

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 385
RATIFIED BILL**

AN ACT MAKING OMNIBUS AMENDMENTS TO THE LABOR LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-69.10(a) reads as rewritten:

"(a) This Article shall apply to all boilers and pressure vessels constructed, used, or designed for operation in this State including all new and existing installations unless specifically excluded by subsection (b) of this section. ~~which are operated in connection with business buildings, institutional buildings, industrial buildings, assembly buildings, educational buildings, public residential buildings, recreation buildings, other public buildings, and water supplies. This Article shall also apply to boilers and hot water supply tanks, and heaters located in hotels, motels, tourist courts, camps, cottages, resort lodges, and similar places whenever the owner or operator advertises in any manner for transit patronage, or solicits such business for temporary abode by transit patrons.~~"

SECTION 2. G.S. 95-69.10(b)(17) reads as rewritten:

"(17) Coil-type hot water supply boilers of the instantaneous type where adequate safety relief valves and controls are installed if none of the following limitations are exceeded:

- a. ~~There is no drum, header, or other steam space.~~ drum or header.
- b. No steam is generated within the coil.
- c. Maximum one-inch tube size.
- d. Maximum three-quarter-inch nominal pipe size.
- e. Maximum six-gallon nominal water storage capacity.
- f. Water temperature not to exceed 250°F.
- g. Maximum heat input does not exceed 400,000 Btu/hr or 110 kW.
- h. Maximum pressure of 260 psig."

SECTION 3. G.S. 95-69.10(c), (d), and (e) read as rewritten:

"(c) The construction and inspection requirements established by the Department of Labor shall not apply to hot water supply boilers or water heaters which are directly fired with oil, ~~gas~~-gas, or electricity, or to hot water supply storage tanks heated by steam or any other indirect means, if they are equipped with ASME Code and National Board certified safety relief valves ~~which and~~ do not exceed any of the following limitations:

- (1) Heat input of 200,000 Btu/hr or 58.6 kW.
- (2) Repealed by Session Laws 2005-453, s. 2.
- (3) Nominal water capacity of 120 gallons.

~~provided that they are equipped with ASME Code and National Board certified safety relief valves.~~

(d) The construction requirements established by the Department of Labor shall not apply to pressure vessels installed in this State prior to December 31, 1981, ~~that~~ if they are equipped with ASME Code and National Board certified safety relief valves and:

- (1) Are of one-piece, unwelded, forged construction;
- (2) Are constructed before January 1, 1981, and operating or could be operated, under the laws of any state or Canadian Province that has adopted one or more sections of the ASME Code;
- (3) Are transferred into this State without a change of ownership; and
- (4) Are determined by the Chief Inspector to be constructed under standards substantially equivalent to those established by the department at the time of ~~transfer;~~transfer.



~~provided that they are equipped with ASME Code and National Board certified safety relief valves.~~

(e) The construction requirements established by the Department of Labor shall not apply to pressure vessels installed in this State prior to December 31, 1984, ~~that: if they are equipped with ASME Code and National Board certified safety relief valves and:~~

- (1) Are manufactured from gray iron casting material, as specified by the American Society for Testing and Materials, (ASTM) 48-60T/30;
- (2) Are constructed before December 31, 1967, and operating or could be operated, under the laws of any state or Canadian Province that has adopted one or more sections of the ASME Boiler and Pressure Vessel Code;
- (3) Are transferred into this State without a change of ownership; and
- (4) Are determined by the Chief Inspector to be constructed under standards substantially equivalent to those established by the department at the time of ~~transfer;~~transfer.

~~provided that they are equipped with ASME Code and National Board certified safety relief valves."~~

SECTION 4. G.S. 95-69.11 is amended by adding a new subdivision to read:

"(17) To grant exceptions from the requirements of the rules and regulations adopted under authority of this Article and to permit the use of other devices when such exceptions and uses will not expose the public to an unsafe condition likely to result in serious personal injury or property damage."

SECTION 5. G.S. 95-111.3(a) reads as rewritten:

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

- (1) Devices operated on a river, lake, or any other natural body of ~~water;~~water.
- (2) ~~Wavepools;~~Wavepools.
- (3) Roller skating ~~rinks;~~rinks.
- (4) Ice skating ~~rinks;~~rinks.
- (5) Skateboard ramps or ~~courses;~~courses.
- (6) Mechanical ~~bulls;~~bulls.
- (7) Buildings or concourses used in laser ~~games;~~games.
- (8) All terrain ~~vehicles;~~vehicles.
- (9) ~~Motoreycles;~~Motorcycles.
- (10) ~~Bicycles; and~~Bicycles.
- (11) ~~Mopeds;~~Mopeds.
- (12) Rock walls that are in a fixed, permanent location.
- (13) Zip-lines.
- (14) Funhouses, haunted houses, and similar walk-through devices that are erected temporarily on a seasonal basis and do not have mechanical components.
- (15) Playground equipment, including but not limited to soft contained play equipment, swings, seesaws, slides, stationary spring-mounted animal features, jungle gyms, rider-propelled merry-go-rounds, and trampolines."

SECTION 6. G.S. 95-111.8 reads as rewritten:

"§ 95-111.8. Location notice.

No person shall operate for the public or permit the operation for the public any device subject to the provisions of this Article after initial assembly or after reassembly at any location within this State without first notifying the Commissioner of the intention to operate for the public. Written notice of a planned schedule of operation or use shall be received at least 10 working days prior to the first planned date of operation or use."

SECTION 7. G.S. 95-119(a) reads as rewritten:

"(a) A registration certificate shall be issued ~~without delay~~ annually when the Commissioner is satisfied that the facts stated in the application are sufficient to enable the Commissioner to fulfill his or her duties under this Article and that the device sought to be

registered complies with the rules adopted pursuant to this Article. ~~Each registration certificate shall expire on October 31 of the year next following the date of issuance.~~"

SECTION 8. G.S. 95-130(11) reads as rewritten:

"(11) Any employee or representative of employees who believes that any period of time fixed in the citation given to his employer for correction of a violation is unreasonable has the right to contest such time for correction by filing a written and signed notice within 20-15 working days from the date the citation is posted within the establishment."

SECTION 9. G.S. 95-242 is amended by adding a new subsection to read:

"(b1) The Commissioner may reopen an investigation under this Article for good cause shown within 30 days of receipt of the right-to-sue letter. If an investigation is reopened pursuant to this section, the 90-day time limit set forth in G.S. 95-243(b) shall not commence until the new investigation is complete and either a new right-to-sue letter is issued or the Commissioner notifies the parties in writing that conciliation efforts have failed."

SECTION 10. G.S. 95-242(c) reads as rewritten:

"(c) An employee may make a written request to the Commissioner for a right-to-sue letter after ~~180-90~~ days following the filing of a complaint if the Commissioner has not issued a notice of conciliation failure and has not commenced an action pursuant to G.S. 95-242."

SECTION 11. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of June, 2011.

Walter H. Dalton
President of the Senate

Thom Tillis
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2011