fastenings thereof shall be of sufficient strength to retain the passengers. The fastenings shall be of a type which cannot be inadvertently released.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0424 ELECTRICAL SAFETY REQUIREMENTS

(a) General Requirements. All electrical wiring, equipment and apparatus used for amusement devices or for lighting shall comply with the National Electrical Code, NFPA 70 and shall be properly and legally installed, operated and maintained.

- (1) Branch Circuits. The circuit for each ride shall be protected by fuses or a circuit breaker at the junction box or at the generator.
- (2) Disconnecting Means. Each ride shall be provided with a main line disconnect switch or breaker. The disconnect switch or breaker shall be located at the ride. Each branch circuit on a ride shall be further provided with a disconnecting means.
- (3) Conductors. Conductors supplying current to rides shall be of moisture resistant construction and insulated for the maximum voltage supplied to the ride.
- (4) Grounding. Grounding of rides shall be by means of one or more grounding electrodes driven at the generator or other service. The grounding conductor to each junction box shall be of sufficient size to carry the maximum voltage generated by the system. Grounding conductors to each ride shall not be less than No. 8 awg. wire size.

(b) Protection of Employees. No employee shall be suffered or permitted to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless he is protected against shock by de-energizing the circuit, grounding it or guarding it, by effective insulation. If protection is supplied by de-energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.

(c) High Voltage Lines. The outlets of electric power lines carrying more than 120 volts shall be clearly marked to show their voltage.

(d) Transformers. All electrical transformer sub-stations shall be properly enclosed and proper warning signs posted.

(e) Outdoor Apparatus and Wiring. Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.

(f) Elevated Lines. Elevated power lines crossing access or other roads within the grounds of a carnival, fair or amusement park shall be so suspended as to provide minimum vertical clearance of 12 feet from the road surface and minimum horizontal clearance of three feet on each side of the normal passage space of vehicles.

- (g) Grounding. Temporary electric installations shall be properly grounded.
- (h) Exposed Conductors. Bare wires and other uninsulated current-carrying parts shall be guarded against inadvertent contact by means of proper location or by fence or other barrier.
- (i) Overcurrent Protection. Conductors shall be provided with overcurrent protective devices according to load. No such device shall be installed in neutral or grounding conductors.
- (j) Generator Grounding. Where electrical power is supplied for an amusement device or a temporary structure by a privately operated generating system, the generator and all equipment shall be properly grounded if the system incorporates a ground.
- (k) Receptacles and Caps. All receptacles and attachment caps shall be of the ground type.
- (l) Abrasion Protection. Wiring laid on surfaces traversed by vehicular or pedestrian traffic shall be adequately protected against wear and abrasion.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0425 AIR COMPRESSORS AND EQUIPMENT

Air compressors, air compressor tanks and equipment used in connection therewith shall be constructed, equipped and maintained to insure safe operation at all times. They shall be inspected and tested at least once a year by a qualified person and a record of each inspection shall be kept and made available to the inspector. Air compressor tanks and other air receivers used in connection with air compressors shall have the maximum allowable working pressure conspicuously marked thereon.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0426 FIRE PREVENTION AND PROTECTION

- (a) Fire Resistance of Fabrics. Fabrics constituting part of an amusement device shall be fire-resistant to meet the following standard: Two strips or test sections either of the fabric used or of other fabric identical therewith shall be tested. Each strip shall be not less than six inches wide and 12 inches long. Each strip shall be thoroughly dry and shall then be subjected to an open flame applied to the lower edge while the strip is held vertically for 12 seconds. Neither strip shall flame for more than two seconds after the test flame is removed from contact nor shall the average length of char exceed 2-1/2 inches. Such a test is not required by this Section if other evidence of the required degree of fire resistance is accepted by the Commissioner as sufficient.
- (b) Fire Extinguishers. Approved fire extinguishers shall be provided where necessary to secure reasonable and adequate protection from fire hazards.
- (c) Flammable Waste. Flammable waste such as oily rags and other flammable materials shall be placed in a covered metal container which shall be kept in easily accessible locations. Such containers shall not be kept at or near exits.
- (d) Flammable Liquids and Gases. Gasoline and other volatile liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in approved safety cans. They shall not be stored on or near a device while it is in operation.

Smoking and the carrying of lighted cigar, cigarettes or pipes is prohibited in any area where such liquids or gases are stored or are transferred from one container to another.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0427 CLEANLINESS

A suitable number of metal containers for refuse shall be provided in and around all amusement devices. Excessive accumulations of trash or rubbish shall be promptly removed. All parts of amusement devices used by passengers or customers shall be maintained in a clean condition.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0428 SUBSTITUTE DEVICES AND PARTS

Whenever the owner or operator of an amusement device desires to install or use a substitute part or device which is not consistent with the manufacturer's specifications, the owner or operator shall be responsible for proving, to the satisfaction of the Director, that the use of the substitute part or device is as safe as the use of the manufacturer's specified part or device. The cost of all testing shall be borne by the owner or operator.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987.*

13 NCAC 15 .0429 GO KARTS

(a) Go Kart Design. All go karts shall comply with the following standards.

- (1) Numbering of Go Karts. Each shall be provided an identifying number that can be easily seen by the operator. A corresponding number shall be stamped or attached to the frame of the go kart.
- (2) Speed. Go kart speed shall not exceed the maximum speed for which the track is designed. The speed of adult go karts shall be set not to exceed 28 miles per hour unless approved by the Department. Kiddie go karts shall not exceed 10 miles per hour. When a go kart is designed to permit the readjustment of its maximum speed, the means of adjustment shall not be accessible to the driver of the go kart.
- (3) Seats, Seat Belts and Shoulder Straps. All go karts shall meet one of the following requirements:
 - (A) The seat, back rest, and leg area shall be designed to retain the driver/occupants inside the go kart in the event of a rollover or a collision at the front, rear, or side of the go kart; or
 - (B) The go kart shall be equipped with seat belts and shoulder straps mounted in a manner that will restrain the occupant(s) in the vehicle in case of a collision or rollover. Properly mounted safety harnesses as effective as seat belts and shoulder straps may be substituted for seat belts and shoulder straps.

- (4) Occupancy. Go karts shall be occupied by only one person at a time unless the go kart is designed and equipped with a seat and safety belt system that is intended for and is suitable for two persons.
- (5) Guarding of Parts. Rotating, moving, hot engine or muffler parts shall be guarded to prevent contact or entanglement of the occupant's hair, clothing, or other body parts.
- (6) Brakes. Go karts shall have a braking system designed and adjusted to permit them to be brought to a complete stop within 40 feet from maximum speed with their maximum weight on board.
- (7) Brake and Throttle Controls. Go karts shall have brake and throttle controls that are readily recognizable as to their function. The operator shall also instruct each driver on the operation of the brake and throttle controls before each operation. The controls shall return automatically to their non-operational position when released.
- (8) Padding of Exposed Protruding Components. Go karts shall have their steering wheel hub and all other protruding exposed parts within the driving compartment padded to minimize the risk of injury to an occupant in the event of a collision or overturn.
- (9) Roll Bars and Head Rests. All adult go karts must be provided with a roll bar of sufficient height and strength to provide the occupant with protection in the event of a roll over. Seats of all go karts must be provided with a padded head rest. The head rest may substitute as a roll bar if it is of sufficient height and strength.
- (10) Bumpers. Go karts shall be provided with bumpers or energy absorption body parts.
- (11) Wheel Guards. The wheels of every go kart shall be enclosed or guarded in such a manner that the wheels of another go kart cannot interlock with or ride over them.
- (12) Fuel Tanks. Go kart fuel tanks shall be designed and mounted so that the tank cannot be ruptured in the event of a collision or a roll over.
- (13) Noise Level. Go karts shall be provided with muffler systems capable of limiting sound from the engine to 75 dBA when measured at a distance of 50 feet from the outer edge of the go kart track.

(b) Track Design. Plans for proposed construction of go kart tracks in the State of North Carolina shall be submitted to the North Carolina Department of Labor, Elevator and Amusement Device Division, 1101 Mail Service Center, Raleigh, North Carolina 27699, before construction begins. Buildings on the track site must be submitted to the local building inspection agency for approval. The design of the track shall be consistent with go kart manufacturer's recommendations for the speed of the go kart and be approved by the department. The following requirements for track layout, track surface and track materials contained in Paragraphs (c), (d) and (e), of this Rule, shall be complied with before certificates of operation will be issued.

(c) Track Layout. Go kart tracks may be oval shaped or of road course configurations. They may not be constructed in the shape of a figure eight or have any cross connected points. Straight portions of the track shall be flat except that 2 degrees of banking may be provided for drainage. The width of all tracks shall be a minimum of 16 feet wide. Road courses may continue the same width for their entire length. Oval tracks shall have turns at least five feet

wider than the straight portions and the minimum radius of the turns shall be 15 feet. Turns of oval tracks may be banked to a maximum of one inch for each one foot of track width. Any variation from the minimum track width shall be approved in advance, in accordance with 13 NCAC 15 .0107.

(d) Track Surface. A go kart track shall have a hard smooth surface. It shall provide sufficient road grip to be driven throughout the course at maximum speed. It shall be free of obstacles such as holes or bumps, or water or oil.

(e) Track Materials. Materials used in the surfacing of go kart tracks shall be asphalt, concrete, or other solid and binding materials. Proposals to use dirt track surfaces shall be submitted for special consideration and evaluation, in accordance with 13 NCAC 15 .0107.

(f) Track Safety and Guarding.

(1) Barriers. Every go kart track shall provide properly constructed barriers along the entire course on both inside and outside of the track. Barriers shall be so constructed that a go kart colliding with a barrier at maximum speed will come to a safe stop or be guided back to the track. Earthen berms may be used as a barrier provided they will stop a go kart safely. Bales of hay, straw, or other materials capable of being ignited may not be used as a barrier.

(2) Track Lanes. White or yellow lines, at least four inches wide, shall mark all inside and outside edges of the track.

(3) Fencing. The outside perimeter of a go kart track shall be protected by a fence at least 48 inches in height. The fence shall be set back at least 36 inches from the inside face of the track barrier. Gates shall be located for easy supervision by track attendants when the facility is open and they shall be kept locked when it is closed. The fence may be omitted where natural barriers provide the same degree of protection as the fence. Where two separate tracks are operated inside a single perimeter fence all go karts on both tracks shall start and stop at the same time.

(4) Fire Extinguishers. Every go kart track shall be equipped with ABC Dry Chemical Fire Extinguishers. The extinguishers shall have a minimum capacity of five pounds, in accordance with NFPA 10 – Standard for Portable Fire Extinguishers. At least one extinguisher shall be located in the following locations:

(A) Within seventy feet of every track section;

(B) In each pit area;

(C) In each refueling stop;

(D) In each go kart storage area; and

(E) In the maintenance shop.

Each fire extinguisher location shall be prominently marked and the extinguisher shall be easily accessible.

(5) Refueling Area. Refueling of go karts shall be carried out at a designated area remote from any area accessible to the public. Refueling areas shall comply with the requirements of the NFPA 70 - National Electrical Code, Sections 510, 511, and 514.

(6) Track Lighting. Go kart tracks equipped for night operation shall have sufficient illumination at all sections of the track for drivers to be able to negotiate the entire course safely. It shall also be sufficient for operators to monitor the go karts on

each section of the course. Lighting shall comply with the NFPA 70 - National Electrical Code and all other state and local requirements.

- (7) Pits or Pit Areas. Where provided, pits must be fenced or provided with a sufficient barrier to prohibit the entry of spectators. Pits shall have separate entrance and exit lanes.
 - (8) Spectator Areas. Spectator areas shall be separated from the track and pit areas by a fence or barrier sufficient to withstand the impact of a go kart traveling at full speed. It shall be approximately level and free of holes or debris.
- (f) Track Operation. The following standards of operation shall apply to electric or fuel powered go karts, dune buggies, auto racers, and all terrain vehicles.
- (1) All go karts must start and stop operation at the same time or a separate pit area shall be provided for loading and unloading purposes.
 - (2) Drivers of adult go karts must be at least 48 inches (4 feet) tall and have a leg length sufficient to reach the brake and throttle controls when seated.
 - (3) Drivers of kiddie go karts shall not exceed 54 inches (4 feet 6 inches) tall and must have a leg length sufficient to reach the brake and throttle controls when seated.
 - (4) Adult go karts and kiddie go karts shall not be operated simultaneously on the same track.
 - (5) No go kart may be operated when weather conditions are such that it may affect the safe operation of the go kart or when visibility on the track is less than 150 feet.
 - (6) Each section of a go kart track shall be monitored during the time that any go kart is in operation. Monitoring shall be by direct visual contact by the operator or track attendants or by electronic visual surveillance.
 - (7) A go kart that is losing oil or fuel shall be immediately removed from the track.
 - (8) When the noise level of any go kart exceeds the requirements of Subparagraph (a)(13) of this Rule, it shall be immediately removed from the track until it has been repaired.
 - (9) Safety equipment such as helmets (when used) and seat restraints shall be utilized in accordance with the manufacturer's recommendations for the type of use or operation and be of correct size for the person using it.
 - (10) Persons with hair longer than shoulder length or wearing loose clothing that could obstruct the vision of the driver or become entangled in any moving part shall not be permitted to drive or ride a go kart. Hair that is longer than shoulder length may be tied up to reduce its length.
 - (11) Persons whose behavior appears to be impaired by such as the use of drugs or alcohol shall not be permitted to drive a go kart.
 - (12) Smoking shall not be permitted within 30 feet of a go kart.
 - (13) Track regulations shall not permit persons to leave their go karts while any go kart is in operation on the track.
 - (14) Signs containing the following information and other track regulations shall be posted at the track entrance or ticket window and conspicuously in the pit area.
 - (A) To drive or ride an adult go kart you must be at least 48 inches tall.
 - (B) To drive a kiddie go kart you may not be taller than 54 inches.
 - (C) Keep both hands on the wheel at all times.

- (D) Keep both feet inside the go kart.
 - (E) Hair longer than shoulder length must be tied up.
 - (F) All loose clothing must be tucked in.
 - (G) No smoking within 30 feet of a go kart.
 - (H) Do not leave the go kart while on the track.
- (15) Signs that indicate the direction of travel for go karts shall be posted intermittently around the track perimeter.
- (g) Inspections and Maintenance. Tracks and go karts shall be inspected and maintained for a safe operation at all times. The following inspections shall be made:
- (1) The track shall be inspected daily for potholes, bumps or loose material. Necessary repairs shall be made before opening the track.
 - (2) Daily inspections shall be made on each go kart prior to operation. The inspection shall include:
 - (A) Wheel and tires;
 - (B) Steering mechanism;
 - (C) Frame welds;
 - (D) Axles and spindles;
 - (E) Safety belts, roll bars, and seat padding;
 - (F) Gasoline tank, lines and valves;
 - (G) Brake and throttle operation; and
 - (H) Exhaust systems.
 - (3) Go kart maintenance shall be performed as recommended by the go kart manufacturer.

*History Note: Authority G.S. 95-111.4;
Eff. May 1, 1992;
Amended Eff. February 1, 2005.*

13 NCAC 15 .0430 REGULATION OF INFLATABLE OR AIR-SUPPORTED AMUSEMENT DEVICES

13 NCAC 15 .0430 through 13 NCAC 15 .0438 set forth the standards that must be met for the operation of inflatable or air-supported amusement devices located in amusement parks or carnival areas in this State. In addition, the owner or operator of any inflatable or air-supported amusement device located in amusement parks or carnival areas shall comply with G.S. 95, Article 14B and Title 13, Chapter 15 of the North Carolina Administrative Code.

*History Note: Authority G.S. 95-111.1; 95-111.2; 95-111.4;
Eff. July 1, 2003.*

13 NCAC 15 .0431 DEFINITIONS

For purposes of Rules .0430 through .0438 of this Chapter, Inflatable or Air-Supported Amusement Device is defined as an air-filled structure designed to allow riders to bounce, slide or climb on it. Such a device is made from flexible fabric, kept inflated by one or more blowers, and relies on air pressure to maintain its shape.

History Note: Authority G.S. 95-111.4;

Eff. July 1, 2003.

13 NCAC 15 .0432 RIDE DESIGN

- (a) All inflatable or air-supported amusement devices shall meet the requirements of the ASTM Committee F-24-1159.
- (b) All electrical wiring and equipment for inflatable or air-supported amusement devices shall comply with the National Electrical Code Section 525. All electrical service used in connection with the operation of the device shall have over current protection by either GFI receptacle or GFI electrical cord.

History Note: Authority G.S. 95-111.2; 95-111.4;

Eff. July 1, 2003.

13 NCAC 15 .0433 ANCHORAGE OR TIE-DOWN

- (a) All inflatable or air-supported amusement devices shall be anchored according to the manufacturer's specifications.
- (b) The number and location of tie-downs shall be in accordance with the manufacturer's specifications.
- (c) Non-load bearing positioning loops shall not be used as tie-downs or anchor points.
- (d) All anchor ropes, tethers and tie-down ropes shall be attached to permanent structures, stakes, or be anchored by an on-ground anchor weight. Anchor ropes, tethers and tie-down ropes and anchors shall not be attached to motor vehicles.
- (e) Ground stakes, except as otherwise specified by the manufacturer, shall meet the following requirements:
 - (1) All ground stakes shall be at least 40 inches in length, with at least 10 inches exposed above ground when used;
 - (2) All ground stakes shall be equipped with a restraining hook, collar, or other similar device, in order to prevent the attached ropes from sliding up and being released; and
 - (3) All ground stakes shall be protected or covered to prevent tripping or other accidental contact.
- (f) On-Ground anchor weights shall meet the following requirements:
 - (1) For bounce-type inflatable or air-supported amusement devices, the on-ground anchor weights shall be at least 75 pounds for each manufacturer-recommended anchor position, or the amount recommended by the manufacturer; and
 - (2) For slide-type inflatable or air-supported amusement devices, the on-ground anchor weights shall be at least 500 pounds for each manufacturer-recommended anchor position, or the amount recommended by the manufacturer.
- (g) All anchor ropes, tethers and tie-down ropes shall have a tensile strength of at least 3700 pounds or 370-pound test rated, or the amount recommended by the manufacturer.

History Note: Authority G.S. 95-111.2; 95-111.4;

Eff. July 1, 2003.

13 NCAC 15 .0434 OPERATION OF INFLATABLE OR AIR-SUPPORTED AMUSEMENT DEVICES

- (a) All inflatable or air-supported amusement devices shall have at least one operator on duty any time the device is inflated. If the operator cannot see the entire device from entrance to exit, an additional operator shall be placed in a position to observe the exit area of the device.
- (b) Unless otherwise specified by the manufacturer, all inflatable or air-supported slides 20 feet or higher shall have at least two operators, one of whom shall be located at the top of the slide and one of whom shall be located at the bottom of the slide.
- (c) The operator shall assist the riders while they enter and exit the device.
- (d) The operator shall not exceed the manufacturer's requirements for maximum loads or rated capacities for individual devices.
- (e) The operator shall ensure that children are not in danger of injury from adults using the device at the same time.
- (f) The operator(s) shall be located in close proximity to the entrance and exit of the device, and shall supervise the riders at all times.
- (g) The operator shall remove from the device any rider who is acting in a manner that may endanger the safety of other riders.

*History Note: Authority G.S. 95-111.2; 95-111.4;
Eff. July 1, 2003.*

13 NCAC 15 .0435 BLOWERS

- (a) All inflatable or air-supported amusement devices shall be equipped with blowers that meet the manufacturers specifications for the size and type of device.
- (b) If a power failure or other emergency occurs which disables the blowers, provision shall be made to keep the inflatable or air-supported amusement device erect for at least five minutes or the time required to evacuate the manufacturer's rated capacity, whichever is longer. This may be accomplished by ensuring that the device is equipped with a sealed chamber or non-return valve that prevents the rapid collapse of ceilings and walls.
- (c) Blowers shall be protected or guarded in order to prevent riders from coming into contact with them.

*History Note: Authority G.S. 95-111.2; 95-111.4;
Eff. July 1, 2003.*

13 NCAC 15 .0436 WIND SPEED

- (a) No person shall operate an inflatable or air-supported amusement device when the sustained wind speed exceeds the manufacturer's recommendation.
- (b) All inflatable or air-supported amusement devices shall be immediately unloaded and deflated when the sustained wind speed exceeds 25 m.p.h.

*History Note: Authority G.S. 95-111.2; 95-111.4;
Eff. July 1, 2003.*

13 NCAC 15 .0437 SIGNS

The operator shall ensure that signs are displayed at the entrance of each inflatable or air-supported amusement device that contain the following:

- (1) A statement that all riders must remove their shoes prior to entering the device;
- (2) A statement that all riders must remove all loose or sharp objects from their person prior to entering the device; and
- (3) A statement that the operator shall assist the riders when they enter and exit the ride.

*History Note: Authority G.S. 95-111.4;
Eff. July 1, 2003.*

13 NCAC 15 .0438 OPERATING MANUAL AND DOCUMENTATION

(a) The owner shall maintain the manufacturer's operating manual for each inflatable or air-supported amusement device.

(b) The owner shall maintain a training manual that contains a complete description of the training program required for operators of each device. The training manual shall include the following:

- (1) the proper method of operating the device;
- (2) how to ensure the safe entry and exit of riders;
- (3) safe methods of assembling and dismantling the device, where applicable;
- (4) how to conduct daily inspections;
- (5) how to anchor the device;
- (6) measures to be taken in the event of a power failure or other emergency; and
- (7) procedures for reporting accidents, defects or breakdowns.

(c) The operator and each member of the operating staff shall have knowledge of the operating manual and the training manual.

(d) A copy of the operating manual and the training manual shall be maintained on site, and shall be provided to representatives of the Department upon request.

(e) In the case of a rental, the owner shall ensure that the renter receives and understands the device operating procedures (including the operating manual and the training manual), and the rules and regulations pertaining to the operation of the device rented.

*History Note: Authority G.S. 95-111.2; 95-111.4;
Eff. July 1, 2003.*

SECTION .0500 - CIVIL MONEY PENALTIES

13 NCAC 15 .0501 CIVIL PENALTIES

*History Note: Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13;
Eff. August 1, 1987;
Repealed Eff. April 1, 2001.*

13 NCAC 15 .0502 EXCEPTIONS TO CIVIL PENALTY

A civil penalty determination by the Commissioner is final unless the person charged takes exception to the determination within 15 days after receiving notice of the determination. As used in G.S. 95-110.10 and this Subsection, "takes exception to the determination" means commencing a contested case pursuant to G.S 150B, Article 3 by filing a petition with the Office of Administrative Hearings.

*History Note: Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13;
Eff. August 1, 1987;
Amended Eff. April 1, 2001.*

13 NCAC 15 .0503 REFUSAL TO ISSUE CERTIFICATE OF OPERATION

The Commissioner may refuse to issue a Certificate of Operation for a device when the owner or operator of the device has received an order to pay a civil penalty which has become a final order, but the penalty remains unpaid.

*History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6;
Eff. February 1, 1989.*

SECTION .0600 - FORMS

- 13 NCAC 15 .0601 APPLICATION TO INSTALL**
- 13 NCAC 15 .0602 PERMIT FOR INSTALLATION OR ALTERATION**
- 13 NCAC 15 .0603 CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0604 LIMITED CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0605 INSPECTION FORM**
- 13 NCAC 15 .0606 REGISTRATION FORM**
- 13 NCAC 15 .0607 CERTIFICATE OF REGISTRATION**
- 13 NCAC 15 .0608 AMUSEMENT DEVICE INSPECTION FORM**
- 13 NCAC 15 .0609 AMUSEMENT DEVICE CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0610 CHAIR-GONDOLA LIFTS/SKI TOWS INSPECTION REPORT FORM**
- 13 NCAC 15 .0611 ROPE INSPECTION REPORT FORM**
- 13 NCAC 15 .0612 INCLINED RAILROAD INSPECTION REPORT FORM**
- 13 NCAC 15 .0613 DAILY AMUSEMENT DEVICE RECORD FORM**

*History Note: Authority G.S. 95-110.5; 95-111; 95-111.4; 95-118; 95-119; 95-121; 150B-11(1);
Eff. August 1, 1987;
Repealed Eff. April 1, 2001.*

SECTION .0700 – FEES

13 NCAC 15 .0701 ELEVATOR, ESCALATOR, DUMBWAITER, AND SPECIAL EQUIPMENT INSTALLATION AND ALTERATION FEES SCHEDULE

Inspection fees for installation or alteration of elevators, escalators, dumbwaiters, and special equipment shall be two hundred dollars (\$200.00) per unit. In the event that the installation or alteration inspection cannot be completed on the initial visit, all follow up visits shall be charged at two hundred dollars (\$200.00) per visit per unit.

*History Note: Authority G.S. 95-107; 95-95-110.5(20);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003.*

13 NCAC 15 .0702 ELEVATOR, ESCALATOR, DUMBWAITER, AND SPECIAL EQUIPMENT ANNUAL INSPECTION FEES SCHEDULE

Annual inspection fees for elevator, escalator, dumbwaiter, and special equipment shall be as follows:

	Equipment	Unit Fee
(a)	All dumbwaiters and handicapped lifts	\$35.00
(b)	All hydraulic elevators, belt man lifts, escalators, plus all elevators not identified as either hydraulic or traction and special lifting devices	\$118.00
(c)	Traction Elevators	
	(1) 1-10 Floors	\$155.00
	(2) Over 10 Floors	\$200.00

*History Note: Authority G.S. 95-107; 95-95-110.5(20);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003.*

13 NCAC 15 .0703 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE

Inspection fees for amusement devices shall be as follows:

	Equipment	Unit Fee	Inspection Required
(a)	Inflatables	\$100.00	Annually
(b)	Kiddie Rides (48" maximum height restriction) or Go Karts	\$ 30.00	Every setup, except in permanent parks, which shall be inspected annually
(c)	Major Rides (including water slides)	\$ 60.00	Every setup, except permanent parks, which shall be inspected annually
(d)	Roller Coasters, other than mobile or portable roller coasters	\$250.00	Annually

*History Note: Authority G.S. 95-107; 95-111.4(19);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003.*

13 NCAC 15 .0704 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE

(a) In the event that an inspection is scheduled and the amusement device operator or owner fails to have all amusement devices scheduled for inspection ready for inspection, any follow up inspection visits requested by the operator or owner shall be charged at two hundred fifty dollars (\$250.00) per amusement device, notwithstanding the provisions of 13 NCAC 15 .0703.

(b) All inspections conducted outside normal business hours for the North Carolina Department of Labor (7:00 a.m. to 7:00 p.m. Monday through Friday, exclusive of State government holidays) shall be charged at the rate of two hundred fifty dollars (\$250.00) per inspection, plus the amusement device inspection fee, notwithstanding the provisions of 13 NCAC 15 .0703, however, in no instance may the total fee assessed exceed an aggregate of two hundred fifty dollars (\$250.00) for each device inspected.

*History Note: Authority G.S. 95-107; 95-111.4(19);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003;
Amended Eff. January 1, 2004.*