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Subject: Purpose and Definitions

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- 01/10/2017 Received by Lt. Gov & Speaker 05/10/2017

H 01/10/2017 Referred to Committee

S 01/10/2017 Referred to Committee

H 03/07/2017 Resolution Introduced to Approve 3907

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provided for in the Regulation

Document No. 4712

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**OFFICE OF AMUSEMENT RIDES**

Chapter 71

Statutory Authority: 1976 Code Section 41-18-120

71‑4000. Purpose and Definitions.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Amusement Rides proposes to supplement the definitions contained in its regulations. This proposed regulation will clarify when an amusement device is “open to the public” and, therefore, required to be inspected and permitted by the Department.

A Notice of Drafting was published in the *State Register* on August 26, 2016.

**Instructions:**

Regulation 71-4000 is amended as shown below.

**Text:**

71‑4000. Purpose and Definitions.

1. Chapter 18 of Title 41, S.C. Code of Laws, 1976 (as amended) provides that the Commissioner of Labor promulgate regulations to guard against personal injuries in the assembly, disassembly, and use of amusement devices at carnivals, fairs, and amusement parks and to assure to any injured person the possibility of financial recovery for such injuries. It is the purpose of these regulations to set minimum acceptable safety standards for design, construction, operation and inspection of such amusement devices.

2. All definitions found in 41‑18‑40 apply to these regulations.

A. Accepted engineering practice: that which conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities.

B. Operator: the person having direct control of the starting, stopping, or speed of an amusement device.

C. NDT: Non‑Destructive Testing: Assorted testing methods used to disclose latent defects during which test the physical or chemical state of the material is not altered.

D. Imminent Danger: A condition which exists due to a mechanical, electrical, structural, design, or other defect which presents an excessive risk of serious injury to passengers, bystanders, operators, or attendants.

E. Operational Tests: Measurements of safety mechanisms which do not come into play during routine operation.

F. Open to the Public: Accessible or available to members of a community or population, irrespective of whether a fee is charged and without regard to the number of days that the device is available for use. It does not include a private club, organization, or institution utilizing a selection and approval process for membership that operates the device exclusively for the use of its members on premises owned or controlled by it. It also does not include a private residence where the device is operated by family members and their guests for non-business purposes. A club, organization, or institution that offers memberships for less than thirty days is not private.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The updated regulations will provide the public with clarity on whether or not an amusement device is “open to the public” and, therefore, required to be inspected and permitted by the Department.