

SENATE BILL 215

By Swann

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 121, relative to safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-121-101(17)(C), is amended by deleting the subdivision in its entirety and substituting instead the following:

(C) Is a member of, and certified by, the Amusement Industry Manufacturing and Suppliers (AIMS) and meets the qualifications established by the board;

SECTION 2. Tennessee Code Annotated, Section 68-121-102(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e)

(1) There is established a subcommittee whose focus shall be related to issues concerning elevator safety. The members of the subcommittee shall be the five (5) members of the board whose focus is elevator safety. The subcommittee shall act as an advisory committee to the board concerning elevator safety and report all findings and recommendations to the board concerning all issues related to elevators, dumbwaiters, escalators, and aerial passenger tramways; provided, that all final decisions concerning such actions shall be decided by the board.

(2) All issues concerning elevators, dumbwaiters, escalators, aerial passenger tramways, and amusement devices shall be heard by the commissioner or the commissioner's designee who shall, pursuant to subdivision (e)(1), report findings and recommendations to the board for final disposition and action by the board concerning the findings and recommendations.

SECTION 3. Tennessee Code Annotated, Section 68-121-118, is amended by deleting the section in its entirety and substituting instead the following:

The operator of an amusement device shall immediately cease to operate any amusement device upon which a fatality, serious physical injury, or serious incident has occurred. An owner shall report any accident involving serious physical injury resulting from the operation of an amusement device to the commissioner, either orally or in writing, within twenty-four (24) hours and contact a qualified inspector from the list maintained by the commissioner pursuant to § 68-121-119. The cessation shall remain in force until an inspection has been performed by a qualified inspector and the inspector has determined that the amusement device or related equipment is safe for public use. The qualified inspector shall initiate the inspection within twenty-four (24) hours of receipt of the report of a fatality, serious physical injury, or serious incident caused by the operation of an amusement device and shall perform the inspection in a manner that proceeds with all practicable speed and minimizes the disruption of the remainder of the amusement devices at the site where the amusement device is located, as well as unrelated commercial activities. The cost of any such inspection shall be paid for by the owner of the amusement device. The inspection may be completed immediately following the reasonable determination by a qualified inspector that a principal cause of the serious physical injury was the victim's failure to comply with the posted safety rules or with verbal instructions. In the event that a qualified inspector does not initiate an inspection within twenty-four (24) hours from the time the inspection was requested by the owner of the amusement device, the owner and operator may presume the amusement device can reopen. This does not preclude an inspection from occurring at a later date.

SECTION 4. Tennessee Code Annotated, Section 68-121-122(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) The owner or operator of traveling or portable amusement devices shall file an itinerary with the board on a form prescribed by the commissioner no less than thirty (30) days before the operation of an amusement device for use by the public.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.