COMMITTEE REPORT

February 2, 2012

**S. 929**

Introduced by Senator Peeler

S. Printed 2/2/12--H.

Read the first time June 2, 2011.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 929) to amend the Code of Laws of South Carolina, 1976, by adding Section 41‑18‑170 to enact “Benji’s Law” so as to specify permit requirements for, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑18‑170 TO ENACT “BENJI’S LAW” SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as “Benji’s Law”.

SECTION 2. Article 1, Chapter 18, Title 41 of the 1976 Code is amended by adding:

“Section 41‑18‑170. A miniature train amusement ride must satisfy the following requirements before the Department of Labor, Licensing and Regulation may issue a permit or renewal permit:

(1) the ride must have a properly operating speedometer;

(2) the ride must have a device that allows the speed of the train to be regulated and the speed of the train must be set so as to only operate at or below the maximum speed recommended by the manufacturer;

(3) all drivers operating the ride must be trained to operate the ride in accordance with the manufacturer’s operation recommendations; a training record for each driver must be maintained by the owner or operator of the ride as long as the driver is employed by or operates the train on behalf of the owner or operator; and each driver must be tested by the department before the driver is authorized to operate the train; a driver employed to operate the train, or who will operate the train on behalf of the owner or operator, subsequent to the department issuing the permit or renewal permit does not affect the validity of the permit, so long as the driver does not operate the train until the driver has been tested by the department; and

(4) the ride must be inspected mechanically, including, but not limited to, a speed test of the train to ensure that the train is operating in accordance with the requirements of item (2), and in accordance with this chapter or regulations promulgated pursuant to this chapter, but in no case less than an annual inspection.”

SECTION 3. This act takes effect upon approval by the Governor.

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