



# HOUSE BILL 39: Labor/Up Amusement Device Penalties

2015-2016 General Assembly

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<b>Committee:</b>	House Judiciary III, if favorable, Finance	<b>Date:</b>	March 10, 2015
<b>Introduced by:</b>	Reps. Davis, Howard	<b>Prepared by:</b>	Janice Paul
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 39 would increase the civil and criminal penalties for the illegal operation of amusement devices.*

**[As introduced, this bill was identical to S75, which is currently in Senate Judiciary II.]**

**CURRENT LAW:** The Amusement Device Safety Act of North Carolina is contained in Article 14B of Chapter 95 of the General Statutes. The purpose of the Article is to prevent injuries, and governs the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, relocation and investigation of accidents involving amusement devices.

**BILL ANALYSIS:** Bill 39 would amend the Amusement Device Safety Act to increase the penalties for the illegal operation of amusement devices. Specifically, the bill would amend G.S. 95-111.13 as follows:

- Increase the penalty for each day each device is operated or used in violation of the article as follows:
  - For operation without a certificate or not in accordance with the Article or rules or regulations -- to an amount up to \$2,500 (*was \$250*) for each rule, regulation, or Article section violated.
  - For operation after refusal to issue or after revocation of certificate, or for violating the liability insurance or reporting requirements of G.S. 95-111.10(c) -- to an amount up to \$5,000 (*was, \$500*).
  - For violation of the location notice provisions – to an amount up to \$2,500 (*was, \$500*).
  - For violation of reporting requirements of G.S. 96-111.10(d) or in violation of statutory operator requirements — to an amount not to exceed \$5,000 (*was, \$500*).
  - For operation of an unsafe device or operation of a device while impaired – to up to \$10,000 (*was, \$1,000*).
- Authorize the Commissioner of Labor to determine whether the amount of the fine is appropriate given the annual gross volume of the business, the seriousness of the violation, the presence or absence of good faith, and whether there have been any previous violations.
- Increase the punishment for willful violation of any provision of the Article (*was, willful violation of any provision resulting in death*) from a Class 2 misdemeanor and the possibility of a fine of up to \$10,000; subsequent conviction punishable as Class 1 misdemeanor and possibility of a fine of up to \$20,000.
- Add a new subsection (j) providing that willful violation of any provision of the Article that results in serious injury or death constitutes a Class E felony, punishable by a fine of up to \$50,000.
- Add a new subsection (k) to provide that any State prosecutor may proceed against a violator on a charge of willful or culpable homicide.

**EFFECTIVE DATE:** This act is effective December 1, 2015, and applies to violations occurring on or after that date.

O. Walker Reagan  
Director



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Research Division  
(919) 733-2578