

The Senate Public Safety Committee offered the following substitute to SB 446:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 8, Title 25, and Title 34 of the Official Code of
2 Georgia Annotated, relating to buildings generally, fire protection and safety, and labor and
3 industrial relations, respectively, so as to transfer certain functions relating to elevators,
4 dumbwaiters, escalators, manlifts, and moving walks, boilers and pressure vessels,
5 amusement rides, carnival rides, and scaffolding and staging from the Department of Labor
6 and Commissioner of Labor to the office of Safety Fire Commissioner and Safety Fire
7 Commissioner; to remove bond requirements for certain personnel; to make conforming
8 amendments and correct cross-references relative to the foregoing; to provide for transfers
9 of personnel, facilities, equipment, and appropriations; to provide for other related matters;
10 to provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
13 amended by adding a new chapter to read as follows:
14

"CHAPTER 15

ARTICLE 1

17 25-15-1.

18 (a) The office of Safety Fire Commissioner shall succeed to all rules, regulations, policies,
19 procedures, and administrative orders of the Department of Labor in effect on June 30,
20 2012, or scheduled to go into effect on or after July 1, 2012, and which relate to the
21 functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and
22 Part 6 of Article 1 of Chapter 2 of Title 8 and shall further succeed to any rights, privileges,
23 entitlements, obligations, and duties of the Department of Labor in effect on June 30, 2012,
24 which relate to the functions transferred to the office of Safety Fire Commissioner pursuant

25 to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8. Such rules, regulations,
26 policies, procedures, and administrative orders shall remain in effect until amended,
27 repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper
28 authority or as otherwise provided by law.

29 (b) Any proceedings or other matters pending before the Department of Labor or
30 Commissioner of Labor on June 30, 2012, which relate to the functions transferred to the
31 office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of
32 Chapter 2 of Title 8 shall be transferred to the office of Safety Fire Commissioner on
33 July 1, 2012.

34 (c) The rights, privileges, entitlements, obligations, and duties of parties to contracts,
35 leases, agreements, and other transactions as identified by the Office of Planning and
36 Budget entered into before July 1, 2012, by the Department of Labor which relate to the
37 functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and
38 Part 6 of Article 1 of Chapter 2 of Title 8 shall continue to exist; and none of these rights,
39 privileges, entitlements, obligations, and duties are impaired or diminished by reason of the
40 transfer of the functions to the office of Safety Fire Commissioner. In all such instances,
41 the office of Safety Fire Commissioner shall be substituted for the Department of Labor,
42 and the office of Safety Fire Commissioner shall succeed to the rights and duties under
43 such contracts, leases, agreements, and other transactions.

44 (d) All persons employed by the Department of Labor in capacities which relate to the
45 functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and
46 Part 6 of Article 1 of Chapter 2 of Title 8 on June 30, 2012, shall, on July 1, 2012, become
47 employees of the office of Safety Fire Commissioner in similar capacities, as determined
48 by the Commissioner of Insurance. Such employees shall be subject to the employment
49 practices and policies of the office of Safety Fire Commissioner on and after July 1, 2012,
50 but the compensation and benefits of such transferred employees shall not be reduced as
51 a result of such transfer. Employees who are subject to the rules of the State Personnel
52 Board and thereby under the State Personnel Administration and who are transferred to the
53 office shall retain all existing rights under the State Personnel Administration. Accrued
54 annual and sick leave possessed by the transferred employees on June 30, 2012, shall be
55 retained by such employees as employees of the office of Safety Fire Commissioner.

56 (e) On July 1, 2012, the office of Safety Fire Commissioner shall receive custody of the
57 state owned real property in the custody of the Department of Labor on June 30, 2012, and
58 which pertains to the functions transferred to the office of Safety Fire Commissioner
59 pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8."

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SECTION 2.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by revising Chapter 11, relating to regulation of boilers and pressure vessels, and redesignating it as a new article of Chapter 15 of Title 25 as follows:

~~"CHAPTER 11~~ ARTICLE 2

~~34-11-1.~~ 25-15-10.

This ~~chapter~~ article shall be known and may be cited as the 'Boiler and Pressure Vessel Safety Act' and, except as otherwise provided in this ~~chapter~~ article, shall apply to all boilers and pressure vessels.

~~34-11-2.~~ 25-15-11.

As used in this ~~chapter~~ article, the term:

(1) ~~Reserved.~~

~~(2)~~ 'Boiler' means a closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electricity, solar, or nuclear energy. The term 'boiler' shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term 'boiler' is further defined as follows:

(A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

(B) 'High pressure, high temperature water boiler' means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

(C) 'Power boiler' means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

~~(3)~~(2) 'Certificate of inspection' means an inspection, the report of which is used by the chief inspector to determine whether or not a certificate as provided by subsection (c) of Code Section ~~34-11-15~~ 25-15-24 may be issued.

~~(4)~~(3) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

~~(5)~~ 'Department' means the Department of Labor.

(4) 'Office' means the office of Safety Fire Commissioner.

92 ~~(6)~~(5) 'Pressure vessel' means a vessel other than those vessels defined in
 93 paragraph ~~(2)~~(1) of this Code section in which the pressure is obtained from an external
 94 source or by the application of heat.

95 ~~34-11-3.~~ 25-15-12.

96 The Commissioner shall be authorized to consult with persons knowledgeable in the areas
 97 of construction, use, or safety of boilers and pressure vessels and to create committees
 98 composed of such consultants to assist the Commissioner in carrying out his or her duties
 99 under this ~~chapter~~ article.

100 ~~34-11-4.~~ 25-15-13.

101 (a)(1) The ~~Department of Labor~~ office shall formulate definitions, rules, and regulations
 102 for the safe construction, installation, inspection, maintenance, and repair of boilers and
 103 pressure vessels in this state.

104 (2) The definitions, rules, and regulations so formulated for new construction shall be
 105 based upon and at all times follow the generally accepted nation-wide engineering
 106 standards, formulas, and practices established and pertaining to boiler and pressure vessel
 107 construction and safety; and the ~~Department of Labor~~ office may adopt an existing
 108 published codification thereof, known as the Boiler and Pressure Vessel Code of the
 109 American Society of Mechanical Engineers, with the amendments and interpretations
 110 thereto made and approved by the council of the society, and may likewise adopt the
 111 amendments and interpretations subsequently made and published by the same authority.
 112 When so adopted, the same shall be deemed to be incorporated into and shall constitute
 113 a part of the whole of the definitions, rules, and regulations of the ~~Department of Labor~~
 114 office. Amendments and interpretations to the code so adopted shall be effective
 115 immediately upon being promulgated, to the end that the definitions, rules, and
 116 regulations shall at all times follow the generally accepted nation-wide engineering
 117 standards.

118 (3) The ~~Department of Labor~~ office shall formulate the rules and regulations for the
 119 inspection, maintenance, and repair of boilers and pressure vessels which were in use in
 120 this state prior to the date upon which the first rules and regulations under this ~~chapter~~
 121 article pertaining to existing installations become effective or during the 12 month period
 122 immediately thereafter. The rules and regulations so formulated shall be based upon and
 123 at all times follow generally accepted nation-wide engineering standards and practices
 124 and may adopt sections of the Inspection Code of the National Board of Boiler and
 125 Pressure Vessel Inspectors or API 510 of the American Petroleum Institute, as applicable.

126 (b) The rules and regulations and any subsequent amendments thereto formulated by the
 127 ~~Department of Labor office~~ shall, immediately following a hearing upon not less than 20
 128 days' notice as provided in this ~~chapter article~~, be approved and published and when so
 129 promulgated shall have the force and effect of law, except that the rules applying to the
 130 construction of new boilers and pressure vessels shall not become mandatory until 12
 131 months after their promulgation by the ~~Department of Labor office~~. Notice of the hearing
 132 shall give the time and place of the hearing and shall state the matters to be considered at
 133 the hearing. Such notice shall be given to all persons directly affected by such hearing. In
 134 the event all persons directly affected are unknown, notice may be perfected by publication
 135 in a newspaper of general circulation in this state at least 20 days prior to such hearing.

136 (c) Subsequent amendments to the rules and regulations adopted by the ~~Department of~~
 137 ~~Labor office~~ shall be permissive immediately and shall become mandatory 12 months after
 138 their promulgation.

139 ~~34-11-5. 25-15-14.~~

140 No boiler or pressure vessel which does not conform to the rules and regulations of the
 141 ~~Department of Labor office~~ governing new construction and installation shall be installed
 142 and operated in this state after 12 months from the date upon which the first rules and
 143 regulations under this ~~chapter article~~ pertaining to new construction and installation shall
 144 have become effective, unless the boiler or pressure vessel is of special design or
 145 construction and is not inconsistent with the spirit and safety objectives of such rules and
 146 regulations, in which case a special installation and operating permit may at its discretion
 147 be granted by the ~~Department of Labor office~~.

148 ~~34-11-6. 25-15-15.~~

149 (a) The maximum allowable working pressure of a boiler carrying the ASME Code
 150 symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be
 151 determined by the applicable sections of the code under which it was constructed and
 152 stamped. Subject to the concurrence of the enforcement authority at the point of
 153 installation, such a boiler or pressure vessel may be rerated in accordance with the rules of
 154 a later edition of the ASME Code and in accordance with the rules of the National Board
 155 Inspection Code or API 510, as applicable.

156 (b) The maximum allowable working pressure of a boiler or pressure vessel which does
 157 not carry the ASME or the API-ASME Code symbol shall be computed in accordance with
 158 the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

159 (c) This ~~chapter article~~ shall not be construed as in any way preventing the use, sale, or
 160 reinstallation of a boiler or pressure vessel referred to in this Code section, provided it has

161 been made to conform to the rules and regulations of the ~~department~~ office governing
162 existing installations and provided, further, that it has not been found upon inspection to
163 be in an unsafe condition.

164 ~~34-H-7. 25-15-16.~~

165 (a) This ~~chapter~~ article shall not apply to the following boilers and pressure vessels:

166 (1) Boilers and pressure vessels under federal control or under regulations of ~~Title 49 of~~
167 ~~the Code of Federal Regulations, Parts 192 and 193~~ 49 C.F.R. 192 and 193;

168 (2) Pressure vessels used for transportation and storage of compressed or liquefied gases
169 when constructed in compliance with specifications of the United States Department of
170 Transportation and when charged with gas or liquid, marked, maintained, and
171 periodically requalified for use, as required by appropriate regulations of the United
172 States Department of Transportation;

173 (3) Pressure vessels located on vehicles operating under the rules of other state or federal
174 authorities and used for carrying passengers or freight;

175 (4) Air tanks installed on the right of way of railroads and used directly in the operation
176 of trains;

177 (5) Pressure vessels that do not exceed:

178 (A) Five cubic feet in volume and 250 psig pressure; or

179 (B) One and one-half cubic feet in volume and 600 psig pressure; or

180 (C) An inside diameter of six inches with no limitation on pressure;

181 (6) Pressure vessels having an internal or external working pressure not exceeding 15
182 psig with no limit on size;

183 (7) Pressure vessels with a nominal water-containing capacity of 120 gallons or less for
184 containing water under pressure, including those containing air, the compression of which
185 serves only as a cushion;

186 (8) Pressure vessels containing water heated by steam or any other indirect means when
187 none of the following limitations are exceeded:

188 (A) A heat input of 200,000 BTU per hour;

189 (B) A water temperature of 210 degrees Fahrenheit; and

190 (C) A nominal water-containing capacity of 120 gallons;

191 (9) Hot water supply boilers which are directly fired with oil, gas, or electricity when
192 none of the following limitations are exceeded:

193 (A) Heat input of 200,000 BTU per hour;

194 (B) Water temperature of 210 degrees Fahrenheit; and

195 (C) Nominal water-containing capacity of 120 gallons.

- 196 These exempt hot water supply boilers shall be equipped with ASME-National Board
197 approved safety relief valves;
- 198 (10) Pressure vessels in the care, custody, and control of research facilities and used
199 solely for research purposes which require one or more details of noncode construction
200 or which involve destruction or reduced life expectancy of those vessels;
- 201 (11) Pressure vessels or other structures or components that are not considered to be
202 within the scope of ASME Code, Section VIII;
- 203 (12) Boilers and pressure vessels operated and maintained for the production and
204 generation of electricity; provided, however, that any person, firm, partnership, or
205 corporation operating such a boiler or pressure vessel has insurance or is self-insured and
206 such boiler or pressure vessel is regularly inspected in accordance with the minimum
207 requirements for safety as defined in the ASME Code by an inspector who has been
208 issued a certificate of competency by the Commissioner in accordance with the
209 provisions of Code Section ~~34-11-10~~ 25-15-19;
- 210 (13) Boilers and pressure vessels operated and maintained as a part of a manufacturing
211 process; provided, however, that any person, firm, partnership, or corporation operating
212 such a boiler or pressure vessel has insurance or is self-insured and such boiler or
213 pressure vessel is regularly inspected in accordance with the minimum requirements for
214 safety as defined in the ASME Code by an inspector who has been issued a certificate of
215 competency by the Commissioner in accordance with the provisions of Code Section
216 25-15-19;
- 217 (14) Boilers and pressure vessels operated and maintained by a public utility; and
- 218 (15) Autoclaves used only for the sterilization of reusable medical or dental implements
219 in the place of business of any professional licensed by the laws of this state.
- 220 (b) The following boilers and pressure vessels shall be exempt from the requirements of
221 subsections (b), (c), and (d) of Code Section ~~34-11-14~~ 25-15-23 and Code Sections
222 ~~34-11-15~~ 25-15-24 and ~~34-11-16~~ 25-15-26:
- 223 (1) Boilers or pressure vessels located on farms and used solely for agricultural or
224 horticultural purposes;
- 225 (2) Heating boilers or pressure vessels which are located in private residences or in
226 apartment houses of less than six family units;
- 227 (3) Any pressure vessel used as an external part of an electrical circuit breaker or
228 transformer;
- 229 (4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than
230 ten buildings intended for human occupancy per 0.25 square mile and where the closest
231 building is at least 220 yards from any vessel;

- 232 (5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the
 233 state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas,
 234 2,000 gallons or above, which have been modified or altered; and
 235 (6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig
 236 pressure.

237 ~~34-11-8. 25-15-17.~~

238 (a) The Commissioner may appoint to be chief inspector a citizen of this state or, if not
 239 available, a citizen of another state, who shall have had at the time of such appointment not
 240 less than five years' experience in the construction, installation, inspection, operation,
 241 maintenance, or repair of high pressure boilers and pressure vessels as a mechanical
 242 engineer, steam operating engineer, boilermaker, or boiler inspector and who shall have
 243 passed the same kind of examination as that prescribed under Code Section ~~34-11-11~~
 244 25-15-20. Such chief inspector may be removed for cause after due investigation by ~~the~~
 245 ~~board and its recommendation to~~ the Commissioner.

246 (b) The chief inspector, if authorized by the Commissioner, is charged, directed, and
 247 empowered:

248 (1) To take action necessary for the enforcement of the laws of ~~the~~ this state governing
 249 the use of boilers and pressure vessels to which this ~~chapter~~ article applies and of the
 250 rules and regulations of the ~~department~~ office;

251 (2) To keep a complete record of the name of each owner or user and his or her location
 252 and, except for pressure vessels covered by an owner or user inspection service, the type,
 253 dimensions, maximum allowable working pressure, age, and the last recorded inspection
 254 of all boilers and pressure vessels to which ~~the chapter~~ this article applies;

255 (3) To publish in print or electronically and make available to anyone requesting them
 256 copies of the rules and regulations promulgated by the ~~department~~ office;

257 (4) To issue or to suspend or revoke for cause inspection certificates as provided for in
 258 Code Section ~~34-11-15~~ 25-15-24; and

259 (5) To cause the prosecution of all violators of the provisions of this ~~chapter~~ article.

260 ~~34-11-9. 25-15-18.~~

261 The Commissioner may employ deputy inspectors who shall be responsible to the chief
 262 inspector and who shall have had at the time of appointment not less than three years'
 263 experience in the construction, installation, inspection, operation, maintenance, or repair
 264 of high pressure boilers and pressure vessels as a mechanical engineer, steam operating
 265 engineer, boilermaker, or boiler inspector and who shall have passed the examination
 266 provided for in Code Section ~~34-11-11~~ 25-15-20.

267 ~~34-11-10:~~ 25-15-19.

268 (a) In addition to the deputy inspectors authorized by Code Section ~~34-11-9~~ 25-15-18 the
 269 Commissioner shall, upon the request of any company licensed to insure and insuring in
 270 this state boilers and pressure vessels or upon the request of any company operating
 271 pressure vessels in this state for which the owner or user maintains a regularly established
 272 inspection service which is under the supervision of one or more technically competent
 273 individuals whose qualifications are satisfactory to the ~~department~~ office and causes ~~said~~
 274 such pressure vessels to be regularly inspected and rated by such inspection service in
 275 accordance with applicable provisions of the rules and regulations adopted by the
 276 ~~department~~ office pursuant to Code Section ~~34-11-4~~ 25-15-13, issue to any inspectors of
 277 ~~said~~ such insurance company certificates of competency as special inspectors and to any
 278 inspectors of ~~said~~ such company operating pressure vessels certificates of competency as
 279 owner or user inspectors, provided that each such inspector before receiving ~~his~~ or her
 280 certificate of competency shall satisfactorily pass the examination provided for by Code
 281 Section ~~34-11-11~~ 25-15-20 or, in lieu of such examination, shall hold a commission or a
 282 certificate of competency as an inspector of boilers or pressure vessels for a state that has
 283 a standard of examination substantially equal to that of this state or a commission as an
 284 inspector of boilers and pressure vessels issued by the National Board of Boiler and
 285 Pressure Vessel Inspectors. A certificate of competency as an owner or user inspector shall
 286 be issued to an inspector of a company operating pressure vessels in this state only if, in
 287 addition to meeting the requirements stated in this Code section, the inspector is employed
 288 full time by the company and is responsible for making inspections of pressure vessels used
 289 or to be used by such company and which are not for resale.

290 (b) Such special inspectors or owner or user inspectors shall receive no salary from nor
 291 shall any of their expenses be paid by the state, and the continuance of their certificates of
 292 competency shall be conditioned upon their continuing in the employ of the boiler
 293 insurance company duly authorized ~~as aforesaid~~ or in the employ of the company so
 294 operating pressure vessels in this state and upon their maintenance of the standards
 295 imposed by this ~~chapter~~ article.

296 (c) Such special inspectors or owner or user inspectors may inspect all boilers and pressure
 297 vessels insured or all pressure vessels operated by their respective companies; and, when
 298 so inspected, the owners and users of such boilers and pressure vessels shall be exempt
 299 from the payment to the state of the inspection fees as prescribed in rules and regulations
 300 promulgated by the Commissioner.

301 ~~34-11-11:~~ 25-15-20.

302 The examination for chief, deputy, special, or owner or user inspectors shall be in writing
 303 and shall be held by the ~~board~~ office or by an examining board appointed in accordance
 304 with the requirements of the National Board of Boiler and Pressure Vessel Inspectors, with
 305 at least two members present at all times during the examination. Such examination shall
 306 be confined to questions the answers to which will aid in determining the fitness and
 307 competency of the applicant for the intended service and may be those prepared by the
 308 National Board of Boiler and Pressure Vessel Inspectors. In case an applicant fails to pass
 309 the examination, he or she may appeal to the ~~board~~ office for another examination which
 310 shall be given by the ~~board~~ office or the appointed examining board after 90 days. The
 311 record of an applicant's examination shall be accessible to ~~said~~ the applicant and his or her
 312 employer.

313 ~~34-11-12:~~ 25-15-21.

314 (a) An inspector's certificate of competency may be suspended by the Commissioner after
 315 due investigation ~~and recommendation by the office~~ for the incompetence or
 316 untrustworthiness of the holder thereof or for willful falsification of any matter or statement
 317 contained in his or her application or in a report of any inspection made by him or her.
 318 Written notice of any such suspension shall be given by the Commissioner within not more
 319 than ten days thereof to the inspector and his or her employer. A person whose certificate
 320 of competency has been suspended shall be entitled to an appeal as provided in Code
 321 Section ~~34-11-19~~ 25-15-28 and to be present in person and to be represented by counsel
 322 at the hearing of the appeal.

323 (b) If the ~~department~~ office has reason to believe that an inspector is no longer qualified
 324 to hold his or her certificate of competency, the ~~department~~ office shall provide written
 325 notice to the inspector and his or her employer of the ~~department~~ office's determination and
 326 the right to an appeal as provided in Code Section ~~34-11-19~~ 25-15-28. If, as a result of
 327 such hearing, the inspector has been determined to be no longer qualified to hold his or her
 328 certificate of competency, the Commissioner shall thereupon revoke such certificate of
 329 competency forthwith.

330 (c) A person whose certificate of competency has been suspended shall be entitled to
 331 apply, after 90 days from the date of such suspension, for reinstatement of such certificate
 332 of competency.

333 ~~34-11-13:~~ 25-15-22.

334 If a certificate of competency is lost or destroyed, a new certificate of competency shall be
 335 issued in its place without another examination.

336 ~~34-11-14.~~ 25-15-23.

337 (a) The Commissioner, the chief inspector, or any deputy inspector shall have free access,
 338 during reasonable hours, to any premises in ~~the~~ this state where a boiler or pressure vessel
 339 is being constructed for use in, or is being installed in, this state for the purpose of
 340 ascertaining whether such boiler or pressure vessel is being constructed and installed in
 341 accordance with the provisions of this ~~chapter~~ article.

342 (b)(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to
 343 be used within this state, except for pressure vessels covered by an owner or user
 344 inspection service as described in subsection (d) of this Code section or except for boilers
 345 or pressure vessels exempt under Code Section ~~34-11-7~~ 25-15-16 (owners and users may
 346 request to waive this exemption), shall be thoroughly inspected as to their construction,
 347 installation, and condition as follows:

348 (A) Power boilers and high pressure, high temperature water boilers shall receive a
 349 certificate inspection annually which shall be an internal inspection where construction
 350 permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall
 351 also be externally inspected while under pressure, if possible;

352 (B) Low pressure steam or vapor heating boilers shall receive a certificate inspection
 353 biennially with an internal inspection every four years where construction permits;

354 (C) Hot water heating and hot water supply boilers shall receive a certificate inspection
 355 biennially with an internal inspection at the discretion of the inspector;

356 (D) Pressure vessels subject to internal corrosion shall receive a certificate inspection
 357 triennially with an internal inspection at the discretion of the inspector. Pressure vessels
 358 not subject to internal corrosion shall receive a certificate of inspection at intervals set
 359 by the ~~board~~ office; and

360 (E) Nuclear vessels within the scope of this ~~chapter~~ article shall be inspected and
 361 reported in such form and with such appropriate information as the ~~board~~ office shall
 362 designate.

363 (2) A grace period of two months beyond the periods specified in subparagraphs (A)
 364 through (D) of this paragraph may elapse between certificate inspections.

365 (3) The ~~department~~ office may provide for longer periods between certificate inspection
 366 in its rules and regulations.

367 (4) Under the provisions of this ~~chapter~~ article, the ~~department~~ office is responsible for
 368 providing for the safety of life, limb, and property and therefore has jurisdiction over the
 369 interpretation and application of the inspection requirements as provided for in the rules
 370 and regulations which it has promulgated. The person conducting the inspection during
 371 construction and installation shall certify as to the minimum requirements for safety as
 372 defined in the ASME Code. Inspection requirements of operating equipment shall be in

373 accordance with generally accepted practice and compatible with the actual service
374 conditions, such as:

- 375 (A) Previous experience, based on records of inspection, performance, and
376 maintenance;
- 377 (B) Location, with respect to personnel hazard;
- 378 (C) Quality of inspection and operating personnel;
- 379 (D) Provision for related safe operation controls; and
- 380 (E) Interrelation with other operations outside the scope of this ~~chapter~~ article.

381 Based upon documentation of such actual service conditions by the owner or user of the
382 operating equipment, the ~~board~~ office may, in its discretion, permit variations in the
383 inspection requirements.

384 (c) The inspections required in this ~~chapter~~ article shall be made by the chief inspector, by
385 a deputy inspector, by a special inspector, or by an owner or user inspector provided for in
386 this ~~chapter~~ article.

387 (d) Owner or user inspection of pressure vessels is permitted, provided the owner or user
388 inspection service is regularly established and is under the supervision of one or more
389 individuals whose qualifications are satisfactory to the ~~board~~ office and said owner or user
390 causes the pressure vessels to be inspected in conformance with the National Board
391 Inspection Code or API 510, as applicable.

392 (e) If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it
393 shall be made by the owner or user of the boiler or pressure vessel.

394 (f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed
395 in this state after the 12 month period from the date upon which the rules and regulations
396 of the ~~board~~ office shall become effective shall be inspected during construction as required
397 by the applicable rules and regulations of the ~~board~~ office by an inspector authorized to
398 inspect boilers and pressure vessels in this state or, if constructed outside of the state, by
399 an inspector holding a commission issued by the National Board of Boiler and Pressure
400 Vessel Inspectors.

401 ~~34-11-15. 25-15-24.~~

402 (a) Each company employing special inspectors shall, within 30 days following each
403 certificate inspection made by such inspectors, file a report of such inspection with the
404 chief inspector upon appropriate forms as promulgated by the Commissioner. The filing
405 of reports of external inspections, other than certificate inspections, shall not be required
406 except when such inspections disclose that the boiler or pressure vessel is in a dangerous
407 condition.

408 (b) Each company operating pressure vessels covered by an owner or user inspection
409 service meeting the requirements of subsection (a) of Code Section ~~34-11-10~~ 25-15-19
410 shall maintain in its files an inspection record which shall list, by number and such
411 abbreviated description as may be necessary for identification, each pressure vessel
412 covered by this ~~chapter~~ article, the date of the last inspection of each pressure vessel, and
413 the approximate date for the next inspection. The inspection record shall be available for
414 examination by the chief inspector or ~~his~~ the chief inspector's authorized representative
415 during business hours.

416 (c) If the report filed pursuant to subsection (a) of this Code section shows that a boiler or
417 pressure vessel is found to comply with the rules and regulations of the ~~department~~ office,
418 the chief inspector, or his or her duly authorized representative, shall issue to such owner
419 or user an inspection certificate bearing the date of inspection and specifying the maximum
420 pressure under which the boiler or pressure vessel may be operated. Such inspection
421 certificate shall be valid for not more than 14 months from its date in the case of power
422 boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in
423 the case of pressure vessels. In the case of those boilers and pressure vessels covered by
424 subparagraphs (b)(1)(A) through ~~(b)(1)(D)~~ (b)(1)(D) of Code Section ~~34-11-14~~ 25-15-23 for which
425 the ~~department~~ office has established or extended the operating period between required
426 inspections pursuant to the provisions of paragraphs (3) and (4) of subsection (b) of Code
427 Section ~~34-11-14~~ 25-15-23, the certificate shall be valid for a period of not more than two
428 months beyond the period set by the ~~department~~ office. Certificates for boilers shall be
429 posted under glass, or similarly protected, in the room containing the boiler. Pressure vessel
430 certificates shall be posted in like manner, if convenient, or filed where they will be readily
431 accessible for examination.

432 (d) No inspection certificate issued for an insured boiler or pressure vessel based upon a
433 report of a special inspector shall be valid after the boiler or pressure vessel for which it
434 was issued shall cease to be insured by a company duly authorized by this state to provide
435 such insurance.

436 (e) The Commissioner or ~~his~~ the Commissioner's authorized representative may at any
437 time suspend an inspection certificate after showing cause that the boiler or pressure vessel
438 for which it was issued cannot be operated without menace to the public safety or when the
439 boiler or pressure vessel is found not to comply with the rules and regulations adopted
440 pursuant to this ~~chapter~~ article. Each suspension of an inspection certificate shall continue
441 in effect until such boiler or pressure vessel shall have been made to conform to the rules
442 and regulations of the ~~department~~ office and until ~~said~~ such inspection certificate shall have
443 been reinstated.

444 (f) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a
 445 written order for the temporary cessation of operation of a boiler or pressure vessel if it has
 446 been determined after inspection to be hazardous or unsafe. Operations shall not resume
 447 until such conditions are corrected to the satisfaction of the Commissioner or his or her
 448 authorized representative.

449 ~~34-11-15.1. 25-15-25.~~

450 (a) Boilers and pressure vessels subject to operating certificate inspections by special, or
 451 owner or user, inspectors shall be inspected within 60 calendar days following the required
 452 reinspection date. Inspections not performed within this 60 calendar day period shall result
 453 in a civil penalty of \$500.00 for each boiler or pressure vessel not inspected.

454 (b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the
 455 chief or deputy inspectors or operating certificate fees due from inspections performed
 456 by special, or owner or user, inspectors shall be paid within 60 calendar days of
 457 completion of such inspections.

458 (2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear
 459 interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall
 460 continue to accrue until all amounts due, including interest, are received by the
 461 Commissioner.

462 (c) The Commissioner may waive the collection of the penalties and interest assessed as
 463 provided in subsections (a) and (b) of this Code section when it is reasonably determined
 464 that the delays in inspection or payment were unavoidable or due to the action or inaction
 465 of the ~~department~~ office.

466 ~~34-11-16. 25-15-26.~~

467 ~~After 12 months for power boilers, 24 months for low pressure steam heating, hot water~~
 468 ~~heating, and hot water supply boilers, and 36 months for pressure vessels following July~~
 469 ~~1, 1984, it~~ It shall be unlawful for any person, firm, partnership, or corporation to operate
 470 in this state a boiler or pressure vessel, except a pressure vessel covered by owner or user
 471 inspection service as provided for in Code Section ~~34-11-15~~ 25-15-24, without a valid
 472 inspection certificate. The operation of a boiler or pressure vessel without such inspection
 473 certificate or at a pressure exceeding that specified in such inspection certificate or in
 474 violation of this ~~chapter~~ article shall constitute a misdemeanor.

475 ~~34-11-17. 25-15-27.~~

476 The owner or user of a boiler or pressure vessel required by this ~~chapter~~ article to be
 477 inspected by the chief inspector or ~~his~~ a deputy inspector shall pay directly to the chief

478 inspector, upon completion of inspection, fees as prescribed in rules and regulations
 479 promulgated by the Commissioner; provided, however, that, with respect to pressure vessel
 480 certificates of inspection, such fees shall not exceed \$10.00 per annum. The chief inspector
 481 shall transfer all fees so received to the general fund of the state treasury. All funds so
 482 deposited in the state treasury are authorized to be appropriated by the General Assembly
 483 to the ~~Commissioner of Labor~~ Safety Fire Commissioner.

484 ~~34-11-18.~~

485 ~~The chief inspector shall furnish a bond in the sum of \$5,000.00 and each of the deputy~~
 486 ~~inspectors employed and paid by the state shall furnish a bond in the sum of \$2,000.00~~
 487 ~~conditioned upon the faithful performance of their duties and upon a true account of~~
 488 ~~moneys handled by them, respectively, and the payment thereof to the proper recipient.~~

489 ~~34-11-19.~~ 25-15-28.

490 (a) Any person aggrieved by an order or an act of the Commissioner or the chief inspector
 491 under this ~~chapter~~ article may, within 15 days of notice thereof, request a hearing before
 492 an administrative law judge of the ~~department~~ office of State Administrative Hearings, as
 493 provided by Code Section 50-13-41.

494 (b) Any person aggrieved by a decision of an administrative law judge may file an appeal
 495 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

496 ~~34-11-20.~~ 25-15-29.

497 No county, municipality, or other political subdivision shall have the power to make any
 498 laws, ordinances, or resolutions providing for the construction, installation, inspection,
 499 maintenance, and repair of boilers and pressure vessels within the limits of such county,
 500 municipality, or other political subdivision; and any such laws, ordinances, or resolutions
 501 ~~heretofore made or passed~~ shall be void and of no effect.

502 ~~34-11-21.~~ 25-15-30.

503 Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to
 504 place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner with
 505 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
 506 boilers and pressure vessels and any injury or damages arising therefrom.

507 ~~34-11-22.~~

508 ~~In the event any Code section, subsection, sentence, clause, or phrase of this chapter shall~~
 509 ~~be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner~~
 510 ~~affect the other Code sections, subsections, sentences, clauses, or phrases of this chapter,~~
 511 ~~which shall remain of full force and effect, as if the Code section, subsection, sentence,~~
 512 ~~clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a~~
 513 ~~part hereof. The General Assembly declares that it would have passed the remaining parts~~
 514 ~~of this chapter if it had known that such part or parts hereof would be declared or adjudged~~
 515 ~~invalid or unconstitutional."~~

516 **SECTION 3.**

517 Said title is further amended by revising Chapter 12, relating to amusement ride safety, and
 518 redesignating it as a new article of Chapter 15 of Title 25 to read as follows:

519 ~~"CHAPTER 12~~ ARTICLE 3

520 ~~34-12-1.~~ 25-15-50.

521 This ~~chapter~~ article shall be known and may be cited as the 'Amusement Ride Safety Act.'

522 ~~34-12-2.~~ 25-15-51.

523 As used in this ~~chapter~~ article, the term:

524 ~~(1) Reserved.~~

525 ~~(2)~~(1) 'Amusement ride' means any mechanical device, other than those regulated by the
 526 Consumer Products Safety Commission, which carries or conveys passengers along,
 527 around, or over a fixed or restricted route or course or within a defined area for the
 528 purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term
 529 shall not include any such device which is not permanently fixed to a site.

530 ~~(3)~~(2) 'Authorized person' means a competent person experienced and instructed in the
 531 work to be performed who has been given the responsibility to perform his or her duty
 532 by the owner or his or her representative.

533 ~~(3.1)~~(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate
 534 to operate an amusement ride.

535 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that an
 536 amusement ride meets all relevant provisions of this ~~chapter~~ article and the standards and
 537 regulations adopted pursuant thereto.

538 (5) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

- 539 ~~(6) 'Department' means the Department of Labor, which is designated to enforce the~~
 540 ~~provisions of this chapter and to formulate and enforce standards and regulations.~~
 541 ~~(7)(6) 'Licensed inspector' means a registered professional engineer or any other person~~
 542 ~~who is found by the department office to possess the requisite training and experience to~~
 543 ~~perform competently the inspections required by this chapter article and who is licensed~~
 544 ~~by the department office to perform inspections of amusement rides.~~
 545 ~~(8)(7) 'Operator' means a person or persons actually engaged in or directly controlling~~
 546 ~~the operation of an amusement ride.~~
 547 (8) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce
 548 the provisions of this article and to formulate and enforce standards and regulations.
 549 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns an
 550 amusement ride or, in the event that the amusement ride is leased, the lessee.
 551 (10) 'Permit' means a permit to operate an amusement ride issued to an owner by the
 552 department office.
 553 (11) 'Permit fee' means the fee charged by the department office for a permit to operate
 554 an amusement ride.
 555 (12) 'Standards and regulations' means those standards and regulations formulated and
 556 enforced by the department office.

557 ~~34-12-3. 25-15-52.~~

558 The Commissioner shall be authorized to consult with persons knowledgeable in the area
 559 of the amusement ride industry and to create committees composed of such consultants to
 560 assist the Commissioner in carrying out his or her duties under this chapter article.

561 ~~34-12-4.~~

562 ~~Reserved.~~

563 ~~34-12-5. 25-15-53.~~

564 (a) The department office shall formulate standards and regulations, or changes to such
 565 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,
 566 operation, and inspection of all amusement rides. The standards and regulations shall be
 567 reasonable and based upon generally accepted engineering standards, formulas, and
 568 practices pertinent to the industry. Formulation and promulgation of such standards and
 569 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
 570 Procedure Act.' It is recognized that risks presented to the general public by amusement
 571 rides which are frequently assembled and disassembled are different from those presented
 572 by amusement rides which are not frequently assembled and disassembled. Accordingly,

573 the ~~department~~ office is authorized to formulate different standards and regulations with
 574 regard to such differing classes of amusement rides.

575 (b) The ~~department~~ office shall:

576 (1) Enforce all standards and regulations;

577 (2) License inspectors for authorization to inspect amusement rides;

578 (3) Issue permits upon compliance with this ~~chapter~~ article and such standards and
 579 regulations adopted pursuant to this ~~chapter~~ article; and

580 (4) Establish a fee schedule for the issuance of permits for amusement rides.

581 ~~34-12-6. 25-15-54.~~

582 The ~~department~~ office may license such private inspectors as may be necessary to carry out
 583 the provisions of this ~~chapter~~ article.

584 ~~34-12-7. 25-15-55.~~

585 (a) No amusement ride shall be operated, except for purposes of testing and inspection,
 586 until a permit for its operation has been issued by the ~~department~~ office. The owner of an
 587 amusement ride shall apply for a permit to the ~~department~~ office on a form furnished by
 588 the ~~department~~ office providing such information as the ~~department~~ office may require.

589 (b) No such application shall be complete without including a certificate of inspection
 590 from a licensed inspector that the amusement ride meets all relevant provisions of this
 591 ~~chapter~~ article and the standards and regulations adopted pursuant thereto. The cost of
 592 obtaining the certificate of inspection from a licensed inspector shall be borne by the owner
 593 or operator.

594 ~~34-12-8. 25-15-56.~~

595 (a) All amusement rides shall be inspected annually, and may be inspected more
 596 frequently, by a licensed inspector at the owner's or operator's expense. If the amusement
 597 ride meets all relevant provisions of this ~~chapter~~ article and the standards and regulations
 598 adopted pursuant to this ~~chapter~~ article, the licensed inspector shall provide to the owner
 599 or operator a certificate of inspection. All new amusement rides shall be inspected before
 600 commencing public operation.

601 (b) Amusement rides and attractions may be required to be inspected by an authorized
 602 person each time they are assembled or disassembled in accordance with regulations and
 603 standards established under this ~~chapter~~ article.

604 ~~34-12-9.~~ 25-15-57.

605 The ~~department~~ office may waive the requirement of subsection (a) of Code Section
606 ~~34-12-8~~ 25-15-56 if the owner of an amusement ride gives satisfactory proof to the
607 ~~department~~ office that the amusement ride has passed an inspection conducted by a federal
608 agency or by another state whose standards and regulations for the inspection of such an
609 amusement ride are at least as stringent as those adopted pursuant to this ~~chapter~~ article.

610 ~~34-12-10.~~ 25-15-58.

611 The ~~department~~ office shall issue a permit to operate an amusement ride to the owner
612 thereof upon successful completion of a safety inspection of the amusement ride conducted
613 by a licensed inspector and upon receiving an application for permit with a certificate of
614 insurance. The permit shall be valid for the calendar year in which issued.

615 ~~34-12-11.~~ 25-15-59.

616 The owner shall maintain up-to-date maintenance, inspection, and repair records between
617 inspection periods for each amusement ride in accordance with such standards and
618 regulations as are adopted pursuant to this ~~chapter~~ article. Such records shall contain a
619 copy of all inspection reports commencing with the last annual inspection, a description of
620 all maintenance performed, and a description of any mechanical or structural failures or
621 operational breakdowns and the types of actions taken to rectify these conditions.

622 ~~34-12-12.~~ 25-15-60.

623 No person shall be permitted to operate an amusement ride unless he or she is at least 16
624 years of age. An operator shall be in attendance at all times that an amusement ride is in
625 operation and shall operate no more than one amusement ride at any given time.

626 ~~34-12-13.~~ 25-15-61.

627 The owner of the amusement ride shall report to the ~~department~~ office any accident
628 resulting in a fatality or an injury requiring immediate inpatient overnight hospitalization
629 incurred during the operation of any amusement ride. The report shall be in writing, shall
630 describe the nature of the occurrence and injury, and shall be mailed by first-class mail no
631 later than the close of the next business day following the accident. Accidents resulting in
632 a fatality shall also be reported immediately to the ~~department~~ office in person or by phone
633 in accordance with regulations adopted by the ~~department~~ office.

634 ~~34-12-14.~~ 25-15-62.

635 (a) No person shall operate an amusement ride unless at the time there is in existence:

636 (1) A policy of insurance in an appropriate amount determined by regulation insuring the
 637 owner and operator (if an independent contractor) against liability for injury to persons
 638 arising out of the operation of the amusement ride;

639 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
 640 under such bond shall not exceed the face amount thereof; or

641 (3) Cash or other security acceptable to the ~~department~~ office.

642 (b) Regulations under this ~~chapter~~ article shall permit appropriate deductibles or
 643 self-insured retention amounts to such policies of insurance. The policy or bond shall be
 644 procured from one or more insurers or sureties acceptable to the ~~department~~ office.

645 ~~34-12-15. 25-15-63.~~

646 If any person would incur practical difficulties or unnecessary hardships in complying with
 647 the standards and regulations adopted pursuant to this ~~chapter~~ article, or if any person is
 648 aggrieved by any order issued by the ~~department~~ office, the person may make a written
 649 application to the ~~department~~ office stating his or her grounds and applying for a variance.
 650 The ~~department~~ office may grant such a variance in the spirit of the provisions of this
 651 ~~chapter~~ article with due regard to ~~the~~ public safety. The granting or denial of a variance
 652 by the ~~department~~ office shall be in writing and shall describe the conditions under which
 653 the variance is granted or the reasons for denial. A record shall be kept of all variances
 654 granted by the ~~department~~ office and such record shall be open to inspection by the public.

655 ~~34-12-16. 25-15-64.~~

656 This ~~chapter~~ article shall not apply to any single-passenger coin operated amusement ride
 657 on a stationary foundation or to playground equipment such as swings, seesaws, slides,
 658 jungle gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

659 ~~34-12-17. 25-15-65.~~

660 This ~~chapter~~ article shall not be construed so as to prevent the use of any existing
 661 amusement ride found to be in a safe condition and to be in conformance with the standards
 662 and regulations adopted pursuant to this ~~chapter~~ article. Owners of amusement rides in
 663 operation on or before the effective date of this ~~chapter~~ article shall comply with the
 664 provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant to this
 665 ~~chapter~~ article within six months after the adoption of ~~said~~ such standards and regulations.

666 ~~34-12-18. 25-15-66.~~

667 (a) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a
 668 written order for the temporary cessation of operation of an amusement ride if it has been

669 determined after inspection to be hazardous or unsafe. Operations shall not resume until
 670 such conditions are corrected to the satisfaction of the Commissioner or ~~his~~ the
 671 Commissioner's authorized representative.

672 (b) In the event that an owner or operator knowingly allows the operation of an amusement
 673 ride after the issuing of a temporary cessation, the Commissioner or ~~his~~ the Commissioner's
 674 authorized representative may initiate in the superior court any action for an injunction or
 675 writ of mandamus upon the petition of the district attorney or Attorney General. An
 676 injunction, without bond, may be granted by the superior court to the Commissioner for the
 677 purpose of enforcing this ~~chapter~~ article.

678 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this
 679 ~~chapter~~ article shall be guilty of a misdemeanor. Each day of violation shall constitute
 680 a separate offense.

681 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
 682 Commissioner shall have the power, after notice and hearing, to levy civil penalties as
 683 prescribed in the rules and regulations of the ~~department~~ office in an amount not to
 684 exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to
 685 the requirements of this ~~chapter~~ article and the rules and regulations promulgated under
 686 this ~~chapter~~ article. The imposition of a penalty for a violation of this ~~chapter~~ article or
 687 the rules and regulations promulgated under this ~~chapter~~ article shall not excuse the
 688 violation or permit it to continue.

689 ~~34-12-19.~~ 25-15-67.

690 The owner or operator of an amusement ride may deny entry to a person to an amusement
 691 ride if in the owner's or operator's opinion the entry may jeopardize the safety of such
 692 person or the safety of any other person. Nothing in this Code section ~~will~~ shall permit an
 693 owner or operator to deny an inspector access to an amusement ride when such inspector
 694 is acting within the scope of his or her duties under this ~~chapter~~ article.

695 ~~34-12-20.~~ 25-15-68.

696 Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to
 697 place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner with
 698 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
 699 amusement rides and any injury or damages arising therefrom.

700 ~~34-12-21.~~ 25-15-69.

701 No county, municipality, or other political subdivision shall have the power to pass
 702 ordinances, resolutions, or other requirements regulating the construction, installation,

703 inspection, maintenance, repair, or operation of amusement rides within the limits of such
 704 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
 705 other requirements heretofore passed shall be void and of no effect; provided, however, that
 706 the provisions of this Code section shall not apply to local zoning ordinances or ordinances
 707 regulating location, siting requirements, or other development standards or conditions
 708 relative to amusement rides or their time of operation or noise levels generated. Nothing
 709 in this ~~chapter~~ article preempts the imposition of regulatory fees or occupation taxes
 710 imposed by counties and municipalities pursuant to Chapter 13 of Title 48."

711 **SECTION 4.**

712 Said title is further amended by revising Chapter 13, relating to carnival ride safety, and
 713 redesignating it as a new article of Chapter 15 of Title 25, as follows:

714 ~~"CHAPTER 13~~ ARTICLE 4

715 ~~34-13-1.~~ 25-15-80.

716 This ~~chapter~~ article shall be known and may be cited as the 'Carnival Ride Safety Act.'

717 ~~34-13-2.~~ 25-15-81.

718 As used in this ~~chapter~~ article, the term:

719 ~~(1) Reserved.~~

720 ~~(2)~~(1) 'Authorized person' means a competent person experienced and instructed in the
 721 work to be performed who has been given the responsibility to perform his or her duty
 722 by the owner or the owner's representative.

723 ~~(3)~~(2) 'Carnival ride' means any mechanical device, other than amusement rides
 724 regulated under ~~Chapter 12~~ Article 3 of this ~~title~~ chapter, known as the 'Amusement Ride
 725 Safety Act,' which carries or conveys passengers along, around, or over a fixed or
 726 restricted route or course or within a defined area for the purpose of giving its passengers
 727 amusement, pleasure, thrills, or excitement. Such term shall not include any such device
 728 which is permanently fixed to a site.

729 ~~(3.1)~~(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate
 730 to operate a carnival ride.

731 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that a
 732 carnival ride meets all relevant provisions of this ~~chapter~~ article and the standards and
 733 regulations adopted pursuant thereto.

734 (5) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

- 735 ~~(6) 'Department' means the Department of Labor, which is designated to enforce the~~
 736 ~~provisions of this chapter and to formulate and enforce standards and regulations.~~
 737 ~~(7)(6) 'Licensed inspector' means a registered professional engineer or any other person~~
 738 ~~who is found by the department office to possess the requisite training and experience to~~
 739 ~~perform competently the inspections required by this chapter article and who is licensed~~
 740 ~~by the department office to perform inspections of carnival rides.~~
 741 (7) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce
 742 the provisions of this article and to formulate and enforce standards and regulations.
 743 (8) 'Operator' means a person or persons actually engaged in or directly controlling the
 744 operation of a carnival ride.
 745 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns a
 746 carnival ride or, in the event that the carnival ride is leased, the lessee.
 747 (10) 'Permit' means a permit to operate a carnival ride issued to an owner by the
 748 department office.
 749 (11) 'Permit fee' means the fee charged by the department office for a permit to operate
 750 a carnival ride.
 751 (12) 'Standards and regulations' means those standards and regulations formulated and
 752 enforced by the department office.

753 ~~34-13-3. 25-15-82.~~

754 The Commissioner shall be authorized to consult with persons knowledgeable in the area
 755 of the carnival ride industry and to create committees composed of such consultants to
 756 assist the Commissioner in carrying out his or her duties under this chapter article.

757 ~~34-13-4.~~

758 ~~Reserved.~~

759 ~~34-13-5. 25-15-83.~~

760 (a) The department office shall formulate standards and regulations, or changes to such
 761 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,
 762 operation, and inspection of all carnival rides. The standards and regulations shall be
 763 reasonable and based upon generally accepted engineering standards, formulas, and
 764 practices pertinent to the industry. Formulation and promulgation of such standards and
 765 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
 766 Procedure Act.' ~~No rule, regulation, or standard promulgated or adopted pursuant to this~~
 767 ~~chapter article shall become effective prior to January 1, 1987.~~

768 (b) The department office shall:

- 769 (1) Enforce all standards and regulations;
 770 (2) License inspectors for authorization to inspect carnival rides; and
 771 (3) Issue permits upon compliance with this ~~chapter~~ article and such standards and
 772 regulations adopted pursuant to this ~~chapter~~ article.

773 (c) The owner or operator of a carnival ride required to be inspected shall pay fees as
 774 prescribed in rules and regulations promulgated by the Commissioner. The chief inspector
 775 shall transfer all fees so received to the general fund of the state treasury. All funds so
 776 deposited in the state treasury are authorized to be appropriated by the General Assembly
 777 to the ~~Commissioner of Labor~~ Safety Fire Commissioner.

778 ~~34-13-6. 25-15-84.~~

779 The ~~department~~ office may license such private inspectors as may be necessary to carry out
 780 the provisions of this ~~chapter~~ article.

781 ~~34-13-7. 25-15-85.~~

782 No carnival ride shall be operated in any calendar year, except for purposes of testing and
 783 inspection, until a permit for its operation has been issued by the ~~department~~ office. The
 784 owner of a carnival ride shall apply for a permit to the ~~department~~ office on a form
 785 furnished by the ~~department~~ office, providing such information as the ~~department~~ office
 786 may require.

787 ~~34-13-8. 25-15-86.~~

788 All carnival rides and attractions shall be inspected annually and may be inspected more
 789 frequently by ~~the Office of Safety Engineering of the department~~ a licensed inspector at the
 790 owner's or operator's expense. If the carnival ride meets all relevant provisions of this
 791 ~~chapter~~ article and the standards and regulations adopted pursuant to this ~~chapter~~ article,
 792 the licensed inspector shall provide to the owner or operator a certificate of inspection. All
 793 new carnival rides shall be inspected before commencing public operation.

794 ~~34-13-9. 25-15-87.~~

795 The ~~department~~ office may waive the requirement of Code Section ~~34-13-8~~ 25-15-86 if the
 796 owner of a carnival ride gives satisfactory proof to the ~~department~~ office that the carnival
 797 ride has passed an inspection conducted by a federal agency or by another state whose
 798 standards and regulations for the inspection of such a carnival ride are at least as stringent
 799 as those adopted pursuant to this ~~chapter~~ article.

800 ~~34-13-10.~~ 25-15-88.

801 The ~~department~~ office shall issue a permit to operate a carnival ride to the owner thereof
802 upon successful completion of a safety inspection by a licensed inspector, upon completion
803 by the owner of the application for a permit, and upon presentation of a certificate of
804 inspection or waiver thereof by the ~~department~~ office. The permit shall be valid for the
805 calendar year in which issued.

806 ~~34-13-11.~~ 25-15-89.

807 The owner shall maintain up-to-date maintenance, inspection, and repair records between
808 inspection periods for each carnival ride in accordance with such standards and regulations
809 as are adopted pursuant to this ~~chapter~~ article. Such records shall contain a copy of all
810 inspection reports commencing with the last annual inspection, a description of all
811 maintenance performed, and a description of any mechanical or structural failures or
812 operational breakdowns and the types of actions taken to rectify these conditions.

813 ~~34-13-12.~~ 25-15-90.

814 (a) No person shall be permitted to operate a carnival ride unless he or she is at least 16
815 years of age. An operator shall be in attendance at all times that a carnival ride is in
816 operation and shall operate no more than one carnival ride at any given time.

817 (b) No carnival ride shall be operated at standards below those recommended by the
818 manufacturer of such carnival ride or below the standards adopted or variants approved by
819 the ~~department~~ office, whichever is greater.

820 ~~34-13-13.~~ 25-15-91.

821 The owner of the carnival ride shall report to the ~~department~~ office any accident incurred
822 during the operation of any carnival ride resulting in a fatality or an injury requiring
823 medical attention from a licensed medical facility. The report shall be in writing, shall
824 describe the nature of the occurrence and injury, and shall be delivered in person or mailed
825 by first-class mail no later than the close of the next business day following the accident.
826 Accidents resulting in a fatality shall also be reported immediately to the ~~department~~ office
827 in person or by phone in accordance with regulations adopted by the ~~department~~ office.

828 ~~34-13-14.~~ 25-15-92.

829 (a) No person shall operate a carnival ride unless at the time there is in existence:

830 (1) A policy of insurance in an amount not less than \$1 million (if an independent
831 contractor) against liability for injury to persons arising out of the operation of the
832 carnival ride;

833 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
834 under such bond shall not exceed the face amount thereof; or

835 (3) Cash or other security acceptable to the ~~department~~ office.

836 (b) Regulations under this ~~chapter~~ article shall permit appropriate deductibles or
837 self-insured retention amounts to such policies of insurance. The policy or bond shall be
838 procured from one or more insurers or sureties acceptable to the ~~department~~ office.

839 ~~34-13-15. 25-15-93.~~

840 If any person would incur practical difficulties or unnecessary hardships in complying with
841 the standards and regulations adopted pursuant to this ~~chapter~~ article, or if any person is
842 aggrieved by any order issued by the ~~department~~ office, the person may make a written
843 application to the ~~department~~ office stating his or her grounds and applying for a variance.
844 The ~~department~~ office may grant such a variance in the spirit of the provisions of this
845 ~~chapter~~ article with due regard to ~~the~~ public safety. The granting or denial of a variance
846 by the ~~department~~ office shall be in writing and shall describe the conditions under which
847 the variance is granted or the reasons for denial. A record shall be kept of all variances
848 granted by the ~~department~~ office and such record shall be open to inspection by the public.

849 ~~34-13-16. 25-15-94.~~

850 This ~~chapter~~ article shall not apply to any single-passenger coin operated carnival ride on
851 a stationary foundation or to playground equipment such as swings, seesaws, slides, jungle
852 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

853 ~~34-13-17. 25-15-95.~~

854 This ~~chapter~~ article shall not be construed so as to prevent the use of any existing carnival
855 ride found to be in a safe condition and to be in conformance with the standards and
856 regulations adopted pursuant to this ~~chapter~~ article. ~~Owners of carnival rides in operation~~
857 ~~on or before March 26, 1986, shall comply with the provisions of this chapter and the~~
858 ~~standards and regulations adopted pursuant to this chapter within six months after the~~
859 ~~adoption of said standards and regulations.~~

860 ~~34-13-18. 25-15-96.~~

861 (a) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a
862 written order for the temporary cessation of operation of a carnival ride if it has been
863 determined after inspection to be hazardous or unsafe. Operations shall not resume until
864 such conditions are corrected to the satisfaction of the Commissioner or ~~his~~ the
865 Commissioner's authorized representative.

866 (b) In the event that an owner or operator knowingly allows the operations of a carnival
 867 ride after the issuing of a temporary cessation, the Commissioner or ~~his~~ the Commissioner's
 868 authorized representative may initiate in the superior court any action for an injunction or
 869 writ of mandamus upon the petition of the district attorney or Attorney General. An
 870 injunction, without bond, may be granted by the superior court to the Commissioner for the
 871 purpose of enforcing this ~~chapter~~ article.

872 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this
 873 ~~chapter~~ article shall be guilty of a misdemeanor. Each day of violation shall constitute
 874 a separate offense.

875 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
 876 Commissioner shall have the power, after notice and hearing, to levy civil penalties as
 877 prescribed in the rules and regulations of the ~~department~~ office in an amount not to
 878 exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to
 879 the requirements of this ~~chapter~~ article and the rules and regulations promulgated under
 880 this ~~chapter~~ article. The imposition of a penalty for a violation of this ~~chapter~~ article or
 881 the rules and regulations promulgated under this ~~chapter~~ article shall not excuse the
 882 violation or permit it to continue.

883 ~~34-13-19.~~ 25-15-97.

884 The owner or operator of a carnival ride may deny entry to a person to a carnival ride if in
 885 the owner's or operator's opinion the entry may jeopardize the safety of such person or the
 886 safety of any other person. Nothing in this Code section ~~will~~ shall permit an owner or
 887 operator to deny an inspector access to a carnival ride when such inspector is acting within
 888 the scope of his or her duties under this ~~chapter~~ article.

889 ~~34-13-20.~~ 25-15-98.

890 (a) The owner or operator of a carnival ride shall post a clearly visible sign at the location
 891 of each ride and at the location of tickets sales for each ride which states any age, weight,
 892 or height requirements of the ride which are necessary as a safeguard against injury.

893 (b) It shall be unlawful for any owner or operator to permit entry to a carnival ride to any
 894 person who does not meet the posted age, size, and weight requirements for such ride.

895 ~~34-13-21.~~ 25-15-99.

896 The owner of any itinerant carnival ride which is located within ~~the~~ this state ~~must~~ shall
 897 continuously maintain in this state a registered agent of record, ~~which agent~~ who may be
 898 an individual who resides in the state and whose business address is identical with the
 899 address of the owner's required office.

900 ~~34-13-22.~~ 25-15-100.

901 Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to
 902 place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner
 903 with respect to any claim by any person, firm, or corporation relating in any way
 904 whatsoever to carnival rides and any injury or damages arising therefrom.

905 ~~34-13-23.~~ 25-15-101.

906 No county, municipality, or other political subdivision shall have the power to pass
 907 ordinances, resolutions, or other requirements regulating the construction, installation,
 908 inspection, maintenance, repair, or operation of carnival rides within the limits of such
 909 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
 910 other requirements ~~heretofore passed~~ shall be void and of no effect; provided, however, that
 911 the provisions of this Code section shall not apply to local zoning ordinances or ordinances
 912 regulating location, siting requirements, or other development standards or conditions
 913 relative to carnival rides or their time of operation or noise levels generated. Nothing in
 914 this ~~chapter~~ article preempts the imposition of regulatory fees or occupation taxes imposed
 915 by counties and municipalities pursuant to Chapter 13 of Title 48."

916 **SECTION 5.**

917 Said title is further amended by reserving the Chapter 11, Chapter 12, and Chapter 13
 918 designations.

919 **SECTION 6.**

920 Said title is further amended by revising Code section 34-1-1, relating to requirements for
 921 scaffolding and staging design and inspection by the Commissioner, and redesignating it as
 922 a part of a new article of Chapter 15 of Title 25, as follows:

923 "ARTICLE 5

924 "34-1-1. 25-15-110.

925 (a)(1) All scaffolding or staging that is swung or suspended from an overhead support
 926 or erected with stationary supports, ~~which scaffolding or staging~~ and is suspended or rises
 927 30 feet or more above the ground; shall have a safety rail properly attached, bolted,
 928 braced, and otherwise secured; and the, ~~which~~ safety rail shall rise at least 34 inches
 929 above the floor or main portions of such scaffolding or staging and extend for the full
 930 length of such staging and along the ends thereof with only such openings as may be
 931 necessary for the delivery of materials being used on such scaffold or staging. Such

932 scaffolding or staging shall also be so fastened as to prevent it from swaying from the
 933 building or structure. However, this paragraph shall not apply to any scaffolding or
 934 staging which is wholly within the interior of a building or other structure and which
 935 covers the entire floor space therein.

936 (2) It shall be unlawful for any person to employ or direct others to perform labor of any
 937 kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building
 938 or other structure without first having furnished proper protection to such person so
 939 employed or directed, as provided in paragraph (1) of this subsection.

940 (b) All scaffolding or staging shall be so constructed that it will bear at least four times the
 941 weight required to be hanging therefrom or placed thereon when in use.

942 (c)(1) ~~The Commissioner of Labor~~ Safety Fire Commissioner, upon receipt of any
 943 complaint, shall make or cause to be made an immediate inspection of the scaffold, or
 944 mechanical device connected therewith, concerning which complaint has been made.

945 (2) The Commissioner shall attach to every scaffold, staging, mechanism, or mechanical
 946 device inspected by him or her a certificate bearing ~~his~~ the Commissioner's name and the
 947 date of inspection, ~~on which~~ and the certificate ~~he~~ shall plainly state whether he or she
 948 has found the scaffolding, staging, or mechanical device 'safe' or 'unsafe.'

949 (3) If the ~~Commissioner of Labor~~ Commissioner finds any scaffolding, staging, or
 950 mechanical device complained of to be unsafe, ~~he~~ the Commissioner shall at once notify
 951 in writing the person responsible for the erection and maintenance of the scaffolding,
 952 staging, or mechanical device that ~~he~~ the Commissioner has found it to be unsafe. Such
 953 notice may be served personally upon the person responsible under the law or may be
 954 perfected by affixing such notice in a conspicuous place on the scaffold, staging, or
 955 mechanical device found unsafe. The manner of service shall be within the discretion of
 956 ~~the Commissioner of Labor~~ Commissioner. The Commissioner shall then prohibit the
 957 use of such scaffolding, staging, or mechanical device by any person until all danger has
 958 been removed or until it has been made to comply with the terms of this Code section by
 959 alteration, reconstruction, demolition, or replacement, as the Commissioner may direct.
 960 (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold,
 961 staging, or other mechanical device in violation of any provision of this Code section shall
 962 be guilty of a misdemeanor."

963 **SECTION 7.**

964 Said title is further amended by reserving the Code Section 34-1-1 designation.

965

SECTION 8.

966

Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to
 967 buildings generally, is amended by revising Part 6, relating to elevators, dumbwaiters,
 968 escalators, manlifts and moving walks, as follows:

969

"Part 6

970

8-2-100.

971

As used in this part, the term:

972

(1) 'Alteration' means any change or addition to the equipment other than ordinary
 973 repairs or replacements.

974

(2) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

975

(3) ~~'Department'~~ means the ~~Department of Labor~~.

976

~~(4)~~(3) 'Dumbwaiter' means a hoisting and lowering mechanism which is equipped with
 977 a car which moves in guides in a substantially vertical direction, the floor area of which
 978 does not exceed nine square feet, the total inside height of which, whether or not provided
 979 with fixed or removable shelves, does not exceed four feet, the capacity of which does
 980 not exceed 500 pounds, and the use of which is exclusively for carrying materials. Such
 981 term includes a power dumbwaiter and a hand dumbwaiter.

982

~~(5)~~(4)(A) 'Elevator' means a hoisting and lowering mechanism designed to carry
 983 passengers or authorized personnel and equipped with a car which moves in fixed
 984 guides and serves two or more fixed landings.

985

(B) Except as specifically provided in subsection (a) of Code Section 8-2-102,
 986 'elevator' also means a freight elevator, gravity elevator, hand elevator, inclined
 987 elevator, multideck elevator, observation elevator, passenger elevator, power elevator,
 988 electric elevator, hydraulic elevator, direct-plunger hydraulic elevator, electrohydraulic
 989 elevator, maintained pressure hydraulic elevator, roped-hydraulic elevator, private
 990 residence elevator, and sidewalk elevator.

991

~~(6)~~(5) 'Enforcement authority' means the Commissioner, officers, and inspectors of the
 992 ~~department office~~ authorized to enforce the provisions of this part and local inspectors
 993 authorized to enforce the provisions of this part.

994

~~(7)~~(6) 'Escalator' means a power driven, inclined, continuous stairway used for raising
 995 or lowering passengers.

996

~~(8)~~(7) 'Hand dumbwaiter' means a dumbwaiter driven by manual power, serving more
 997 than two consecutive stories, whose capacity exceeds 20 pounds and whose car platform
 998 area exceeds two square feet.

999

~~(9)~~(8) 'Hand elevator' means an elevator utilizing manual power to move the car.

1000 ~~(10)~~(9) 'Hoistway' means a shaftway or an opening through a building or structure for
 1001 the travel of elevators, dumbwaiters, or material lifts, extending from the pit floor to the
 1002 roof or floor above.

1003 ~~(11)~~(10) 'Manlift' means a device consisting of a power driven endless belt moving in
 1004 one direction only which is provided with steps or platforms and handholds attached to
 1005 it for the transportation of personnel from floor to floor.

1006 ~~(12)~~(11) 'Moving walk' means a type of passenger-carrying device on which passengers
 1007 stand or walk and in which the passenger-carrying surface remains parallel to its direction
 1008 of motion and is uninterrupted.

1009 (12) 'Office' means the office of Safety Fire Commissioner.

1010 (13) 'Power dumbwaiter' means a dumbwaiter driven by the application of energy other
 1011 than hand or gravity.

1012 (14) 'Power freight elevator' means an elevator used primarily for carrying freight,
 1013 utilizing energy other than gravity or hand to move the car and on which only the
 1014 operator and the persons necessary for unloading and loading the freight are permitted
 1015 to ride.

1016 (15) 'Power passenger elevator' means an elevator used primarily to carry persons other
 1017 than the operator and persons necessary for loading and unloading and utilizing energy
 1018 other than gravity or hand to move the car.

1019 8-2-101.

1020 (a) ~~Prior to January 1, 1986, the owner or lessee of every existing elevator, escalator,~~
 1021 ~~manlift, moving walk, and dumbwaiter shall register with the department or local~~
 1022 ~~enforcement authority each such elevator, escalator, manlift, moving walk, or dumbwaiter~~
 1023 ~~owned or operated by him, giving type, rated load and speed, name of manufacturer, its~~
 1024 ~~location and the purpose for which it is used, and such other information as the department~~
 1025 ~~or local enforcement authority may require. Such registration shall be made on a form to~~
 1026 ~~be furnished by the department or local enforcement authority on request. All elevators,~~
 1027 ~~escalators, manlifts, moving walks, and dumbwaiters erected or placed in service after~~
 1028 ~~January 1, 1986, shall be inspected before being placed in service and shall be registered~~
 1029 ~~within 15 days after they are completed and placed in service.~~

1030 (b) Every elevator, dumbwaiter, manlift, moving walk, and escalator shall be maintained
 1031 by the owner or lessee in a safe operating condition and in conformity with the rules and
 1032 regulations specified by subsection (b) of Code Section 8-2-104.

1033 (c) Before any alteration can be made to any elevator, escalator, manlift, moving walk, or
 1034 dumbwaiter already placed in service, the owner or lessee shall be required to notify the

1035 enforcement authority of any such alteration. The enforcement authority shall be
1036 authorized to conduct an inspection after any such alteration.

1037 8-2-102.

1038 (a)(1) Power passenger elevators, power freight elevators, escalators, manlifts, and
1039 moving walks shall be inspected once during each six-month period.

1040 (2) Hand elevators and power and hand dumbwaiters shall be inspected once during each
1041 12 month period.

1042 (b) Inspections and installations shall be made in accordance with the standards set forth
1043 in Part 'X' of ANSI A17.1-1984, the American National Standard Practice for Inspection
1044 of Elevators, Escalators and Moving Walks Inspector's Manual ANSI A17.2, the Safety
1045 Standards for Manlifts ANSI A90.1-1976, the Safety Standard for Construction Hoists
1046 ANSI A10.4-1981 and ANSI A10.5-1981, the Safety Standard for Conveyors and Related
1047 Equipment ANSI B20.1-1984, or the latest revised rules and regulations adopted by the
1048 Commissioner. Any inspections performed under these codes shall cover the hoistway,
1049 associated equipment rooms, and access thereto, and shall include lobby smoke detectors.

1050 (c) A report of any inspection required by this Code section shall be filed with the
1051 ~~department~~ office if the inspection is made by a state enforcement authority or with the
1052 local governing authority if the inspection is made by a local enforcement authority.
1053 Copies of the reports for new installations shall also be filed with the state fire marshal for
1054 his or her information. Such reports shall be made within ten days after the inspection has
1055 been completed, on forms prescribed by the Commissioner or the local enforcement
1056 authority, and shall indicate whether the elevator, escalator, manlift, moving walk, or
1057 dumbwaiter is safe and whether it meets the applicable rules and regulations prescribed
1058 pursuant to subsection (b) of Code Section 8-2-104. After any such report is filed, the
1059 enforcement authority may require additional inspections to assure that any such elevator,
1060 escalator, manlift, moving walk, or dumbwaiter meets such rules and regulations.

1061 (d) If any inspection report indicates that an elevator, escalator, manlift, moving walk, or
1062 dumbwaiter is in an unsafe condition which if continually operated may endanger lives or
1063 property, then the enforcement authority may, at its discretion, require the owner or lessee
1064 to discontinue the use thereof until it has been made safe and in conformity with the rules
1065 and regulations specified in subsection (b) of Code Section 8-2-104.

1066 (e) Elevator contractors who perform installations, alterations, repairs, or modifications
1067 on elevators, escalators, power freight elevators, moving walks, manlifts, or dumbwaiters,
1068 including the hoistways and machine rooms, shall be exempt from the requirements of
1069 Code ~~Section~~ Sections 43-14-8 and ~~Code Section~~ 43-14-8.1.

1070 (f) Private residence elevators shall be exempt from mandatory periodic inspections but
1071 shall be required to have an initial construction inspection as provided in the rules and
1072 regulations of the Commissioner. At the request of the owner or user of a private residence
1073 elevator, an inspection may be performed by the ~~department~~ office and an inspection report
1074 issued. The ~~department~~ office shall charge the person requesting the report a fee as set by
1075 the Commissioner to cover actual expenses of the inspection.

1076 8-2-103.

1077 (a) An operating report shall be issued by the enforcement authority if the inspection report
1078 indicates that the elevator, escalator, manlift, moving walk, or dumbwaiter complies with
1079 the applicable rules and regulations prescribed pursuant to subsection (b) of Code Section
1080 8-2-104 and upon payment of a permit fee. Such permits shall be valid for a period of 12
1081 months.

1082 (b) No elevator, escalator, manlift, moving walk, or dumbwaiter shall be operated by the
1083 owner or lessee thereof unless a valid operating permit, or a limited operating permit when
1084 permitted by the rules and regulations of the Commissioner, has been issued.

1085 (c) The operating permit shall indicate whether it is issued for an elevator, escalator,
1086 manlift, moving walk, or dumbwaiter, state the rated load and speed and, in the case of an
1087 elevator, state whether the usage is for passengers or freight. The operating permit shall
1088 be posted either conspicuously in the car of an elevator or on the premises. The operating
1089 permit for an escalator, manlift, moving walk, or a dumbwaiter shall be posted on the
1090 premises.

1091 (d) If the enforcement authority has reason to believe that any owner or lessee to whom
1092 an operating permit has been issued is not complying with the applicable rules and
1093 regulations specified in subsection (b) of Code Section 8-2-104, it shall so notify such
1094 owner or lessee and shall give notice of a date for a hearing thereon to such owner or
1095 lessee. If, after such hearing, it shall find that such owner or lessee is not complying with
1096 such rules and regulations, it shall revoke such permit and require the owner or lessee to
1097 discontinue the use of such elevator, escalator, manlift, moving walk, or power
1098 dumbwaiter.

1099 8-2-104.

1100 (a) The Commissioner shall be authorized to employ inspectors to carry out the provisions
1101 of this part. The Commissioner shall also be authorized to certify other qualified persons
1102 to carry out the provisions of this part, including technically competent individuals of any
1103 company licensed to insure and insuring elevators in this state and technically competent

1104 individuals of a regularly established elevator inspection service. The Commissioner shall
1105 prescribe the qualifications, authority, functions, and duties of such inspectors.

1106 (b)(1)(A) The Commissioner shall by rules and regulations prescribe various inspection
1107 fees and operating permit fees necessary to enable the state and local enforcement
1108 authorities to carry out the provisions of this part.

1109 (B) The owners and users of elevators, dumbwaiters, escalators, manlifts, and moving
1110 walks which are inspected by certified inspectors in private business or with private
1111 corporations shall be exempt from the payment to the state or local enforcement
1112 authorities of the inspection fees provided in subparagraph (A) of this paragraph.

1113 (2) Elevators, dumbwaiters, escalators, manlifts, and moving walks subject to operating
1114 permit inspections by private inspectors shall be inspected within 60 calendar days
1115 following the required reinspection date. Inspections not performed within this 60
1116 calendar day period shall result in a civil penalty of \$500.00 for each elevator,
1117 dumbwaiter, escalator, manlift, or moving walk not inspected.

1118 (3) Inspection fees due on elevators, dumbwaiters, escalators, manlifts, and moving
1119 walks subject to inspection by the chief or deputy inspectors or operating permit fees due
1120 from inspections performed by private inspectors shall be paid within 60 calendar days
1121 of completion of such inspections. Inspection fees or operating fees unpaid within 60
1122 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a
1123 month. Interest shall continue to accrue until all amounts due, including interest, are
1124 received by the Commissioner.

1125 (4) The Commissioner may waive the collection of the penalties and interest assessed in
1126 paragraphs (2) and (3) of this subsection when it is reasonably determined that the delays
1127 in inspection or payment were unavoidable or due to the action or inaction of the
1128 department office.

1129 (c) The American National Standard Safety Code for elevators, dumbwaiters, escalators,
1130 and moving walks ANSI A17.1-1984 and the Safety Standards for Manlifts ANSI
1131 A90.1-1976 are adopted as rules and regulations of the Department of Labor office for the
1132 purposes of this part until otherwise amended by rules and regulations of the
1133 Commissioner.

1134 (d) In addition to the rules and regulations adopted pursuant to subsections (b) and (c) of
1135 this Code section, the Commissioner shall be authorized to adopt such rules and regulations
1136 as may be reasonably necessary to carry out the provisions of this part.

1137 (e) The Commissioner shall also have the power in any particular case to grant exceptions
1138 and variations from the literal requirements of the rules and regulations adopted pursuant
1139 to subsection (c) of this Code section. Such exceptions and variations shall be granted only
1140 in any particular case where it is clearly evident that they are necessary to prevent undue

1141 hardship or where the existing conditions prevent compliance with the literal requirements
1142 of the rules and regulations. In no case shall any exception or variation be granted unless,
1143 in the opinion of the Commissioner, reasonable safety will be secured thereby.

1144 8-2-105.

1145 (a) The governing body of any municipality or county which adopts at least the minimum
1146 rules and regulations relative to inspections and safety standards for elevators, escalators,
1147 manlifts, moving walks, and dumbwaiters as provided in subsection (b) of Code Section
1148 8-2-102 and subsection (c) of Code Section 8-2-104 shall have the power:

1149 (1) To adopt by ordinance or resolution any reasonable provisions for the enforcement
1150 of such local standards adopted applicable to elevators, escalators, manlifts, moving
1151 walks, and dumbwaiters, including procedural requirements, provisions for hearings,
1152 provisions for appeals from decisions of local inspectors, and any other provisions or
1153 procedures necessary to the proper administration and enforcement of the requirements
1154 of such local standards;

1155 (2) To provide for inspection of buildings or similar structures to ensure compliance with
1156 the local standards;

1157 (3) To employ inspectors, including chief and deputy inspectors, and any other personnel
1158 necessary for the proper enforcement of such standards, provided that such inspectors
1159 meet the minimum qualifications of state inspectors and are certified by the
1160 Commissioner pursuant to subsection (a) of Code Section 8-2-104;

1161 (4) To contract with other municipalities or counties adopting at least state minimum
1162 standards, or with the state, to administer such standards and to provide inspection and
1163 enforcement personnel and services necessary to ensure compliance with the standards;
1164 and

1165 (5) To contract with any other county or municipality whereby the parties agree that the
1166 inspectors of each contracting party may have jurisdiction to enforce the local standards
1167 within the boundaries of the other contracting party.

1168 (b) When a local enforcement authority conducts an inspection or issues an operating
1169 permit as provided in this part, any inspection fee or operating permit fee due shall be paid
1170 to the municipality or county employing the enforcement authority.

1171 8-2-106.

1172 (a) The owner or lessee shall report, by telephone, to the enforcement authority on the
1173 same day or by noon on the next work day, excluding state holidays and weekends, all
1174 elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving

1175 personal injury or death. The owner or lessee shall also provide a written report of this
1176 accident within seven days.

1177 (b) The owner or lessee shall report, in writing, to the enforcement authority within seven
1178 days, excluding state holidays and weekends, all elevator, escalator, manlift, moving walk,
1179 or power dumbwaiter related accidents involving structural damage to the elevator,
1180 escalator, manlift, moving walk, or power dumbwaiter.

1181 (c) Any elevator, escalator, manlift, moving walk, or power dumbwaiter involved in an
1182 accident described in subsection (a) or (b) of this Code section shall be removed from
1183 service at the time of the accident. The equipment shall not be repaired, altered, or placed
1184 back in service until inspected by a certified inspector for the enforcement authority.

1185 8-2-107.

1186 (a) The installation, alteration, maintenance, and operation of the facilities and equipment
1187 regulated by or pursuant to the provisions of this part affect the public interest, and such
1188 regulation is necessary for the protection of the public health, safety, and welfare.
1189 Therefore, violations of this part or of rules and regulations adopted by or pursuant to this
1190 part are a public nuisance, harmful to the public health, safety, and welfare; and, in addition
1191 to other remedies provided by law, the actions of the Commissioner, the ~~department~~ office,
1192 or any local enforcement authority under this part shall be enforceable by injunction
1193 properly applied for by the Commissioner or any other enforcement authority in any court
1194 of Georgia having jurisdiction over the defendant.

1195 (b)(1) Any person, firm, partnership, or corporation which violates this part shall be
1196 guilty of a misdemeanor. Each day on which a violation occurs shall constitute a separate
1197 offense.

1198 (2) In addition to the penalty provisions in subsection (a) of this Code section and
1199 paragraph (1) of this subsection, the Commissioner shall have the power, after notice and
1200 hearing, to levy civil penalties as prescribed in the rules and regulations of the ~~department~~
1201 office in an amount not to exceed \$5,000.00 upon any person, firm, partnership, or
1202 corporation failing to adhere to the requirements of this part and the rules and regulations
1203 promulgated under this part. The imposition of a penalty for a violation of this part or the
1204 rules and regulations promulgated under this part shall not excuse the violation or permit
1205 it to continue.

1206 8-2-108.

1207 (a) Any person aggrieved by an order or an act of an inspector under this chapter may,
1208 within 15 days of notice thereof, appeal from such order or act to the Commissioner who
1209 shall, within 30 days thereafter, issue an appropriate order either approving or disapproving

1210 said order or act. A copy of such order by the Commissioner shall be given to all interested
1211 parties.

1212 (b) This part, as it applies to the Commissioner and the ~~department~~ office, shall be
1213 governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1214 8-2-109.

1215 ~~(a) For the purpose of assisting the Commissioner in the adoption of rules and regulations~~
1216 ~~and in carrying out the provisions of this part, the Commissioner shall consult with the~~
1217 ~~Governor's Employment and Training Council provided for in Code Section 34-14-1.~~

1218 ~~(b)~~ The Commissioner shall be authorized to consult with persons knowledgeable in the
1219 areas of construction, use, or safety of conveyances or facilities covered by this part and
1220 to create committees composed of such consultants ~~and members of the Governor's~~
1221 ~~Employment and Training Council~~ to assist the Commissioner in carrying out his or her
1222 duties under this part.

1223 8-2-109.1.

1224 (a) This part shall not apply to elevators located on vehicles operating under the rules of
1225 other state or federal authorities and used for carrying passengers or freight.

1226 (b) This part shall not apply to any single-seat, single-passenger chairlift located in a
1227 building owned and operated by an incorporated or unincorporated nonprofit organization
1228 organized and operated exclusively for educational, religious, charitable, or other
1229 eleemosynary purposes.

1230 (c) Any county, municipality, or other political subdivision which adopts the minimum
1231 rules and regulations as provided in Code Section 8-2-105 shall be audited on a semiannual
1232 basis for compliance by the ~~Department of Labor~~ office; and any laws, ordinances, or
1233 resolutions in conflict with this part shall be void and of no effect."

1234 **SECTION 9.**

1235 Code Section 8-2-31, relating to effect of part relative to state building, plumbing, and
1236 electrical codes, is amended by revising paragraph (2) of subsection (c) as follows:

1237 "(2) ~~Chapter 11 of Title 34~~ Article 2 of Chapter 15 of Title 25, the 'Boiler Vessel Safety
1238 Act';"

1239 **SECTION 10.**

1240 This Act shall become effective upon its approval by the Governor or upon its becoming law
1241 without such approval.

1242 **SECTION 11.**
1243 All laws and parts of laws in conflict with this Act are repealed.