

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 1021  
SENATE BILL 657

1 AN ACT TO PROVIDE FOR THE SAFETY OF CITIZENS AND VISITORS FROM  
2 UNNECESSARY MECHANICAL HAZARDS IN THE OPERATION OF SKI TOWS,  
3 LIFTS AND TRAMWAYS.  
4

5 The General Assembly of North Carolina do enact:  
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7 **Section 1.** Chapter 95 of the General Statutes is hereby amended by adding thereto  
8 a new Article, to be designated as "Article 15", which shall read as follows:  
9

10 "Article 15

"Passenger Tramway Safety

11 **"Sec. 95-116. Declaration of policy.** In order to safeguard life, health, property, and the  
12 welfare of this State, it shall be the policy of the State of North Carolina to protect its citizens  
13 and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts, tramways  
14 and related devices to insure that reasonable design and construction are used, that accepted  
15 safety devices and sufficient personnel are provided for, and that periodic inspections and  
16 adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts and  
17 passenger tramways. The primary responsibility for design, construction, maintenance, and  
18 inspection rests with the operators of such passenger tramway devices. The State, through the  
19 Commissioner of Labor, shall register all ski lift devices and passenger tramways and establish  
20 reasonable standards of design and operational practices, and cause to be made such inspections  
21 as may be necessary in carrying out this policy.

22 **Sec. 95-117. Definitions.** Each word or term denned in this Article has the meaning indicated  
23 in this Section, unless a different meaning is plainly required by the context.

24 "(1) 'Commissioner' means the Commissioner of Labor of the State of North  
25 Carolina.

26 "(2) 'Industry' means activities of all those persons in the State who own,  
27 manage, or direct the operation of passenger tramways.

28 "(3) 'Operator' means any person, firm, corporation, or organization which owns,  
29 manages, or directs the operation of a passenger tramway. 'Operator' may  
30 apply to the State or any political subdivision or instrumentality thereof.

31 "(4) 'Passenger tramway' means a device used to transport passengers uphill on  
32 skis, or in cars on tracks, or suspended in the air by the use of steel cables,  
33 chains or belts, or by ropes, and usually supported by trestles or towers with  
34 one or more spans. 'Passenger tramway' shall include the following devices:

35 "(a) 'Two-car aerial passenger tramway', a device used to transport  
36 passengers in two open or enclosed cars attached to, and suspended  
37 from, a moving wire rope or attached to a moving wire rope and  
38 supported on a standing wire rope or similar device;

39 "(b) 'Multi-car aerial passenger tramway', a device used to transport  
40 passengers in several open or in closed cars attached to, and  
41 suspended from, a moving wire rope or attached to a moving wire  
42 rope and supported on a standing wire rope, or similar device;

- "(c) 'Skimobile', a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable, or similar device;
- "(d) 'Chair lift', a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices;
- "(e) 'J bar, T bar or platter pull', so-called and similar types of devices or means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;
- "(f) 'Rope tow', a type of transportation which pulls the skiers, riding on skis as the skier grasps the rope manually, or similar devices.

**"Sec. 95-118. Registration required.** No passenger tramway shall be operated in this State unless it has been registered by the Commissioner of Labor. On or before November 1 in each year, every operator of a passenger tramway shall apply to the Commissioner of Labor, on forms prepared by said Commissioner, for registration of the passenger tramway which such operator owns or manages, or the operation of which he directs. The application shall contain such information as the Commissioner may reasonably require in order for him to determine whether the passenger tramway sought to be registered by such operator comply with the intent of this Article and the rules and regulations promulgated by the Commissioner as hereinafter provided.

**"Sec. 95-119. Registration of passenger tramways.** The Commissioner shall issue to the applying operator without delay a registration certificate for each passenger tramway owned, managed, or the operation of which is directed by such operator when the Commissioner is satisfied:

- "(a) That the facts stated in the application are sufficient to enable the Commissioner to fulfill his duties under this Article; and
- "(b) That each such passenger tramway sought to be registered complies with the rules and regulations of the Commissioner promulgated pursuant to the provisions of this Act.
- "(c) In order to satisfy himself that the conditions described in subsections (a) and (b) of this Section have been fulfilled, the Commissioner may cause to be made such inspections hereinafter described as he may reasonably deem necessary.
- "(d) When an operator installs a passenger tramway subsequent to November 1, of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon the receipt of such supplemental application, the Commissioner shall proceed immediately to initiate proceedings leading to the registration or rejection of registration of such passenger tramway pursuant to the provisions of this Article.
- "(e) Each registration shall expire on October 31, next following the day of issue. Each operator shall cause the registration certificate for each passenger tramway thus registered to be displayed prominently at the place where passengers are loaded thereon.

**"Sec. 95-120. Powers and duties of the Commissioner.** In addition to all other powers and duties conferred and imposed upon the Commissioner by this Article, the Commissioner shall have and exercise the following powers and duties:

- "(a) To adopt and enforce reasonable rules and regulations relating to public safety in the construction, operation, and maintenance of passenger tramways. The rules and regulations authorized under this Section shall

conform as nearly as possible to the standards contained for mechanical engineering aerial passenger tram- ways safety code as adopted and used by the U.S.A. Standards Institute, B77.1 - 1960, with addenda B77.1(a) - 1963, and B77.1(b) - 1965, and as said safety code from tramways may be amended from time to time, and in the formulation of said regulations the Commissioner may use and adopt any other safety code for tramways as issued by recognized scientific and mechanical societies. The said regulations shall not be discriminatory in their application to operators of passenger tramways, and the procedures of the Commissioner shall be as provided in this Act;

"(b) To hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the Commissioner, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers and records relevant to any inquiry;

"(c) To approve, deny, revoke, and renew the registrations provided for in this Article and the procedures of the Commissioner with respect thereto shall be as provided in this Article with respect to the issuance of certificates or licenses;

"(d) To cause the prosecution and the institution of actions for injunctions of all persons violating the provisions of this Article and to incur the necessary expenses thereof;

"(e) To cause the seal of the Commissioner of Labor to be affixed to all registrations issued by him, and to employ, within the funds available to him, and prescribe the duties of all such personnel as the Commissioner may deem necessary in the administration of this Article.

**"Sec. 95-121. Inspections and reports.** The Commissioner may cause to be made such inspections of the construction, operation, and maintenance of passenger tramways as he shall deem to be reasonably necessary. If, as the result of an inspection, it is found that a violation of the Commissioner's rules and regulations exists, or a condition in passenger tramway construction, operation or maintenance exists, which endangers safety of the public, an immediate report shall be made to the Commissioner for appropriate investigation and order.

**"Sec. 95-122. Emergency shut-down.** When facts are presented to the Commissioner tending to show that an unreasonable hazard exists in the continued operation of a passenger tramway, and after such verification of said facts as is practical under the circumstances and consistent with the public safety, the Commissioner may by an emergency order require the operator of said tramway forthwith to cease using the same for the transportation of passengers. Such emergency order shall be in writing, signed by the Commissioner, and notice thereof shall be served upon the operator or his agent immediately in control of said passenger tramway by a true copy of such order, with a return being made of such service and endorsed on the original order. Such emergency shut-down shall be effective for a period not to exceed forty-eight (48) hours from the time of service. Immediately after the issuance of an emergency order, the Commissioner shall conduct an investigation into the facts of the case and shall take such action as may be appropriate and as provided by the provisions of this Article.

**"Sec. 95-123. Orders.** If, after investigation, the Commissioner finds that a violation of any of his rules and regulations exists, or that there is a condition in passenger tramway construction, operation, or maintenance which endangers the safety of the public, the Commissioner shall forthwith issue his written order setting forth his findings, the corrective action to be taken, and fixing a reasonable time for compliance therewith. Such orders shall be served upon the operator involved by Certified Mail, and shall become final, unless the operator shall seek judicial review of said order as hereinafter provided. The Commissioner shall have the power to institute injunctive proceedings in any court of competent jurisdiction of the judicial district

1 in which the passenger tramway is located for the purpose of restraining the operation of said  
2 tramway or for compelling compliance with any lawful order of the Commissioner. Any appeal  
3 from an order of the Commissioner shall be made in conformance with the Article provided for  
4 judicial review of decisions of administrative agencies, the same being Article 33 of Chapter  
5 143 of the General Statutes, as amended.

6 **"Sec. 95-124. Suspension of registration.** If any operator fails to comply with the lawful  
7 order of the Commissioner as issued under this Article, and within the time fixed thereby, the  
8 Commissioner may suspend the registration of the affected passenger tramway for such time as  
9 he may consider necessary for the protection of the safety of the public. Any operator who shall  
10 be convicted, or enter a plea of guilty or nolo contendere, to operating a passenger tramway  
11 which has not been registered by the Commissioner, or after its registration has been suspended  
12 by the Commissioner, shall be guilty of a misdemeanor and shall be punished by a fine of not  
13 more than fifty dollars (\$50.00) per day for each day of the such illegal operations or by  
14 imprisonment in the discretion of the court, or both such fine and imprisonment.

15 **"Sec. 95-125. Effective date of initial applications.** This Article shall take effect and become  
16 operative on July 30, 1969, provided that the initial applications for registration of passenger  
17 tramways shall be filed on or before November 1, 1969, and passenger tramways in existence  
18 on November 1, 1969, may be operated without registration until final action is taken by the  
19 Commissioner on the application for registration thereof."

20 **Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are  
21 hereby repealed.

22 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

23 In the General Assembly read three times and ratified, this the 25th day of June,  
24 1969.