

The House Committee on Governmental Affairs offers 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:

12 style="text-align:center">**SECTION 1.**

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

15 style="text-align:center">"CHAPTER 15

16 style="text-align:center">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27 repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper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.

60 (f) The Safety Fire Commissioner shall provide a report to the House Committee on
61 Governmental Affairs and the Senate Government Oversight Committee prior to the first

62 day of the 2013 regular session of the Georgia General Assembly outlining the effects and
 63 results of this Code section and providing information on any problems or concerns with
 64 respect to the implementation of this Code section."

65 **SECTION 2.**

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

69 ~~"CHAPTER 11~~ ARTICLE 2

70 ~~34-11-1.~~ 25-15-10.

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

74 ~~34-11-2.~~ 25-15-11.

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

76 (1) ~~Reserved.~~

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

84 (A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding
 85 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or
 86 temperatures not exceeding 250 degrees Fahrenheit.

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

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

91 ~~(3)~~(2) 'Certificate of inspection' means an inspection, the report of which is used by the
 92 chief inspector to determine whether or not a certificate as provided by subsection (c) of
 93 Code Section ~~34-11-15~~ 25-15-24 may be issued.

94 ~~(4)~~(3) 'Commissioner' means the ~~Commissioner of Labor Safety~~ Fire Commissioner.

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

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

97 ~~(6)(5)~~ 'Pressure vessel' means a vessel other than those vessels defined in
98 paragraph ~~(2)(1)~~ of this Code section in which the pressure is obtained from an external
99 source or by the application of heat.

100 ~~34-11-3. 25-15-12.~~

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

105 ~~34-11-4. 25-15-13.~~

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

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

123 (3) The ~~Department of Labor~~ office shall formulate the rules and regulations for the
124 inspection, maintenance, and repair of boilers and pressure vessels which were in use in
125 this state prior to the date upon which the first rules and regulations under this ~~chapter~~
126 article pertaining to existing installations become effective or during the 12 month period
127 immediately thereafter. The rules and regulations so formulated shall be based upon and
128 at all times follow generally accepted nation-wide engineering standards and practices

129 and may adopt sections of the Inspection Code of the National Board of Boiler and
 130 Pressure Vessel Inspectors or API 510 of the American Petroleum Institute, as applicable.

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

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

144 ~~34-11-5: 25-15-14.~~

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

153 ~~34-11-6: 25-15-15.~~

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

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

164 (c) This ~~chapter~~ article shall not be construed as in any way preventing the use, sale, or
 165 reinstallation of a boiler or pressure vessel referred to in this Code section, provided it has
 166 been made to conform to the rules and regulations of the ~~department~~ office governing
 167 existing installations and provided, further, that it has not been found upon inspection to
 168 be in an unsafe condition.

169 ~~34-11-7. 25-15-16.~~

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

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

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

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

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

182 (5) Pressure vessels that do not exceed:

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

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

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

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

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

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

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

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

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

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

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

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

- 200 (C) Nominal water-containing capacity of 120 gallons.
- 201 These exempt hot water supply boilers shall be equipped with ASME-National Board
202 approved safety relief valves;
- 203 (10) Pressure vessels in the care, custody, and control of research facilities and used
204 solely for research purposes which require one or more details of noncode construction
205 or which involve destruction or reduced life expectancy of those vessels;
- 206 (11) Pressure vessels or other structures or components that are not considered to be
207 within the scope of ASME Code, Section VIII;
- 208 (12) Boilers and pressure vessels operated and maintained for the production and
209 generation of electricity; provided, however, that any person, firm, partnership, or
210 corporation operating such a boiler or pressure vessel has insurance or is self-insured and
211 such boiler or pressure vessel is regularly inspected in accordance with the minimum
212 requirements for safety as defined in the ASME Code by an inspector who has been
213 issued a certificate of competency by the Commissioner in accordance with the
214 provisions of Code Section ~~34-11-10~~ 25-15-19;
- 215 (13) Boilers and pressure vessels operated and maintained as a part of a manufacturing
216 process; provided, however, that any person, firm, partnership, or corporation operating
217 such a boiler or pressure vessel has insurance or is self-insured and such boiler or
218 pressure vessel is regularly inspected in accordance with the minimum requirements for
219 safety as defined in the ASME Code by an inspector who has been issued a certificate of
220 competency by the Commissioner in accordance with the provisions of Code Section
221 25-15-19;
- 222 (14) Boilers and pressure vessels operated and maintained by a public utility; and
- 223 (15) Autoclaves used only for the sterilization of reusable medical or dental implements
224 in the place of business of any professional licensed by the laws of this state.
- 225 (b) The following boilers and pressure vessels shall be exempt from the requirements of
226 subsections (b), (c), and (d) of Code Section ~~34-11-14~~ 25-15-23 and Code Sections
227 ~~34-11-15~~ 25-15-24 and ~~34-11-16~~ 25-15-26:
- 228 (1) Boilers or pressure vessels located on farms and used solely for agricultural or
229 horticultural purposes;
- 230 (2) Heating boilers or pressure vessels which are located in private residences or in
231 apartment houses of less than six family units;
- 232 (3) Any pressure vessel used as an external part of an electrical circuit breaker or
233 transformer;
- 234 (4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than
235 ten buildings intended for human occupancy per 0.25 square mile and where the closest
236 building is at least 220 yards from any vessel;

- 237 (5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the
 238 state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas,
 239 2,000 gallons or above, which have been modified or altered; and
 240 (6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig
 241 pressure.

242 ~~34-11-8.~~ 25-15-17.

243 (a) The Commissioner may appoint to be chief inspector a citizen of this state or, if not
 244 available, a citizen of another state, who shall have had at the time of such appointment not
 245 less than five years' experience in the construction, installation, inspection, operation,
 246 maintenance, or repair of high pressure boilers and pressure vessels as a mechanical
 247 engineer, steam operating engineer, boilermaker, or boiler inspector and who shall have
 248 passed the same kind of examination as that prescribed under Code Section ~~34-11-11~~
 249 25-15-20. Such chief inspector may be removed for cause after due investigation by ~~the~~
 250 ~~board and its recommendation to~~ the Commissioner.

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

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

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

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

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

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

265 ~~34-11-9.~~ 25-15-18.

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

272 ~~34-11-10: 25-15-19.~~

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

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

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

306 ~~34-11-11.~~ 25-15-20.

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

318 ~~34-11-12.~~ 25-15-21.

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

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

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

338 ~~34-11-13.~~ 25-15-22.

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

341 ~~34-11-14.~~ 25-15-23.

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

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

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

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

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

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

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

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

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

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

378 accordance with generally accepted practice and compatible with the actual service
379 conditions, such as:

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

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

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

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

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

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

406 ~~34-11-15. 25-15-24.~~

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

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

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

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

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

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

454 ~~34-11-15.1. 25-15-25.~~

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

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

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

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

471 ~~34-11-16. 25-15-26.~~

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

480 ~~34-11-17. 25-15-27.~~

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

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

489 ~~34-11-18.~~

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

494 ~~34-11-19.~~ 25-15-28.

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

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

501 ~~34-11-20.~~ 25-15-29.

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

507 ~~34-11-21.~~ 25-15-30.

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

512 ~~34-11-22.~~

513 ~~In the event any Code section, subsection, sentence, clause, or phrase of this chapter shall~~
 514 ~~be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner~~

515 ~~affect the other Code sections, subsections, sentences, clauses, or phrases of this chapter,~~
 516 ~~which shall remain of full force and effect, as if the Code section, subsection, sentence,~~
 517 ~~clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a~~
 518 ~~part hereof. The General Assembly declares that it would have passed the remaining parts~~
 519 ~~of this chapter if it had known that such part or parts hereof would be declared or adjudged~~
 520 ~~invalid or unconstitutional."~~

521 **SECTION 3.**

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

524 ~~"CHAPTER 12~~ ARTICLE 3

525 ~~34-12-1.~~ 25-15-50.

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

527 ~~34-12-2.~~ 25-15-51.

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

529 ~~(1) Reserved.~~

530 ~~(2)~~(1) 'Amusement ride' means any mechanical device, other than those regulated by the
 531 Consumer Products Safety Commission, which carries or conveys passengers along,
 532 around, or over a fixed or restricted route or course or within a defined area for the
 533 purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term
 534 shall not include any such device which is not permanently fixed to a site.

535 ~~(3)~~(2) 'Authorized person' means a competent person experienced and instructed in the
 536 work to be performed who has been given the responsibility to perform his or her duty
 537 by the owner or his or her representative.

538 ~~(3.1)~~(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate
 539 to operate an amusement ride.

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

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

544 ~~(6) 'Department' means the Department of Labor, which is designated to enforce the~~
 545 ~~provisions of this chapter and to formulate and enforce standards and regulations.~~

546 ~~(7)~~(6) 'Licensed inspector' means a registered professional engineer or any other person
 547 who is found by the ~~department~~ office to possess the requisite training and experience to

548 perform competently the inspections required by this ~~chapter~~ article and who is licensed
549 by the ~~department~~ office to perform inspections of amusement rides.

550 ~~(8)(7)~~ 'Operator' means a person or persons actually engaged in or directly controlling
551 the operation of an amusement ride.

552 (8) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce
553 the provisions of this article and to formulate and enforce standards and regulations.

554 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns an
555 amusement ride or, in the event that the amusement ride is leased, the lessee.

556 (10) 'Permit' means a permit to operate an amusement ride issued to an owner by the
557 ~~department~~ office.

558 (11) 'Permit fee' means the fee charged by the ~~department~~ office for a permit to operate
559 an amusement ride.

560 (12) 'Standards and regulations' means those standards and regulations formulated and
561 enforced by the ~~department~~ office.

562 ~~34-12-3:~~ 25-15-52.

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

566 ~~34-12-4:~~

567 ~~Reserved.~~

568 ~~34-12-5:~~ 25-15-53.

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

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

581 (1) Enforce all standards and regulations;

- 582 (2) License inspectors for authorization to inspect amusement rides;
 583 (3) Issue permits upon compliance with this ~~chapter~~ article and such standards and
 584 regulations adopted pursuant to this ~~chapter~~ article; and
 585 (4) Establish a fee schedule for the issuance of permits for amusement rides.

586 ~~34-12-6: 25-15-54.~~

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

589 ~~34-12-7: 25-15-55.~~

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

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

599 ~~34-12-8: 25-15-56.~~

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

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

609 ~~34-12-9: 25-15-57.~~

610 The ~~department~~ office may waive the requirement of subsection (a) of Code Section
 611 ~~34-12-8 25-15-56~~ if the owner of an amusement ride gives satisfactory proof to the
 612 ~~department~~ office that the amusement ride has passed an inspection conducted by a federal
 613 agency or by another state whose standards and regulations for the inspection of such an
 614 amusement ride are at least as stringent as those adopted pursuant to this ~~chapter~~ article.

615 ~~34-12-10.~~ 25-15-58.

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

620 ~~34-12-11.~~ 25-15-59.

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

627 ~~34-12-12.~~ 25-15-60.

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

631 ~~34-12-13.~~ 25-15-61.

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

639 ~~34-12-14.~~ 25-15-62.

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

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

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

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

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

650 ~~34-12-15:~~ 25-15-63.

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

660 ~~34-12-16:~~ 25-15-64.

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

664 ~~34-12-17:~~ 25-15-65.

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

671 ~~34-12-18:~~ 25-15-66.

672 (a) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a
 673 written order for the temporary cessation of operation of an amusement ride if it has been
 674 determined after inspection to be hazardous or unsafe. Operations shall not resume until
 675 such conditions are corrected to the satisfaction of the Commissioner or ~~his~~ the
 676 Commissioner's authorized representative.

677 (b) In the event that an owner or operator knowingly allows the operation of an amusement
 678 ride after the issuing of a temporary cessation, the Commissioner or ~~his~~ the Commissioner's
 679 authorized representative may initiate in the superior court any action for an injunction or

680 writ of mandamus upon the petition of the district attorney or Attorney General. An
 681 injunction, without bond, may be granted by the superior court to the Commissioner for the
 682 purpose of enforcing this ~~chapter~~ article.

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

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

694 ~~34-12-19: 25-15-67.~~

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

700 ~~34-12-20: 25-15-68.~~

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

705 ~~34-12-21: 25-15-69.~~

706 No county, municipality, or other political subdivision shall have the power to pass
 707 ordinances, resolutions, or other requirements regulating the construction, installation,
 708 inspection, maintenance, repair, or operation of amusement rides within the limits of such
 709 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
 710 other requirements ~~heretofore passed~~ shall be void and of no effect; provided, however, that
 711 the provisions of this Code section shall not apply to local zoning ordinances or ordinances
 712 regulating location, siting requirements, or other development standards or conditions
 713 relative to amusement rides or their time of operation or noise levels generated. Nothing

714 in this ~~chapter~~ article preempts the imposition of regulatory fees or occupation taxes
715 imposed by counties and municipalities pursuant to Chapter 13 of Title 48."

716 **SECTION 4.**

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

719 ~~"CHAPTER 13~~ ARTICLE 4

720 ~~34-13-1. 25-15-80.~~

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

722 ~~34-13-2. 25-15-81.~~

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

724 ~~(1) Reserved.~~

725 ~~(2)~~(1) 'Authorized person' means a competent person experienced and instructed in the
726 work to be performed who has been given the responsibility to perform his or her duty
727 by the owner or the owner's representative.

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

734 ~~(3.1)~~(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate
735 to operate a carnival ride.

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

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

740 ~~(6) 'Department' means the Department of Labor, which is designated to enforce the~~
741 ~~provisions of this chapter and to formulate and enforce standards and regulations.~~

742 ~~(7)~~(6) 'Licensed inspector' means a registered professional engineer or any other person
743 who is found by the ~~department~~ office to possess the requisite training and experience to
744 perform competently the inspections required by this ~~chapter~~ article and who is licensed
745 by the ~~department~~ office to perform inspections of carnival rides.

746 (7) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce
 747 the provisions of this article and to formulate and enforce standards and regulations.

748 (8) 'Operator' means a person or persons actually engaged in or directly controlling the
 749 operation of a carnival ride.

750 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns a
 751 carnival ride or, in the event that the carnival ride is leased, the lessee.

752 (10) 'Permit' means a permit to operate a carnival ride issued to an owner by the
 753 department office.

754 (11) 'Permit fee' means the fee charged by the department office for a permit to operate
 755 a carnival ride.

756 (12) 'Standards and regulations' means those standards and regulations formulated and
 757 enforced by the department office.

758 ~~34-13-3.~~ 25-15-82.

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

762 ~~34-13-4.~~

763 ~~Reserved.~~

764 ~~34-13-5.~~ 25-15-83.

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

773 (b) The department office shall:

774 (1) Enforce all standards and regulations;

775 (2) License inspectors for authorization to inspect carnival rides; and

776 (3) Issue permits upon compliance with this chapter article and such standards and
 777 regulations adopted pursuant to this chapter article.

778 (c) The owner or operator of a carnival ride required to be inspected shall pay fees as
 779 prescribed in rules and regulations promulgated by the Commissioner. The chief inspector

780 shall transfer all fees so received to the general fund of the state treasury. All funds so
781 deposited in the state treasury are authorized to be appropriated by the General Assembly
782 to the ~~Commissioner of Labor~~ Safety Fire Commissioner.

783 ~~34-13-6:~~ 25-15-84.

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

786 ~~34-13-7:~~ 25-15-85.

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

792 ~~34-13-8:~~ 25-15-86.

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

799 ~~34-13-9:~~ 25-15-87.

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

805 ~~34-13-10:~~ 25-15-88.

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

811 ~~34-13-11.~~ 25-15-89.

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

818 ~~34-13-12.~~ 25-15-90.

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

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

825 ~~34-13-13.~~ 25-15-91.

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

833 ~~34-13-14.~~ 25-15-92.

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

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

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

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

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

844 ~~34-13-15.~~ 25-15-93.

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

854 ~~34-13-16.~~ 25-15-94.

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

858 ~~34-13-17.~~ 25-15-95.

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

865 ~~34-13-18.~~ 25-15-96.

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

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

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

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

888 ~~34-13-19. 25-15-97.~~

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

894 ~~34-13-20. 25-15-98.~~

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

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

900 ~~34-13-21. 25-15-99.~~

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

905 ~~34-13-22. 25-15-100.~~

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

910 ~~34-13-23.~~ 25-15-101.

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

921 **SECTION 5.**

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

924 **SECTION 6.**

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

928 "ARTICLE 5

929 ~~"34-1-1.~~ 25-15-110.

930 (a)(1) All scaffolding or staging that is swung or suspended from an overhead support
 931 or erected with stationary supports, ~~which scaffolding or staging~~ and is suspended or rises
 932 30 feet or more above the ground; shall have a safety rail properly attached, bolted,
 933 braced, and otherwise secured; and the, ~~which~~ safety rail shall rise at least 34 inches
 934 above the floor or main portions of such scaffolding or staging and extend for the full
 935 length of such staging and along the ends thereof with only such openings as may be
 936 necessary for the delivery of materials being used on such scaffold or staging. Such
 937 scaffolding or staging shall also be so fastened as to prevent it from swaying from the
 938 building or structure. However, this paragraph shall not apply to any scaffolding or
 939 staging which is wholly within the interior of a building or other structure and which
 940 covers the entire floor space therein.

941 (2) It shall be unlawful for any person to employ or direct others to perform labor of any
 942 kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building

943 or other structure without first having furnished proper protection to such person so
 944 employed or directed, as provided in paragraph (1) of this subsection.

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

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

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

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

965 (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold,
 966 staging, or other mechanical device in violation of any provision of this Code section shall
 967 be guilty of a misdemeanor."

968 **SECTION 7.**

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

970 **SECTION 8.**

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

974

"Part 6

975 8-2-100.

976 As used in this part, the term:

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

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

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

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

987 ~~(5)~~(4)(A) 'Elevator' means a hoisting and lowering mechanism designed to carry
988 passengers or authorized personnel and equipped with a car which moves in fixed
989 guides and serves two or more fixed landings.

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

996 ~~(6)~~(5) 'Enforcement authority' means the Commissioner, officers, and inspectors of the
997 ~~department~~ office authorized to enforce the provisions of this part and local inspectors
998 authorized to enforce the provisions of this part.

999 ~~(7)~~(6) 'Escalator' means a power driven, inclined, continuous stairway used for raising
1000 or lowering passengers.

1001 ~~(8)~~(7) 'Hand dumbwaiter' means a dumbwaiter driven by manual power, serving more
1002 than two consecutive stories, whose capacity exceeds 20 pounds and whose car platform
1003 area exceeds two square feet.

1004 ~~(9)~~(8) 'Hand elevator' means an elevator utilizing manual power to move the car.

1005 ~~(10)~~(9) 'Hoistway' means a shaftway or an opening through a building or structure for
1006 the travel of elevators, dumbwaiters, or material lifts, extending from the pit floor to the
1007 roof or floor above.

1008 ~~(11)~~(10) 'Manlift' means a device consisting of a power driven endless belt moving in
 1009 one direction only which is provided with steps or platforms and handholds attached to
 1010 it for the transportation of personnel from floor to floor.

1011 ~~(12)~~(11) 'Moving walk' means a type of passenger-carrying device on which passengers
 1012 stand or walk and in which the passenger-carrying surface remains parallel to its direction
 1013 of motion and is uninterrupted.

1014 (12) 'Office' means the office of Safety Fire Commissioner.

1015 (13) 'Power dumbwaiter' means a dumbwaiter driven by the application of energy other
 1016 than hand or gravity.

1017 (14) 'Power freight elevator' means an elevator used primarily for carrying freight,
 1018 utilizing energy other than gravity or hand to move the car and on which only the
 1019 operator and the persons necessary for unloading and loading the freight are permitted
 1020 to ride.

1021 (15) 'Power passenger elevator' means an elevator used primarily to carry persons other
 1022 than the operator and persons necessary for loading and unloading and utilizing energy
 1023 other than gravity or hand to move the car.

1024 8-2-101.

1025 ~~(a) Prior to January 1, 1986, the owner or lessee of every existing elevator, escalator,~~
 1026 ~~manlift, moving walk, and dumbwaiter shall register with the department or local~~
 1027 ~~enforcement authority each such elevator, escalator, manlift, moving walk, or dumbwaiter~~
 1028 ~~owned or operated by him, giving type, rated load and speed, name of manufacturer, its~~
 1029 ~~location and the purpose for which it is used, and such other information as the department~~
 1030 ~~or local enforcement authority may require. Such registration shall be made on a form to~~
 1031 ~~be furnished by the department or local enforcement authority on request. All elevators,~~
 1032 ~~escalators, manlifts, moving walks, and dumbwaiters erected or placed in service after~~
 1033 ~~January 1, 1986, shall be inspected before being placed in service and shall be registered~~
 1034 ~~within 15 days after they are completed and placed in service.~~

1035 (b) Every elevator, dumbwaiter, manlift, moving walk, and escalator shall be maintained
 1036 by the owner or lessee in a safe operating condition and in conformity with the rules and
 1037 regulations specified by subsection (b) of Code Section 8-2-104.

1038 (c) Before any alteration can be made to any elevator, escalator, manlift, moving walk, or
 1039 dumbwaiter already placed in service, the owner or lessee shall be required to notify the
 1040 enforcement authority of any such alteration. The enforcement authority shall be
 1041 authorized to conduct an inspection after any such alteration.

1042 8-2-102.

1043 (a)(1) Power passenger elevators, power freight elevators, escalators, manlifts, and
1044 moving walks shall be inspected once during each six-month period.

1045 (2) Hand elevators and power and hand dumbwaiters shall be inspected once during each
1046 12 month period.

1047 (b) Inspections and installations shall be made in accordance with the standards set forth
1048 in Part 'X' of ANSI A17.1-1984, the American National Standard Practice for Inspection
1049 of Elevators, Escalators and Moving Walks Inspector's Manual ANSI A17.2, the Safety
1050 Standards for Manlifts ANSI A90.1-1976, the Safety Standard for Construction Hoists
1051 ANSI A10.4-1981 and ANSI A10.5-1981, the Safety Standard for Conveyors and Related
1052 Equipment ANSI B20.1-1984, or the latest revised rules and regulations adopted by the
1053 Commissioner. Any inspections performed under these codes shall cover the hoistway,
1054 associated equipment rooms, and access thereto, and shall include lobby smoke detectors.

1055 (c) A report of any inspection required by this Code section shall be filed with the
1056 ~~department~~ office if the inspection is made by a state enforcement authority or with the
1057 local governing authority if the inspection is made by a local enforcement authority.
1058 Copies of the reports for new installations shall also be filed with the state fire marshal for
1059 his or her information. Such reports shall be made within ten days after the inspection has
1060 been completed, on forms prescribed by the Commissioner or the local enforcement
1061 authority, and shall indicate whether the elevator, escalator, manlift, moving walk, or
1062 dumbwaiter is safe and whether it meets the applicable rules and regulations prescribed
1063 pursuant to subsection (b) of Code Section 8-2-104. After any such report is filed, the
1064 enforcement authority may require additional inspections to assure that any such elevator,
1065 escalator, manlift, moving walk, or dumbwaiter meets such rules and regulations.

1066 (d) If any inspection report indicates that an elevator, escalator, manlift, moving walk, or
1067 dumbwaiter is in an unsafe condition which if continually operated may endanger lives or
1068 property, then the enforcement authority may, at its discretion, require the owner or lessee
1069 to discontinue the use thereof until it has been made safe and in conformity with the rules
1070 and regulations specified in subsection (b) of Code Section 8-2-104.

1071 (e) Elevator contractors who perform installations, alterations, repairs, or modifications
1072 on elevators, escalators, power freight elevators, moving walks, manlifts, or dumbwaiters,
1073 including the hoistways and machine rooms, shall be exempt from the requirements of
1074 ~~Code Section Sections~~ Sections 43-14-8 and ~~Code Section~~ 43-14-8.1.

1075 (f) Private residence elevators shall be exempt from mandatory periodic inspections but
1076 shall be required to have an initial construction inspection as provided in the rules and
1077 regulations of the Commissioner. At the request of the owner or user of a private residence
1078 elevator, an inspection may be performed by the ~~department~~ office and an inspection report

1079 issued. The ~~department~~ office shall charge the person requesting the report a fee as set by
1080 the Commissioner to cover actual expenses of the inspection.

1081 8-2-103.

1082 (a) An operating report shall be issued by the enforcement authority if the inspection report
1083 indicates that the elevator, escalator, manlift, moving walk, or dumbwaiter complies with
1084 the applicable rules and regulations prescribed pursuant to subsection (b) of Code Section
1085 8-2-104 and upon payment of a permit fee. Such permits shall be valid for a period of 12
1086 months.

1087 (b) No elevator, escalator, manlift, moving walk, or dumbwaiter shall be operated by the
1088 owner or lessee thereof unless a valid operating permit, or a limited operating permit when
1089 permitted by the rules and regulations of the Commissioner, has been issued.

1090 (c) The operating permit shall indicate whether it is issued for an elevator, escalator,
1091 manlift, moving walk, or dumbwaiter, state the rated load and speed and, in the case of an
1092 elevator, state whether the usage is for passengers or freight. The operating permit shall
1093 be posted either conspicuously in the car of an elevator or on the premises. The operating
1094 permit for an escalator, manlift, moving walk, or a dumbwaiter shall be posted on the
1095 premises.

1096 (d) If the enforcement authority has reason to believe that any owner or lessee to whom
1097 an operating permit has been issued is not complying with the applicable rules and
1098 regulations specified in subsection (b) of Code Section 8-2-104, it shall so notify such
1099 owner or lessee and shall give notice of a date for a hearing thereon to such owner or
1100 lessee. If, after such hearing, it shall find that such owner or lessee is not complying with
1101 such rules and regulations, it shall revoke such permit and require the owner or lessee to
1102 discontinue the use of such elevator, escalator, manlift, moving walk, or power
1103 dumbwaiter.

1104 8-2-104.

1105 (a) The Commissioner shall be authorized to employ inspectors to carry out the provisions
1106 of this part. The Commissioner shall also be authorized to certify other qualified persons
1107 to carry out the provisions of this part, including technically competent individuals of any
1108 company licensed to insure and insuring elevators in this state and technically competent
1109 individuals of a regularly established elevator inspection service. The Commissioner shall
1110 prescribe the qualifications, authority, functions, and duties of such inspectors.

1111 (b)(1)(A) The Commissioner shall by rules and regulations prescribe various inspection
1112 fees and operating permit fees necessary to enable the state and local enforcement
1113 authorities to carry out the provisions of this part.

1114 (B) The owners and users of elevators, dumbwaiters, escalators, manlifts, and moving
1115 walks which are inspected by certified inspectors in private business or with private
1116 corporations shall be exempt from the payment to the state or local enforcement
1117 authorities of the inspection fees provided in subparagraph (A) of this paragraph.

1118 (2) Elevators, dumbwaiters, escalators, manlifts, and moving walks subject to operating
1119 permit inspections by private inspectors shall be inspected within 60 calendar days
1120 following the required reinspection date. Inspections not performed within this 60
1121 calendar day period shall result in a civil penalty of \$500.00 for each elevator,
1122 dumbwaiter, escalator, manlift, or moving walk not inspected.

1123 (3) Inspection fees due on elevators, dumbwaiters, escalators, manlifts, and moving
1124 walks subject to inspection by the chief or deputy inspectors or operating permit fees due
1125 from inspections performed by private inspectors shall be paid within 60 calendar days
1126 of completion of such inspections. Inspection fees or operating fees unpaid within 60
1127 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a
1128 month. Interest shall continue to accrue until all amounts due, including interest, are
1129 received by the Commissioner.

1130 (4) The Commissioner may waive the collection of the penalties and interest assessed in
1131 paragraphs (2) and (3) of this subsection when it is reasonably determined that the delays
1132 in inspection or payment were unavoidable or due to the action or inaction of the
1133 department office.

1134 (c) The American National Standard Safety Code for elevators, dumbwaiters, escalators,
1135 and moving walks ANSI A17.1-1984 and the Safety Standards for Manlifts ANSI
1136 A90.1-1976 are adopted as rules and regulations of the Department of Labor office for the
1137 purposes of this part until otherwise amended by rules and regulations of the
1138 Commissioner.

1139 (d) In addition to the rules and regulations adopted pursuant to subsections (b) and (c) of
1140 this Code section, the Commissioner shall be authorized to adopt such rules and regulations
1141 as may be reasonably necessary to carry out the provisions of this part.

1142 (e) The Commissioner shall also have the power in any particular case to grant exceptions
1143 and variations from the literal requirements of the rules and regulations adopted pursuant
1144 to subsection (c) of this Code section. Such exceptions and variations shall be granted only
1145 in any particular case where it is clearly evident that they are necessary to prevent undue
1146 hardship or where the existing conditions prevent compliance with the literal requirements
1147 of the rules and regulations. In no case shall any exception or variation be granted unless,
1148 in the opinion of the Commissioner, reasonable safety will be secured thereby.

1149 8-2-105.

1150 (a) The governing body of any municipality or county which adopts at least the minimum
1151 rules and regulations relative to inspections and safety standards for elevators, escalators,
1152 manlifts, moving walks, and dumbwaiters as provided in subsection (b) of Code Section
1153 8-2-102 and subsection (c) of Code Section 8-2-104 shall have the power:

1154 (1) To adopt by ordinance or resolution any reasonable provisions for the enforcement
1155 of such local standards adopted applicable to elevators, escalators, manlifts, moving
1156 walks, and dumbwaiters, including procedural requirements, provisions for hearings,
1157 provisions for appeals from decisions of local inspectors, and any other provisions or
1158 procedures necessary to the proper administration and enforcement of the requirements
1159 of such local standards;

1160 (2) To provide for inspection of buildings or similar structures to ensure compliance with
1161 the local standards;

1162 (3) To employ inspectors, including chief and deputy inspectors, and any other personnel
1163 necessary for the proper enforcement of such standards, provided that such inspectors
1164 meet the minimum qualifications of state inspectors and are certified by the
1165 Commissioner pursuant to subsection (a) of Code Section 8-2-104;

1166 (4) To contract with other municipalities or counties adopting at least state minimum
1167 standards, or with the state, to administer such standards and to provide inspection and
1168 enforcement personnel and services necessary to ensure compliance with the standards;
1169 and

1170 (5) To contract with any other county or municipality whereby the parties agree that the
1171 inspectors of each contracting party may have jurisdiction to enforce the local standards
1172 within the boundaries of the other contracting party.

1173 (b) When a local enforcement authority conducts an inspection or issues an operating
1174 permit as provided in this part, any inspection fee or operating permit fee due shall be paid
1175 to the municipality or county employing the enforcement authority.

1176 8-2-106.

1177 (a) The owner or lessee shall report, by telephone, to the enforcement authority on the
1178 same day or by noon on the next work day, excluding state holidays and weekends, all
1179 elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving
1180 personal injury or death. The owner or lessee shall also provide a written report of this
1181 accident within seven days.

1182 (b) The owner or lessee shall report, in writing, to the enforcement authority within seven
1183 days, excluding state holidays and weekends, all elevator, escalator, manlift, moving walk,

1184 or power dumbwaiter related accidents involving structural damage to the elevator,
1185 escalator, manlift, moving walk, or power dumbwaiter.

1186 (c) Any elevator, escalator, manlift, moving walk, or power dumbwaiter involved in an
1187 accident described in subsection (a) or (b) of this Code section shall be removed from
1188 service at the time of the accident. The equipment shall not be repaired, altered, or placed
1189 back in service until inspected by a certified inspector for the enforcement authority.

1190 8-2-107.

1191 (a) The installation, alteration, maintenance, and operation of the facilities and equipment
1192 regulated by or pursuant to the provisions of this part affect the public interest, and such
1193 regulation is necessary for the protection of the public health, safety, and welfare.
1194 Therefore, violations of this part or of rules and regulations adopted by or pursuant to this
1195 part are a public nuisance, harmful to the public health, safety, and welfare; and, in addition
1196 to other remedies provided by law, the actions of the Commissioner, the ~~department~~ office,
1197 or any local enforcement authority under this part shall be enforceable by injunction
1198 properly applied for by the Commissioner or any other enforcement authority in any court
1199 of Georgia having jurisdiction over the defendant.

1200 (b)(1) Any person, firm, partnership, or corporation which violates this part shall be
1201 guilty of a misdemeanor. Each day on which a violation occurs shall constitute a separate
1202 offense.

1203 (2) In addition to the penalty provisions in subsection (a) of this Code section and
1204 paragraph (1) of this subsection, the Commissioner shall have the power, after notice and
1205 hearing, to levy civil penalties as prescribed in the rules and regulations of the ~~department~~
1206 office in an amount not to exceed \$5,000.00 upon any person, firm, partnership, or
1207 corporation failing to adhere to the requirements of this part and the rules and regulations
1208 promulgated under this part. The imposition of a penalty for a violation of this part or the
1209 rules and regulations promulgated under this part shall not excuse the violation or permit
1210 it to continue.

1211 8-2-108.

1212 (a) Any person aggrieved by an order or an act of an inspector under this chapter may,
1213 within 15 days of notice thereof, appeal from such order or act to the Commissioner who
1214 shall, within 30 days thereafter, issue an appropriate order either approving or disapproving
1215 said order or act. A copy of such order by the Commissioner shall be given to all interested
1216 parties.

1217 (b) This part, as it applies to the Commissioner and the ~~department~~ office, shall be
1218 governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1219 8-2-109.

1220 ~~(a) For the purpose of assisting the Commissioner in the adoption of rules and regulations~~
 1221 ~~and in carrying out the provisions of this part, the Commissioner shall consult with the~~
 1222 ~~Governor's Employment and Training Council provided for in Code Section 34-14-1.~~

1223 ~~(b)~~ The Commissioner shall be authorized to consult with persons knowledgeable in the
 1224 areas of construction, use, or safety of conveyances or facilities covered by this part and
 1225 to create committees composed of such consultants ~~and members of the Governor's~~
 1226 ~~Employment and Training Council~~ to assist the Commissioner in carrying out his or her
 1227 duties under this part.

1228 8-2-109.1.

1229 (a) This part shall not apply to elevators located on vehicles operating under the rules of
 1230 other state or federal authorities and used for carrying passengers or freight.

1231 (b) This part shall not apply to any single-seat, single-passenger chairlift located in a
 1232 building owned and operated by an incorporated or unincorporated nonprofit organization
 1233 organized and operated exclusively for educational, religious, charitable, or other
 1234 eleemosynary purposes.

1235 (c) Any county, municipality, or other political subdivision which adopts the minimum
 1236 rules and regulations as provided in Code Section 8-2-105 shall be audited on a semiannual
 1237 basis for compliance by the ~~Department of Labor~~ office; and any laws, ordinances, or
 1238 resolutions in conflict with this part shall be void and of no effect."

1239 **SECTION 9.**

1240 Code Section 8-2-31, relating to effect of part relative to state building, plumbing, and
 1241 electrical codes, is amended by revising paragraph (2) of subsection (c) as follows:

1242 "(2) ~~Chapter 11 of Title 34~~ Article 2 of Chapter 15 of Title 25, the 'Boiler Vessel Safety
 1243 Act';"

1244 **SECTION 10.**

1245 This Act shall become effective upon its approval by the Governor or upon its becoming law
 1246 without such approval.

1247 **SECTION 11.**

1248 All laws and parts of laws in conflict with this Act are repealed.