



# SENATE BILL 542: DOL/Omnibus Law Changes Agency Bill.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	August 16, 2023
<b>Introduced by:</b>	Sens. Galey, Barnes, Corbin	<b>Prepared by:</b>	Kristen L. Harris* Staff Attorney
<b>Analysis of:</b>	First Edition		

### OVERVIEW: Senate Bill 542 would:

- Add electronic communication as an allowable 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.
- Increase the civil penalty for a Wage and Hour Act record-keeping violation from \$250-\$2,000 to \$750-\$4,500 and allow electronic communication as an allowable form of notice.
- Make 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 gasses; air tanks used directly in the operation of trains; pressure vessels that meet specific limitations; and hot water supply boilers.
  - Adding electronic communication as an allowable form of notice.
  - Prohibiting a person from operating or allowing the operation of a boiler or pressure vessel after the Commissioner has refused to issue or renew, or revoked an inspection certificate for nonpayment of fees.
  - Combining the existing civil penalties into one penalty not to exceed \$500.
- Repeal Article 22 of Chapter 95 – Safety and Health Programs and Committees.

### BILL ANALYSIS:

Section 1.1: would allow electronic communication as an allowable form of notice under youth Employment statutes (G.S. 95-25.5).

Section 1.2: would increase 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 would allow electronic communication as an allowable form of notice.

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

- Add definitions of imminent danger and menace to public safety.
- Amend and clarify exemptions from the Act for:

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- 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.
- Allow electronic communication as an allowable form of notice.
  - Prohibit an individual from operating or allowing the operation of a boiler or pressure vessel after the Commissioner has refused to issue or renew, or has revoked, an inspection certificate for nonpayment of fees.
  - Combine 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 inspected 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: would allow electronic communication as an allowable form of notice under the Elevator Safety Act of North Carolina.

Sections 4.1 - 4.2: would allow electronic communication as an allowable form of notice under the Amusement Device Safety Act of North Carolina.

Sections 5.1 - 5.2: would allow electronic communication as an allowable form of notice under the Passenger Tramway Safety Act.

Section 6.1: would allow electronic communication as an allowable form of notice under the Occupational Safety and Health Act of North Carolina and require the employer to notify the Director in writing that an employee wishes to contest a citation or request an informal conference.

Section 7.1: would allow electronic communication as an allowable form of notice under the Controlled Substance Examination Regulation Act.

Section 8.1: would repeal Article 22 of Chapter 95 – Safety and Health Programs and Committees.

**EFFECTIVE DATE:** The act would be effective when it becomes law.

*\*Amy Darden, Legislative Analysis Division, contributed to this summary.*