

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 609 (Second Edition)

**SHORT TITLE:** Enhance Elevator & Amusement Device Safety

**SPONSOR(S):** Representative Baker

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b>
<b>REVENUES</b>					
<b>EXPENDITURES</b>					
Labor – Elevator and Amusement Device Bureau			** No General Fund Impact **		
Department of Correction			Unable to determine exact amount; no significant impact anticipated.		
Judicial Branch			Unable to determine exact amount; no significant impact anticipated.		
<b>POSITIONS: (cumulative)</b>			No additional positions anticipated.		
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Labor Elevator and Amusement Device Bureau, Judicial Branch, Department of Correction					
<b>EFFECTIVE DATE:</b> Section 5(i) is effective December 1, 2003 and applies to offenses committed on or after that date. Section 2 of the bill becomes effective one year after this bill becomes law. The remainder of the bill is effective when it becomes law.					

**BILL SUMMARY:** HB 609 removes the exemptions of certain types of amusement devices or attractions and requires owners of devices subject to the legislation to maintain a signed record of the required pre-opening inspection and test for 180 days, which is 150 days longer than currently require. Written notice of a planned schedule of operation or use of amusement devices must be received by the Commissioner of Labor at least 10 days prior to the first planned date of operation or use. The proposed legislation also makes it a violation to operate any amusement device equipment while under the influence of alcohol or any other impairing substance. Civil penalties for violating the statutes are detailed. Furthermore, the bill makes it a Class 2 misdemeanor for willful violations of G.S.

95-111.13, which cause the death of any person, and a Class 1 misdemeanor for the second and subsequent violation of G.S. 95-111.3. Section 5 of the bill adds that the section does not prevent any prosecuting officer of the State of North Carolina from charging any degree of willful or culpable homicide.

#### **ASSUMPTIONS AND METHODOLOGY:**

##### **The Department of Labor**

The Department of Labor Elevator and Amusement Device Bureau is entirely receipt-supported and receives no General Fund appropriations. There are also no revenues associated with this legislation. Thus, there is not a fiscal impact to the Bureau due to the proposed legislation.

##### **Judicial Branch**

For most criminal penalty bills, the Administrative Office of the Courts (AOC) provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

As a result of extending the application of Article 14B to include more devices, the AOC notes that more violations can be expected to arise under the bill. During FY 2001-2002, the NC Department of Labor Elevator and Amusement Device Bureau conducted 5,567 inspections of amusement devices in the State. In addition, the Bureau notes that there were no deaths associated with the 12-15 accidents that resulted in injury during FY 2001-2002. It is not expected that cases arising from this bill will significantly impact workload of the court system.

##### **Department of Correction**

The majority of individuals convicted of Class 1 and Class 2 misdemeanors (82 and 87 percent, respectively) are given community sentences. The average cost for community punishment is \$1.83/day.

**SOURCES OF DATA:** Department of Labor, Department of Correction; Judicial Branch; and North Carolina Sentencing and Policy Advisory Commission.

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**DATE:** April 9, 2003



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