



HOUSE BILL 400: Omnibus Labor Law Changes.

2019-2020 General Assembly

Committee:		Date:	May 6, 2019
Introduced by:	Rep. McElraft	Prepared by:	Bill Patterson
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 400 would:

- **Exempt records of certain ongoing Department of Labor (DOL) investigations and enforcement proceedings from Public Records Act disclosure**
- **Exclude trains from the definition of amusement devices regulated by DOL**
- **Authorize DOL's Occupational Safety and Health Division Director to obtain medical records of patients relating to occupational safety and health investigations and enforcement proceedings**
- **Limit the admissibility in third-party proceedings of the names of witnesses or complainants in occupational safety and health inspections or investigations in third-party litigation unless the witness or complainant signs a written release permitting the Commissioner to provide the information.**

CURRENT LAW AND BILL ANALYSIS:

Section 1

Currently three articles in Chapter 95 of the General Statutes authorize the Department of Labor (DOL) to conduct investigations and proceedings to enforce State requirements applicable to the construction, operation, and use of boilers and pressure vessels (Article 7A), elevators (Article 14A), amusement devices (Article 14B), and ski lift devices and passenger tramways (Article 15).

Section 1 of House Bill 400 would provide that records of pending DOL investigations and enforcement proceedings conducted under this authority are not subject to inspection and examination under the Public Records Act.

Section 2

Currently an "amusement device" subject to regulation under Article 14B is defined as "any mechanical or structural device or attraction that carries or conveys or permits persons to walk along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of giving such persons amusement, pleasure, thrills or excitement." Several devices are specifically exempt from this definition, including all-terrain vehicles, motorcycles, bicycles, mopeds, and devices operated on a natural body of water.

Section 2 of the bill would provide that locomotives, trains, a series of railroad cars, or other mechanical devices operating on standard railroad gauge are not "amusement devices" subject to regulation under Article 14B.

Section 3

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Currently the Director of DOL's Occupational Safety and Health Division (OSHD) is broadly authorized to enforce State laws governing occupational safety and health.

Section 3 of the bill would specifically authorize the OSHD Director to obtain medical records maintained by the Department of Health and Human Services, by hospitals in the statewide trauma system, or by emergency management services providers providing services to patients relating to OSHD investigations and enforcement proceedings.

Section 4

Currently there is no express statutory limitation on the admissibility of the names of witnesses and complainants in litigation or administrative proceedings unrelated to enforcement of State occupational safety and health laws.

Section 4 of the bill would provide that the names of witnesses and complainants, and any information within statements taken from witnesses or complainants during the course of OSHD inspections or investigations that would name or otherwise identify the witnesses or complainants shall not be admissible in any court or before any administrative body unrelated to enforcement of State occupational safety and health laws unless the witness or complainant signs a written release permitting the Commissioner to provide the information.

EFFECTIVE DATE: This act is effective when it becomes law.