

TITLE 13 – DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Labor intends to adopt the rules cited as 13 NCAC 15 .0209, .0439, readopt with substantive changes the rules cited as 13 NCAC 15 .0101- .0104, .0107, .0201- .0208, .0302, .0303, .0305- .0307, .0401, .0402, .0405- .0408, .0411, .0415, .0416, .0419, .0421, .0423, .0424, .0426, .0427, .0429, .0440; 20 .0101, .0203, .0301, .0304, .0305, .0501, .0503, .0602, readopt without substantive changes the rules cited as 13 NCAC 15 .0301, .0304, .0404, .0418, .0420, .0422, .0503; 20 .0201, .0306, .0401, .0402 repeal through readoption the rules cited as 13 NCAC 15 .0106, .0308, .0309, .0403, .0409, .0410, .0412-0414, .0417, .0425, .0428, .0502; 20 .0202, .0502, and .0601.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes is not required to be published. The text of the rules is available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.labor.nc.gov/rules-and-regulations>

Proposed Effective Date: February 1, 2027

Public Hearing:

Date: November 2, 2026

Time: 8:00 a.m.

Location: North Carolina Department of Labor, 4 W. Edenton St, Raleigh, NC 27601

Reason for Proposed Action: The Department proposes updates to 13 NCAC 15 and 13 NCAC 20 as part of the Periodic Review process.

Comments may be submitted to: Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699; email dol.rules@labor.nc.gov

Comment period ends: November 30, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☒ State funds affected
- ☒ Local funds affected
- ☒ Substantial economic impact ($\geq$ \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required

CHAPTER 15 - ELEVATOR AND AMUSEMENT DEVICE ~~DIVISION~~ BUREAU

SECTION .0100 - GENERAL PROVISIONS

13 NCAC 15 .0101 ELEVATOR AND AMUSEMENT DEVICE ~~DIVISION~~ BUREAU

The main office of the Elevator and Amusement Device ~~Division~~, Bureau, which administers the provisions of Article 14, Article 14A, Article 14B and Article 15 of Chapter 95 of the North Carolina General Statutes, is located in the Raleigh office of the North Carolina Department of Labor. When documents are required to be submitted to the Bureau pursuant to the rules of this Chapter, the documents shall be submitted to the Bureau's mailing or email address: The mailing address and telephone number are:

Elevator and Amusement Device ~~Division~~ Bureau
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101
919-707-7927
dol.elevatormail@labor.nc.gov

History Note: Authority G.S. ~~95-110.4~~; 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027; March 1, 2025.

13 NCAC 15 .0102 APPLICABILITY

The requirements of this Chapter shall be applicable to the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, and relocation of, and investigation of accidents involving devices and equipment subject to Articles 14, 14A, 14B and 15 of Chapter 95 of the North Carolina General Statutes ~~as hereinafter specified~~. Statutes.

History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0103 DEFINITIONS

(a) The definitions found in G.S. 95-110.3, 95-111.3 and 95-117 shall apply to the rules in this Chapter. ~~are applicable throughout this Chapter unless a different meaning is plainly required by the context.~~

(b) The following definitions also apply throughout this Chapter.

- (1) ~~The term "alteration"~~ "Alteration" means any change made to an existing device or piece of equipment other than the ~~repair or replacement of damaged, worn or other parts necessary for operation.~~ general maintenance, repairs, or replacements which are not required to be tested in accordance with Part 8 of A17.1 - American National Standard Safety Code for Elevators and Escalators. This standard is hereby incorporated by reference, including subsequent amendments and editions. Copies are available for public inspection in the office of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is four-hundred and twenty-five dollars (\$425.00) per copy.
- (2) ~~The term "division"~~ "Bureau" means the Elevator and Amusement Device ~~Division~~ Bureau of the North Carolina Department of Labor.
- (3) "Device" or "Equipment" means elevators, lifts, amusement devices, and all other items regulated by the Bureau pursuant to Chapter 95 of the General Statutes.
- (4) "Elevator Safety Code" means the standards set forth in the American National Standard Safety Code for Elevators and Escalators A17.1, A18.1, A17.8, A10.4, A90.1, and E1.42.
- ~~(3)(5)~~ The term "existing" "Existing installation" means any device or equipment, the application for the installation of which was filed with the department or the installation of which was completed before the effective date of the rules ~~and regulations which are currently in effect.~~
- ~~(4)(6)~~ The term "new" "New installation" means any device or equipment, the application for the installation or relocation of which is filed with the department on or after the effective date of these rules and regulations.

History Note: Authority G.S. 95-110.3; 95-110.5; 95-111.3; 95-111.4; 95-117; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0104 NOTIFICATION OF DECISION BY OWNER OR OPERATOR

~~(a) Whenever~~ If the owner or operator of any device or equipment ~~has received~~ receives an order from the Commissioner that the use of the device or equipment ~~should~~ shall be stopped or limited pursuant to G.S. 95-110.6, 95-111.6, or 95-123, he or she shall notify the Director in writing within 15 days of receipt of such order indicating compliance with the order and inspection report by:

- (1) certifying that the device or equipment has been repaired or altered in compliance with the inspection report; and Commissioner's specifications;
- (2) indicating his or her intention to comply with the rules of this Chapter ~~standards of safety~~ for such devices or ~~equipment~~ equipment, with the understanding

The certificate of operation shall be suspended or revoked until the device or equipment has been repaired or altered in compliance with the inspection report. that:

- ~~(A)~~ the use of the device or equipment will be limited as specified by the Commissioner's order;
- ~~(B)~~ the certificate of operation is suspended until the device or equipment has been repaired or altered in compliance with the Commissioner's specifications; or
- ~~(C)~~ the certificate of operation has been permanently revoked; or
- ~~(3)~~ requesting a hearing pursuant to Chapter 150B of the General Statutes.

~~(b) Where the owner or operator fails to notify the Director within 15 days of receipt of the order or refuses to discontinue or limit operation of the device or equipment, the Director may obtain injunctive relief on behalf of the Commissioner.~~

History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-123;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0106 OCCURRENCE REPORTING FOR TRAMWAYS

History Note: Authority G.S. 95-120; 95-122;

Eff. August 1, 1987;

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

Repealed Eff. February 1, 2027.

13 NCAC 15 .0107 EXCEPTIONS AND SPECIAL DEVICES

(a) To submit a request for an exception or use of another device pursuant to G.S. 95-110.5(14), 95-111.4(14), or 95-120, the owner or operator of the device or piece of equipment shall submit a request in writing to the Bureau. The written request shall contain the following information:

- (1) the owner or operator's name;
- (2) phone number, address, and email;
- (3) a description of the device or piece of equipment, including the device's State ID if applicable;
- (4) any photos, drawings, or schematics of the device or equipment; and
- (5) information detailing how the exception or use of a special device will provide equivalent safety as the original design or device, including documentation of evaluation by an independent engineer.

(b) The Bureau Chief shall review exception and special device requests within 10 days of receipt. The Director shall consider whether the exception or special device will expose the public, workers, operators, or riders to an unsafe condition likely to result in serious personal injury or property damage when reviewing the request. The Director shall also consider whether the proposed exception will provide an equivalent level of safety to that established by the standards set forth in the rules of this Chapter. Within the 10-day period, the Director shall notify the owner or operator in writing whether the request was granted, denied, or did not contain all of the information required in Paragraph (a) of this Rule.

The Director may at his discretion grant exceptions from the requirements of this Chapter or permit the use of other devices. Requests for exceptions or use of special devices shall contain specific information detailing how the exception or use of a special device will provide equivalent safety as the original design or device. Exceptions or the use of special devices shall be considered only when made by written request. All requests for exceptions or use of special devices shall be given due consideration by the Director and a decision rendered within ten days of receipt of such request whenever possible. Where the investigation of such requests makes it impossible to render a decision within the time specified, the person making the request shall be notified of the delay within ten days.

History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

SECTION .0200 – CODES AND STANDARDS

13 NCAC 15 .0201 NEW INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS

(a) The design, construction, installation, inspection, and operation of all new installations of elevators, dumbwaiters, escalators, and moving walks, shall conform to the rules in this Section and the A17.1 - American National Standard Safety Code for Elevators and Escalators, which is incorporated by reference, including subsequent amendments and editions. Copies are available for public inspection in the office of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one hundred ninety five four hundred and twenty-five dollars (\$425.00) per copy, reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of the Code.

(b) The provisions of the A17.1 – American National Standard Safety Code for Elevators and Escalators shall be subject to the following modifications:

- (1) Rule 2.1.2.1 – Observation Elevators Not Fully Enclosed. Change the rule to read as follows: For observation elevators which are not fully enclosed, protection at landings shall be provided as follows:
 - (A) An enclosure shall be provided which shall extend a minimum of ten (10) feet above the floor.
 - (B) The enclosure shall be constructed of unperforated material.
 - (C) Enclosures shall be located in the general line of the hoistway. Horizontal clearance shall be the same as stated in Section 2.5.
- (2) Rule 3.18.3.4 – Safety Bulkhead. Change the rule to read as follows:
 - (A) For new installations only, cylinders buried in the ground shall be provided with a safety bulkhead having an orifice of a size that would permit the car to descend at a speed not greater than 0.075 m/s (14 ft/min), nor less than 0.025 m/s (5 ft/min). A space of not less than 25 mm (1 in.) shall be left between the welds of the safety bulkhead and the other cylinder head. Safety bulkheads shall conform to 3.18.3.6.
 - (B) For existing installations only, cylinders buried in the ground do not have to be provided with a safety bulkhead of the type referred to in Part (A) of this Paragraph, provided that the following conditions are met:

- (i) ~~The relief valve setting and system pressure test prescribed by 8.11.3.2.1, and the cylinder test prescribed by 8.11.3.2.2, are each performed two times per year; and~~
- (ii) ~~After each of the tests referred to Subpart (i) of this Part, have been performed successfully, the test tag prescribed by 8.11.1.6 shall be installed in the machine room.~~
- (C) ~~A safety bulkhead shall not be required where a double cylinder is used and where both inner and outer cylinders conform to 3.18.3.~~

~~(e)(b)~~ The rules of this Chapter shall control when any conflict between these Rules and the A17.1 - American National Standard Safety Code for Elevators and Escalators exists.

~~(d)~~ Copies of the A17.1 - American National Standard Safety Code for Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one hundred ninety five dollars (\$195.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Temporary Amendment Eff. January 1, 2000;
Amended Eff. December 1, 2004; July 1, 2003; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027; April 1, 2025.*

13 NCAC 15 .0202 EXISTING INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS, ALTERATIONS, REPAIRS AND EXCEPTIONS

~~(a) Existing Installations:~~ Existing installations of elevators, escalators, dumbwaiters, and moving walks shall be maintained under the departmental standards ~~(if any) rules~~ in effect at the time of their installation. Existing installations shall also meet the following standards: ~~standards, whether or not there were departmental standards in effect at the time of their installation:-~~

- (1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically.
- (2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. The safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank). All safeties shall be designed and installed in accordance with Section 2.17 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.
- (3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type. Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used.
- (4) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one hour.
- (5) Hoistway enclosure doors or gates shall be equipped with electric interlocks.
- (6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not exceed one inch.
- (7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one point.
- (8) An emergency exit with a cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only.
- (9) A door or gate shall be provided at each entrance to the car.
- (10) Doors shall be of the horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six feet above the car floor.
- (11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate.
- (12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two inches.
- (13) Cylinders buried in the ground do not have to be provided with a safety bulkhead provided the following conditions are met:
 - (A) the relief valve setting and system pressure test prescribed by 8.6.5.14.1 of A17.1 and the cylinder test prescribed by 8.6.5.14.2 of A17.1 are each performed and passed every six months;
 - (B) after each of the tests referred to Part A of this Subparagraph have been performed successfully, the test tag prescribed by 8.6.1.7.2 of A17.1 shall be installed in the machine room; and
 - (C) the cylinder was not required to be provided with a safety bulkhead when it was originally installed.

The completion of any of the items in Subparagraphs (a)(1) through ~~(12)~~(13) of this Rule that increases the gross load of the elevator shall not reduce the safety factor of the driving machine below that required by Rule 2.24.3 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

(b) Exceptions. Existing elevators in warehouses of not more than two floors that are not accessible to the general public are exempt from Subparagraphs (a)(4) through ~~(12)~~(13) of this Rule providing that all of the following conditions are met

- (1) The warehouse shall be used solely for the purpose of storing materials and products.
- (2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel.
- (3) All capabilities of operating the elevator from the car or platform shall be removed.
- (4) Riders shall not be permitted to ride the car or platform.
- (5) A sign stating "Absolutely No Riders Permitted" in letters no less than one inch high on a contrasting background shall be posted at each entrance to the elevator.

(c) If an existing installation meets the requirements of Paragraph (a) of this Rule, it shall be issued a regular certificate of operation pursuant to Rule .0306 of this Chapter. If an existing installation is maintained under the departmental ~~standards (if any)~~ rules in effect at the time of its installation and is not exposing the public to an unsafe condition likely to result in serious personal injury or property damage, but does not meet the ~~twelve~~ thirteen standards specifically set out in Paragraph (a) of this Rule, it shall be issued a certificate of operation containing the following statement:

"Warning: This elevator has been inspected and found to be in a reasonably safe condition; however, it is not equipped with some of the safety features now required by the Department of Labor."

If the existing installation is not in compliance with the requirements of Paragraph (a) of this Rule, the following sign in letters no less than one inch high on a contrasting background shall be posted within and at each entrance to the elevator:

"Riders prohibited -- only a trained operator may ride this elevator."

(d) Units of existing installations which are out-of-service and not continuously maintained for a period exceeding one year shall be ~~properly~~ landed by complying with Rule 8.11.1.4 of A17.1. ~~the following:~~

- (1) ~~Land both car and counterweight (if any) at the bottom of the hoistway. Elevators of the roped type shall have their hoist ropes disconnected at both ends.~~
- (2) ~~All electric power shall be removed by disconnecting and removing the power feeders.~~
- (3) ~~All hoistway entrances shall be permanently secured to prevent accidental or inadvertent entry into the hoistway.~~

Any elevator, dumbwaiter, ~~escalator~~ escalator, or moving walk that has been ~~properly~~ landed or otherwise removed from service for a period exceeding one year shall comply with the requirements of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators in effect at the time they are returned to service, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

Copies of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators are available for public inspection in the office of the Division, Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is ~~seventy five dollars (\$75.00)~~ one hundred and ninety-five dollars (\$195.00) per copy.

(e) Alterations, repairs, replacement, maintenance, ~~inspections~~ inspections, and operation of existing installations of elevators, escalators, ~~dumbwaiters~~ dumbwaiters, or moving walks shall conform to the requirements of Sections 8.6 and 8.7 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;

Amended Eff. January 1, 2005; May 1, 1992;

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

Amended Eff. February 1, 2027; April 1, 2025.

13 NCAC 15 .0203 SAFETY STANDARD FOR MANLIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all manlifts shall conform to the rules in this Section and the A90.1 - American National Standard Safety Standard for Manlifts, which is hereby incorporated by ~~reference~~ reference, including subsequent amendments and editions. Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is eighty dollars (\$80.00) per copy. ~~reference. This incorporation includes subsequent amendments and editions of this Code.~~

(b) The rules of this Chapter shall control when any conflict between these rules and the A90.1 - American National Standard Safety Standard for Manlifts exists.

~~(c) Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is fifty dollars (\$50.00) per copy.~~

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;

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

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

Amended Eff. February 1, 2027; April 1, 2025.

13 NCAC 15 .0204 PERSONNEL HOISTS CODE

(a) The design, construction, installation, alteration, repair, replacement, inspection and operation of all personnel hoists shall conform to the rules in this Section and the A10.4 - American National Standard Safety Requirements for Personnel Hoists, which is hereby incorporated by reference. ~~This incorporation includes subsequent amendments and editions of this Code.~~ reference, including subsequent amendments and editions. Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Bureau and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost is one hundred and twenty-five dollars (\$125.00) per copy.

(b) The rules of this Chapter shall control when any conflict between these rules and the A10.4 - American National Standard Safety Requirements for Personnel Hoists exists.

~~(c) Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost is fifty three dollars (\$53.00) per copy.~~

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027; April 1, 2025.*

13 NCAC 15 .0205 TRAMWAY REQUIREMENTS

~~(a) The rules of this Chapter shall control when any conflict exists between these Rules and the American National Standards Institute (ANSI) standards that are incorporated by reference herein.~~

~~(b)~~(a) The construction, operation, and maintenance of all passenger tramways shall conform to the ANSI B77.1, Passenger Ropeways-Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors, which is hereby incorporated by reference, including subsequent amendments and editions.

~~(c)~~(b) The construction, operation, and maintenance of all funiculars shall conform to the rules in this Chapter and the ANSI B77.2 – Funiculars – Safety Requirements, which is hereby incorporated by reference, including subsequent amendments and editions.

~~(d)~~(c) Copies of all ANSI standards incorporated by reference in this Rule may be obtained from the American National Standards Institute via U.S. Mail at 1899 L Street, NW, 11th Floor, Washington, DC 20036, via telephone at (202) 293-8020, or via the internet at www.ansi.org. The cost of each publication is as follows:

(1) ANSI B77.1 is two hundred dollars ~~(\$200.00);~~ (\$200.00);

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

~~(d) The rules of this Chapter shall control when any conflict exists between these Rules and the American National Standards Institute (ANSI) standards incorporated by reference.~~

*History Note: Authority G.S. 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027; April 1, 2025; December 1, 2020.*

13 NCAC 15 .0206 NATIONAL ELECTRICAL CODE

(a) All devices and equipment subject to this Chapter shall be designed, constructed, installed, maintained and operated in accordance with the rules in this Section and the requirements of the NFPA 70 - National Electrical Code, which is hereby incorporated by reference, ~~including subsequent amendments and editions.~~ ~~reference. This incorporation includes subsequent amendments and editions of this Code.~~ Copies of the NFPA 70 - National Electrical Code are available for inspection in the offices of the Bureau and may be obtained via the internet at www.nfpa.org at no cost.

(b) The rules of this Chapter shall control when any conflict between these rules and the NFPA 70 -National Electrical Code exists.

~~(c) Copies of the NFPA 70 - National Electrical Code are available for inspection in the offices of the Division and may be obtained from the North Carolina State Board of Examiners of Electrical Contractors, via U.S. Mail at 505 N. Greenfield Parkway, Suite 100, Garner, NC 27529, via telephone at (919) 733-9042, or via the internet at www.nebec.org. The cost is fifty nine dollars (\$59.00) per copy.~~

*History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027; April 1, 2025.*

13 NCAC 15 .0207 SAFETY STANDARDS FOR STAIRWAY CHAIRLIFTS, AND INCLINED AND VERTICAL WHEELCHAIR LIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all installations of inclined stairway chairlifts, and inclined and vertical wheelchair lifts shall conform to the rules in this Section and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference, including

subsequent amendments and editions. Copies of the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Bureau, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one-hundred and twenty-five dollars (\$125.00) per copy. reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts exists.

~~(c) Copies of the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.~~

History Note: Authority G.S. 95-110.5;

Eff. December 1, 2004;

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

Amended Eff. February 1, 2027; April 1, 2025.

13 NCAC 15 .0208 SAFETY STANDARDS FOR WIND TURBINE TOWER ELEVATORS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance, and operation of all installations of wind turbine tower elevators shall conform to the rules in this Section and Standard A17.8-Standard for Wind Turbine Tower Elevators A17.8-2016 of the American Society of Mechanical Engineers, incorporated by reference with subsequent amendments and editions. Copies of Standard A17.8 of the American Society of Mechanical Engineers are available for inspection at the offices of the Bureau and may be obtained from the American Society of Mechanical Engineers (ASME) via U.S. Mail at ASME Headquarters, Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763; or via the internet at www.asme.org. The publication is available in print or digitally at a cost of ninety-eight dollars (\$98.00) per copy.

(b) The rules of this Chapter shall control if any conflict exists between these Rules and Standard A17.8 A17.8-2016 of the American Society of Mechanical Engineers.

~~(c) Copies of Standard A17.8-2016 of the American Society of Mechanical Engineers are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME) via U.S. Mail at ASME Headquarters, Two Park Avenue, New York, New York 10016-5990, via telephone at (800) 843-2763; or via the internet at www.asme.org. The publication is available in print or digitally at a cost of fifty-eight dollars (\$58.00) per copy.~~

History Note: Authority G.S. 95-110.5;

Eff. November 1, 2018;

Amended Eff. February 1, 2027; April 1, 2025.

13 NCAC 15 .0209 ORCHESTRA LIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance, and operation of orchestra lifts shall confirm to the rules in this Section and ANSI E1.42, Entertainment Technology – Design, Installation, and Use of Orchestra Pit Lifts. ANSI E1.42 is hereby incorporated by reference, including subsequent amendment and editions. Copies of ANSI are available for inspection at the offices of the Bureau and at webstore.ansi.org for two hundred dollars (\$200.00).

(b) The rules of this Chapter shall control if any conflict exists between the Rules and ANSI E1.42.

History Note: Authority G.S. 95-110.5;

Eff. February 1, 2027.

SECTION .0300 - ELEVATORS AND RELATED EQUIPMENT

13 NCAC 15 .0301 SECTION APPLICABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0302 RESPONSIBILITY

Responsibility for the installation, alteration, operation, maintenance, and reporting of accidents for elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be as follows:

- (1) The equipment manufacturer shall be responsible for designing and manufacturing equipment in compliance with the ~~applicable code.~~ rules of this Chapter.
- (2) The person or firm installing or altering elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be responsible for obtaining all permits and ~~approvals.~~ approvals required by the Rules of this Chapter and Article 14A of Chapter 95 of the General Statutes. He or she shall be responsible for the safe operation of equipment during the installation until a certificate of operation has been issued and for conducting all tests required by ~~these rules.~~ the rules of this Chapter.
- (3) The owner, his duly appointed agent, or the lessee shall be responsible for the safe operation and proper maintenance of elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment after the installation has been approved and a certificate has been issued. He shall be responsible for conducting all periodic or maintenance tests required by ~~these rules.~~ the rules of this Chapter.

- (4) ~~The owner shall also be responsible for having elevators in closed buildings inspected by North Carolina Department of Labor inspectors. The owner or agent shall contact the Elevator and Amusement Device Division to arrange a convenient time for inspection. Elevators not inspected shall be considered as being removed from service. The owner shall be responsible for contacting the Bureau to coordinate inspections on elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment located within a vacant building or building that is otherwise not in use. Elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment located within a vacant building or building that is otherwise not in use may be removed from service if not inspected and maintained. These devices shall comply with Rule .0202(d) of this Chapter to be returned to service.~~

History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0303 CONSTRUCTION PERMITS

(a) Before erecting or constructing a new elevator, dumbwaiter, workman's hoist, escalator, moving walk, stairway inclined lift, or vertical wheelchair lift, or before moving such an apparatus from one location to another, or before making ~~alterations~~ alterations, repairs, or replacements to existing equipment in which testing is required in accordance with Part 8 of A17.1, ~~to existing equipment,~~ the owner or his authorized agent shall obtain a permit from the Director. ~~The owner or his authorized agent shall submit an application for a permit accompanied by duplicate plans and drawings showing the proposed construction, type of equipment and mode of operation. The owner or his or her authorized agent shall submit an application~~ for a permit to install which ~~consists of the original and three copies~~ shall include the following information:

- (1) name and address of architect, owner, and installer;
- (2) type and design of equipment;
- (3) pertinent information as to the location of the equipment and such specifications as required by the Elevator Safety Code; ~~Code.~~
- (4) duplicate plans and drawings showing the proposed construction, type of equipment, and mode of operation; and
- (5) the fee required by G.S. 95-110.5A.

(b) Upon finding that the application is in compliance with the ~~regulations~~ rules of this Chapter, the Director ~~will~~ shall issue a permit, subject to final field inspection.

(c) The permit shall be posted in a conspicuous place on the job site prior to the start of any work to be done.

~~(d) Upon receiving information indicating violation of this Rule, the Director may cause the stoppage of all work on that job until a hearing, pursuant to the provisions of the Administrative Procedure Act, N.C. General Statutes, Chapter 150B Article 3 can be held to determine the reason for the violation.~~

~~(e)(d)~~ The operation or use of any new, altered, or relocated equipment subject to the Elevator Safety Code other than by the installer acting under the authority of a construction permit is prohibited until such equipment has passed tests and inspections as required by Rule .0305 of this Section and a certificate to this effect has been issued in accordance with Rule .0306 of this Section.

History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0304 NUMBERING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0305 ACCEPTANCE INSPECTION

(a) Notification. The person or firm installing, moving or altering any device or equipment shall notify the ~~Director~~ inspector listed on the permit at least five days before the inspection is desired. The notification shall be in writing and shall include the following:

- (1) name and address of the contractor,
- (2) name and address of the owner,
- (3) location of the device or equipment,
- (4) date of request for inspection.

If the person or firm installing, moving or altering the device or equipment will not be ready for inspection on the date requested, ~~he or she shall immediately notify the Director assigned inspector as soon as possible and at least 24 hours prior to the scheduled inspection. so that an inspector will not be required to make an unnecessary trip.~~

(b) Inspections. The Director or an inspector of the ~~Division Bureau~~ shall inspect all new, ~~altered~~ altered, or relocated devices or equipment subject to this Chapter for conformity with the requirements of this Chapter. ~~these regulations.~~ The inspection shall be made ~~made, when practicable,~~ within two days of the date ~~requested.~~ requested subject to inspector schedules and availability.

(c) Elevators, Dumbwaiters, Escalators and Moving Walks. The person or firm installing, moving or altering an elevator, dumbwaiter, escalator, moving walk, inclined stairway chairlift, or inclined or vertical wheelchair lift, shall, in the presence of the Director or an inspector, subject the new, moved or altered portions of the equipment to an acceptance test as required by the Elevator Safety Code.

(d) Special Equipment. The person or firm installing, moving or altering any special equipment shall, in the presence of the Director or an inspector, subject the new, moved or altered portion of the equipment to such tests as may be required by the Director to ~~insure~~ ensure safe operation.

(e) Violations. If, after inspecting and performing tests on the equipment, the inspector determines that the condition of the equipment is not in full compliance with the rules of this Chapter, the inspector will inform the person or firm installing, moving or altering the device of any violations and will require compliance before a certificate ~~for~~ of operation, as prescribed in Rule .0306 of this Section, will be issued.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0306 CERTIFICATES OF OPERATION

(a) Issuing of Final Certificates of Operation. A certificate of operation shall be issued by the Director where the inspections and tests, required by Rule .0305 of this Section, show beyond a reasonable doubt that the equipment has been designed and installed in accordance with the requirements of these Rules.

(b) Framing of Certificates. The certificate furnished by the Director shall be maintained in a ~~suitable~~ 6 inch by 8.5 inch frame compliant with A17.1 frame and under a transparent cover.

(c) Numbering of Certificates. The final certificate of operation shall show the registration number of the equipment for which it is issued, as required in Rule .0304 of this Section.

(d) Posting of Certificates of Operation. The required certificates shall be posted conspicuously as follows:

- (1) inside elevator cars, or
- (2) inside dumbwaiter cars, or
- (3) inside escalator and moving walk machine rooms, or
- (4) ~~in locations designated by the Division.~~ if the certificate is subject to vandalism, displayed in a location approved by the Bureau for the purpose of having the certificate displayed while limiting the possibility for vandalism.

(e) Limited Certificate of Operation.

- (1) Issuance for Elevator. ~~The Director may allow the temporary use of any elevator for passenger or freight service during its installation or alteration under the authority of a limited certificate, issued for each class of service. Such~~ The Bureau shall issue a limited certificate of operation for the temporary use of an elevator for passenger or freight service during its installation or alteration ~~limited certificate shall not be issued for elevators until~~ if the elevator has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for construction purposes. The installation must comply with all the requirements of Section 5.10 of A17.1.
- (2) Issuance for Personnel Hoist. The Director may allow the temporary use of any personnel hoist under the authority of a limited certificate. Such limited certificate shall not be issued until the personnel hoist has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment.
- (3) Life of Limited Certificates of Operation. Limited certificates of operation ~~may in the case of an elevator~~ shall be issued for a period not to exceed 90 days. Limited certificates of operation ~~for a personnel hoist may be used for a period not exceeding the length of the applicable construction project. Such certificates may be renewed upon receiving a written request showing cause for renewal. Such request must be received 15 days prior to the expiration of said limited certificate.~~ Limited certificates of operation shall be renewed if the owner or operator submits a written request in writing showing cause for the renewal at least 15 days prior to the expiration of the limited certificate of operation. For purposes of this Subparagraph, cause includes the building being under construction or the elevator being installed or altered.
- (4) Posting of Limited Certificates of Operation. Limited certificates of operation shall be posted conspicuously on each elevator or personnel hoist. Such limited certificates for elevators shall bear a notice stating that the equipment has not been finally approved.

(f) Revocation of Certificate of Operation. The Director may revoke a certificate of operation for any of the following reasons:

- ~~(A)(1)~~ (1) Operation of an unsafe device or equipment which is likely to result in personal injury or property damage.
- ~~(B)(2)~~ (2) Failure to comply with the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes or the rules in this Chapter.
- ~~(C)(3)~~ (3) Non-payment of the inspection fees established in ~~13 NCAC 15 .0702~~ G.S. 95-110.5A if payment is not received within 30 days of the date of invoice.
- ~~(2)~~ If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1), the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the N.C. General Statutes.

(g) Reissuance of Revoked Certificate of Operation.

- (1) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 ~~.0306(f)(1)(a)~~, .0306(f)(1) the owner or operator shall notify the Director in writing when the hazard has been abated and shall request a reinspection of the device or equipment. Once the Director or his assignee has conducted the requested reinspection and has determined that the hazard has been abated and the device may be operated safely, the certificate of operation shall be reissued

- upon payment of the inspection fee pursuant to ~~13 NCAC 15 .0702~~ G.S. 95-110.5A, and the reissuance fee pursuant to ~~13 NCAC 15 .0706~~. ~~Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~
- (2) If the Director revokes a certificate of operation pursuant to ~~13 NCAC 15 .0306(f)(1)(b)~~, .0306(2), the owner or operator shall notify the Director in writing when the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and the rules in this Chapter have been satisfied. Once the Director or his assignee has conducted the requested reinspection and determined that the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and rules of this Chapter have been satisfied, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to G.S. 95-110.5A, ~~13 NCAC 15 .0702~~ and the reissuance fee pursuant to ~~13 NCAC 15 .0706~~. ~~Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~
- (3) If the Director revokes a certificate of operation pursuant to ~~13 NCAC 15 .0306(f)(1)(e)~~, .0306(f)(3), upon payment of the original inspection fee pursuant to G.S. 95-110.5A, ~~13 NCAC 15 .0702~~ and the reissuance fee pursuant to ~~13 NCAC 15 .0706~~, the certificate of operation shall be reissued. ~~Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).~~
- (4) Payment of the fees referenced in this rule shall be made by credit card, certified check, bank check or money order payable to the North Carolina Department of Labor. The owner shall notify the Division in writing when payment has been made.

*History Note: Authority G.S. 95-110.5; 95-110.5A; 95-110.6; 95-110.7;
Eff. August 1, 1987;
Amended Eff. July 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0307 MAINTENANCE AND PERIODIC INSPECTIONS AND TESTS

(a) Inspections and Tests. Devices and equipment shall be subject to maintenance and periodic inspections and tests in accordance with the requirements of the A17.1 - American National Standard, incorporated by reference under Rule .0201 of this Chapter; and in accordance with the National Electric Code, incorporated by reference under Rule .0206 of this Chapter. Special equipment as defined by G.S. 95-110.4(n) shall be subject to periodic and to maintenance inspections and tests in accordance with A17.1 of the ASME Safety Code for Elevators and Escalators, the National Electric Code, and manufacturers' specifications.

(b) ~~Inspections.~~

- (1) ~~Advance Notice.~~ Advance Notice of Inspections. Inspections shall be accomplished without advance notice, except ~~where the Director determines that~~ advance notice of an inspection is necessary to complete the inspection.
- (2) ~~Inspection Report Forms.~~ ~~The inspector shall note findings of his inspection and tests on the inspection report form.~~

(c) Certificate of Operation Issuance.

- (1) Closing Conference. After the inspections and tests of the equipment prescribed in this Rule, the inspector shall, when possible, hold a closing conference with the owner or his representative. If a closing conference is not held, the report shall be transmitted to the owner in writing.
- (2) Approval. When the inspector has determined that the equipment is in compliance with the rules in this Chapter and G.S. 95 Article 14A, the inspector ~~may~~ shall reissue the certificate of operation.
- (3) Violations creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the ~~regulations~~ rules of this Chapter and all applicable law, and that the non-compliance creates an unsafe condition that exposes the public to an unsafe condition likely to result in serious personal injury or property damage, the inspector shall immediately order, in writing, that the use of the equipment be stopped until such time as it is determined that the equipment has been made safe for use by the public. The inspector shall provide the owner or his representative with a description of all violations and necessary repairs.
- (A) Notice. After an inspector has issued a written order which stops or limits the use of the equipment, the owner or his representative shall notify the Division, in writing, when the equipment is brought into compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A.
- (B) Reinspection. After receipt of written notice from the owner or his representative that the equipment has been brought into compliance with the regulations of this Chapter and all applicable law, an inspector shall reinspect to determine if all violations have been corrected and necessary repairs have been made and the equipment is in compliance with the rules in this Chapter and G.S. 95 Article 14A.
- (4) Violations not creating unsafe conditions. When the inspector has determined the equipment is not in compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A, and that the non-compliance does not create an unsafe condition which is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, the inspector shall provide the owner or his representative with a description of all violations and necessary repairs.
- (A) Corrective action. The owner or his representative shall have 60 calendar days from receipt of written notice of all violations and necessary repairs to comply with the regulations of this Chapter and all applicable law, correct violations and complete necessary repairs.
- (B) Notice. The owner or his representative shall notify the Division in writing within 60 calendar days of receiving written notification of the violations and necessary repairs that the equipment has been brought into compliance with the ~~regulations~~ rules of this Chapter and G.S. 95 Article 14A.
- (C) Follow-up Inspection. If the owner or his representative fails to provide notice of abatement as required by Part (B) of this Subparagraph, and an inspection is required to determine status of abatement, then the owner

or his representative shall pay ~~a follow-up inspection fee of two hundred dollars (\$200.00)~~ an applicable inspection fee as required by G.S. 95-110.5A.

(d) Tests. Periodic tests required by the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be performed in the presence of an elevator inspector whenever possible. In the absence of an inspector, a signed copy of the test report shall be sent to the Director of the Division without delay. The report shall be signed by the person conducting such tests.

History Note: Authority G.S. 95-110.5; 95-110.5A;
Eff. August 1, 1987;
Amended Eff. March 1, 2015; December 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended February 1, 2027.

13 NCAC 15 .0308 WIRING DIAGRAMS

History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0309 LIMITATIONS ON WHEELCHAIR LIFTS

History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

SECTION .0400 - AMUSEMENT DEVICES

13 NCAC 15 .0401 APPLICABILITY AND DEFINITIONS

~~The~~ (a) This Section is applicable to all amusement devices within the scope of Article 14B of Chapter 95 of the General Statutes.

(b) For purposes of this Section, the definitions in ASTM F747-21A are hereby incorporated by reference, including subsequent amendments and editions, and are available at www.astm.org for eighty-six dollars (\$86.00). If there is any conflict between ASTM F747-21A and the rules of this Section, the rules of this Section apply.

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0402 RESPONSIBILITY FOR COMPLIANCE

(a) Every owner, operator, manufacturer, or designer of an amusement device shall comply with the rules of this Section.

(b) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F2291 ~~ASTM F1159~~ – Standard Practice for Design of Amusement Rides and Devices, ~~Devices that are Outside the Purview of Other F24 Design Standards~~, which is hereby incorporated by reference, including all subsequent amendments and editions.

(c) Designers and manufacturers of amusement devices shall follow the procedures of the ASTM F1193 – Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices, which is hereby incorporated by reference, including all subsequent amendments and editions.

(d) Owners of amusement devices shall follow the procedures of ASTM F770 – Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices, which is hereby incorporated by reference, including all subsequent amendments and additions.

(e) Owners and operators shall comply with the manufacturer's design and instructions for an amusement device.

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

(1) ~~ASTM F1159~~ ASTM F2291 is ~~forty-four dollars (\$44.00)~~ one-hundred and fifteen dollars (\$115.00) per copy;

(2) ASTM F1193 is ~~fifty-six dollars (\$56.00)~~ seventy-six dollars (\$76.00) per copy; and

(3) ASTM F770 is ~~forty-four dollars (\$44.00)~~ sixty-nine dollars (\$69.00) per copy.

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

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;

13 NCAC 15 .0403 LOAD TESTS

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.*

13 NCAC 15 .0404 LOCATION NOTICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0405 INSPECTIONS

An inspector shall inspect each amusement device at each location to determine if the device:

- (1) ~~has been soundly constructed and properly erected,~~ has been constructed and erected in accordance with one of the following:
 - (a) the device's manufacturer's instructions;
 - (b) the device's engineering plans; or
 - (c) if instructions or plans do not exist, an evaluation by a licensed engineer for compliance with standard engineering practices;
- (2) has been modified to comply with any changes in safety requirements prescribed by the ~~manufacturer,~~ manufacturer;
- (3) has complied with the rules ~~and regulations~~ of this ~~Section, and Section;~~ and
- (4) has in existence a policy of insurance as required by G.S. 95-111.12.

*History Note: Authority G.S. 95-111.4; 95-111.12;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0406 UNSAFE DEVICES

~~If the inspector finds that the amusement device presents an imminent danger, he may attach to such device a notice warning all persons against the use thereof. Such notice shall not be removed until the device is made safe, and then only by a representative of the Director. In the meantime, the device shall not be used. If a device is determined to be noncompliant in accordance with G.S. 95-111.6, the inspector shall attach a notice to the device warning persons against use of the device.~~

*History Note: Authority G.S. 95-111.4; 95-111.6; 95-111.9;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0407 IDENTIFICATION AND RATING PLATES

Every amusement device shall be identified by a trade or descriptive name and an identification number, and there shall be ~~firmly~~ attached to the device in a ~~readily~~ visible location a metal plate upon which there is ~~legibly~~ impressed the name and number of the device, its model ~~number~~ number, if any, and the name and address of its manufacturer. Upon the same or another metal plate so attached there shall be ~~legibly~~ impressed the maximum safe number of passengers, and the maximum safe speed.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0408 REBUILT AND MODIFIED DEVICES

If an amusement device ~~which has withstood a performance test as required in Rule .0403 of this Section is thereafter materially rebuilt or so modified to change its original action:~~ has undergone a rebuild, alteration, or modification to change the device's original design:

- (1) The device shall be re-identified by a different name or identification number or both.
- (2) The device shall be subject to ~~all other~~ the rules of this Section as if it were a new device not previously used.

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0409 ASSEMBLY AND DISASSEMBLY

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0410 DAILY INSPECTION AND TEST

History Note: Authority G.S. 95-111.4; 95-111.5;
Eff. August 1, 1987;
Amended Eff. December 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0411 CONTROL OF OPERATION

Every operator shall have knowledge of the use and function of all normal and emergency operation controls and of the proper use in accordance with the manufacturer's instructions of the device. An operator shall be ~~in the immediate vicinity of~~ directly adjacent to the operating controls during operation and no other person shall be permitted to handle such controls during ~~normal~~ operation. ~~This provision does not apply to amusement devices designed to be operated or controlled by a passenger.~~

History Note: Authority G.S. 95-111.4; 95-111.11;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0412 OVERLOADING AND OVERSPEEDING

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0413 WIND AND STORM HAZARDS

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0414 LIGHTING

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0415 DESIGN AND CONSTRUCTION REQUIREMENTS

- ~~(a) All structures~~ structures, including foundations, used in connection with amusement devices shall be so designed and constructed as to carry safely all loads to which such structures may ~~normally~~ be subjected.
- ~~(b) All amusement devices shall be designed, constructed and installed so as to withstand any normal stresses to which they may be subjected.~~
- ~~(c) Before being used by the public, amusement devices shall be so placed or secured with blocking, cribbing, outriggers, guides or other means as to be stable under all operating conditions.~~

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016
Amended Eff. February 1, 2027.

13 NCAC 15 .0416 NUMBER OF EXITS

At least two ~~exits remote from each other~~ separate exits which are not directly adjacent shall be provided from each floor, tier, ~~room~~ room, or balcony in structures which house amusement ~~devices, and which are not places of public assembly.~~ devices. No exit shall be less than 20 inches wide.

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0417 ACCESS AND EGRESS

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;

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

Repealed Eff. February 1, 2027.

13 NCAC 15 .0418 EMERGENCY BRAKES AND ANTI-ROLLBACK DEVICES (READOPTED WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0419 SIGNAL SYSTEMS

Signal systems for the starting and stopping of amusement devices shall be provided where the operator of the device does not have a clear view of the point at which passengers are loaded or unloaded. Any code of signals adopted shall be printed and kept posted at both operator's and signalman's stations. All persons who may use these signals shall be ~~carefully~~ instructed in their use. Signals for the movement or operation of an amusement device shall not be given until all passengers and other persons who may be endangered are in a position of safety.

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0420 PUBLIC PROTECTION (READOPTED WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0421 GUARDING OF MACHINERY

Machinery used in or with an amusement device shall be enclosed, ~~barricaded~~ barricaded, or otherwise ~~effectively~~ guarded against ~~contact~~ any contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0422 SPEED-LIMITING DEVICES REQUIRED (READOPTED WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 15 .0423 PASSENGER-CARRYING DEVICES

The interior and exterior parts of all passenger-carrying amusement devices with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury. Interior parts upon or against which a passenger may be forcibly thrown by the action of the ride shall be ~~adequately~~ padded. Devices which are self-powered and which are operated by a passenger shall have the driving mechanism so guarded and the guards so locked in place as to prevent passengers from gaining access to the mechanism. ~~Such belts, bars, foot rests and other equipment as may be necessary for safe entrance and exit and for support while the device is in operation shall be provided. Such equipment and the fastenings thereof shall be of sufficient strength to retain the passengers. The fastenings shall be of a type which cannot be inadvertently released.~~

History Note: Authority G.S. 95-111.4;

Eff. August 1, 1987;

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

Amended Eff. February 1, 2027.

13 NCAC 15 .0424 ELECTRICAL SAFETY REQUIREMENTS

~~(a)~~ General Requirements. All electrical wiring, equipment and apparatus used for amusement devices or for lighting shall comply with the National Electrical Code, NFPA 70, ~~70 and shall be properly and legally installed, operated and maintained. The National Electrical Code, NFPA 70 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-70-standard-development/70> for one-hundred and sixty-one dollars (\$161.00).~~

- ~~(1) Branch Circuits. The circuit for each ride shall be protected by fuses or a circuit breaker at the junction box or at the generator.~~
- ~~(2) Disconnecting Means. Each ride shall be provided with a main line disconnect switch or breaker. The disconnect switch or breaker shall be located at the ride. Each branch circuit on a ride shall be further provided with a disconnecting means.~~

- (3) ~~Conductors. Conductors supplying current to rides shall be of moisture resistant construction and insulated for the maximum voltage supplied to the ride.~~
- (4) ~~Grounding. Grounding of rides shall be by means of one or more grounding electrodes driven at the generator or other service. The grounding conductor to each junction box shall be of sufficient size to carry the maximum voltage generated by the system. Grounding conductors to each ride shall not be less than No. 8 awg. wire size.~~
- (b) ~~Protection of Employees. No employee shall be suffered or permitted to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless he is protected against shock by de-energizing the circuit, grounding it or guarding it, by effective insulation. If protection is supplied by de-energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.~~
- (c) ~~High Voltage Lines. The outlets of electric power lines carrying more than 120 volts shall be clearly marked to show their voltage.~~
- (d) ~~Transformers. All electrical transformer sub-stations shall be properly enclosed and proper warning signs posted.~~
- (e) ~~Outdoor Apparatus and Wiring. Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.~~
- (f) ~~Elevated Lines. Elevated power lines crossing access or other roads within the grounds of a carnival, fair or amusement park shall be so suspended as to provide minimum vertical clearance of 12 feet from the road surface and minimum horizontal clearance of three feet on each side of the normal passage space of vehicles.~~
- (g) ~~Grounding. Temporary electric installations shall be properly grounded.~~
- (h) ~~Exposed Conductors. Bare wires and other uninsulated current carrying parts shall be guarded against inadvertent contact by means of proper location or by fence or other barrier.~~
- (i) ~~Overcurrent Protection. Conductors shall be provided with overcurrent protective devices according to load. No such device shall be installed in neutral or grounding conductors.~~
- (j) ~~Generator Grounding. Where electrical power is supplied for an amusement device or a temporary structure by a privately operated generating system, the generator and all equipment shall be properly grounded if the system incorporates a ground.~~
- (k) ~~Receptacles and Caps. All receptacles and attachment caps shall be of the ground type.~~
- (l) ~~Abrasion Protection. Wiring laid on surfaces traversed by vehicular or pedestrian traffic shall be adequately protected against wear and abrasion.~~

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Amended Eff. May 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0425 AIR COMPRESSORS AND EQUIPMENT

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 15 .0426 FIRE PREVENTION AND PROTECTION

- (a) Fire Resistance of Fabrics. Fabrics constituting part of an amusement device shall be fire-resistant in accordance with NFPA 701 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. This standard is hereby incorporated by reference, including subsequent amendments and editions, and is available at www.nfpa.org for one-hundred and fifty-seven dollars (\$157.00). to meet the following standard: Two strips or test sections either of the fabric used or of other fabric identical therewith shall be tested. Each strip shall be not less than six inches wide and 12 inches long. Each strip shall be thoroughly dry and shall then be subjected to an open flame applied to the lower edge while the strip is held vertically for 12 seconds. Neither strip shall flame for more than two seconds after the test flame is removed from contact nor shall the average length of char exceed 2 1/2 inches. Such a test is not required by this Section if other evidence of the required degree of fire resistance is accepted by the Commissioner as sufficient.
- (b) Fire Extinguishers. Approved fire extinguishers shall be provided where necessary to secure reasonable and adequate protection from fire hazards. At least a 10 pound A.B.C. fire extinguisher shall be provided at gas-powered amusement devices or generators.
- (c) Flammable Waste. Flammable waste such as oily rags and other flammable materials shall be placed in a covered metal container which shall be kept in easily accessible locations. in a location accessible to the ride operator. Such containers shall not be kept at or near exits.
- (d) Flammable Liquids, Liquids and Gases. Flammable and combustible liquids shall be stored in accordance with NFPA 30, Flammable and Combustible Liquids Code. NFPA 30 is hereby incorporated by reference, including subsequent amendments and editions, and is available at nfpa.org for one hundred and fifty-seven dollars (\$157.00). Gasoline and other volatile liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in approved safety cans. They shall not be stored on or near a device while it is in operation. Smoking and the carrying of lighted cigar, cigarettes or pipes is prohibited in any area where such liquids or gases are stored or are transferred from one container to another.

History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 15 .0427 CLEANLINESS

~~A suitable number of metal containers for refuse shall be provided in and around all amusement devices. Excessive accumulations of trash or rubbish shall be promptly removed. All parts of amusement devices used by passengers or customers shall be maintained in a clean condition. Any accumulation of trash or rubbish shall be removed.~~

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

13 NCAC 15 .0428 SUBSTITUTE DEVICES AND PARTS

*History Note: Authority G.S. 95-111.4;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.*

13 NCAC 15 .0429 GO KARTS

(a) Go Karts shall comply with ASTM F2007, Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities. ATSM F2007-18 is hereby incorporate by reference, including subsequent amendments and editions, and is available at www.astm.org for eighty-six dollars (\$86.00).

~~(a)~~ (b) Go Kart Design. All go karts shall comply with the following standards.

- (1) Numbering of Go Karts. Each shall be provided an identifying number that can be easily seen by the operator. A corresponding number shall be stamped or attached to the frame of the go kart.
- (2) Speed. Go kart speed shall not exceed the maximum speed for which the track is designed. The speed of adult go karts shall be set not to exceed 28 miles per hour. ~~hour unless approved by the Department.~~ Kiddie go karts shall not exceed 10 miles per hour. When a go kart is designed to permit the readjustment of its maximum speed, the means of adjustment shall not be accessible to the driver of the go kart.
- (3) Seats, Seat Belts and Shoulder Straps. All go karts shall meet one of the following requirements:
 - (A) The seat, back rest, and leg area shall be designed to retain the driver/occupants inside the go kart in the event of a rollover or a collision at the front, rear, or side of the go kart; or
 - (B) The go kart shall be equipped with seat belts and shoulder straps mounted in a manner that will restrain the occupant(s) in the vehicle in case of a collision or rollover. ~~Properly mounted~~ Mounted safety harnesses as effective as seat belts and shoulder straps may be substituted for seat belts and shoulder straps.
- (4) Occupancy. Go karts shall be occupied by only one person at a time unless the go kart is designed and equipped with a seat and safety belt system that is intended for and is suitable for two persons.
- (5) Guarding of Parts. Rotating, moving, hot ~~engine engine~~, or muffler parts shall be guarded to prevent contact or entanglement of the occupant's hair, clothing, or other body parts.
- (6) Brakes. Go karts shall have a braking system designed and adjusted to permit them to be brought to a complete stop within 40 feet from maximum speed with their maximum weight on board.
- (7) Brake and Throttle Controls. Go karts shall have brake and throttle controls that are readily recognizable as to their function. The operator shall also instruct each driver on the operation of the brake and throttle controls before each operation. The controls shall return automatically to their non-operational position when released.
- (8) Padding of Exposed Protruding Components. Go karts shall have their steering wheel hub and all other protruding exposed parts within the driving compartment padded to minimize the risk of injury to an occupant in the event of a collision or overturn.
- (9) Roll Bars and Head Rests. All adult go karts must be provided with a roll bar of sufficient height and strength to provide the occupant with protection in the event of a roll over. Seats of all go karts must be provided with a padded head rest. The head rest may substitute as a roll bar if it is of sufficient height and strength.
- (10) Bumpers. Go karts shall be provided with bumpers or energy absorption body parts.
- (11) Wheel Guards. The wheels of every go kart shall be enclosed or guarded in such a manner that the wheels of another go kart cannot interlock with or ride over them.
- (12) Fuel Tanks. Go kart fuel tanks shall be designed and mounted so that the tank cannot be ruptured in the event of a collision or a roll over.
- (13) Noise Level. Go karts shall be provided with muffler systems capable of limiting sound from the engine to 75 dBA when measured at a distance of 50 feet from the outer edge of the go kart track.
- (14) Spark Arrester. All gas powered go karts shall have a spark arrester and deflector on the exhaust.

~~(b)(c)~~ Track Design. Plans for proposed construction of go kart tracks in the State of North Carolina shall be submitted to the North Carolina Department of Labor, Elevator and Amusement Device ~~Bureau Division, 1101 Mail Service Center, Raleigh, North Carolina 27699~~, before construction begins. Buildings on the track site ~~must~~ shall be submitted to the local building inspection agency for approval. The design of the track shall be consistent with go kart manufacturer's recommendations for the speed of the go kart and be approved by the ~~department.~~ Department. ~~The following requirements for track layout, track surface and track materials contained in Paragraphs~~ The Department shall issue a certificate of operation if the track design meets the manufacturer's recommendations and the track meets the requirements of (c), (d) and (e), of this Rule. Rule, shall be complied with before certificates of operation will be issued.

~~(e)~~(d) Track Layout. Go kart tracks may be oval shaped or of road course configurations. They ~~may~~ shall not be constructed in the shape of a figure eight or have any cross connected points. Straight portions of the track shall be flat except that 2 degrees of banking may be provided for drainage. The width of all tracks shall be a minimum of 16 feet wide. Road courses may continue the same width for their entire length. Oval tracks shall have turns at least five feet wider than the straight portions and the minimum radius of the turns shall be 15 feet. Turns of oval tracks may be banked to a maximum of one inch for each one foot of track width. Any variation from the minimum track width shall be approved in advance, in accordance with 13 NCAC 15 .0107.

~~(d)~~(e) Track Surface. A go kart track shall have a hard smooth surface. It shall provide sufficient road grip to be driven throughout the course at maximum speed. It shall be free of obstacles such as holes or bumps, or water or oil.

~~(e)~~(f) Track Materials. Materials used in the surfacing of go kart tracks shall be asphalt, concrete, or other solid and binding materials. Proposals to use dirt track surfaces shall be submitted for special consideration and evaluation, in accordance with 13 NCAC 15 .0107.

~~(f)~~(g) Track Safety and Guarding.

- (1) Barriers. Every go kart track shall provide ~~properly~~ constructed barriers along the entire course on both inside and outside of the track. Barriers shall be so constructed that a go kart colliding with a barrier at maximum speed will come to a safe stop or be guided back to the track. Earthen berms may be used as a barrier provided they will stop a go kart safely. Bales of hay, straw, or other materials capable of being ignited may not be used as a barrier.
- (2) Track Lanes. White or yellow lines, at least four inches wide, shall mark all inside and outside edges of the track.
- (3) Fencing. The outside perimeter of a go kart track shall be protected by a fence at least 48 inches in height. The fence shall be set back at least 36 inches from the inside face of the track barrier. Gates shall be located for easy supervision by track attendants when the facility is open and they shall be kept locked when it is closed. The fence may be omitted where natural barriers provide the same degree of protection as the fence. Where two separate tracks are operated inside a single perimeter fence all go karts on both tracks shall start and stop at the same time.
- (4) Fire Extinguishers. Every go kart track shall be equipped with ABC Dry Chemical Fire Extinguishers. The extinguishers shall have a minimum capacity of ~~five~~ ten pounds, in accordance with NFPA 10 – Standard for Portable Fire Extinguishers. At least one extinguisher shall be located in the following locations:
 - (A) Within seventy feet of every track section;
 - (B) In each pit area;
 - (C) In each refueling stop;
 - (D) In each go kart storage area; and
 - (E) In the maintenance shop.

Each fire extinguisher location shall be prominently marked and the extinguisher shall be easily accessible.

- (5) Refueling Area. Refueling of go karts shall be carried out at a designated area remote from any area accessible to the public. Refueling areas shall comply with the requirements of the NFPA 70 - National Electrical Code, Sections 510, 511, and 514.
- (6) Track Lighting. Go kart tracks equipped for night operation shall have sufficient illumination at all sections of the track for drivers to be able to negotiate the entire course safely. It shall also be sufficient for operators to monitor the go karts on each section of the course. Lighting shall comply with the NFPA 70 - National Electrical Code and all other state and local requirements.
- (7) Pits or Pit Areas. Where provided, pits must be fenced or provided with a sufficient barrier to prohibit the entry of spectators. Pits shall have separate entrance and exit lanes.
- (8) Spectator Areas. Spectator areas shall be separated from the track and pit areas by a fence or barrier sufficient to withstand the impact of a go kart traveling at full speed. It shall be approximately level and free of holes or debris.

~~(f)~~(h) Track Operation. The following standards of operation shall apply to electric or fuel powered go karts, dune buggies, auto racers, and all terrain vehicles.

- (1) All go karts must start and stop operation at the same time or a separate pit area shall be provided for loading and unloading purposes.
- (2) Drivers of adult go karts must be at least 48 inches (4 feet) tall and have a leg length sufficient to reach the brake and throttle controls when seated.
- (3) Drivers of kiddie go karts shall not exceed 54 inches (4 feet 6 inches) tall and must have a leg length sufficient to reach the brake and throttle controls when seated.
- (4) Adult go karts and kiddie go karts shall not be operated simultaneously on the same track.
- (5) No go kart may be operated when weather conditions are such that it may affect the safe operation of the go kart or when visibility on the track is less than 150 feet.
- (6) Each section of a go kart track shall be monitored during the time that any go kart is in operation. Monitoring shall be by direct visual contact by the operator or track attendants or by electronic visual surveillance.
- (7) A go kart that is losing oil or fuel shall be immediately removed from the track.
- (8) When the noise level of any go kart exceeds the requirements of Subparagraph (a)(13) of this Rule, it shall be immediately removed from the track until it has been repaired.
- (9) Safety equipment such as helmets (when used) and seat restraints shall be utilized in accordance with the manufacturer's recommendations for the type of use or operation and be of correct size for the person using it.
- (10) Persons with hair longer than shoulder length or wearing loose clothing that could obstruct the vision of the driver or become entangled in any moving part shall not be permitted to drive or ride a go kart. Hair that is longer than shoulder length may be tied up to reduce its length.
- (11) Persons whose behavior appears to be impaired by such as the use of drugs or alcohol shall not be permitted to drive a go kart.
- (12) Smoking shall not be permitted within 30 feet of a go kart.

- (13) Track regulations shall not permit persons to leave their go karts while any go kart is in operation on the track.
- (14) Signs containing the following information and other track regulations shall be posted at the track entrance or ticket window and conspicuously in the pit area.
 - (A) To drive or ride an adult go kart you must be at least 48 inches tall.
 - (B) To drive a kiddie go kart you may not be taller than 54 inches.
 - (C) Keep both hands on the wheel at all times.
 - (D) Keep both feet inside the go kart.
 - (E) Hair longer than shoulder length must be tied up.
 - (F) All loose clothing must be tucked in.
 - (G) No smoking within 30 feet of a go kart.
 - (H) Do not leave the go kart while on the track.
- (15) Signs that indicate the direction of travel for go karts shall be posted intermittently around the track perimeter.
- ~~(g)~~(i) Inspections and Maintenance. Tracks and go karts shall be inspected and maintained for a safe operation at all times. The following inspections shall be made:
 - (1) The track shall be inspected daily for potholes, bumps or loose material. Any defects discovered during the inspection ~~Necessary~~ repairs shall be made before opening the track.
 - (2) Daily inspections shall be made on each go kart prior to operation. The inspection shall include:
 - (A) Wheel and tires;
 - (B) Steering mechanism;
 - (C) Frame welds;
 - (D) Axles and spindles;
 - (E) Safety belts, roll bars, and seat padding;
 - (F) Gasoline tank, lines and valves;
 - (G) Brake and throttle operation; and
 - (H) Exhaust systems.
 - (3) Go kart maintenance shall be performed as recommended by the go kart manufacturer.
- ~~(h)~~(j) Incorporations. For purposes of this Rule:
 - (1) The NFPA 10 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-10-standard-development/10> for one-hundred and fifty-seven dollars (\$157.00).
 - (2) The National Electrical Code, NFPA 70 is hereby incorporated by reference, including subsequent amendments and editions, and is available at <https://www.nfpa.org/codes-and-standards/nfpa-70-standard-development/70> for one-hundred and sixty-one dollars (\$161.00).

History Note: Authority G.S. 95-111.4;
 Eff. May 1, 1992;
 Amended Eff. February 1, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
 Amended Eff. February 1, 2027.

13 NCAC 15 .0439 GRANDFATHER PROVISION FOR AMUSEMENT DEVICES

- (a) Amusement devices shall be maintained under the departmental rules in effect at the time of manufacturing. If the time of manufacturing is unknown, the amusement device shall be maintained under the rules in effect at the time of the device's first inspection by the Bureau.
- (b) Any device rebuilt or modified as contemplated by Rule .0408 of this Section shall conform to the rules in effect at the time of the most recent rebuild or modification.

History Note: Authority G.S. 95-111.1; 95-111.2; 95-111.4;
 Eff. July 1, 2003;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
 Repealed Eff. April 1, 2024;
 Eff. February 1, 2027.

13 NCAC 15 .0440 REGULATION OF WATERSLIDES

- ~~(a)~~ The classification, design, manufacture, construction, and operation of waterslides shall conform to the rules in this Section and the ASTM F 2376 – Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems, which is hereby incorporated by reference, including subsequent amendments and editions, and is available ~~incorporated by reference. This incorporation includes subsequent amendments and editions of the Code.~~
- ~~(b)~~ Copies of the ASTM F 2376 – Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems may be obtained from the American Society of Testing and Materials (ASTM), via U.S. Mail at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, via telephone at (610) 832-9585, or via the internet at www.astm.org. The cost is ~~thirty-four dollars (\$34.00)~~ seventy-six dollars (\$76.00) per copy.

History Note: Authority G.S. 95-111.4(3);
 Eff. December 1, 2006;

SECTION .0500 - CIVIL MONEY PENALTIES

13 NCAC 15 .0502 EXCEPTIONS TO CIVIL PENALTY

*History Note: Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13;
Eff. August 1, 1987;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.*

13 NCAC 15 .0503 REFUSAL TO ISSUE CERTIFICATE OF OPERATION (READoption WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 20 - CONTROLLED SUBSTANCES EXAMINATION REGULATION

SECTION .0100 - DEFINITIONS

13 NCAC 20 .0101 DEFINITIONS

~~As used in G.S. 95, Article 20 and this Chapter:~~ In addition to the definitions in G.S. 95-231, the following definitions apply to G.S. Chapter 95, Article 20 and this Chapter:

- (1) "All actions" means procedures performed on the sample to detect, identify, or measure controlled substances. ~~include, but are not limited to, "examinations and screening for controlled substances," "controlled substances testing," "drug testing," "screening," "screening test," "confirmation," and "confirmation test".~~
- (2) "Chain of custody" means the process of establishing the history of the physical custody or control of the sample from the time the examiner provides the container for the sample to the examinee through the later of:
 - (a) ~~The~~ the reporting of the negative result to the examiner;
 - (b) ~~The~~ the 90 day period specified in G.S. 95-232(d); or
 - (c) ~~The~~ the completion of the retesting described in G.S. 95-232(f).
- (3) "Employer or person charged" means an examiner found by the Commissioner to have violated G.S. Chapter 95, Article 20.
- ~~(3)(4)~~ (4) "On-site" means any location, other than an approved laboratory, at which a screening test is performed on prospective employees. For example, "on-site" locations include, but are not limited to, the examiner's place of business or a hospital, physician's office, or third-party commercial site operated for the purpose of collecting samples to be used in controlled substance examinations.
- ~~(4)~~ (5) ~~"Sample" means the examinee's urine, blood, hair or oral fluids obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing.~~
- ~~(5)~~ (6) ~~"Employer or person charged" means an examiner found by the Commissioner to have violated G.S. 95, Article 20.~~
- ~~(6)(5)~~ (5) "Preliminary screening procedure" means a controlled substance examination that uses a single-use test device that:
 - (a) Is portable and can be administered on-site;
 - (b) Meets the requirements of the U.S. Food and Drug Administration for commercial distribution contained in Title 21, Part 807 of the Code of Federal Regulations; and
 - (c) Meets the generally accepted cutoff levels contained in the Mandatory Guidelines for Federal Workplace Drug Testing Programs adopted by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration in 69 FR 19644.
- (6) "Sample" means the examinee's urine, blood, hair, or oral fluids obtained in a minimally invasive manner.
- (7) "Single-use test device" means the reagent-containing unit of a test system that:
 - (a) Is in the form of a sealed container or cartridge that has a validity check, a nonresealable closure, or an evidentiary tape that ensure detection of any tampering;
 - (b) Is self-contained and individually packaged;
 - (c) Is discarded after each test; and
 - (d) Does not allow any test component or constituent of a test system to interact between tests.

*History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Temporary Amendment Eff. January 16, 2002;
Amended Eff. July 1, 2003;
Temporary Amendment Eff. November 30, 2006;
Amended Eff. February 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.*

SECTION .0200 - GENERAL PROVISIONS

13 NCAC 20 .0201 COMPUTING TIME PERIODS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 20 .0202 APPLICABILITY

History Note: Authority G.S. 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 20 .0203 CONFIRMATION OF SAMPLES

For confirmation of positive results or for retesting of confirmed positive results, the approved laboratory shall use gas chromatography with mass spectrometry. ~~spectrometry (GC/MS) or the examiner shall bear the burden of proof to show that the substitute testing method used is an equivalent scientifically accepted method.~~

History Note: Authority G.S. 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

SECTION .0300 - USE OF CONTRACTORS

13 NCAC 20 .0301 EXAMINER OPTIONS

In collecting and transporting the sample to the approved laboratory, the examiner ~~may~~ shall:

- (1) ~~Collect~~ collect and transport the sample itself; or
- (2) ~~Send~~ send the examinee to the approved laboratory for the collection; or
- (3) ~~Contract~~ contract with a third party to collect and transport the sample. Examples of a third party include physicians, medical clinics, hospitals, or consortia established to negotiate rates for these services.

History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 20 .0304 CONTRACTOR PROCEDURES

If the examiner contracts with a third party for collection, screening, or confirmation testing, the examiner shall ensure that the contractor's procedures comply with requirements of G.S. 95, Article 20 and this Chapter. ~~Compliance with the requirements of the United States Department of Health (and Human Services (DHHS), 59 Federal Register No. 110, pages 29908 through 29931 (June 9, 1994), for all aspects of the controlled substance examination shall meet the requirements of G.S. 95, Article 20 and this Chapter. Compliance with the requirements of the College of American Pathologists' (CAP) Forensic Urine Drug Test Inspection Checklist shall meet the requirements of G.S. 95, Article 20 and this Chapter for screening, confirmation and retesting of confirmed samples. If the examiner adopts alternative procedures, the examiner shall ensure that the alternative procedures meet the requirements of G.S. 95, Article 20 and this Chapter. However, nothing in the DHHS or CAP requirements shall be interpreted to:~~

- (1) ~~require the examiner to use the services of a medical review officer; or~~
- (2) ~~allow the examiner to conduct on-site screening for current employees.~~

History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 20 .0305 LABORATORY INSTRUCTIONS

The examiner shall follow procedural instructions of the approved laboratory regarding the controlled substance examination. ~~examination, unless the examiner follows equally reliable procedures which it has previously adopted in writing. The examiner shall bear the burden of proof to show these alternative procedures are equally reliable.~~ Examples of procedural instructions include, but are not limited to, instructions regarding:

- (1) collection of samples;
- (2) reasonable and sanitary conditions for collection;
- (3) chain of custody;
- (4) ~~preservation of examinees' individual dignity;~~ procedural requirements intended to protect individual dignity as contemplated by G.S. 95-232(b);
- (5) prevention of substitution or adulteration of samples;
- (6) prevention of interference with the collection, examination, or screening of samples;
- (7) on-site screening;
- (8) confirmation of positive tests; and

- (9) any other action to be taken with regard to the collection, labeling, packaging, transportation, screening, documentation, or preservation of samples used for controlled substance examinations.

History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 20 .0306 RETESTING LABORATORY INSTRUCTIONS (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - NOTICE TO EXAMINEES

13 NCAC 20 .0401 INITIAL NOTICE TO EXAMINEES (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

13 NCAC 20 .0402 POST-TESTING NOTICE TO EXAMINEES (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - CONFIDENTIALITY

13 NCAC 20 .0501 CONFIDENTIALITY OF INFORMATION RELATED TO CONTROLLED SUBSTANCE EXAMINATIONS

(a) For purposes of this Section, "confidential information" means examinees' controlled substance examination results, medical histories, prescriptions, and personally identifiable information.

(b) Examiners and their agents shall not release examinees' confidential information unless otherwise authorized by law or this Chapter. In order to preserve individual dignity and privacy, examiners and their agents shall keep information confidential relating to examinees' controlled substance examinations, unless otherwise authorized by law or this Chapter.

History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

13 NCAC 20 .0502 EXAMPLES

History Note: Authority G.S. 95-231; 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 20 .0503 RELEASE OF CONFIDENTIAL INFORMATION

Examiners and their agents may release confidential information ~~information which would otherwise be confidential under this Chapter~~ in the following circumstances:

- (1) to the examinee or to any other person upon written authorization signed by the examinee;
- (2) to laboratories performing screening, confirmation tests, or retests of confirmed positive results;
- (3) ~~for employment related reasons. Examples of employment related reasons include: performance evaluations, discipline and provision of references; or to an employer or prospective employer; or~~
- (4) to a government agency, court or other tribunal having jurisdiction over any claim or proceeding involving the examinee and the examiner.

History Note: Authority G.S. 95-231, 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. February 1, 2027.

SECTION .0600 - PAYMENT OF EXPENSES

13 NCAC 20 .0601 PAYMENT OF EXPENSES

History Note: Authority G.S. 95-232; 95-234;
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Repealed Eff. February 1, 2027.

13 NCAC 20 .0602 REASONABLE EXPENSES

(a) "Reasonable expenses for retesting" as used in G.S. 95-232(f) means:

- (1) the actual cost of the retest charged by the approved laboratory;
- (2) fees assessed by the approved laboratory for expenses associated with the retest. Examples of laboratory expenses include chain of custody procedures and shipping;
- (3) a maximum of fifteen dollars (\$15.00) for the examiner's expenses, if any, to comply with chain of custody procedures related to the retest. The amount of fifteen dollars (\$15.00) for the expenses described in this Item shall be deemed to be a reasonable amount. The examiner may charge more than fifteen dollars (\$15.00) for the expenses described in this item if the examiner proves the actual cost of expenses greater than fifteen dollars (\$15.00); and
- (4) the actual cost of any shipping expenses the examiner incurs related to the retest.

(b) The examiner shall pay reasonable expenses related to all controlled substance examinations except examinee-requested retests as specified in G.S. 95-232(f).

History Note: Authority G.S. 95-232; 95-234;

Eff. April 1, 2001;

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

Amended Eff. February 1, 2027.