

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: November 5, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

For all rules, please update the introductory statement for publication in the Code. For example, for .0205, it will read: "13 NCAC 15 .0205 is amended as published in 35:03 NCR 172 as follows:" If you make changes to the rule, it will read: "13 NCAC 15 .0205 is amended with changes as published in 35:03 NCR 172 as follows:"

Please ensure all rules are formatted in accordance with 26 NCAC 02C .0108 by using 1.5 line spacing and formatting the history note in accordance with 26 NCAC 02C .0108(8). The history notes in .0402 and .0704 are formatted correctly as submitted.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0205

DEADLINE FOR RECEIPT: November 5, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), just to be sure, do you mean "Chapter" or "Section?" "Chapter" refers to 13 NCAC 15 and "Section" refers to 13 NCAC 15 .0200.

In (a), do you mean any conflict between these Rules and any of the ANSI standards or only the standards incorporated by reference?

At line 5, I think you are missing the word "Institute." If that is correct, please add the abbreviation at the end of the term like this – "American National Standards Institute (ANSI)" – since you use the abbreviation throughout the remainder of the rule.

In (b) and (c), what do you mean by "this Code" at lines 9 and 18? In rules, the term "Code" typically refers to the NC Administrative Code, but I take it you intended to refer to the ANSI, correct? If so, please consider removing this language and following the standard language for incorporating a document by reference. "...which is hereby incorporated by reference, including subsequent amendments and editions."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

1 13 NCAC 15 .0205 is proposed for amendment as follows:

2
3 **13 NCAC 15 .0205 TRAMWAY REQUIREMENTS**

4 (a) The rules of this Chapter shall control when any conflict between these Rules and the American National
5 Standards Safety Requirements exists.

6 ~~(b) (a)~~ The construction, ~~operation~~ operation, and maintenance of all passenger tramways shall conform to the ~~rules~~
7 ~~in this Section~~ ANSI B77.1, Passenger Ropeways-Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and
8 Conveyors American National Standards Safety Requirements for Aerial Passenger Tramways, which is hereby
9 incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

10 ~~(b) The rules of this chapter shall control when any conflict between these rules and the B77.1 American National~~
11 ~~Standards Safety Requirements for Aerial Passenger Tramways exists.~~

12 ~~(c) Copies of the B77.1 American National Standards Safety Requirements for Aerial Passenger Tramways are~~
13 ~~available for inspection at the offices of the Division and may be obtained from the American National Standards~~
14 ~~Institute (ANSI), via U.S. Mail at 11 West 42nd Street, New York, New York 10036, via telephone at (212) 642-~~
15 ~~4980, or via the internet at www.ansi.org. The cost is ninety four dollars (\$94.00) per copy.~~

16 (c) The construction, operation, and maintenance of all funiculars shall conform to the rules in this Section and the
17 ANSI B77.2 – Funiculars – Safety Requirements, which is hereby incorporated by reference. This incorporation
18 includes subsequent amendments and editions of this Code.

19 (d) Copies of all ANSI standards incorporated by reference in this Rule may be obtained from the American
20 National Standards Institute via U.S. Mail at 25 West 43rd Street, 4th Floor, New York, New York 10036, via
21 telephone at (212) 642-4900, or via the internet at www.ansi.org. The cost of each publication is as follows:

22 (1) ANSI B77.1 is two hundred dollars (\$200.00):

23 (2) ANSI B77.2 is seventy-five dollars (\$ 75.00).

24 *History Note: Authority G.S. 95-120;*

25 *Eff. August 1, 1987;*

26 *Amended Eff. December 1, 2004; May 1, 1992;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
28 *~~2016.~~ 2016;*

29 *Amended Eff. December 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0402

DEADLINE FOR RECEIPT: November 5, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), is it necessary to say "all provisions of?"

In (b), what does ASTM stand for? Please spell out terms the first time they are used followed by the abbreviation. I see you have done this in (e), but please do so the first time the term is used.

In (b) and (c), what do you mean by "this Code" at lines 11 and 19? In rules, "the Code" typically refers to the NC Administrative Code, but I take it you intended to refer to the ASTM, correct? If so, please consider removing this language and following the standard language for incorporating a document by reference. "...which is hereby incorporated by reference, including subsequent amendments and editions."

In (f), does your regulated public understand what is required for "an engineering analysis?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

1 13 NCAC 15 .0402 is proposed for amendment as follows:

2
3 **13 NCAC 15 .0402 RESPONSIBILITY FOR COMPLIANCE**

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

7 (b) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F1159 – ~~Standard~~
8 ~~Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and~~
9 ~~Purposeful Water Immersion Amusement Rides and Devices and Air Supported Structures~~ Standard Practice for
10 Design of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards, which is
11 hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

12 (c) ~~Copies of the ASTM F1159 – Standard Practice for Design and Manufacture of Patron Directed, Artificial~~
13 ~~Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air~~
14 ~~Supported Structures may be obtained from the American Society of Testing and Materials (ASTM), via U.S. Mail at~~
15 ~~100 Barr Harbor Drive West, Conshohocken, Pennsylvania 19428-2959, via telephone at (610) 832-9585, or via the~~
16 ~~internet at www.astm.org. The cost is twenty seven dollars (\$27.00) per copy.~~

17 (c) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F1193 – Standard
18 Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices, which is hereby incorporated
19 by reference. This incorporation includes subsequent amendments and editions of this Code.

20 (d) Owners of amusement devices shall follow the procedures of ASTM F770 – Standard Practice for Ownership,
21 Operation, Maintenance, and Inspection of Amusement Rides and Devices, which is hereby incorporated by reference.
22 This incorporation includes all subsequent amendments and editions of this Code.

23 (e) Copies of all ASTM standards incorporated by reference in this Rule may be obtained from the American Society
24 of Testing and Materials (ASTM), via U.S. Mail at P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959,
25 via telephone at (610) 832-9500, or via the internet at www.astm.org. The cost of each publication is as follows:

26 (1) ASTM F1159 is forty-four dollars (\$44.00) per copy;

27 (2) ASTM F1193 is fifty-six dollars (\$56.00) per copy;

28 (3) ASTM F770 is forty-four dollars (\$44.00) per copy.

29 (f) An engineering analysis prepared by the manufacturer of each ride or device shall be submitted to the North
30 Carolina Department of Labor, Elevator and Amusement Device ~~Division~~ Bureau, prior to the time of inspection and
31 before ~~it~~ the ride or device is operated in North Carolina.

32
33 *History Note: Authority G.S. 95-111.4;*

34 *Eff. August 1, 1987;*

35 *Amended Eff. December 1, 2004; June 1, 1992;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
37 *2016. 2016:*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0702

DEADLINE FOR RECEIPT: November 5, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please label divisions in this Rule as (1), (2), (3); (A), (B) instead of (a), (b), (c); (1), (2).

In your history note, please change "95-95-110.5(20)" to "95-110.5(20)."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

13 NCAC 15 .0702 is proposed for amendment as follows:

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	\$65.00 <u>\$100.00</u>
(b) All hydraulic elevators, belt man lifts, escalators, plus all elevators not identified as either hydraulic or traction and special lifting devices	\$175.00 <u>\$200.00</u>
(c) Traction Elevators	
(1) 1-10 Floors	\$200.00
(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;

Amended Eff. September 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, ~~2016~~ 2016;

Amended Eff. December 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0703

DEADLINE FOR RECEIPT: November 5, 2020

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In reviewing this Rule, the staff recommends the following technical changes be made:

At line 12, please make (4a) a (5) and re-number the remaining items in the list. Please repeat the inspection requirement since these will now be separate items.

In (9), what qualifies as a "small" fixed track?

In (10), I take it you are referring to "waterslides" as defined in G.S. 95-111.3, correct?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

13 NCAC 15 .0703 is proposed for amendment as follows:

13 NCAC 15 .0703 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE

Inspection fees for amusement devices shall be as follows:

Equipment	Unit Fee	Inspection Required
(1) Inflatables	\$100.00	Annually
(2) Rock Walls, <u>portable</u>	\$100.00	Annually
(3) Kiddie Rides (48 inch maximum height restriction)	\$45.00 <u>\$100.00</u>	Every setup, except in permanent parks, which shall be inspected annually
(4) Go Karts	\$35.00 <u>\$50.00</u>	Every setup, except
<u>(4a) Go Kart Tracks</u>	<u>\$100.00</u>	in permanent parks, which shall be inspected annually
(5) Major Rides (any ride not otherwise listed herein) and	\$90.00 <u>\$100.00</u>	Every setup, except
Water Slides		permanent parks, which shall be inspected annually
(6) Roller Coasters, other than mobile or portable roller coasters	\$250.00	Annually
<u>(7) Simulators, portable</u>	<u>\$100.00</u>	<u>Every setup</u>
<u>(8) Simulators, stationary</u>	<u>\$100.00</u>	<u>Annually</u>
<u>(9) Trains, small fixed track</u>	<u>\$100.00</u>	<u>Annually</u>
<u>(10) Waterslides</u>	<u>\$150.00</u>	<u>Annually</u>

History Note: Authority G.S. 95-107; 95-111.4(19);

Temporary Adoption Eff. October 17, 2001;

Eff. July 1, 2003;

Amended Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, ~~2016~~ 2016;

Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0704

DEADLINE FOR RECEIPT: November 5, 2020

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In reviewing this Rule, the staff recommends the following technical changes be made:

At lines 7 and 11, please refer to "Rule .0703 of this Section."

In (b), how is the inspection for each device \$250 "plus the amusement device inspection fee" when the total limit set in lines 11-12 and G.S. 95-111.4(19) is \$250? In other words, how is the amusement device inspection fee ever added if the limit is \$250? Please clarify.

Please consider breaking (b) into two sentences. Consider doing so beginning with "however" at line 11.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

1 13 NCAC 15 .0704 is proposed for amendment as follows:

2
3 **13 NCAC 15 .0704 SPECIAL AMUSEMENT DEVICE INSPECTION FEE**

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

8 (b) All inspections conducted outside normal business hours for the North Carolina Department of Labor (~~8:00 7:00~~
9 a.m. to ~~6:00 7:00~~ p.m. Monday through Friday, exclusive of State government holidays) shall be charged at the rate
10 of two hundred fifty dollars (\$250.00) per inspection, plus the amusement device inspection fee, notwithstanding the
11 provisions of 13 NCAC 15 .0703, however, in no instance may the total fee assessed exceed an aggregate of two
12 hundred fifty dollars (\$250.00) for each device inspected.

13
14 *History Note: Authority G.S. 95-107; 95-111.4(19);*

15 *Temporary Adoption Eff. October 17, 2001;*

16 *Eff. July 1, 2003;*

17 *Amended Eff. January 1, 2004;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
19 *2016-;*

20 *Amended Eff. December 1, 2020.*
21
22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 15 .0705

DEADLINE FOR RECEIPT: November 5, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just to be sure, are you using the term "passenger tramway" as defined in G.S. 95-117?

In your history note, should you add G.S. 95-107?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: October 22, 2020

1 13 NCAC 15 .0705 is proposed for amendment as follows:

3 **13 NCAC 15 .0705 PASSENGER TRAMWAY INSPECTION FEE SCHEDULE**

4 Inspection fees for all passenger tramway devices shall be ~~as follows:~~ \$137.00.

Equipment	Unit Fee
(1) Gondolas, Chairlifts, and Inclined Railroads	\$137
(2) J or T Bars and Conveyors	\$62
(3) Rope Tows	\$31

10 *History Note: Authority G.S. 95-120(9);*

11 *Emergency Adoption Eff. September 19, 2005;*

12 *Emergency Adoption Expired Eff. January 1, 2006;*

13 *Eff. May 1, 2006;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, ~~2016.~~ 2016;*

15 *Amended Eff. January 1, 2021.*