

SENATE BILL 2557

By Norris

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 121 and Section 68-122-106, relative to
workplace compliance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-121-101(17)(C), is amended by deleting the subdivision in its entirety and substituting instead the following:

(C) Is a member of, and certified by, the Amusement Industry Manufacturing and Suppliers (AIMS);

SECTION 2. Tennessee Code Annotated, Section 68-121-102(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e) All technical issues concerning elevators, dumbwaiters, escalators, aerial passenger tramways, and amusement devices shall be heard by the elevator and amusement device safety board, which shall report findings and recommendations to the commissioner or commissioner's designee for final disposition.

SECTION 3. Tennessee Code Annotated, Section 68-121-118, is amended by deleting the section in its entirety and substituting instead the following:

(a) The owner or operator of an amusement device shall immediately cease to operate any amusement device upon which a fatality, serious physical injury, or serious incident has occurred. An owner shall report any accident involving a fatality, serious physical injury, or serious incident resulting from the operation of an amusement device to the commissioner, in writing, within twenty-four (24) hours and contact a qualified, third-party inspector from the list maintained by the commissioner pursuant to § 68-121-119 to conduct an inspection.

(b) The cessation shall remain in force until an inspection has been performed by a qualified, third-party inspector, the inspector has determined that the amusement device or related equipment is safe for public use, and the department has authorized the owner or operator to resume operation of the amusement device.

(c) The qualified, third-party inspector shall initiate the inspection within twenty-four (24) hours of receipt of the report of a fatality, serious physical injury, or serious incident caused by the operation of an amusement device and shall perform the inspection in a manner that proceeds with all practicable speed and minimizes the disruption of the remainder of the amusement devices at the site where the amusement device is located, as well as unrelated commercial activities. The cost of an inspection shall be paid for by the owner of the amusement device. The amusement device may resume operation, upon authorization from the department, immediately following the reasonable determination by a qualified, third-party inspector that a principal cause of the serious physical injury was the victim's failure to comply with the posted safety rules or with verbal instructions. If an owner or operator of an amusement device fails to comply with any requirement listed in this section, that owner or operator shall incur a penalty of three hundred dollars (\$300) each day, enforceable by the department, until full compliance is achieved. Any penalties deposited or collected shall be deposited into the general fund.

SECTION 4. Tennessee Code Annotated, Section 68-121-122(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) The owner or operator of traveling or portable amusement devices shall file an itinerary with the department on a form prescribed by the commissioner no less than thirty (30) days before the operation of an amusement device for use by the public.

SECTION 5. Tennessee Code Annotated, Section 68-122-106(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Any time the office of the chief inspector becomes vacant, the commissioner shall appoint a citizen of this state who shall have had at the time of such appointment practical experience in the construction, maintenance, repair, or operation of high pressure boilers and unfired pressure vessels, as a mechanical engineer, steam engineer, boilermaker, or boiler inspector, to be chief inspector until the chief inspector's successor shall have been appointed and qualified. The chief inspector may be removed for cause following an investigation by the commissioner or the commissioner's designee.

SECTION 6. This act shall take effect July 1, 2016, the public welfare requiring it.