RULES
OF
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF BOILER, ELEVATOR AND AMUSEMENT DEVICE INSPECTION
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

CHAPTER 0800-03-04
ELEVATORS, DUMBWAITERS, ESCALATORS, AERIAL PASSENGER TRAMWAYS, MOVING WALKS, AND AMUSEMENT DEVICES

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0800-03-04-.01 SCOPE.

(1) These rules establish administrative and operational procedures for implementation of T.C.A. §68-121-101 et seq. These rules also establish minimum standards for the operation, maintenance, construction, alteration and installation of elevators, dumbwaiters, escalators, aerial passenger tramways, and moving walks. Further, these rules establish minimum standards for the installation, assembly, disassembly, repair, maintenance, use, testing, operation, and inspection of amusement devices.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-116.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.02 DEFINITIONS.

(1) As-Built Document. A document signed by a licensed engineer responsible for the construction of an amusement device stating that the device has been constructed according to its final plans.

(2) ASTM Standard. The latest standards and specifications set forth by the American Society for Testing Materials. Copies can be purchased from ASTM International, 100 Barr Harbor Drive, PO BOX C700, West Conshohocken, PA 19428-2959, United States, 610-832-9585 (phone), 610-832-9555 (fax), service@astm.org (email), www.astm.org (ASTM web site).

(3) Authorized Person. A person who:

(a) Has been authorized by the owner or managing operator, in a determination which defines the specific duties and amusement devices to which the authorization pertains, to attend, operate, inspect, test, or perform maintenance on amusement devices and associated equipment;

(Rule 0800-03-04-.02, continued)

(b) Has successfully completed training in the duties to which the authorization pertains;

(c) Performs his or her duties within the scope of the authorization; and

(d) Is capable of reading and comprehending all written instructions, including those on device operator controls, that are required to be available to or to be in view of a person performing duties within the scope of the authorization.

(4) DIN Standard. A standard published by the Deutsches Institute of Normung.

(5) Elevator, dumbwaiter, escalator, and other lift. Hoisting and lowering mechanisms as defined in Section 1.3 of the Elevator Safety Code.

(6) Existing Amusement Device. Any existing amusement device that was placed in operation, substantially designed, manufactured, or fabricated prior to the effective date of these rules.

(7) Major Modification. Any change in the structure or operation of an amusement device that materially alters either the performance of the device or any safety-related system of the device.

(8) New Amusement Device. An amusement device that is placed in operation and opened to the public for the first time.

(9) New Installation. Any new installation of elevators, dumbwaiters, escalators, or other lifts as defined in Section 1.3 Definitions of the Elevator Safety Code for which the plans and specifications and the application for the construction permit are filed as required by T.C.A. §68-121-108.

(10) Other Terms. All other terms used in this Chapter shall have the meaning as defined by Section 1.3 of the Elevator Safety Code, and Section 1.4 of the Safety Code for Existing Elevators and Escalators.

(11) Red Tag. A notice and order prohibiting the use of an amusement device, or any such device that restricts access to any particular part of any amusement device.

(12) Safety-Related Systems and Procedures. Systems and procedures that materially affect safety or are designed or intended to increase the safety of an amusement device, including, but not limited to:

(a) Control devices, including safety devices;

(b) Speed limiting devices;

(c) Brakes;

(d) Passenger-carrying devices, including restraint systems;

(e) Mechanical systems that materially affect the safe operation of the device;

(f) Amusement device electrical or electronic systems, including process-control equipment that are designed or intended to ensure safe operation of the amusement device;

(g) Daily pre-operational safety-related tests;

(Rule 0800-03-04-.02, continued)

(h) Owner or managing operator safety-related maintenance, inspection and operational activities;

(i) Emergency procedures related to the operation of the device, including, but not limited to, cessation of operation, evacuation procedures, ingress and egress controls, location of communication devices, and summoning of medical or emergency assistance; and

(j) Signage.

(13) The Elevator Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1 – 2010/CSA B44-10, Nineteenth Edition, approved by the American National Standards Institute on October 19, 2010, effective as of June 30, 2011, ASME A17.6 – 2010, approved by the American National Standards Institute on March 17, 2010, effective as of July 30, 2010, prepared and published by The American Society of Mechanical Engineers, except as modified in subparagraphs (a) through (s) shall be considered a part of this Chapter.

(a) The note in Requirement 2.11.1.3 Telephone as Alternative to Emergency Doors shall read as follows: Examples are pulp mills, grain elevators and dams;

(b) Section 4.3 Hand Elevators is deleted in its entirety;

(c) Section 5.2 Limited-Use/Limited-Application Elevators is deleted in its entirety;

(d) Section 5.3 Private Residence Elevators is deleted in its entirety;

(e) Section 5.4 Private Residence Inclined Elevators is deleted in its entirety;

(f) Section 5.8 Shipboard Elevators is deleted in its entirety;

(g) Section 5.9 Mine Elevators is deleted in its entirety;

(h) Section 7.4 Material Lifts Without Automatic Transfer Devices is deleted in its entirety;

(i) Section 7.5 Electric Material Lifts Without Automatic Transfer Devices is deleted in its entirety;

(j) Section 7.6 Hydraulic Material Lifts Without Automatic Transfer Devices is deleted in its entirety;

(k) Section 7.9 Electric Material Lifts With Automatic Transfer Devices is deleted in its entirety;

(l) Section 7.10 Hydraulic Material Lifts With Automatic Transfer Devices is deleted in its entirety;

(m) Section 7.11 Material Lifts With Obscured Transfer Devices is deleted in its entirety;

(n) Requirement 8.6.7.2 Limited-Use/Limited-Application Elevators is deleted in its entirety;

(o) Requirement 8.6.7.3 Private Residence Elevators is deleted in its entirety;

(p) Requirement 8.6.7.4 Private Residence Inclined Elevators is deleted in its entirety;

(q) Requirement 8.6.7.8 Shipboard Elevators is deleted in its entirety;

(Rule 0800-03-04-.02, continued)

(r) Requirement 8.6.7.9 Mine Elevators is deleted in its entirety; and

(s) Nonmandatory Appendix H Private Residence Elevator Guarding (5.3.1.6.2) is deleted in its entirety.

(14) The Safety Code for Existing Elevators and Escalators. ASME A17.3 - 1996, Fourth Edition, approved by the American National Standards Institute on October 3, 1996, effective as of August 21, 1997, prepared and published by The American Society of Mechanical Engineers shall be considered a part of this Chapter.

(15) TUV Standard. A standard published by the Technischer Uberwachungs Verein or Technical Inspection Organization.

Authority: *T.C.A. §§ 68-121-101, 68-121-102, 68-121-103, 68-121-103(d), 68-121-104(c) and 68-121-108.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed September 19, 1974; effective October 19, 1974. Amendment filed March 29, 1978; effective April 28, 1978. Amendment filed March 12, 1979; effective April 26, 1979. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed December 13, 2001; effective April 30, 2002. Amendment filed July 17, 2006; effective November 28, 2006. Amendment filed February 24, 2010; effective July 29, 2010. Amendment filed April 7, 2011; effective September 28, 2011. Amendment filed August 7, 2012; effective January 29, 2013.*

0800-03-04-.03 GENERAL REQUIREMENTS.

(1) Application. The requirements of this Chapter shall apply to all installations of elevators, dumbwaiters, escalators, and other lifts as hereinafter specified.

(2) Responsibility. Responsibility for the care, operation and maintenance of elevators, dumbwaiters, escalators, and other lifts shall be as follows:

(a) The person or firm installing, relocating or altering an elevator, dumbwaiter, escalator, or other lift shall be responsible for its operation and maintenance until the operating permit therefor has been issued by the Commissioner, except during the period when any limited operating permit, as defined in Rule 0800-03-04-.05(5) hereof, shall be in effect, and shall also be responsible for all tests of new, relocated and altered equipment until the operating permit therefor has been issued by the Commissioner.

(b) The owner or his duly appointed agent shall be responsible for the safe operation and proper maintenance of the elevator, dumbwaiter, escalator, or other lift, after the operating permit has been issued by the Commissioner and also during the period of effectiveness of any limited operating permit as defined in Rule 0800-03-04-.05(5) hereof. The Owner shall also be responsible for making all initial and periodic tests required by this Chapter.

(3) Exceptions And Use Of Other Devices And Methods. The Board only shall have power to grant exceptions from the requirements of this Chapter and to permit the use of other devices and methods at its discretion, within the limitations stated in the Elevator Safety Code.

(4) Numbering of Elevators, Dumbwaiters, Escalators and Other Lifts. All new and existing elevators, dumbwaiters, escalators, and other lifts shall have a serial number assigned by the Department stamped on or attached to the crosshead of the elevator car and/or to the escalator ballaster in plain view. This serial number shall be shown on all required permits.

(5) Construction Permits.

(Rule 0800-03-04-.03, continued)

(a) A construction permit shall be obtained from the Department before erecting or constructing new elevators, dumbwaiters, escalators, and other lifts, moving such apparatus from one hoistway to another, or before making alterations to existing equipment. The owner, or his authorized agent, shall submit an application for such permit accompanied by plans and specifications in duplicate, in such form as the Department may prescribe. Where such plans and specifications indicate compliance with this Chapter the Commissioner shall issue a construction permit.

(b) The acceptance fees are to be the same as the permit fees. No permit shall be required for repairs and replacements normally necessary for maintenance with parts of equivalent materials, strength and design.

(6) Registration of Elevators, Dumbwaiters, Escalators and Other Lifts.

(a) Within sixty days after the date of adoption of this Chapter, the owner or lessee of every existing elevator, dumbwaiter, escalator, and other lift shall register with the Department of Labor and Workforce Development each such elevator, dumbwaiter, escalator, or other lift owned and operated by such owner, giving type, contract load, and speed, name of manufacturer, its location and the purpose for which it is used and such other information as the Department may require. Such registration shall be made on a form to be furnished by the Department of Labor and Workforce Development on request.

(b) Elevators, dumbwaiters, escalators, and other lifts whose erection is begun subsequent to the date of adoption, but prior to the effective date of this Chapter, shall be registered with the Department within not more than seven (7) days after they are completed and placed in service.

(7) Maintenance of Elevators, Dumbwaiters, Escalators and Other Lifts. Every elevator, dumbwaiter, escalator, and other lift shall be maintained by the owner or lessee in a safe operating condition and in conformity with the rules of this Chapter.

Authority: *T.C.A. §§ 4-5-202(a)(3), 68-121-101, 68-121-103, 68-121-104, 68-121-105, 68-121-107, 68-121-108, 68-121-109, 68-121-111, and 68-121-115.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed June 21, 1976; effective September 13, 1976. Amendment filed March 29, 1978; effective April 28, 1978. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000.*

0800-03-04-.04 DESIGN, INSTALLATION, AND ALTERATIONS.

(1) New Installations and Relocations.

(a) All new installations and relocations of elevators, dumbwaiters, escalators and other lifts shall be designed and installed in accordance with the requirements of The Elevator Safety Code. The design of each new installation or relocation shall be in accordance with the edition of The Elevator Safety Code adopted by the Board and effective as of the date that such design plan is approved by the Board.

(b) New installations and relocations failing to meet the requirements, as set out in the Elevator Safety Code, shall only be altered pursuant to exceptions granted by the Board. All requests for exceptions shall be submitted to the Board in writing no later than 30 days prior to the next regularly scheduled or called meeting of the Board. All duly filed requests for exceptions shall be considered by the Board at the next regularly scheduled or called meeting of the Board.

(Rule 0800-03-04-.04, continued)

(2) Existing Installations.

(a) Existing elevators, dumbwaiters, escalators, and other lifts at a minimum shall meet the requirements of the Safety Code for Existing Elevators and Escalators, ASME A17. .3 - 1996, Fourth Edition as defined by paragraph (8) of Rule 0800-03-04-.01 except as modified herein. Rule 211.3 Firefighters' Service - Automatic Elevators shall read as follows: All automatic (nondesignated attendant) operation elevators installed after 1960 having a travel of 70 feet or more above or below the designated level shall conform to the requirements of this Rule. See ASME A17.1 - 1987, Appendix C, Rules 211.3 - 211.8. If an existing installation installed after 1960 does not meet the requirements of the Safety Code for Existing Elevators and Escalators, as modified, it shall be upgraded. If an existing installation was required to meet more stringent requirements, it shall continue to meet those requirements. Every installation shall be maintained in a safe operating condition and shall be subject to inspections and tests specified in this Chapter.

(b) All modifications as required to comply with subparagraph (a) of paragraph (2) shall be initiated as soon as possible, and shall be completed no later than June 30, 2010.

(3) Alteration of Existing Installations.

(a) Any alteration made to existing installations shall meet the requirements as set out in the Safety Code for Existing Elevators and Escalators as modified by subparagraph (a) of paragraph (2), or must be altered in accordance with exceptions granted by the Board. All requests for exceptions shall be submitted to the Board in writing no later than thirty (30) days prior to the next regularly scheduled or called meeting of the Board. All duly filed requests for exceptions shall be considered by the Board at the next regularly scheduled or called meeting of the Board. All modifications as required to comply with this subparagraph shall be subject to the initiation period stated in subparagraph (b) of paragraph (2) of this rule.

(b) A permit is required for the replacement elevator controllers and driving machines requiring the replaced components to meet as a minimum ASME A17.3 - 1996 or the code under which it was originally inspected. If speed, stop, rise, or capacity is changed, this would require a permit and be inspected under ASME A17.1.

(c) Other combinations of elevator replacement and repair of existing installations shall be considered a minor alteration, and shall at all times comply with Part 8, General Requirements of the Elevator Safety Code. If the contractor or owner determines that an inspection of a minor alteration pursuant to Rule 0800-03-04-.04 of this Chapter is appropriate, the contractor or owner shall direct such request for inspection to the local state elevator inspector, and pay the applicable fee provided in Rule 0800-03-10-.01.

(4) Repairs and Replacements. Repairs and replacements of damaged, broken, or worn parts shall conform to Requirement 8.6 Maintenance, Repair and Replacement of the Elevator Safety Code.

Authority: *T.C.A. § 68-121-103(a)(4).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed March 29, 1978; effective April 28, 1978. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed December 13, 2001; effective April 30, 2002. Amendment filed May 7, 2004; effective September 28, 2004 Amendment filed July 17, 2006; effective November 28, 2006. Amendment filed July 17, 2006; effective November 28, 2006. Amendment filed February 27, 2007; effective June 28, 2007.*

0800-03-04-.05 INSPECTION AND TESTS.

(1) New, Relocated or Altered Elevators, Dumbwaiters, Escalators, and Other Lifts.

(a) Acceptance Tests. The person or firm installing, relocating or altering elevators, dumbwaiters, escalators or other lifts shall notify the Department in writing at least seven (7) days before completion of the work and shall subject the new, moved, or altered portions of the equipment to the tests specified in Section 8.10 Acceptance Inspections and Tests of the Elevator Safety Code-insofar as the equipment mentioned therein is required or provided, to show that such equipment conforms to the requirements specified.

(b) Acceptance Inspection. All new, altered and relocated elevators, dumbwaiters, escalators and other lifts shall be inspected for compliance with the requirements of this Chapter. Such inspections shall conform to the requirements in Section 8.10 Acceptance Inspections and Tests of the Elevator Safety Code to determine whether such equipment conforms to the requirements specified.

(c) The inspections required by this Rule shall be made by an inspector licensed and employed by the State of Tennessee who shall also witness the tests specified in this Rule.

(d) The person or firm installing such elevator, dumbwaiter, escalator, or other lift shall pay to the Department an acceptance inspection fee.

(2) Periodic Inspections and Tests of All Elevators, Dumbwaiters, Escalators, and Other Lifts.

(a) The owner or lessee of every elevator, dumbwaiter, escalator, and other lift shall cause it to be inspected and tested every sixth calendar month following the month in which the inspection and test required by Rules 0800-03-04-.04(1) has been made.

(b) Periodic inspections and tests shall conform to the requirements of the Elevator Safety Code.

(3) Required Inspections. The inspections required by paragraphs (1) and (2) of this Rule shall be “required inspections.”

(4) Report of Inspections.

(a) A report of every required inspection shall be filed with the Department by the inspector making such inspection on a form approved by the Department, within twenty (20) days after the inspection or test has been completed. The report of the inspections required by subdivisions (1) and (2) of this Rule shall include all information required by the Department to determine whether the owner or lessee of the elevator or escalator has complied with the applicable requirements of this Chapter.

(b) For the inspection required by subdivision (1) of this Rule the report shall in addition indicate whether the elevator, dumbwaiter, escalator, or other lift has been installed in accordance with the construction permit issued by the Department under Rule 0800-03-04-.02(5) of this Chapter and meets the requirements of the applicable rules of the Elevator Safety Code.

(5) Additional Inspections. In addition to such “required inspections” the Commissioner may designate a licensed inspector in the employ of the State to make such additional inspections as may be required to enforce the provisions of this Chapter.

(Rule 0800-03-04-.05, continued)
Authority: *T.C.A. §§ 68-121-103, 68-121-104 and 68-19-106.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed September 19, 1974; effective October 19, 1974. Amendment filed June 21, 1976; effective September 13, 1976. Amendment filed March 29, 1978; effective April 28, 1978. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed July 17, 2006; effective November 28, 2006. Amendment filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.06 OPERATING PERMITS.

(1) Issuing of Permits.

(a) Operating permits shall be issued by the Commissioner, within the time limits hereafter specified, to the owner or lessee of every new elevator, dumbwaiter and escalator, and of every existing elevator and escalator, where the inspection report indicates compliance with this Chapter, provided that no permit shall be issued if the fees required by this Chapter have not been paid. Said time limits shall be thirty (30) days for existing elevators and escalators, and seven (7) days for new elevators, dumbwaiters and escalators, after the required date for filing the inspection report required by Rule 0800-03-04-.04(4), unless such time is extended by the Commissioner. No elevator, dumbwaiter or escalator, for which such permit is required, shall be operated by the owner or lessee thereof after the dates specified in this subparagraph, unless such operating permit has been issued.

(b) The operating permit shall be issued for the period covered by the inspection required by Rules 0800-03-04.04(1) and 0800-03-04-.04(2) and shall state the contract load and speed for such elevator, dumbwaiter or escalator. It shall be extended by endorsement of the Commissioner or his duly appointed agent after each periodic inspection required by Rule 0800-03-04-.04(3).

(c) If the inspection report, required by Rule 0800-03-04-.04(4) indicates failure of compliance with the applicable requirements of this Chapter or with the detailed plans and specifications approved by the Department under Rule 0800-03-04-.02(5), the Commissioner shall give notice to the owner or lessee or the person or persons filing such plans and specifications of changes necessary for compliance therewith. After such changes have been made, the Commissioner shall issue an operating permit.

(d) If the inspection report, required by Rule 0800-03-04-.04(4) indicates that an elevator or escalator is in an unsafe condition, so that its continued operation may be dangerous to the public safety, then the Commissioner may, at his discretion, require the owner or lessee to discontinue the use of such elevator or escalator until it has been made safe and in conformity with the requirements of this Chapter.

(e) If the Commissioner has reason to believe that any owner or lessee to whom an operating permit has been issued is not complying with the applicable rules of this Chapter, he shall so notify such owner or lessee, and shall give notice of the date, time, and location for a hearing hereon to such owner or lessee. If, after such hearing, he shall find that such owner or lessee is not complying with such rules and regulations, he shall revoke such permit.

(2) Serial Number Shown on Permits. Permits shall show the serial number of the elevator, dumbwaiter, escalator, or other lift for which they are issued, as required in Rule 0800-03-04-.02(4), Numbering of Elevators, Dumbwaiters, Escalators and Other Lifts.

(Rule 0800-03-04-.06, continued)

(3) Posting of Permits. The required permit, or a sign designating where such permit is located, shall be posted in a conspicuous location in the elevator car, or on or near the escalator, dumbwaiter, or other lift.

(4) Temporary Permit. The Commissioner or his duly appointed agent may permit the temporary use of any elevator, dumbwaiter, escalator, or other lift for freight service during its installation under the authority of a temporary permit for each class of service. In the case of elevators, such temporary permit shall not be issued until the elevator shall have been tested under the contract load, and the car safety and terminal stopping equipment have been tested to determine the safety of the equipment.

(5) Life of Temporary Permit. Temporary permits shall be issued for a period not to exceed thirty (30) days and may be renewed at the discretion of the Commissioner or his duly appointed agent.

(6) Posting of Temporary Permits. Where a temporary permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted on, near, or visible from each entrance to such elevator, dumbwaiter, escalator, or other lift.

Authority: *T.C.A. §§ 4-5-202(a)(3), 68-121-101, 68-121-103, 68-121-104, 68-121-105, 68-121-107, 68-121-108, 68-121-109, 68-121-111, and 68-121-115.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed May 7, 2004; effective September 28, 2004.*

0800-03-04-.07 QUALIFICATIONS AND LICENSING OF INSPECTORS.

(1) All required inspections made under the requirements of this Chapter shall be made by, or in the presence of inspectors qualified and licensed as prescribed in T.C.A. §68-121-110.

(2) Inspectors that are qualified and licensed as prescribed in T.C.A. §68-121-110 shall obtain certification in accordance with Requirement 8.10.1.1.3 of the Elevator Safety Code as soon as possible, but no later than twelve (12) months from the date of qualification and licensing under T.C.A. §68-121-110.

Authority: *T.C.A. §§ 68-121-103 and 68-121-110.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed July 10, 2003; effective November 28, 2003. Amendment filed July 17, 2006; effective November 28, 2006.*

0800-03-04-.08 ELEVATORS, DUMBWAITERS, ESCALATOR, AND OTHER LIFTS ACCIDENTS.

(1) The owner or his duly authorized agent shall immediately notify the Commissioner of each and every elevator, dumbwaiter, escalator or other lift accident involving a person requiring the service of a physician, or damage to the elevator, dumbwaiter, escalator or other lift equipment that impairs the safe operation of such equipment, as required by the Elevator Safety Code, and shall afford the Commissioner every facility for investigating and inspecting such accident or damage. The Commissioner shall, without delay, after being notified, make an investigation and shall have placed on file a full and complete report of such accident.

Authority: *T.C.A. §§ 4-5-202(a)(3) and 68-121-103(a)(4).* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000.*

0800-03-04-.09 APPEALS. Appeals from Orders or Acts of the Commissioner in the enforcement of the rules of this Chapter shall be made as required by T.C.A. §68-121-112 of the Elevator Safety Law.

(Rule 0800-03-04-.09, continued)

Authority: *T.C.A. §§ 4-5-202(a), 68-121-101, 68-121-103, 68-121-104, 68-121-105, 68-121-106, 68-121-107, 68-121-108, 68-121-109, 68-121-111, 68-121-112, and 68-121-115.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000.*

0800-03-04-.10 SPECIFICATIONS FOR TESTS AND INSPECTIONS.

(1) The guide for making the inspections and tests shall be the Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2 – 2004, Second Edition, approved by the American National Standards Institute on July 22, 2004, effective as of March 31, 2005, prepared and published by The American Society of Mechanical Engineers.

Authority: *T.C.A. §§ 68-121-103 and 68-121-106.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed July 17, 2006; effective November 28, 2006.*

0800-03-04-.11 ADOPTION OF ELEVATOR SAFETY CODE AMENDMENTS AND INTERPRETATIONS. The Board shall annually review and may adopt by rule the existing published codification of the Safety Code for Elevators and Escalators, ASME A17.1, with the amendments and interpretations thereto made and approved by the American Society of Mechanical Engineers. The Board shall likewise annually review and may adopt by rule the amendments and interpretations subsequently made and published by the same authority pursuant to such annual review. When so adopted, said existing published codification and the amendments and interpretations thereto shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules and regulations of the Board.

Authority: *T.C.A. §§ 4-5-202(a)(3) and 68-121-103 (a)(4).* ***Administrative History:*** *Original rule filed July 24, 2000; effective November 28, 2000.*

0800-03-04-.12 APPLICATION.

(1) The following ASTM Standards on Amusement Rides and Devices and the revisions thereto are incorporated herein by reference upon adoption:

(a) ASTM F 698-94 (2000), "Standard Specification for Physical Information to be Provided for Amusement Rides and Devices."

(b) ASTM F 770-06a, "Standard Practice for Ownership and Operation of Amusement Rides and Devices."

(c) ASTM F 846-92 (2009), "Standard Guide for Testing Performance of Amusement Rides and Devices," Sections 1 through 8.

(d) ASTM F 853-05, "Standard Practice for Maintenance Procedures for Amusement Rides and Devices," Sections 1 through 6.

(e) ASTM F 893-05a, "Standard Guide for Inspection of Amusement Rides and Devices," Sections 1 through 5.

(f) ASTM F 1159-03a, "Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures," Sections 1 through 14.

(Rule 0800-03-04-.12, continued)

(g) ASTM F 1193-06, "Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices," Sections 1 through 7.

Authority: *T.C.A. §§ 68-121-103(d)(2), 68-121-103(e), and 68-121-104(c).* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.13 REQUIRED DOCUMENTATION.

(1) Each owner or managing operator shall retain on the premises or with a portable amusement device all of the following documentation for each amusement device that will be operated in the state:

(a) The manufacturer's documentation indicating that the design and manufacture of the amusement device is in compliance with ASTM F 1159-03a. Such documentation shall include but not necessarily be limited to the design and calculation documents specified in Section 4.1 of ASTM F 1159-03a.

1. Exception No. 1: If the amusement device was designed to comply with generally accepted design standards other than those in Section 4.1 of ASTM F 1159-03a, e.g., DIN or TUV Standards, the owner or managing operator may substitute documentation of compliance with those standards. However, unless Exception No. 2 applies, a level of detail shall be comparable to that specified by Section 4.1 of ASTM F 1159-03a.

2. Exception No. 2 for Existing Amusement Devices Only: If the owner or managing operator cannot obtain all or part of the required documentation because it is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available. If that documentation is missing information on performance characteristics or forces on passengers, the owner or managing operator shall maintain alternative documentation to the extent such information is necessary for a reasonably adequate evaluation of the safety of any amusement device.

(b) Documentation of each of the following with reference to Sections 5 through 8 of ASTM F 846-92 (Reapproved 2009):

1. The manufacturer's developmental and installation testing procedures meeting the specifications of Sections 5 and 6.

2. The manufacturer's operational and nondestructive testing procedures meeting the specifications of Sections 7 and 8.

(i) Exception No. 1 for Amusement Devices Only: If complete documentation meeting the requirements of part 1. of subparagraph (b) of paragraph (1) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available.

(ii) Exception No. 2 for Existing Amusement Devices Only: If complete documentation meeting the requirements of part 2. of subparagraph (b) of paragraph (1) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available by maintaining documentation containing effective operational and nondestructive testing

(Rule 0800-03-04-.13, continued)

procedures that meet the specifications of Sections 7.2.2 through 7.2.5, 8.1 through 8.1.3, and 8.1.6 through 8.1.9 of ASTM 846-92 (Reapproved 2009). The testing procedures shall include the following additional requirements:

(1) The testing frequency shall be specified.

(2) The operational limits of the amusement device and the specifications used to evaluate testing results shall be established by the owner or managing operator using all the manufacturer's information that is reasonably available to ensure that the operation of the amusement device is within design limitations.

(c) Documentation of each of the following with reference to Sections 4 through 6 of ASTM F 853-05:

1. The manufacturer's maintenance instructions that meet the specifications of Section 4 of ASTM F 853-05.

2. The mandatory maintenance procedures that meet the instructions required by paragraph (1), the specifications of Sections 5 and 6 of ASTM F 853-05, and an effective program of training for all employees performing maintenance. The training program shall meet the specifications of Section 6.2 of ASTM F 853-05 and include a manual containing the training subject matter, the length of initial and refresher training as well as the frequency of refresher training.

(i) Exception for Existing Amusement Devices Only: If complete documentation of meeting the requirements of paragraph (1) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining the documentation which is reasonably available and shall comply by maintaining effective maintenance procedures. The maintenance procedures shall meet the manufacturer's maintenance instructions that are reasonably available and shall include, but not limited to each of the following:

(1) A description of the amusement device operation, including the function and operation of its major components.

(2) A description of the motions the amusement device is designed to undergo while in operation.

(3) Lubricant procedures, including types of lubricants and frequency of lubrication, and a lubrication drawing, chart, or other effective means of showing the location of lubrication points.

(4) A description, including a schedule, of all maintenance inspections and testing to be conducted on the amusement device.

(5) Maintenance procedures for electrical components, as well as schematics of electrical power, lighting, and controls.

(6) Maintenance procedures and schematics for all hydraulic and pneumatic systems on or used to control the amusement device, which shall include component locations, location charts, fluid, pressure line, fitting specifications, and troubleshooting guidelines.

(Rule 0800-03-04-.13, continued)

(7) Specifications for the use of replacement fasteners and, when applicable, for torque requirements for fasteners.

(8) A checklist to be made available to each authorized person performing the regularly scheduled maintenance on each amusement device.

(9) Procedures for performing documented and signed pre-opening inspections, to be conducted each day prior to public operation. The pre-opening inspection shall include, but not necessarily be limited to, the items listed in Section 6.3 of ASTM F 853-05.

(10) An effective training program for all employees performing maintenance meeting specifications of Section 6.2 of ASTM F 853-05. The training program shall include a manual containing the training subject matter, the length of initial and refresher training as well as the frequency of refresher training.

(11) Procedures to be followed in the event of any unscheduled cessation of operation of the amusement device. The procedures shall require that, when an unscheduled cessation of operation occurs due to mechanical failure, the device shall not be operated again until testing of the amusement device has demonstrated that the amusement device is functioning properly.

(d) Mandatory operation procedures meeting the specifications of Section 4.1 through 4.1.4.4 of ASTM F 770-06a (Reapproved 2000). Each owner or managing operator shall ensure that each of the following are incorporated into the operation procedures:

1. The manufacturer's information and recommendations meeting the specifications of Section 3 of ASTM F 770-06a (Reapproved 2000).

(i) Exceptions for Existing Amusement Devices Only: If complete documentation meeting the requirements of part of 1. of subparagraph (d) of paragraph (1) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available and by maintaining documentation containing effective procedures that meet Sections 4.1 through 4.1.4.4 of ASTM F 770-06a (Reapproved 2000).

(e) A procedure for promptly notifying the applicable manufacturer, if known, of any event, failure, or malfunction that reasonably and substantially appears:

1. To have an impact on safety; and

2. To be of a type that could occur in connection with amusement devices of the same design.

(f) A detailed description of all signal systems' procedures and testing used by the owner or managing operator.

(g) Procedures for implementing safety measures necessary to ensure the safe operation, which shall consist of the following:

(Rule 0800-03-04-.13, continued)

1. Procedures to ensure that all passenger restraint mechanisms are properly engaged and safely secured.

2. Procedures that shall, at a minimum, implement all specific manufacturer recommendations listed in Section 2.6 of ASTM F 698-94 (Reapproved 2000), to the extent such recommendations exist and are reasonably available. Patron-specific safety measures shall consist of special provisions for a patron's use of the amusement device, provision of warnings to patrons, or both in combination, to the extent reasonably necessary to protect the patron. Factors that may result in a need for patron-specific safety measures include patron weight, patron size (e.g., height or other body dimension), and the patron being a child, or having a physical disability, or health condition.

(h) An effective training program for all managing operators and attendants meeting the specifications of Section 4.1.3 of ASTM F 770-06a. The training program shall include a manual containing the training subject matter, the length of initial and refresher training as well as the frequency of refresher training.

(i) Documentation indicating that the manufacturer's quality assurance program followed for the amusement device meeting ASTM F 1193-06a and Section 5 of ASTM F 893-05a (Reapproved 2000).

1. Exception for Existing Amusement Devices Only: If complete documentation meeting the requirements of paragraph (i) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available.

(j) All of the information applicable to each amusement device as specified in ASTM F 698-94 (Reapproved 2000).

1. Exception for Existing Amusement Devices Only: If complete documentation meeting the requirements of paragraph (j) is reasonably believed not to exist or is not reasonably available, the owner or managing operator shall comply by maintaining that documentation which is reasonably available, and by maintaining the information indicated in Sections 2.2.5 through 2.5 and 2.7 through 2.15.3 of ASTM F 698-94 (Reapproved 2000).

Authority: *T.C.A. §§ 68-121-116(b)(1), 68-121-116(b)(2), 68-121-116(b)(3), and 68-121-121.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.14 GENERAL DESIGN AND MANUFACTURE.

(1) No new amusement device shall be operated unless it has been designed and manufactured meeting the specifications of ASTM F 1159-03a and ASTM F 1193-06.

(a) Exception: A new amusement device may be operated with the design standards set forth in other generally accepted standards, e.g., DIN or TUV Standards provided that the owner or managing operator can demonstrate comparable compliance ensuring patron safety comparable to that provided by compliance with ASTM F 1159-03a and ASTM F 1193-06.

Authority: *T.C.A. §§ 68-121-116(b)(1), 68-121-116(b)(2), 68-121-116(b)(3), and 68-121-121.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.15 REQUIRED TESTING.

(1) No amusement device shall be operated unless the owner or managing operator has documentation demonstrating the proper performance of the amusement device through testing performed meeting the specifications of the documentation required by part 1. of subparagraph (a) of paragraph (1) of Rule 0800-03-04-.13.

(a) Exception for Existing Amusement Devices Only: If complete documentation meeting the requirement of part 1. of subparagraph (b) of paragraph (1) of Rule 0800-03-04-.13 is reasonably believed not to exist or is not reasonably available, the amusement device may be operated if the owner or managing operator has documentation demonstrating the proper performance of the amusement device through testing performed meeting the specifications of the documentation required by part 2. of subparagraph (b) of paragraph (1) of Rule 0800-03-04-.13.

(2) All testing performed by the owner of managing operator shall be conducted by an authorized person.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-116.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-04-03-.16 MAINTENANCE, INSPECTION, AND RELATED TRAINING.

(1) Each owner or managing operator shall follow the procedures specified in the documentation required by part 2. of subparagraph (c) of paragraph (1) of Rule 0800-03-04-.13, and shall provide training as specified in that documentation to each employee performing those procedures.

(2) All maintenance and inspection functions shall be performed by an authorized person.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-116.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.17 OPERATION PROCEDURES AND RELATED TRAINING.

(1) Each owner or managing operator shall follow the operation procedures specified in the documentation required by subparagraph (d) of paragraph (1) of Rule 0800-03-04-.13 for each amusement device, and shall provide training as specified in that documentation to each device operator and attendant.

(2) Each owner or managing operator shall use effective signs, videos, or other similarly effective means of advising patrons of those instructions, limitations, restrictions, and warnings deemed necessary for safety by the owner or managing operator, including those maintained as part of the procedures required by subparagraph (g) of paragraph (1) of Rule 0800-03-04-.13.

(a) At least one (1) printed sign shall be a minimum size of eighteen (18) inches by twenty-four (24) inches, with the size of printed lettering in proportion to the size of the sign.

(b) Signs shall be prominently displayed at or near the entrance to, or loading platform for, the amusement device and shall have the standard language to indicate rider responsibilities as follows:

THE FOLLOWING STATE LAW REQUIREMENTS WILL HELP TO ASSURE YOUR SAFETY:

(Rule 0800-03-04-.17, continued)

PLEASE OBEY ALL POSTED SAFETY RULES AND ORAL INSTRUCTIONS FROM DEVICE OPERATORS:

Avoid any action that may injure you or others.
Stay within the limits of your ability.
Use safety devices at all times.
Do not interfere with safety devices.
Do not disconnect or disable safety devices.
Do not touch the device operator's controls.
Do not extend your arms or legs beyond the carrier or seating areas.
Do not throw or drop any object from or toward an amusement device.
Get off the amusement device properly at the designated time and place.
Control the speed or direction of the amusement device or your body as instructed.
Do not interfere with the safe operation of an amusement device.
Do not swing or bounce on an amusement device unless instructed.
Do not enter areas restricted by fencing or barricades.

YOU MAY NOT GET ON AN AMUSEMENT DEVICE UNLESS:

You know how to get on, use and get off the amusement device.
You have read, understood and meet each amusement device's posted signs and safety requirements.
You know the limits of your ability and that the amusement device will not exceed your limits.
You are not under the influence of alcohol or drugs.
You are authorized by the device operator to get on the amusement device.

STATE LAW REQUIRES RIDERS TO REFRAIN FROM ACTING IN ANY MANNER THAT MAY CAUSE OR CONTRIBUTE TO INJURING THE RIDER OR OTHERS.

(c) Owners or managing operators may add signs at individual amusement devices which include specific instructions necessary for safe operation of the amusement device. The signs may include the following information:

1. Operational instructions.

2. Safety guidelines for riders.

3. Restrictions on the use of the amusement device.

4. Behavior or activities which are prohibited.

5. State law requires riders to refrain from acting in any manner that may cause or contribute to injuring the rider or others.

(d) The location for reporting injuries shall be listed in bold letters at the bottom of each sign.

(e) Device operators shall not be impaired/under the influence of drugs or alcohol.

(3) Managing operators shall have in place a written emergency medical services plan which is on file and easily accessible. The plan shall address first aid and cardiopulmonary resuscitation (CPR) and shall be approved by the Commissioner's designee.

(Rule 0800-03-04-.17, continued)

(4) Complete operation instructions for each amusement device shall be readily accessible to the device operators and attendants of the amusement device.

(5) All amusement device operation and attendant functions shall be conducted by an authorized person.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), 68-121-116, and 68-121-125.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.18 PHYSICAL INFORMATION AND ADHERENCE TO GENERAL SAFETY-RELATED OPERATING REQUIREMENTS.

(1) Each owner or managing operator shall not operate any amusement device in a manner inconsistent with the specifications of the documentation required by subparagraph (j) of paragraph (1) of Rule 0800-03-04-.13.

(a) Exception for Existing Amusement Devices: If any of the manufacturer's information specified by sections 2.2.1 through 2.2.8 of ASTM F 698-94 (Reapproved 2000) is reasonably believed not to exist or is not reasonably available, the owner or managing operator, at a minimum, shall have permanently affixed to the amusement device the name and address of the manufacturer, if known, the amusement device name or description, the model or serial number, if known, the maximum number of patrons, and the maximum design speed of the amusement device. The required information shall be legibly impressed on a metal plate or equivalent and readily visible and legible at all times.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-116.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July, 29, 2010.*

0800-04-04-.19 MOTION RESTRICTION AND OTHER SPECIFIC HAZARD CONTROL MEASURES.

(1) Emergency Brakes and Devices. If upon failure of normal stopping controls, collisions may reasonably be expected to occur. Amusement device conveyance vehicles shall be provided with emergency brakes or other equally effective emergency stopping controls. Low speed vehicles designed for controlled collisions do not require emergency stopping controls.

(2) Anti-Rollback Controls. Each amusement device with a passenger conveyance vehicle that traverses an inclined track shall be provided with automatic anti-rollback controls unless such controls would conflict with the manufacturer's recommendations.

(3) Speed Limiting Devices and Systems. Each amusement device capable of exceeding its maximum design operating speed shall be provided with a speed limiting device or system to ensure that the amusement device cannot exceed that speed at any time while in operation.

(4) Mechanical Governors. If a mechanical governor with an adjustable setting is used as a speed limiting device, the adjusting mechanism shall be sealed so that the speed setting cannot be changed without breaking the seal. If the seal is broken, the amusement device shall not be operated and the speed setting shall be readjusted and resealed according to the manufacturer's specifications.

(5) Other Speed Limiting Devices or Systems. If a speed limiting device or system other than a mechanical governor is used to control the maximum speed of an amusement device, the device or system shall include safeguards to prevent the device operator from being able to alter the maximum speed setting.

(Rule 0800-03-04-.19, continued)

(6) Signal Systems.

(a) Signal systems shall be used and shall be adequate to do the following:

1. Control the dispatching of amusement devices as necessary to prevent collision due to any failure of the amusement device or amusement device unit to clear a stopping point.

2. Control the operation of the amusement device so that neither starting nor stopping the amusement device results in an unsafe condition. In the case of starting the amusement device, the signal system shall require that, before the start signal is given, there is confirmation that all patrons are safely secured within the amusement device and all other persons are a safe distance from the amusement device.

(i) Exception: A signal system is not required if the amusement device is controlled by a single device operator who can clearly observe all phases of operation of the amusement device.

(7) All signal systems shall be tested at least once each day prior to the initial operation of the amusement device. No amusement device shall be operated if the signal system is not functioning properly.

(8) A written explanation of the use and testing of the signal system for each amusement device having a signal system shall be available at the device operator's stations.

(9) Protection from Hazardous Surfaces and Moving Parts.

(a) Surfaces of amusement devices with which a patron may come in contact shall be free from sharp, rough, or splintered surfaces, edges and corners, and from unguarded or unprotected protruding studs, bolts, screws, and other projections. Surfaces that a patron may forcibly contact while in motion shall be adequately padded or otherwise designed and maintained to protect against injury.

(10) All moving parts shall be sufficiently guarded to protect against injury.

(11) Patron Retention, Restraint, and Support.

(a) All tubs, cars, chairs, seats, gondolas, and other carriers shall be equipped as necessary to protect against injury with amusement devices that retain, restrain, or support the patron during all phases of the amusement device movement. All fastenings shall be of a type that cannot be released inadvertently or by accidental means.

(b) All belts, bars, fastenings, anchorages, footrests, and other equipment or devices intended for the protection of patrons while they are on amusement devices shall be of adequate design and maintained to perform their intended functions.

(12) Accessing and Exiting Amusement Devices.

(a) All steps, ramps and walkways inside the site of the amusement device used for accessing and exiting the amusement device shall be of adequate design and maintained to perform their intended function.

(13) Operation and Control of Amusement Devices.

(Rule 0800-03-04-.19, continued)

(a) All amusement devices shall be operated by authorized persons. All authorized persons shall be within immediate reach of the operating controls, even if automatic devices are used to control the time cycle of the amusement device.

(b) All amusement devices shall have a stop switch within immediate reach of the authorized person at all times while the amusement device is in operation.

(c) Each electrically driven amusement device shall have a disconnect switch within reach of the authorized person for use in case of emergency. In lieu of this disconnect switch, a stopping device that must be manually reset may be used.

(d) No amusement device with a stop device or disconnect switch shall be capable of starting immediately upon reset of that device.

(e) Equipment rooms, machinery rooms, and all other areas unsafe for access by unauthorized persons shall be locked, fenced or barricaded, and have signs posted to forbid unauthorized access.

(f) Electrically energized overhead screens used to power amusement devices shall be free of holes that are not part of the design.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-116.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.20 ANNUAL PERMITS.

(1) Each owner of an amusement device shall submit on a form prescribed by the Commissioner a declaration of compliance for an annual permit with the appropriate fee. The permit is valid in any and all counties in the state for one (1) year from the date the permit is issued.

(2) The form shall include each of the following items:

(a) The legal name and address of the owner, and the primary place of business;

(b) The legal name and address of the managing operator, if different from those of the owner;

(c) The name and a description of the amusement device, the address at which it is located, the name(s) of the manufacturer(s) of the amusement device, and if provided by the manufacturer(s), the serial number and model number of the amusement device; and

(d) A statement that the amusement device was inspected at least once annually by a qualified inspector, whom the owner or an insurer has provided to perform the inspection, and obtains from the qualified inspector written documentation that the inspection has been made and that the amusement device meets ASTM standards and is covered by an insurance policy.

(3) If the amusement device is not at a fixed location within this state, then the owner of the amusement device shall only be required to obtain one (1) such annual permit and the permit shall be displayed in a conspicuous location.

(4) If the annual permit is issued for an individual amusement device, the permit shall be prominently displayed on the amusement device.

(Rule 0800-03-04-.20, continued)

(5) If the annual permit is issued for amusement devices to an enterprise that has multiple amusement devices owned or managed by one (1) owner, the permit shall be filled at the main office of the site where the amusement devices are located, and shall be available for inspection by any public official during the normal business hours of the office and by members of the public during the normal business operating hours of the amusement devices.

(6) All current written notifications issued by the Department shall be available for public inspection during normal business hours at a readily accessible location at the site where the amusement device is located. Such documents may either be posted at the entrance to each amusement device, or at the election of the owner or managing operator, located at a readily accessible central location.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), 68-121-117, and 68-121-120.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.21 ITINERARY OF PORTABLE AMUSEMENT DEVICES.

(1) The owner or managing operator of traveling or portable amusement devices shall file an itinerary with the Board on a form prescribed by the Commissioner no less than thirty (30) days before the operation of an amusement device for use by the public. The itinerary shall include the following:

(a) The name of the amusement device owner;

(b) The carnival, fair, or activity sponsor;

(c) The address and telephone number of the site;

(d) The dates open to the public; and

(e) The name of the contact person on site.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), and 68-121-122.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.22 INSURANCE REQUIREMENTS.

(1) Each owner shall operate an amusement device only if the owner:

(a) Has obtained an insurance policy issued by an insurance company authorized to do business in the state in an amount not less than one million dollars ($1,000,000) per occurrence, insuring the owner or managing operator against liability for bodily injury and property damage arising from the use of the amusement device;

(b) Has furnished to the Department a copy of the insurance policy prior to the issuance of an annual permit;

(c) Has clearly identified in the insurance policy the amusement devices insured; and

(d) Does not operate amusement devices for which coverage is not provided.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), 68-121-117(b), and 68-121-117(d).* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.23 REPORT OF FATALITIES, PHYSICAL INJURIES OR INCIDENTS.

(1) Reporting of Accidents. Each device operator of an amusement device shall immediately cease to operate any amusement device upon which a fatality, serious physical injury or serious incident has occurred. Each owner of an amusement device shall report to the Commissioner, either orally, electronically or in writing, within twenty-four (24) hours of each known accident where maintenance, operation, or use of the amusement device results in a fatality, serious physical injury or serious incident to any person. A qualified inspector shall also be contacted from the list on the web site maintained by the Department.

(2) Preservation of Accident Scene.

(a) If a fatality, serious physical injury or serious incident results from the failure, malfunction, or operation of an amusement device, the equipment or conditions that caused the accident shall be preserved by the owner for the purpose of the investigation.

(b) Upon receiving a report, an inspection shall be initiated within twenty-four (24) hours. The amusement device shall be released for repair and operation only after the investigation is completed.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), 68-121-118, and 68-121-119.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.24 SPOT INSPECTIONS OF AMUSEMENT DEVICES.

(1) If it is determined after a spot inspection, that an amusement device or any part thereof, presents an imminent hazard or is otherwise unsafe, the Commissioner's Designee may prohibit the operation by placing a red tag on the amusement device, or any affected part thereof. The Commissioner's Designee may order temporary suspension of an annual permit. At the time the red tag is placed on the amusement device, the owner or device operator shall be notified in writing of the hazardous or unsafe conditions in need of correction.

(2) Operation of the amusement device shall not resume until the hazardous or unsafe conditions have been corrected and subjected to reinspection by the Commissioner's Designee and upon payment of an inspection fee. After the hazardous or unsafe conditions have been corrected, the owner shall be notified in writing that the annual permit is no longer temporarily suspended.

(3) Any person aggrieved by an order or act of the Commissioner may, within fifteen (15) days after notice thereof, appeal from such order or act to the Board.

(4) The Board shall hear the appeal in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Authority: *T.C.A. §§ 68-121-103(e), 68-121-104(c), 68-121-112, and 68-121-120.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*

0800-03-04-.25 FEES.

(1) The required fees shall be as follows:

(a) Construction permits for new or altered elevators, dumbwaiters, escalators, aerial passenger tramways, and moving walks.....$200.00

(Rule 0800-03-04-.25, continued)

(b) Acceptance inspections for new or altered elevators, dumbwaiters, escalators, and moving walks ..... $ 200.00

(c) Acceptance inspections for aerial passenger tramway $150.00

(d) Operating permits for new or existing elevators, dumbwaiters, escalators, aerial passenger tramways, and moving walks..... $ 55.00

(e) Periodic inspections for elevators, dumbwaiters, escalators, aerial passenger tramways, and moving walks..... $ 60.00

(f) Failure to file report inspection ..... $ 50.00

(g) Unscheduled follow up inspections for elevators, dumbwaiters, escalators, aerial passenger tramways, and moving walks..... $200.00

(h) Annual permit for amusement devices owner $150.00

(i) Annual permit for amusement devices designed for passengers forty-two (42) inches or less in height..... $ 50.00

(j) Annual permit for amusement devices designed for passengers forty-two (42) inches or more in height and the manufacturer's recommended assembly time is less than forty (40) work hours..... $100.00

(k) Annual permit for amusement devices designed for passengers forty-two (42) inches or more in height when the manufacturer's recommended assembly time is more than forty (40) work hours..... $200.00

(l) Annual permit for miscellaneous (e.g., hand powered) amusement devices..... $25.00

(m) Reinspection for amusement devices..... $150.00

Authority: *T.C.A. §§ 68-121-102, 68-121-103(a)(5), 68-121-103(e), 68-121-104(c), 68-121-106, 68-121-106(6), 68-121-108(c), 68-121-108(c)(3), 68-121-117 ,68-121-120(c) and 2009 Tennessee Public Acts Chapter 405.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010. Amendment filed April 20, 2010; effective September 28, 2010.*

0800-03-04-.26 CHARGES FOR COPIES OF PUBLIC RECORDS.

(1) The rules in Chapter 0800-08-.01 regarding charges for copies of public records are incorporated herein by reference.

Authority: *T.C.A. §§ 8-4-604, 10-7-501 through 10-7-515, 68-121-103(e) and 68-121-104.* ***Administrative History:*** *Original rule filed February 24, 2010; effective July 29, 2010.*