

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 208

Short Title: Labor Law Changes.

(Public)

Sponsors: Senators Hise, Galey, and Woodard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 10, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT MAKING VARIOUS CHANGES TO THE LABOR LAWS OF NORTH  
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 74-24.2 reads as rewritten:

6 "**§ 74-24.2. Definitions.**

7 ~~In this Article, unless the context otherwise requires:~~The following definitions apply in this  
8 Article:

- 9 (1) ~~The term "accident" means an Accident.~~ – An unexpected event resulting in  
10 injury to, illness of, or death of a person or persons as a result of mining  
11 operations and any mine explosion, mine ignition, mine fire, mine inundation,  
12 mine cave-in, or other event which could have readily resulted in serious  
13 physical harm.
- 14 (2) ~~The term "Advisory Council" shall mean the Advisory Council or body~~  
15 ~~authorized to be established under this Article.~~
- 16 (3) ~~The term "agent" means any Agent.~~ – Any person charged by the operator  
17 with responsibility for the operation of all or part of a mine or supervision of  
18 the miners in a mine, and for the purposes of this Article includes contractors,  
19 subcontractors, or independent contractors employed by the operator to  
20 perform any work or services at, in, or on the mine.
- 21 (4) ~~The term "Commissioner" means the Commissioner.~~ – The Commissioner of  
22 Labor of North Carolina.
- 23 (5) ~~The term "Director" means the Director.~~ – The person authorized under  
24 G.S. 74-24.19 and appointed by the Commissioner for the purpose of assisting  
25 in the administration of this Article.
- 26 (6) ~~The term "imminent danger" means the Imminent danger.~~ – The existence of  
27 any condition or practice in a mine which could reasonably be expected to  
28 cause death or serious physical harm immediately to any miner if such  
29 condition or practice is not abated at once.
- 30 (7) ~~The term "mine" means an Mine.~~ – An area of land and all private ways and  
31 roads appurtenant thereto, structures, facilities, machinery, tools, equipment,  
32 shafts, slopes, tunnels, excavations, and other property, real or personal,  
33 placed or constructed on, under, or above the surface of such land by any  
34 person, used in, or to be used in, or resulting from (including the reclamation  
35 of mined areas or the storage of materials in mined areas), or to facilitate the  
36 work of exploring for, developing of, or extracting by any means or method



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1 in such area all minerals, inorganic and organic, from their natural deposits.  
2 The term "mine" also includes all mineral processing and milling facilities  
3 except those used in the processing of source materials as defined in the  
4 Atomic Energy Act of 1954, as amended.

5 (8) ~~The term "miner" means any Miner. – Any individual, other than an operator~~  
6 ~~or an agent, working in or about a mine.~~

7 (9) ~~The term "operator" means an Operator. – An individual, partnership,~~  
8 ~~association, corporation, firm, subsidiary of a corporation, or other~~  
9 ~~organization owning, operating, leasing, controlling, or supervising a mining~~  
10 ~~operation.~~

11 (10) ~~The term "repeated violation" means a Repeated violation. – A violation for~~  
12 ~~which an operator was issued a notice or an order on an inspection and which~~  
13 ~~is found to exist again on the next regular inspection, even though the violation~~  
14 ~~was abated within the time fixed for abatement.~~

15 (11) ~~The term "State" means the State. – The State of North Carolina."~~

16 **SECTION 1.(b)** G.S. 74-24.4(a) reads as rewritten:

17 "(a) The Commissioner shall develop, adopt, revise, and promulgate safety and health  
18 standards for the purpose of the protection of life, the promotion of safety and health, and the  
19 prevention of "accidents" in mines which are subject to this Article. In the development of safety  
20 and health standards, the Commissioner shall consult with ~~the Advisory Council~~, interested  
21 federal agencies, appropriate representatives of other State agencies, appropriate representatives  
22 of mine operators and miners, and other interested persons and organizations whose participation  
23 would further the purposes of this Article."

24 **SECTION 1.(c)** G.S. 74-24.6 is repealed.

25 **SECTION 2.** G.S. 95-111.3(a) reads as rewritten:

26 "(a) The term "amusement device" shall mean any mechanical or structural device or  
27 attraction that carries or conveys or permits persons to walk along, around or over a fixed or  
28 restricted route or course or within a defined area including the entrances and exits thereto, for  
29 the purpose of giving such persons amusement, pleasure, thrills or excitement. This term shall  
30 not include any of the following:

31 (1) Devices operated on a river, lake, or any other natural body of water.

32 (2) Wavepools.

33 (3) Roller skating rinks.

34 (4) Ice skating rinks.

35 (5) Skateboard ramps or courses.

36 (6) Mechanical bulls.

37 (7) Buildings or concourses used in laser games.

38 (8) All-terrain vehicles.

39 (9) Motorcycles.

40 (10) Bicycles.

41 (11) Mopeds.

42 (12) Rock walls that are in a fixed, permanent location.

43 (13) Zip-lines.

44 (14) Funhouses, haunted houses, and similar walk-through devices that are erected  
45 temporarily on a seasonal basis and do not have mechanical components.

46 (15) Playground equipment, including but not limited to soft contained play  
47 equipment, swings, seesaws, slides, stationary spring-mounted animal  
48 features, jungle gyms, rider-propelled merry-go-rounds, and trampolines.

49 (16) A locomotive, train, series of railroad cars, or other mechanical devices that  
50 operate on any United States standard railroad gauge of four feet, eight and  
51 one-half inches."

1           **SECTION 3.** G.S. 95-133(b) reads as rewritten:

2           "(b) Subject to the general supervision of the Commissioner and Deputy Commissioner,  
3 the Director shall be responsible for the administration and enforcement of all laws, rules and  
4 regulations which it is the duty of the Division to administer and enforce. The Director shall have  
5 the power, jurisdiction and authority to:

6           ...  
7           (13) Obtain medical records compiled and maintained by the Department of Health  
8           and Human Services, by hospitals participating in the statewide trauma  
9           system, or by emergency management services providers in connection with  
10           the dispatch, response, treatment, or transport of individual patients relating  
11           to investigations and enforcement proceedings under this Article. The medical  
12           records obtained by the Department shall be strictly confidential, are not  
13           public records within the meaning of G.S. 132-1, and shall not be released or  
14           made public."

15           **SECTION 4.** This act is effective when it becomes law.