



SENATE BILL 542: Department of Labor Omnibus/Other Changes.

2023-2024 General Assembly

Committee:		Date:	August 16, 2024
Introduced by:		Prepared by:	Amy Darden Staff Attorney
Analysis of:	S.L. 2024-3		

OVERVIEW: *S.L. 2024-3 does the following:*

- *Allows electronic communication as form of notice under Youth Employment statutes, the Elevator Safety Act of North Carolina, the Amusement Device Safety Act of North Carolina, the Passenger Tramway Safety Act, the Occupational Safety and Health Act of North Carolina, and the Controlled Substance Examination Regulation Act.*
- *Increases the range of a civil penalty for a Wage and Hour Act record-keeping violation from \$250-\$2,000 to \$750-\$4,500 and allows electronic communication as form of notice.*
- *Makes changes to the Uniform Boiler and Pressure Vessel Act including:*
 - *Adding new definitions for "imminent danger" and "menace to public safety."*
 - *Clarifying exemptions from the Act for the following: pressure vessels used for storage of compressed gases; air tanks used directly in the operation of trains; pressure vessels that meet specific limitations; and hot water supply boilers.*
 - *Allowing electronic communication as form of notice.*
 - *Combining the existing civil penalties into one penalty not to exceed \$500.*
- *Repeals G.S. 95-255 – Reports and G.S. 95-255.1 – Technical Assistance and makes conforming changes.*
- *Fixes a typographical error in a General Statutes citation.*
- *Modifies public works specification requirements for elevators.*

This act became effective June 3, 2024, except for the typographical error correction, which became effective retroactively July 1, 2022.

BILL ANALYSIS:

Section 1.1 allows electronic communication form of notice under Youth Employment statutes (G.S. 95-25.5).

Section 1.2 increases the range of a civil penalty for a Wage and Hour Act record-keeping violation from \$250-\$2,000 to \$750-\$4,500 per employee, not to exceed \$4,500, and allows electronic communication as form of notice.

Sections 2.1 – 2.5 make the following changes to the Uniform Boiler and Pressure Vessel Act:

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- Adds definitions of "imminent danger" and "menace to public safety."
- Clarifies exemptions from the Act for:
 - Pressure vessels used for temporary storage that meet certain conditions, excluding permanently installed vessels that are refilled on-site.
 - Air tanks used directly in the operation of trains if installed with proper pressure relief devices.
 - Pressure vessels with a quick actuating closure that meet specific limitations.
 - Unfired hot water storage vessels with a nominal capacity not exceeding 120 gallons, maximum pressure not exceeding 160 psig or temperatures not exceeding 210 degrees Fahrenheit.
 - Certain pressure vessels providing potable water service.
- Allows electronic communication as form of notice.
- Combines the existing civil penalties for violations into one penalty not to exceed \$500 for each day any boiler or pressure vessel is verified by an inspector to be operated or used in a condition considered to be a menace to public safety or an imminent danger.

Sections 3.1 – 3.2 allow electronic communication as form of notice under the Elevator Safety Act of North Carolina.

Sections 4.1 – 4.2 allow electronic communication as form of notice under the Amusement Device Safety Act of North Carolina.

Sections 5.1 – 5.2 allow electronic communication as form of notice under the Passenger Tramway Safety Act.

Section 6.1 allows electronic communication as form of notice under the Occupational Safety and Health Act of North Carolina.

Section 7.1 allows electronic communication as form of notice under the Controlled Substance Examination Regulation Act.

Sections 8.1 – 8.2 repeal G.S. 95-255 and G.S. 95-255.1, which required reports by safety and health committees, and makes conforming changes.

Section 9.1 fixes a typographical error in a General Statutes citation.

Section 10.1 requires that bid specifications for elevator construction or maintenance on public works projects cannot utilize preferred brand alternates; cannot require a bidder to have conducted business for more than five years in this State; and must include certain statutory references related to brand name specifications and North Carolina product preferences.

EFFECTIVE DATE: Section 9.1 became effective retroactively July 1, 2022. The remainder of the act became effective June 3, 2024.