

FOR THE CASE OF
Elevator & Amusement Device Safety Board
Meeting

TRANSCRIPT OF
June Meeting

June 6, 2017

Stone & George

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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or send an email to nangeorge@stoneandgeorge.com

1. STATE OF TENNESSEE
 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
 2. WORKER'S COMPENSATION DIVISION
 3.
 4.
 5.
 6.
 7.
 8.
 9. TRANSCRIPT OF PROCEEDINGS
 10. OF
 11. ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD MEETING
 12. June 6, 2016
 13. BEFORE: Robbie Fox, Chairman
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 23. DOMINIQUE A. DUBOIS, LCR# 686
 STONE & GEORGE COURT REPORTING
 24. 2020 Fieldstone Parkway
 Suite 900 - PMB 234
 25. Franklin, Tennessee 37069
 (615) 221-1089

1. The above-styled cause came on for
 2. hearing on this the 6th day of June, 2017, before
 3. The Elevator & Amusement Device Safety Board at
 4. 220 French Landing Drive, Tennessee Room, 1st
 5. Floor, Nashville, Tennessee, when and where the
 6. following proceedings were had, to wit:
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1. APPEARANCES
 2.
 3. Robbie Fox, Chairman
 4. Paul D. Fisher, Board Member, Manufacturer
 Representative
 5.
 6. Kelly O'Connor, Board Member, Public at Large
 Representative
 7. Larry R. Moore, II, Board Member, Owner and Lessee
 Representative
 8.
 9. Lewis Moorner, Jr., Board Member, Public at Large
 Representative
 10. James Roy Pope, Board Member, Traveling Amusement
 Device Representative
 11.
 12. Chris Farmer, Elevator Inspector Supervisor.
 13.
 14. Mike H. Hardy, Amusement Device Manager
 15.
 16. Kim Jefferson, Esq., Administrator
 17.
 18. Dan Bailey, Esq., Legal Counsel
 19.
 20. Carlene T. Bennett, Board Secretary
 21.
 22. Stephanie Crossman, Department of Labor and
 Workforce Development
 23.
 24. Jann Dower, Department of Labor and Workforce
 Development
 25.
 26. Don Stock, The Adventure Guild
 27.
 28. Dave Whyel, Department of Labor and Workforce
 Development
 29.
 30. Andrew Rayborn, Department of Labor and Workforce
 Development
 31.
 32. Kevin Klutts, Department of Labor and Workforce
 Development
 33.
 34. JosÃ© Martinez, Department of Labor and Workforce
 Development

1. Dave Sells, Tennessee Event Specialist
 2. Debbie Bahr, Tennessee Event Specialist
 3. Ronnie Small, Dillard's, Inc.
 4. Eric Kent, Dillard's, Inc.
 5. Via Telephone:
 6. Samuel C. Louderback, Esq., Egerton McAfee
 Armistead & Davis P.C.
 7.
 8. Melissa Carrasco, Esq., Egerton McAfee Armistead &
 Davis P.C.
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1. AGENDA
2. I. Call Meeting to Order
3. II. Introductions
4. III. Pledge
5. IV. Announcements
6. V. Approval of the March 7, 2017 Meeting Minutes
7. VI. Elevator Unit's Report
8. VII. Amusement Device Unit's Report
9. VIII. Old Business
10. * None
11. IX. New Business
12. * Samuel C. Louderback, Esq. appeal for Max Air Trampoline Park, LLC
13. X. Discussion Items
14. * Suggested Law/Rule Changes for 2018:
15. - Revise Definition to Include Go-Karts and Inflatables
16. - Change Fee Structure
17. - ASTM F24 Reference Included in the Law
18. - Deletion of Section (20), Definition of Serious Incident
19. * 2017 Legislative Update
20. * Discussion about ASME and ANSI codes & updating current rules (elevator and related devices)
21. XI. Announcement of Next Meeting - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board
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1. PROCEEDINGS
2. CHAIRMAN FOX: Good morning. We will open the Elevator and Amusement Device Safety Board meeting for June 6, 2017, call the meeting to order, and I guess a first order of business would be introductions. And Carlene, because you're sitting at the end of the table, you're first.
3. MS. BENNETT: Okay. I'm Carlene Bennett, Board Secretary.
4. MR. HARDY: Mike Hardy, Amusement Device Manager.
5. MR. FARMER: Chris Farmer with the Elevator Unit.
6. MR. FISHER: Paul Fisher, Board member.
7. MS. O'CONNOR: Kelly O'Connor, Board member.
8. CHAIRMAN FOX: Robbie Fox, Board member.
9. MR. MOORER: Lewis Moorer, Board member.
10. MR. RADER: Mitch Rader, Board member.
11. MR. MOORE: Larry Moore, Board member.
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1. meeting will be held 9:00 a.m. (CT) on Tuesday, September 12, 2017 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
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4. VII. Adjournment
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1. MR. POPE: James Roy Pope, Board member.
2. MS. JEFFERSON: Kim Jefferson, Administrator for the Department.
3. MR. BAILEY: Dan Bailey, legal counsel for the Department.
4. CHAIRMAN FOX: Let's start with the young lady right there, because I think those three gentlemen are going to be introduced here in a minute.
5. MS. CROSSMAN: Stephanie Crossman. I work with Workplace Regulations, Amusements and Elevators.
6. MR. STOCK: Don Stock for the Adventure Guild, certified inspector and government relations chair for the Association of Challenge Course Technology.
7. MR. SMALL: Ronnie Small, Dillard's Department Stores.
8. MR. KENT: Eric Kent, Dillard's Department Stores.
9. MR. SELLS: Dave Sells with Tennessee Event Specialist.
10. MS. BAR: I'm Debbie Bahr with TES also.
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1. MR. MARTINEZ: JosÃ© Martinez,
2. starting with Elevator Inspector Board and
3. Development.
4. CHAIRMAN FOX: Okay. Again, we want
5. to welcome everyone and then we also have a Mr. --
6. who do we have on the phone.
7. MR. LOUDERBACK: Yes. This is Sam
8. Louderback. I'm an attorney at Egerton McAfee.
9. CHAIRMAN FOX: Dan Louderback?
10. MR. BAILEY: Sam.
11. MR. LOUDERBACK: Yes, sir.
12. L-O-U-D-E-R-B-A-C-K.
13. CHAIRMAN FOX: Okay. Did you get
14. that, ma'am? All right. Very good. We also want
15. to welcome --
16. MS. CARRASCO: And --
17. CHAIRMAN FOX: I'm sorry.
18. MS. CARRASCO: Sorry. This is
19. Melissa Carrasco. I'm also here with Sam and we're
20. here on behalf of Max Air Trampoline Park.
21. CHAIRMAN FOX: Okay. Glad to have
22. you with us today.
23. MS. CARRASCO: Thank you.
24. CHAIRMAN FOX: Thank you.
25. MR. LOUDERBACK: Thank you.

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1. CHAIRMAN FOX: Certainly, we want to
2. welcome Mr. James Roy Pope. He's our new board
3. member. And you obviously have the opportunity to
4. give us a 12, 15, 20 minute speech, if you like.
5. MR. POPE: I don't think I'll bore
6. anyone with that.
7. CHAIRMAN FOX: Okay. All right. But
8. we're glad to have you here and --
9. MR. POPE: I will say something real
10. quick.
11. CHAIRMAN FOX: All right.
12. MR. POPE: I come from the carnival
13. industry, a 93-year business, a family business, our
14. own, and we've been around -- I've been around rides
15. all my life. And I've been around the safety part
16. of it. I've been around the management part of it,
17. and that's how I make my living. So a little bit
18. about me.
19. CHAIRMAN FOX: Okay. Next item on
20. the agenda is our pledge. If we could ask everyone
21. to stand, we'll do the pledge, and then I want to
22. take a moment of silence and I want you to be
23. thinking about the fact that 73 years ago our
24. country landed on the beach of Normandy and I think
25. we had about 4,414 people killed that morning and

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1. then there were -- made the way for 156,000 the rest
2. of the day, and I think that by the end of the day,
3. they landed a million on the beaches of Normandy on
4. D-Day. So if you would, Chris?
5. (Pledge of Allegiance recited.)
6. CHAIRMAN FOX: Please just join me in
7. a moment of silence.
8. (Moment of silence observed.)
9. CHAIRMAN FOX: Thank you very much.
10. Please be seated. And our announcement for the day
11. says, in the event of an emergency or natural
12. disaster, security personnel will take attendees to
13. a safe place in the building or direct them to exit
14. to the building on the Rosa Parks side. And that --
15. MR. RADER: Behind you.
16. CHAIRMAN FOX: Right. You know,
17. you've thrown us all off here. We came in this
18. morning, didn't know which end to go to because
19. normally we sit with our backs to that wall. I
20. don't know what's going on.
21. MR. BAILEY: Keep you on your toes.
22. CHAIRMAN FOX: That's right. Okay.
23. Mr. -- the approval -- Item Number 5, the approval
24. of the March 7, 2017 minutes. Do I have a motion to
25. approve?

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1. MR. RADER: So moved.
2. CHAIRMAN FOX: I have a motion.
3. MR. MOORE: And I'll second.
4. CHAIRMAN FOX: And a second. Any
5. discussion? There being none, all in favor of the
6. motion, let it be known by saying "aye."
7. MR. RADER: Aye.
8. MS. O'CONNOR: Aye.
9. MR. FISHER: Aye.
10. MR. MOORE: Aye.
11. MR. POPE: Aye.
12. MR. MOORER: Aye.
13. CHAIRMAN FOX: All opposed, by like
14. sign. Thank you very much.
15. Mr. Farmer, I trust that you have a
16. good report for us today.
17. MR. FARMER: Yes. It's pretty good.
18. I will go over the numbers for the year, but first
19. we'll start off with going with the inspectors.
20. Right now, we have 24 inspectors and one supervisor,
21. which is me. We do have three office staff, neither
22. of them being the supervisor for the office.
23. We have three current openings in
24. Nashville -- three current openings, two in
25. Nashville, one in East Tennessee, and we are

1. conducting interviews right now to fill those
 2. spots. And you heard JosÃ© say he's one of the
 3. likely candidates to be returning to the State.
 4. We'll glad to have him because we need the help.
 5. MR. MARTINEZ: Thank you.
 6. MR. FARMER: We do have
 7. Earl Kitzmiller retiring. It's official July 1st.
 8. We want to thank him for his service for the State
 9. of Tennessee. He's been with the State for 13
 10. years, so we wish him well. So --
 11. Last month, we had three of our new
 12. inspectors take their QEI and get certified. I
 13. want to thank Paul. He actually supplied some of
 14. his elevator people to go into class with them
 15. where they'll come to us and save the State a lot
 16. of money. So I want to tell him, thank you for
 17. finding us some people to sit in the class with my
 18. people. So --
 19. We also had the QEITF to come to use
 20. and recertify all our inspectors. So we're all
 21. recertified for the year, so it's good for the
 22. next year.
 23. And I guess to ring my own bell, I
 24. did get asked to be a member of a seven-person
 25. certification council that kind of oversee all the

1. QEI certifications for the QEITF. So we just --
 2. we do things like exam requirements, I guess,
 3. education requirements, and we also do, like,
 4. budget approval for the year. So it's only seven
 5. people on it and I got asked to be on it. So it's
 6. good for the State of Tennessee and I guess it's
 7. good for me, too. So that's good.
 8. As far as numbers go, we've done 292
 9. permits so far this year and that's up about 43
 10. from last year. So we've got a lot of growth
 11. going on in Tennessee.
 12. CHAIRMAN FOX: Now, do say that again
 13. just for the record.
 14. MR. FARMER: We're up 43 for the
 15. year. It's 292 permits, new permits so far this
 16. year. So -- versus 249 last year at this time.
 17. So -- and if you drove through Nashville, you've
 18. seen the growth. So it's a lot of it.
 19. We're down a little bit on
 20. inspections, but we're down on inspectors. We've
 21. done 8,880 inspections so far this year. That's
 22. just a biannual inspection. We're down about 500.
 23. The new acceptances, we've done 201
 24. new acceptances. That's just a first inspection
 25. of a unit, of an elevator, escalator, whatever it

1. is. That's up 41 from last year, and we've done
 2. over -- close to 15,000 inspections -- no, we've
 3. got close to 15,000 units that we're inspecting
 4. right now in the state of Tennessee. So that's
 5. about all I have.
 6. CHAIRMAN FOX: Let me ask you a
 7. question about Gatlinburg and Sevier County.
 8. Obviously, they had a fire; they're in the
 9. rebuilding stage. Have you seen an increase in the
 10. number of permits or requests for elevators or --
 11. MR. FARMER: You know, we didn't lose
 12. a whole lot of elevators. I think we ended up
 13. losing 14 in the fire. I've not seen but one
 14. permit -- I can't remember the name of the business.
 15. I probably shouldn't say it anyway, but that have
 16. applied for -- to reinstall an elevator --
 17. CHAIRMAN FOX: Okay.
 18. MR. FARMER: -- due to the fire. Of
 19. course, we did go up to the Sky Lift last month and
 20. do an acceptance on it, and we actually got some
 21. really good media coverage on that. I want to thank
 22. our media people here in this office that set it up.
 23. And it shined a good light on the State as far as
 24. the oversight. And I know last week was their first
 25. weekend of reopening. So they opened for Memorial

1. Day weekend. So it was good that we got in there
 2. and did the inspection timely and got it turned over
 3. and they could do what they needed to do.
 4. So as far as permits in that area for
 5. the fire, just the one condo that I know of that's
 6. rebuilding so far. So -- and like I said, I can't
 7. remember the name of the building, but -- so we
 8. haven't seen a lot of permits for that area.
 9. CHAIRMAN FOX: Okay.
 10. MR. FARMER: Most of our growth is --
 11. you can tell. Just middle Tennessee, right?
 12. CHAIRMAN FOX: Yes.
 13. MR. FARMER: It's -- we're definitely
 14. going through a spell.
 15. CHAIRMAN FOX: That's good for you.
 16. Any questions? Okay. The Item Number 7, Amusement
 17. Device Unit report. Okay. Mr. Hardy?
 18. MR. HARDY: First of all, since our
 19. last board meeting, we have hired safety compliance
 20. officers for the central region and the eastern
 21. region, and I'd like to introduce those two fellas
 22. to the Board and have them say a word or two, kind
 23. of like Kevin and I did last time.
 24. David Whyel is our safety compliance
 25. officer for the central region and Andrew Rayborn

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1. is our safety compliance officer for our eastern
2. region. Dave?
3. MR. WHYEL: Yes. I come retired from
4. Robert Bosch Corporation with 31 years of service
5. there. I'm an employee of the State. I've been
6. employed by the State for six years now. I came
7. from the Department of Safety and Homeland Security
8. into this department. I've come with a lot of
9. background in quality control. I was a quality
10. control analyst. I was a quality control
11. supervisor. I was a quality control, I guess you
12. would say, engineer for Bosch. I've got a lot of
13. experience with the quality part in the
14. manufacturing.
15. CHAIRMAN FOX: Okay. We're glad to
16. have you, sir.
17. MR. RADER: Glad to have you.
18. MR. WHYEL: Thank you.
19. MR. RAYBORN: My name is
20. Andrew Rayborn. I'm the eastern region safety
21. compliance officer. I was a combat veteran in the
22. United States Army. Before this job, I had a
23. background in law enforcement. I left as canine
24. handler, was my last position. I hold a bachelor's
25. degree in emergency management and I'm currently

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1. working on an MBA. And I really like my job. I
2. like being here. And I appreciate the opportunity.
3. MR. HARDY: And thank you all. And
4. I'd like to say that these guys have really hit the
5. ground running. They're doing an excellent job for
6. us so far locating companies that are not in
7. compliance with the current law. And I would like
8. to go over some of our year-to-date statistics. At
9. this time, we have a milestone in the Unit. We have
10. issued a record 304 permits thus far in the fiscal
11. year, '16/'17. And that is a 32-percent increase in
12. permits issued versus the prorated number from last
13. year.
14. Another milestone is that in one
15. week, the Unit issued 16 permits, and the
16. previous -- the most that we had was 13. So we're
17. proud of that. And we've got four more weeks
18. remaining in this fiscal year. Our goal is to
19. issue 350 permits by the end of this fiscal year,
20. and it shouldn't be an issue for us to achieve
21. that goal. We have permitted 2,693 amusement
22. devices in the state. We've had 22 referrals and
23. nine previous non-compliant companies that have
24. subsequently achieved compliance.
25. The safety compliance officers'

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1. statistics -- and bear in mind, that Dave and
2. Andrew started on April the 3rd. But they have
3. contacted by phone, e-mail, or visit 1,056 --
4. they've made 1,056 contacts with companies. And
5. they are primarily responsible for the issuing of
6. 60 new permits with the State's amusement device
7. companies thus far this year. I'd like to talk a
8. little bit -- are there any questions about the
9. statistics?
10. MR. RADER: What does the 304 permits
11. issued equate to dollars? Do you have that number?
12. MR. HARDY: Yeah, I do. And we have
13. processed \$114,092.99 as of the end of the last
14. week.
15. MR. POPE: Say that figure one more
16. time. 114?
17. MR. HARDY: 114,092. And that does
18. not have this week's numbers in there, but that's as
19. per the end of last week.
20. I'd like to talk a little bit about
21. our online inspection report. We mentioned that
22. at the last meeting. We went live with that
23. report on March the 17th. We sent an e-mail blast
24. that requires now that the online inspection
25. reports be submitted, along with the -- what we

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1. term as the official inspection report, because
2. all of the third-party inspectors have different
3. means of reporting. So we have required the
4. online report since May the 15th now. And this
5. seems to be working really well for us.
6. The certified and qualified
7. inspectors have bought in with the submission and
8. we've had very little or no issues involved with
9. that. It's been relatively seamless at this
10. point. We feel like the online inspection reports
11. will continue to be a consistent and an efficient
12. method of submitting those reports into the Unit.
13. And we are -- again, we're happy with the
14. accomplishments of having that installed and
15. available so far.
16. Some things in the future also online
17. as far as the permit process, we have the
18. application for permit with itinerary and the
19. amusement device list. One of our goals for the
20. next fiscal year is to make it a form stack-type
21. report to where the companies can go in and enter
22. their information and submit it and we can
23. eliminate a lot of paper and paper reports and
24. mail and that kind of thing. And another thing is
25. online payment. That's something that we're

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1. entertaining right now. There's some things going
2. on with different software companies and this and
3. that and the other, but when that's in place, we'd
4. love to have online payment for permit payments.
5. I'd like to talk a little bit --
6. well, our website is constantly being monitored
7. for changes and revisions. The website is, we
8. feel, an ongoing, continuous improvement
9. opportunity, and we will include different
10. terminologies from time to time as they're handed
11. down to us.
12. Fair season. The Tennessee
13. Association of Fairs has reported that there are
14. currently 58 scheduled fairs for this season.
15. That started with Marion County on May the 17th
16. and it will end with Benton County and the Middle
17. Tennessee District Fair on September the 25th of
18. this year.
19. And we are very mindful as a group of
20. the urgency of issuing these permit renewals prior
21. to the associated fairs. We want to avoid any
22. backlogs in that area. With a couple of
23. exceptions, we're well into our June list now, as
24. far as renewal. Carlene Bennett is doing a great
25. job staying on top of the renewals. And the

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1. safety compliance officers -- not only are they
2. locating the noncompliant companies, but they are
3. assisting with the renewal process.
4. In order to comply with the recent
5. legislative changes and -- well, we have developed
6. an inspection sticker that we will adopt on
7. July 1st. The Commissioner suggested that we go
8. with individual proof of inspection stickers for
9. each device, and I have some of those that --
10. we're just now in the process of ordering these.
11. They'll be four-by-five inches. Would you pass
12. those for me? They'll be four-by-five inches
13. size.
14. And we thought that the least labor
15. intensive method to issue these, the requirement
16. is that they have the date of last inspection. So
17. we talked about having a scratch-off on there like
18. you see on some things, but some of these devices
19. are moved and we didn't think that would hold up.
20. So we're going to punch these dates out before we
21. send the decals to the companies. It's kind of --
22. it's similar to, kind of, how they would punch
23. dates out on old car batteries if you would get
24. warranty dates and things.
25. But we will issue those out of the

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1. office as the permits are issued. Are there any
2. questions on the proof of inspection?
3. MR. RADER: Maybe for the benefit of
4. the Board and we have a new member, why don't you
5. walk us through the permitting process, since you've
6. got two new inspectors, and kind of give us an idea
7. of how that works.
8. MR. HARDY: Well, renewals, we
9. contact them about a month in advance by letter and
10. tell them that their permit, you know, renewal date
11. is coming up and we'd be glad to assist them through
12. that process in any way that they would like. And
13. we start gathering the information. Sometimes it's
14. all sent together.
15. The compliance officers, especially
16. Andrew and Kevin, that are not in the central
17. office, they'll put an entire package together.
18. But that packet, of course, includes a proof of
19. insurance. It has to have the -- every device the
20. inspection reports, which now those -- like, we
21. mentioned those are coming in online. The
22. payment -- the permit payment fee and -- what am I
23. missing?
24. MS. BENNETT: Application.
25. MR. HARDY: Yeah. The two online

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1. documents: The application for the permit with
2. itinerary and the device list. And when we get all
3. of that information together, we review it to make
4. sure it's complete, and there's, you know, the
5. number of devices with the inspections match the
6. number of devices on the list. And Carlene puts
7. that together, I review it and sign off on it, and
8. then it goes to Ms. Jefferson and she gives the
9. final signature and then Carlene will issue the
10. permits.
11. Like I said, the safety compliance
12. officers, in their locations, they'll put together
13. a complete package and then forward it to the
14. central office where we issue all the permits.
15. MR. RADER: Thank you.
16. CHAIRMAN FOX: Just for the record, I
17. was the first person to use the online registration
18. process, correct?
19. MR. HARDY: I believe that's correct,
20. Chairman.
21. CHAIRMAN FOX: So -- and it worked.
22. I just wanted to make that statement to let you know
23. that it's been Fox-proofed.
24. MR. RADER: That's good to know.
25. CHAIRMAN FOX: Like idiot-proof,

1. Fox-proof. So it does work. I just want you to
 2. know that.
 3. I'm glad that you all put that into
 4. process. It does make things easier. I
 5. appreciate you, Ms. Jefferson, changing that
 6. verbiage at the end of that. That just makes life
 7. a lot easier for everyone concerned. I just want
 8. you to know how much I appreciate that.
 9. One other question for you. The fair
 10. season.
 11. MR. HARDY: Yes, sir.
 12. CHAIRMAN FOX: You said there were 58
 13. this year who have applied or --
 14. MR. HARDY: The Tennessee Fair
 15. Association provides that listing for us and there
 16. are 58 fairs.
 17. CHAIRMAN FOX: What was the -- do we
 18. have any information as to what the number was last
 19. year?
 20. MR. HARDY: I don't, on the top of my
 21. head, but I think they might have added one or two,
 22. but none have dropped off. It's basically --
 23. CHAIRMAN FOX: Okay.
 24. MR. POPE: Chairman.
 25. MR. HARDY: -- in tact.

1. CHAIRMAN FOX: All right.
 2. MR. POPE: If I could, I can answer
 3. that.
 4. CHAIRMAN FOX: All right.
 5. MR. POPE: Fifty-eight fairs. That's
 6. the ones that are actual county fairs --
 7. CHAIRMAN FOX: Right.
 8. MR. POPE: -- in the state. There's
 9. also festivals and what we call steal dates where
 10. they just pay a shopping center or a mall, things
 11. like that. So there's going to be a lot of
 12. different -- a lot of carnivals come in and just
 13. play one of those instead of an actual fair in the
 14. state.
 15. CHAIRMAN FOX: Okay.
 16. MR. POPE: So that changes
 17. periodically.
 18. CHAIRMAN FOX: All right.
 19. MR. HARDY: Yeah, the Fair
 20. Association pretty much represents --
 21. MR. POPE: Right.
 22. MR. HARDY: -- state and county.
 23. MR. POPE: And you know -- well, you
 24. can't be a member of the Fair Association without
 25. being a national fair and agricultural based -- and

1. that's where that changes that.
 2. CHAIRMAN FOX: Okay. I didn't -- I'm
 3. sorry.
 4. MR. POPE: I got one question.
 5. CHAIRMAN FOX: All right.
 6. MR. POPE: I like that and I like
 7. the -- I mean, we're going to have a sticker. I
 8. really think that's something you need, but you're
 9. going to be punching those in the office and sending
 10. them out, and my only issue is, you can't do it all
 11. at one time, because a lot of these companies have
 12. different rides or they add different rides
 13. periodically. You're going to be mailing stuff
 14. every day everywhere.
 15. MR. HARDY: Well --
 16. MR. POPE: That's going to be a -- I
 17. mean, you're looking at a real headache there.
 18. MR. HARDY: Well, we thought about
 19. that, James Roy, and believe that the punch-out for
 20. the date of inspection would be a permanent thing,
 21. it would last longer than writing information in
 22. with a Sharpie. It would be --
 23. MR. POPE: It definitely will on that
 24. part.
 25. MR. HARDY: There would be less

1. opportunities there for counterfeiting, and we're
 2. going to have some counterfeiting deterrents built
 3. in with the label. Not to say --
 4. MR. POPE: No, but --
 5. MR. HARDY: You know. Just as a --
 6. MR. POPE: Well, you're looking -- as
 7. an example, when you have inflatables and stuff
 8. involved, I mean, the only place you can put a
 9. sticker is on the blower. So you're --
 10. MR. HARDY: Right.
 11. MR. POPE: I mean, you've got a
 12. blower that's inspected and approved and then you
 13. can take that blower and use it somewhere else.
 14. MR. HARDY: Yeah. That's right.
 15. MR. POPE: So there is a lot that can
 16. be done.
 17. MR. HARDY: And we'll have to work
 18. through some of those details, but as far as -- like
 19. I said, we'll punch those out.
 20. MR. POPE: It's definitely needed. I
 21. think you're going to have to tweak it before it's
 22. over.
 23. MR. HARDY: Right.
 24. MR. POPE: I mean, I think you'll
 25. have to.

1. MR. HARDY: And we'll have to do some
 2. mailing of those, too --
 3. MR. POPE: Right.
 4. MR. HARDY: -- because sometimes the
 5. permits are issued electronically. But those are
 6. just some things that we'll have to figure out as we
 7. go. But at this point, we just -- we think that for
 8. any decal that shows proof of inspection, this is --
 9. MR. POPE: As a ride owner, I mean, I
 10. think we should have a sticker on it that says we're
 11. inspected and approved.
 12. MR. HARDY: Yeah. And I didn't
 13. mention that we'll color code those, too. We'll --
 14. MR. POPE: Yeah. Each year, it'll
 15. change.
 16. MR. HARDY: Right. So you can walk
 17. through a park or a fair, whatever, and --
 18. MR. POPE: The quality of it --
 19. MR. HARDY: -- you know, if you're
 20. familiar, you'll know that that has the current
 21. inspection sticker.
 22. MR. POPE: The quality will be
 23. something like they use on EFTA sticker or something
 24. like that. Would that be --
 25. MR. HARDY: On where --

1. MR. POPE: The quality of the vinyl
 2. or whatever, because you have to have it where you
 3. can --
 4. MR. HARDY: Yeah.
 5. MR. POPE: -- easily remove it or --
 6. MR. HARDY: Yeah. It's going to be a
 7. four-mil durable vinyl decal.
 8. MR. POPE: Okay.
 9. CHAIRMAN FOX: Anything else, sir?
 10. MR. HARDY: No, sir. If no one has
 11. any additional questions for us.
 12. CHAIRMAN FOX: No. Any other
 13. questions from the Board? Very good report.
 14. Ms. Jefferson, do you have anything
 15. for us? Okay. All right.
 16. Old business. Item Number 8. We do
 17. not have any old business. So moving on to new
 18. business, Mr. Louderback?
 19. MR. LOUDERBACK: Yes, sir.
 20. CHAIRMAN FOX: I think it's time for
 21. you. You have asked to be heard on Max Air
 22. Trampolines?
 23. MR. LOUDERBACK: That's correct.
 24. CHAIRMAN FOX: Please proceed.
 25. MR. LOUDERBACK: And -- thank you.

1. And just wanted to thank you all for letting us call
 2. in. We appreciate you allowing us to do that.
 3. I guess where I'll start is just,
 4. kind of, an overview of what we think and where we
 5. kind of have questions. And first, this process
 6. started where we received a noncompliance letter
 7. that was addressed to Max Air Trampoline Park
 8. saying that we needed an inspection under the
 9. Tennessee code that required it. And so that kind
 10. of caused us to start looking into this a little
 11. bit.
 12. And so we kind of tried to see where
 13. in the code the trampoline parks fall under the
 14. law. And to us, it just doesn't seem like it
 15. does. And so that's kind of our first point is we
 16. don't think that the law really applies to us and
 17. doesn't, specifically, call out trampoline parks.
 18. And our second point is just more of
 19. a procedural issue where we think there's kind of
 20. a proper procedure to follow, and we'd like to see
 21. that procedure followed before we have to comply.
 22. And so those are, kind of, our two
 23. main points. And feel free to, you know, jump in
 24. anywhere if you all have any questions or would
 25. like to discuss anything further.

1. But back to our first point, under
 2. the code -- under the definition of amusement
 3. device, there's, you know, I'm not going to read
 4. the definition, but there are a number of
 5. call-outs, including roller coasters, ferris
 6. wheels, merry-go-rounds, and then a number of
 7. exceptions that include wave pools, skating rinks,
 8. skateboard rinks, go-karts, climbing walls.
 9. And so our thing is we kind of
 10. believe that trampoline parks are a lot -- you
 11. know, more similar to the exceptions than they are
 12. to the actual devices that the rules create for
 13. them. And so that's kind of our main point.
 14. The second point to that is the rules
 15. that the Board produces specifically incorporate a
 16. number of ASTM standards -- and that's the
 17. American Society for Testing and Materials
 18. standards. And so, specifically, it includes a
 19. number of them. There is a standard for
 20. trampoline parks, and it's not included in the
 21. rules.
 22. And so really, just looking at, you
 23. know, the rules, looking at the Tennessee code,
 24. you just can't find them saying that the
 25. trampoline parks are included in the -- under our

1. interpretation. And so that's kind of our main
 2. point there.
 3. The second procedural issue is just
 4. to comply with the Administrative Procedures Act,
 5. and there's a whole process there that needs to be
 6. followed in order to get the rules promulgated.
 7. And that's something that we'd like to see, I
 8. think, before we're required to comply under the
 9. code where, you know, we don't think that we
 10. actually do -- are required to comply with.
 11. So those are kind of our main two
 12. points and we just kind of wanted to, you know,
 13. discuss that with you and see your thoughts. I
 14. know we looked at some of your minutes from your
 15. last meeting, I think, in March where you guys
 16. discussed the procedural aspect of it and when you
 17. passed some of these laws and how you need to do
 18. that. And so that was kind of something that we
 19. had a question for you, too, is when you're going
 20. to follow those procedures and if that's something
 21. that needs to be done before we can comply?
 22. CHAIRMAN FOX: Okay. I'm going to
 23. ask Mr. Dan Bailey to respond.
 24. MR. BAILEY: Well, first of all,
 25. Mr. Chairman, I think that in all fairness to

1. Mr. Louderback, he wrote a two-page letter setting
 2. out their argument. And as he was talking, I
 3. realized that that letter is not before any of the
 4. board members.
 5. CHAIRMAN FOX: No.
 6. MR. BAILEY: So one of the assistants
 7. is going to make a copy of the letter for you all.
 8. And I think, in all fairness, you should have the
 9. opportunity to read his letter first before we
 10. actually go on, if that's okay. I know it'll cause
 11. a pause in the proceedings, but I just think in all
 12. fairness, you should see his letter.
 13. MR. LOUDERBACK: Yeah. That sounds
 14. great to us.
 15. CHAIRMAN FOX: So do we want to just
 16. suspend this till we get the letter back and go
 17. forward and then come back to it or how long is it
 18. going to take?
 19. MS. BENNETT: She's making copies
 20. now.
 21. MR. BAILEY: I mean, I don't think
 22. it'll take long. If you wanted to go into a
 23. discussion item, we could. But like I said, I don't
 24. think it's going to take real long.
 25. CHAIRMAN FOX: Okay. Well, we'll

1. just wait, then. How's that?
 2. MR. BAILEY: Yeah. We can take a
 3. short break.
 4. CHAIRMAN FOX: We can take a short
 5. break. Let's take a break.
 6. (Recess observed.)
 7. CHAIRMAN FOX: Folks, I believe we
 8. have everybody back in the room. If we can, we'll
 9. proceed.
 10. MR. BAILEY: Has all the board
 11. members read the letter?
 12. CHAIRMAN FOX: Has everyone read the
 13. letter?
 14. MR. BAILEY: Okay.
 15. MS. BENNETT: And that's as loud as
 16. the phone will go for you guys in the back.
 17. CHAIRMAN FOX: Mr. Louderback, we'll
 18. get started here in just a second. Everyone's
 19. finishing up the letter.
 20. MR. LOUDERBACK: Okay.
 21. CHAIRMAN FOX: Are we ready to
 22. proceed? You ready to go?
 23. MR. MOORER: Yes.
 24. CHAIRMAN FOX: Okay. All right.
 25. Mr. Louderback, we're back in session. And at this

1. time, I'm going to ask Mr. Bailey to respond. We've
 2. had the benefit of reading the letter. So --
 3. MR. LOUDERBACK: Okay.
 4. MR. BAILEY: Okay. This is
 5. Dan Bailey. I'm legal counsel for the Department.
 6. The Department does believe that the trampoline
 7. parks fits into the definition of an amusement
 8. device.
 9. Regarding the exceptions, and I don't
 10. pretend to know why the legislature excepted
 11. certain things and not other things, but I would
 12. point out that things such as wave pools are
 13. regulated by the Department of Health, the
 14. Tennessee Department of Health. Roller and ice
 15. skating rinks are regulated by the Fire Marshal.
 16. So there is some oversight to those entities and
 17. that may or may not have been why they were
 18. exempted.
 19. The letter talks about, you know,
 20. none of which carry or convey, but it's not just
 21. carrying or conveying when you look at the
 22. definition. It's carrying -- it says, carries or
 23. conveys a person or that permits a person to walk
 24. along, around, or over a fixed or restricted route
 25. of course or within a defined area. So it's not

1. just carrying or conveying.
 2. Also, the referenced -- in the first
 3. paragraph of the second page, to riders, and I
 4. know there is a code of conduct for riders that's
 5. in the statute. However, things, such as glass
 6. houses and walk-through dark houses, they do
 7. not -- they are not riders. I'm not certain --
 8. what do you call an individual going through a
 9. challenge course? Are they a rider or what?
 10. MR. STOCK: Patrons or participants
 11. is normally what we utilize, but sometimes they do
 12. get referenced as riders.
 13. MR. BAILEY: Okay. Yeah.
 14. MR. STOCK: Usually by you guys as
 15. point --
 16. MR. BAILEY: Okay. And I'm sorry,
 17. will you state your name, please?
 18. MR. STOCK: Don Stock from the
 19. Adventure Guild.
 20. MR. BAILEY: Okay. Thank you. And
 21. also, the reference to -- in the second paragraph of
 22. the second page talks about the fact that the ASTM
 23. standard, regarding trampoline parks, which is ASTM
 24. F2975-15 is not in the rules, which that's true.
 25. It's not in the rules. However, the statute

1. requires -- and the fact that it's not in the rules
 2. really doesn't matter, because the statute at
 3. 68-121-120 requires that -- requires an inspection
 4. from the qualifying inspector, written documentation
 5. that the inspection has been made, and that the
 6. amusement device meets American Society of Testing
 7. Materials, ASTM standard, and is covered by the
 8. insurance required by 68-121-117(b).
 9. So whether it's in the rules or not,
 10. the statute tells us that that device has to meet
 11. the ASTM standard. So it really doesn't matter if
 12. it's in the rules or not. The statute trumps the
 13. rules anyway. So -- but anyways, so those are the
 14. reasons -- some of the reasons why we feel that --
 15. and also Mr. Hardy had done some research, and
 16. currently, other states do regulate trampoline
 17. parks. Pennsylvania, Kansas, Colorado, Arizona,
 18. Michigan, Virginia. Illinois is in the process of
 19. finalizing legislation to also regulate amusement
 20. devices, including trampoline parks. And of
 21. course, Tennessee does. So we're not alone in
 22. calling these amusement devices.
 23. CHAIRMAN FOX: Mr. Louderback, did
 24. you hear what was presented?
 25. MR. LOUDERBACK: Yes, sir, I did.

1. CHAIRMAN FOX: Okay. Any response?
 2. MR. LOUDERBACK: Yeah. First, I
 3. guess in response to the ASTM standards, number
 4. 68-121-103(d)(2), the Board shall have the power to
 5. adopt the safety code only for those types of
 6. amusement devices defined in 121-101. In
 7. promulgating the amusement device safety code, the
 8. board must consider any existing or future ASTM
 9. standards affecting amusement devices. And then in
 10. (e) it says that the rule shall be promulgated in
 11. accordance with the Administrative Procedures Act.
 12. I read that to say the Board can
 13. incorporate the ASTM standards, but they have to
 14. follow the proper administrative procedure in
 15. order to do so. So I think if you want to adopt
 16. the ASTM standard, I'm not sure that the statute
 17. trumps the rules. I think the statute says that
 18. you -- it was 103(b)(2) that if you want to
 19. incorporate an ASTM standard, you have to
 20. specifically incorporate in. And then you have
 21. the Administrative Procedures Act. So that's kind
 22. of my response to that.
 23. In terms of the definition of
 24. amusement device, I think that, you know, there's
 25. just a comparison to all, you know, the devices

1. that are specifically accepted. There's just no
 2. reason why trampoline parks should not be
 3. excepted, that they're just so -- you know, in
 4. scope and form, I think much more similar to the
 5. exceptions than they are to the devices that
 6. are -- fall under the scope of the rules.
 7. I think it kind of -- under the
 8. definition of amusement devices and the devices
 9. that are specifically called out, it kind of leads
 10. me to see what kind of devices the legislature had
 11. in mind when they adopted the statute. I don't
 12. think trampoline parks fall within that. And
 13. that's kind of our argument is if you do think
 14. they fall within that, you know, we're happy to
 15. comply with that. We'd just like to see the
 16. proper procedural -- procedures followed. And so
 17. that's kind of our response there.
 18. CHAIRMAN FOX: Okay. Mr. Bailey.
 19. MR. BAILEY: I mean, the only thing
 20. I'll say is that a statute certainly trumps a rule,
 21. and there's been case law that has stated that. But
 22. I won't belabor the point. If it's stated in the
 23. statute, you don't even need a rule.
 24. MR. LOUDERBACK: Yeah. And I'm not
 25. debating that the statute doesn't trump the rule.

1. What I'm saying is that the statute itself says that
 2. the ASTM standards should be adopted via the
 3. Administrative Procedures Act. And so it says that
 4. the rules themselves should be amended via the
 5. Procedures Act to adopt the necessary standard. So
 6. I don't think your -- the statute doesn't allow,
 7. under my interpretation, just following any ASTM
 8. standard or any other standard that you want. It
 9. has to be adopted via proper procedures by statute.
 10. Well, I guess we're -- more arguing
 11. what the statute itself actually says than we are
 12. whether or not it trumps the rules.
 13. MR. BAILEY: Well, again, I just rely
 14. on 68-121-120 that says it has to be inspected and
 15. the inspection has to be made and that the amusement
 16. device meets American Society of Testing Materials
 17. standards and is covered by the insurance
 18. requirement.
 19. I mean, there's no qualifying
 20. language there that says, meets the ASTM standards
 21. that have been properly promulgated into a rule.
 22. It doesn't go that far. It just says it must meet
 23. that standard. So that's why I said there's
 24. really not a necessity for a rule in that
 25. situation.

1. MR. LOUDERBACK: Yeah. That's what I
 2. think, though. It does provide that in 103(b)(2).
 3. And I also think that notice must be provided under
 4. the Administrative Procedures Act, if that's what --
 5. you're trying to adopt new standards, you know, via
 6. any type of procedure.
 7. CHAIRMAN FOX: Okay.
 8. MS. O'CONNOR: Mr. --
 9. CHAIRMAN FOX: Anything else,
 10. Mr. Bailey?
 11. MR. BAILEY: No.
 12. CHAIRMAN FOX: Anything from the
 13. Board?
 14. MS. O'CONNOR: I have a question,
 15. Mr. Chair.
 16. CHAIRMAN FOX: All right.
 17. MS. O'CONNOR: If the legislative
 18. intent wasn't to include trampolines and trampoline
 19. parks, then why wouldn't they have specifically
 20. listed trampoline parks with all these other
 21. exceptions, such as go-karts, mechanical bulls, ice
 22. skating rinks. To me, I would think the intent was
 23. clearly that it was included.
 24. CHAIRMAN FOX: Well, I would, as
 25. well, and I also think back in -- the law actually

1. started -- this would have been 2007. It may have
 2. even been written in 2006. And at that time, there
 3. would -- I don't know that we had trampoline parks
 4. across the state of Tennessee. So I don't think
 5. they were set out, nor did we have Zorbs. I daresay
 6. we had very few ziplines, if we had any, in 2006.
 7. MR. STOCK: Very few.
 8. CHAIRMAN FOX: And I don't know -- I
 9. mean, I'm sure there are a lot of other amusements
 10. out there today that were not available in -- or not
 11. around in 2006, so I'm not sure that the legislature
 12. could have foreseen to eliminate or, furthermore, to
 13. include them. At least, that's how I look at it. I
 14. also think about, you know, when we look at the
 15. number of injuries that are out there today, I'd ask
 16. Mr. Hardy to send me some information on number of
 17. injuries per devices or groups, whatever.
 18. And as I look down this list -- and
 19. you all don't have the benefit of this and I'm
 20. sorry -- but 15 out of 22 reported or
 21. recordable-type injuries -- 15 of those occurred
 22. in a trampoline or on a trampoline --
 23. MS. O'CONNOR: Right.
 24. CHAIRMAN FOX: -- area. So I mean,
 25. that's 68 percent of them. So to me, that --

1. there's an issue there. Now, somebody had asked me
 2. about the trampolines -- you know, should -- if an
 3. injury occurs on a single trampoline, should we shut
 4. down the entire --
 5. MR. FARMER: Operation?
 6. CHAIRMAN FOX: -- building? I don't
 7. think that's what needs to happen, but just like if
 8. there's a ride in our park, we don't shut down the
 9. entire park because there's an injury on one ride.
 10. You shut down that particular ride or that
 11. particular function. So I think that's what's
 12. happened here on these. But anyway, 15 out of 22
 13. were in a trampoline park.
 14. MR. POPE: Mr. Chairman?
 15. CHAIRMAN FOX: Sir.
 16. MR. POPE: And also, you didn't go on
 17. to say that when you shut one down, it's just to see
 18. whether it was the fault of the equipment or whether
 19. it was the fault of the rider.
 20. CHAIRMAN FOX: Oh, absolutely. I
 21. mean, we don't know those things.
 22. MR. POPE: So that could be
 23. determined fairly quickly, and I can't see how he
 24. could -- with all due respect, Mr. Louderback, that
 25. you could determine that trampolines are any

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1. different than a bounce house as far as how they
2. convey people in any way, and they do provide
3. persons with amusement, pleasure, thrills, and
4. excitement.
5. CHAIRMAN FOX: I can attest to that.
6. My granddaughters are there about every weekend.
7. So -- at one of those things. And they do all of
8. those things. And they --
9. MR. POPE: Unlike amusements --
10. CHAIRMAN FOX: -- scream and yell.
11. MR. POPE: -- because it wasn't
12. specifically mentioned when we first -- when the
13. laws come into effect, I can't see, you know, the --
14. and ASTM standards are as they pertain to each piece
15. of equipment.
16. MR. STOCK: Correct.
17. CHAIRMAN FOX: Yes.
18. MR. LOUDERBACK: Yeah. So I guess
19. just responding to a couple things. One, the
20. legislative intent argument, I think, you know,
21. whether or not any of these things existed at the
22. time the law was first passed, there have been a
23. numbers of amendments to the statute, including a
24. law that's going to take effect this year. And the
25. legislature did not and have not amended the statute

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1. to include -- you know, specifically call out
2. trampoline parks -- of the devices that it applied
3. to or the exceptions.
4. So I don't think you can definitively
5. say that the legislature intended to monitor
6. trampoline parks, because they've been given ample
7. opportunity to do so and have failed to do so.
8. The other thing is -- I know you just
9. kind of briefly touched on the shutdown procedures
10. if there is an injury. And right now, it requires
11. a full shutdown whenever an injury occurs. And
12. so, you know, you said that that might not be the
13. correct -- or proper procedure for trampoline
14. parks.
15. And so that's, you know, I think
16. another argument for us is, right now, what the
17. rules require might not be the proper shutdown
18. procedures for trampoline parks. But that's what
19. we're going to be stuck to, because that's what
20. the rules require. So I think maybe, you know, a
21. specific call-out for trampoline parks would be
22. necessary in terms of shutdown procedures and
23. maybe just a specific section dedicated to
24. trampoline parks, if that's what, you know, you
25. all would like to see, just because they're kind

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1. of a unique, you know, entity or unique thing.
2. And they're not really related -- you know, we
3. just don't think they're related to a lot of these
4. other devices that are specifically called out.
5. In terms of bounce houses, you know,
6. I think those are a lot more similar to these
7. other, you know, walk-through houses and glass
8. houses. You know. There's electricity involved.
9. There's, you know, a risk -- you know, I've seen a
10. risk of, you know tying them down. They might fly
11. away in the wind, and, you know, I've looked at
12. all those standards. I just -- I don't feel like
13. trampoline parks are all that similar to bounce
14. houses. And so that's kind of what -- our
15. response to that, I guess.
16. CHAIRMAN FOX: Okay. So I guess the
17. bottom line question here -- and y'all can correct
18. me if I'm wrong -- is that, should trampoline parks
19. be included in our inspection process, in our
20. compliance process? And I guess that's a
21. question -- ultimately a question for the Board
22. to --
23. MR. BAILEY: The permitting process.
24. CHAIRMAN FOX: And the permitting
25. process, yes. And that would be a question that the

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1. Board would need to decide. And I guess at this
2. time, I would entertain a motion to move one way or
3. the other. Either include them or exclude them.
4. MS. O'CONNOR: I'll make a motion
5. that they are included.
6. CHAIRMAN FOX: We have a motion that
7. trampoline parks be included in the inspection,
8. compliance --
9. MS. O'CONNOR: And permitting.
10. CHAIRMAN FOX: -- and permitting
11. process.
12. MR. POPE: I'll second that.
13. CHAIRMAN FOX: We have a second. Any
14. discussion? There being none, all in favor of the
15. motion, let it be known by saying, "aye."
16. MR. FISHER: Aye.
17. MS. O'CONNOR: Aye.
18. MR. MOORE: Aye.
19. MR. RADER: Aye.
20. MR. MOORER: Aye.
21. CHAIRMAN FOX: All opposed, like
22. sign. Motion carries.
23. MR. BAILEY: Mr. Chairman, I'd just
24. point out that this appeal, according to 68-121-112
25. is in accordance with the Title four, Chapter five,

1. which is referred to as Uniform Administrative
 2. Procedures Act. So given the Board's ruling, what I
 3. will have to do is draft an order reflecting the
 4. Board's ruling -- findings and rulings and with
 5. right -- with appeal rights for Max Air Trampoline
 6. Parks to appeal that decision, if they wish to, to
 7. Chancery Court on a petition for judicial review.
 8. CHAIRMAN FOX: Okay.
 9. MR. BAILEY: I just wanted to make
 10. that -- and logistically, I know you all -- I think
 11. your next meeting is in September or -- yeah,
 12. September.
 13. CHAIRMAN FOX: Yeah, September.
 14. MR. BAILEY: If it is okay with the
 15. Board members, what I would do is draft that order
 16. and circulate it via e-mail through Ms. Jefferson to
 17. the Board members and any changes you want made or
 18. whatever, just convey them. And if it's -- if the
 19. order appears proper, either -- you know, either
 20. print it, sign it, scan it, e-mail it back, or give
 21. Ms. Jefferson or somebody the permission to sign on
 22. your behalf to expedite it. Otherwise, we have to
 23. wait till the September meeting to get everybody to
 24. sign it. And we can do that. I was just trying to
 25. do it in you know, a quicker way. And so they could

1. move on with their appeal, if they wish to appeal.
 2. CHAIRMAN FOX: Okay. Do we need to
 3. reconvene this Board to do that for any reason
 4. between now and September?
 5. MR. BAILEY: I don't think so. I
 6. mean, you've already made the ruling. It's just
 7. getting, you know, a consensus on yes, this is what
 8. our order should say. And I mean, you could
 9. certainly wait until September to do it or do it in
 10. between -- like, have a special talk, but I don't
 11. think none of that's necessary, personally.
 12. CHAIRMAN FOX: Okay. Well, just --
 13. okay. All right. So you will send that out to us.
 14. We could be expecting that when?
 15. MR. BAILEY: I'd say within a week.
 16. I don't -- you know, I mean, I've got other things
 17. to do, but I think I can get it out fairly quickly.
 18. CHAIRMAN FOX: Okay. And you will --
 19. and then as soon as we sign it, then that would go
 20. to Mr. Louderback?
 21. MR. BAILEY: Yes. It'll go to
 22. Mr. Louderback. And I believe it's 60 days they
 23. would have to file a petition for judicial review.
 24. I think it's 60. It might be 30, but I think it's
 25. 60.

1. CHAIRMAN FOX: Okay. All right. So
 2. they're going to appeal this to chancery court?
 3. MR. BAILEY: Well, if they choose to,
 4. yes.
 5. CHAIRMAN FOX: Right. And that's
 6. their prerogative.
 7. MR. BAILEY: Right.
 8. CHAIRMAN FOX: And where would that
 9. be?
 10. MR. BAILEY: Where would that be?
 11. CHAIRMAN FOX: Where? Which county?
 12. MR. BAILEY: Davidson County.
 13. CHAIRMAN FOX: Davidson County.
 14. MR. BAILEY: Davidson County.
 15. CHAIRMAN FOX: Would any of us be
 16. required to be there as part of that?
 17. MR. BAILEY: No.
 18. CHAIRMAN FOX: Okay.
 19. MR. BAILEY: A petition for judicial
 20. review is on the record only. It's not a new
 21. hearing or anything like that. The chancellor will
 22. look at record, determine if the factual findings
 23. are correct, and if so, if the legal conclusions fit
 24. the facts. And in this case, it's a little
 25. different, because there wasn't witnesses or

1. anything. It involves strictly the interpretation
 2. of a statute. And so it would -- it'd be a lot more
 3. streamlined an argument, basically. You might --
 4. could even do it with, you know, like, joint motions
 5. or, you know, separate motions. I mean, I don't
 6. think the oral argument would be much more than what
 7. would be the written argument. You know.
 8. Mr. Louderback, do you have any
 9. objections to anything I've just said?
 10. MR. LOUDERBACK: No. We don't have
 11. any objections.
 12. MR. BAILEY: Okay. And also, if you
 13. do intend to file a petition for judicial review,
 14. you can also file a stay of the Board's order
 15. pending final resolution of the matter, which would,
 16. basically, put their ruling on hold until it's --
 17. went through the appeal process.
 18. MR. LOUDERBACK: Okay. Thank you.
 19. CHAIRMAN FOX: All right. Anything
 20. additional Mr. Louderback?
 21. MR. LOUDERBACK: No, sir. I don't
 22. believe we have anything else.
 23. CHAIRMAN FOX: Okay. All right.
 24. Thank you very much.
 25. MR. LOUDERBACK: Thank you all.

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1. MS. BENNETT: Did he want to stay on
2. the line for the rest of the meeting?
3. CHAIRMAN FOX: Are you wanting to
4. stay on the line for the rest of this,
5. Mr. Louderback?
6. MS. BENNETT: I think that's our
7. answer.
8. MR. BAILEY: I'd just take that as a
9. no.
10. MR. HARDY: Yeah.
11. CHAIRMAN FOX: Okay. Suggested --
12. excuse me. Item Number 10, Discussion Items,
13. Suggested Law/Rule Changes for 2018.
14. So we called and got, kind of, the
15. process by which we would need to proceed to have
16. some things changed, at least look at that. And I
17. had asked -- trampolines, obviously, are something
18. we need to consider in this, but revise the
19. definition to include go-karts and inflatables
20. just so that there's no question about that. I
21. guess the other question is, should we include
22. trampoline parks or trampoline amusements in this,
23. as well?
24. MR. POPE: On his opinion, I would
25. think so.

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1. MR. RADER: I think so, too.
2. MR. POPE: I mean, I don't -- my next
3. question would have been to him as to what was their
4. purpose for operating? And if it hadn't been for
5. amusement?
6. CHAIRMAN FOX: Again, my
7. granddaughters will attest to the fact it's an
8. amusement. Just go watch them. They have a great
9. deal of fun.
10. MR. POPE: I mean, I can't -- but I
11. can only imagine.
12. CHAIRMAN FOX: There's one just about
13. half a mile from my house. So I guess the question
14. for this Board is, do we want to include -- do we
15. want to go forward with legislative intent or ask
16. the legislature to include or exclude go-karts, as
17. the case may be. Go-karts, there's a lot of them
18. across the State of Tennessee, and I guess the
19. ultimate question is, should they be inspected,
20. permitted, all of the things that we just discussed?
21. Then the second part of that,
22. inflatables, should they be, just so that there's
23. no question about it, put the inflatables in, and
24. now the trampoline parks.
25. MS. O'CONNOR: I think it would be a

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1. lot more clear for everybody if we did include them
2. and stated so in writing.
3. CHAIRMAN FOX: Are there any other, I
4. guess, rides or, kind of, classifications of rides,
5. amusements, that we need to include so that we don't
6. have this issue? Yes, sir?
7. MR. STOCK: Chairman Fox, one thing
8. that might give you a little bit of direction is
9. that, as you know, F24 has a myriad of different
10. specify -- or specific standards that apply to
11. unique devices. Hay rides are now -- has an ASTM
12. standard. Bungee has ASTM standards. And so it
13. might be a good idea to go through and look at all
14. of the categories under F24 and make the
15. determination of what ones you want to adhere to or
16. call out.
17. And based on this gentleman's
18. argument, I mean, as standing as, kind of, the
19. outsider looking at it, it really makes a lot of
20. sense to call out the specific standard that deals
21. with those devices, because we have one. It's
22. 295-15 or 16 now for the aerial adventure parks.
23. And so that's calling out those specific standards
24. rather than just saying ASTM. Because that has
25. been confusing for us in our industry, because

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1. when that first got called out, we didn't have an
2. ASTM standard. And so we were trying to shoehorn,
3. you know, the compliance into just the general 770
4. and 2291 and all the ones that are about those
5. device design things.
6. So there's a lot of them there and
7. that would be a good list to -- my encouragement
8. would be to look at that and see and then call
9. those out.
10. CHAIRMAN FOX: Yes, sir?
11. MR. SELLS: Hi. If other --
12. CHAIRMAN FOX: State your name,
13. please.
14. MR. SELLS: Dave Sells with Tennessee
15. Event Specialist. If other operators were here,
16. they'd probably shoot me, but I still don't
17. understand why we're not inspecting mechanical
18. bulls, rock walls, and bungee power jumps. Some of
19. the most -- I mean, out of my fleet, that's what I
20. see is the most dangerous items we have. Versus a
21. bounce house -- which I want the bounce houses
22. inspected, too. But I don't understand why we're
23. not inspecting those things. I'd like to see them
24. inspected.
25. We have ours inspected by the

1. inspector every time he comes, even though you
 2. guys don't require it. But I'd like to see those
 3. inspected.
 4. CHAIRMAN FOX: Okay. The rock
 5. wall -- let me answer the rock wall deal. There was
 6. actually legislation presented and passed to exclude
 7. rock walls or rock climbing walls.
 8. MR. SELLS: That was because of the
 9. Tennessee National Guard, which they're now getting
 10. out of the rock wall business, because they've had
 11. accidents. I mean, that was the reason that was
 12. done. So --
 13. CHAIRMAN FOX: Nevertheless, it is
 14. what it is today.
 15. MR. SELLS: Sure.
 16. CHAIRMAN FOX: Mechanical bulls, I
 17. don't know if -- I truly don't know if that fits
 18. under our purview or not.
 19. MR. SELLS: It's one of the hardest
 20. items to get insurance on in the United States.
 21. MR. BAILEY: Sure.
 22. MR. SELLS: That should tell you
 23. something.
 24. CHAIRMAN FOX: I do not doubt that
 25. one bit.

1. MR. BAILEY: Mechanical bulls are
 2. specifically excepted from the statute.
 3. CHAIRMAN FOX: Yeah.
 4. MR. BAILEY: Yeah. And so are
 5. go-karts.
 6. CHAIRMAN FOX: Yes.
 7. MR. BAILEY: Currently. So --
 8. CHAIRMAN FOX: But that -- we've
 9. talked about bringing those in --
 10. MR. BAILEY: Right.
 11. CHAIRMAN FOX: -- and just
 12. identifying those. It's up to this Board. And what
 13. was the third one you mentioned?
 14. MR. SELLS: Just the bungee power
 15. jumps.
 16. CHAIRMAN FOX: Bungee jumps.
 17. MR. SELLS: I mean, there's a ton of
 18. the mechanical events now. The bull -- I mean, our
 19. bull has three different things that it can do. It
 20. can be a bull, it can be a wipeout. It can be a
 21. patriot game. It can be -- you know.
 22. And we -- per ASTM, you have to be a
 23. certified operator. And it seems like anything
 24. you've got to have a certified operator to
 25. operate, it kind of seems like you should have a

1. state inspection. Now, the bungee, you don't have
 2. to be a certified operator. We have a training
 3. class for it for our guys, but I don't know.
 4. You're in the industry. You might disagree with
 5. me. But I mean, those are --
 6. MR. POPE: I can't disagree with it
 7. at all. And I'm -- just like you said, we all -- I
 8. mean, in the industry, we know even bounce houses
 9. are one of the most dangerous things out there, as
 10. far as accidents go. I mean, it's not the fault of
 11. the ride itself. Most of it's operator -- or not
 12. operator, but that's a patron error.
 13. MR. SELLS: But I think also, as an
 14. owner, an inspection actually could help us.
 15. MR. POPE: Oh, it's --
 16. MR. SELLS: Because at the end, if
 17. there was an accident --
 18. MR. POPE: It's got to help the --
 19. MR. SELLS: -- God forbid, we can at
 20. least go, well, this unit was inspected by the State
 21. on this date.
 22. MR. POPE: I'll be the first to tell
 23. you, I welcome every State inspection I go to. And
 24. I want it and I want documentation that it's there.
 25. UNIDENTIFIED SPEAKER: Absolutely.

1. MR. SELLS: Yeah. We do, also. It
 2. makes our life easier, too.
 3. MR. POPE: It's only betterment for
 4. the business.
 5. MR. SELLS: We do a lot of stuff with
 6. the Titans. We do a lot of stuff with MTSU. All
 7. those guys, they want to see inspections. So --
 8. MR. POPE: No one insures it without
 9. an inspection.
 10. MR. SELLS: Right.
 11. MR. POPE: That's the big thing.
 12. MR. BAILEY: Well, if I might say, I
 13. mean, some of these exceptions, I think, come about
 14. through -- I'm sure you're aware of that -- the, you
 15. know, people who have a special interest in keeping
 16. that out. I would think mechanical bulls might have
 17. ran into a problem with the bars and restaurants.
 18. You know. So there could be that same pushback that
 19. got them accepted to begin with, you know, if you
 20. try to unaccept them, I guess.
 21. MR. POPE: I think that was part of
 22. it. I think a lot of it was the overwhelmment
 23. (verbatim) of how many devices, how many go-kart
 24. facilities there were. I mean, you know, there's no
 25. doubt this Board and this safety office has had some

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1. track record problems with inspectors and things
2. like that. I mean, it's just -- they're
3. overwhelmed.
4. CHAIRMAN FOX: Yeah. I can tell you
5. that in the beginning, the go-karts were excluded
6. simply for that reason. We didn't have anybody to
7. go --
8. MR. POPE: To control.
9. CHAIRMAN FOX: To go do that. The
10. bungees and those things were excluded just for that
11. reason. There was no one to go look at them or --
12. MR. POPE: You can go to other
13. states, you know, which I travel in other states.
14. And Kentucky's been that way. They've been on again
15. and off again about inspecting bounces and things
16. like that. They are back to them now. The fees are
17. not as much on them, but they do have to at least
18. register them. I mean, there's not a lot to
19. inspect. It's either up or it's down. I mean, once
20. you -- you know, there's no structural thing to
21. inspect, but they do register them at least.
22. CHAIRMAN FOX: Okay. So I guess what
23. we would think about, process-wise, we would ask
24. you -- this Board if we decide to do any of these
25. and we -- and I'll go through them one by one -- we

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1. would ask you to develop an amendment to the current
2. law to either include or exclude, whatever it is
3. we're going to do. Is that the process we would
4. need to follow?
5. MR. BAILEY: Yes. And we have to get
6. it pretty soon, because I think once we --
7. MS. JEFFERSON: Yes. That's what I
8. was getting ready to say. We actually need that
9. information before the end of the month, because we
10. want to pass it on to our legislative liaison and so
11. she could present that to the Commissioner and
12. present off recommendations, because she'll need
13. that in time to prepare so they can decide whether
14. or not these are items they're going to present on
15. behalf of the Department. So the sooner you all can
16. get that information to us, the better.
17. CHAIRMAN FOX: That's why we're
18. bringing it up now. Okay. So I would ask this
19. Board to entertain a motion to either include or
20. exclude go-karts.
21. MS. O'CONNOR: I would make the
22. motion that we include go-karts.
23. CHAIRMAN FOX: Okay. We have a
24. motion to include go-karts.
25. MR. MOORE: I'll second.

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1. CHAIRMAN FOX: We have a second. Any
2. discussion? There being none, all in favor of the
3. motion, let it be known by saying "aye."
4. MR. RADER: Aye.
5. MS. O'CONNOR: Aye.
6. MR. MOORE: Aye.
7. MR. POPE: Aye.
8. MR. FISHER: Aye.
9. MR. MOORER: Aye.
10. CHAIRMAN FOX: All opposed, like
11. sign. Okay. I would entertain a motion to include
12. or exclude inflatables.
13. MR. RADER: So moved.
14. CHAIRMAN FOX: We have a motion.
15. MS. O'CONNOR: I'll second.
16. CHAIRMAN FOX: We have a second. Any
17. discussion?
18. MR. MOORE: Do we need to clarify
19. whether it was include or exclude?
20. CHAIRMAN FOX: Yeah. We probably
21. should, shouldn't we?
22. MR. RADER: To include.
23. CHAIRMAN FOX: To include. And you
24. accept that amendment?
25. MS. O'CONNOR: Yes, I accept that.

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1. CHAIRMAN FOX: Any discussion? There
2. being none, all in favor of the motion, let it be
3. known by saying "aye."
4. MR. RADER: Aye.
5. MS. O'CONNOR: Aye.
6. MR. FISHER: Aye.
7. MR. MOORE: Aye.
8. MR. POPE: Aye.
9. MR. MOORER: Aye.
10. CHAIRMAN FOX: All opposed, like
11. sign. I would entertain a motion to either include
12. or exclude trampoline parks.
13. MS. O'CONNOR: Make a motion to
14. include wave parks. Or I'm sorry, what were we
15. doing?
16. CHAIRMAN FOX: Trampoline parks.
17. MS. O'CONNOR: Trampoline parks, yes.
18. Make a motion to include trampoline parks.
19. MR. MOORE: I'll second.
20. CHAIRMAN FOX: We have a motion and a
21. second. Any discussion? Hearing none, all in favor
22. of the motion, let it be known by saying "aye."
23. MR. FISHER: Aye.
24. MS. O'CONNOR: Aye.
25. MR. RADER: Aye.

1. MR. MOORE: Aye.
2. MR. POPE: Aye.
3. MR. MOORER: Aye.
4. CHAIRMAN FOX: All opposed, by like
5. sign. Motions carry. Just for the heck of it, I'll
6. entertain a motion to either include or exclude
7. bungee jumps or bungee -- what'd you call it, sir?
8. MR. SELLS: Bungee -- I think the
9. technical is bungee power jump, isn't it?
10. CHAIRMAN FOX: Bungee power jump.
11. MR. FARMER: Bungee cord or
12. similar --
13. CHAIRMAN FOX: Bungee --
14. MR. FARMER: -- plastic device.
15. CHAIRMAN FOX: Yes.
16. MR. RADER: Which includes reverse
17. bungee to go --
18. MR. SELLS: Right. That's the bungee
19. power jump.
20. CHAIRMAN FOX: Yeah.
21. MR. SELLS: I think that would not be
22. the classification for a standard, like, bungee jump
23. from --
24. MR. POPE: Yeah. And they pull you
25. up with a --

1. MR. SELLS: -- a fixed point.
2. MR. POPE: A winch.
3. MR. RADER: Right.
4. MR. POPE: They pull you up so you
5. can bounce.
6. I would make a motion that it be
7. included.
8. MS. O'CONNOR: I'll second that.
9. CHAIRMAN FOX: We have a motion and a
10. second to include bungee jumps, bungee power jumps,
11. bungee --
12. MS. BENNETT: Bungee devices.
13. MR. HARDY: Bungee devices.
14. CHAIRMAN FOX: Bungee devices. Any
15. discussion? Hearing none, all in favor of the
16. motion, let it be known by saying "aye."
17. MS. O'CONNOR: Aye.
18. MR. FISHER: Aye.
19. MR. RADER: Aye.
20. MR. MOORE: Aye.
21. MR. POPE: Aye.
22. MR. MOORER: Aye.
23. CHAIRMAN FOX: All opposed, by like
24. sign.
25. Mechanical bulls. I would make --

1. entertain a motion to either include or exclude
2. mechanical bulls form inspection process.
3. MR. FISHER: I'll make a motion --
4. MR. RADER: I'll make a motion --
5. MR. FISHER: Go ahead.
6. MR. RADER: I'll make a motion to
7. include.
8. CHAIRMAN FOX: I have a motion to
9. include. Did you --
10. MS. O'CONNOR: I'll second.
11. CHAIRMAN FOX: And a second. Any
12. discussion? Hearing none, all in favor of the
13. motion, let it be known by saying, "aye."
14. MR. RADER: Aye.
15. MS. O'CONNOR: Aye.
16. MR. FISHER: Aye.
17. MR. MOORE: Aye.
18. MR. POPE: Aye.
19. MR. MOORER: Aye.
20. CHAIRMAN FOX: All opposed, like
21. sign. Which ones did we miss?
22. MS. O'CONNOR: Wave pools, roller
23. skating rinks, ice skating rinks.
24. CHAIRMAN FOX: But Like Mr. Bailey
25. said, though, those are governed by another agency.

1. MS. O'CONNOR: I think we -- what
2. about buildings or concourses used in laser games?
3. MR. FARMER: That's the Fire
4. Marshal's office.
5. MS. O'CONNOR: Okay.
6. CHAIRMAN FOX: Yeah. The Fire
7. Marshal's office on them.
8. MR. FISHER: What about the climbing
9. wall?
10. CHAIRMAN FOX: Climbing walls, we --
11. MS. O'CONNOR: That's --
12. MR. FISHER: Are we still --
13. MS. O'CONNOR: That's --
14. MR. FARMER: I think they consider
15. that a gym membership --
16. MR. MOORER: Robbie.
17. MR. FARMER: -- rather than a ride.
18. MS. O'CONNOR: Yeah.
19. MR. MOORER: What about that?
20. CHAIRMAN FOX: Yeah. That's
21. included.
22. MR. MOORER: Okay.
23. MS. O'CONNOR: That falls under --
24. MR. FARMER: I think they're
25. inspected by environmental or state --

1. MS. O'CONNOR: Okay.
 2. CHAIRMAN FOX: Okay.
 3. MR. STOCK: Chairman Fox?
 4. CHAIRMAN FOX: Sir.
 5. MR. STOCK: Related to climbing
 6. walls, they really do fall into considerably
 7. different categories. There are a lot of them that
 8. travel around on a trailer, just like the portable
 9. zip, they have hydraulic and mechanical belay
 10. devices that need to be certified and inspected. I
 11. mean, there is fundamental difference between a rock
 12. gym and a carnival ride that's a climbing wall.
 13. So --
 14. MR. POPE: He's exactly right.
 15. That's --
 16. CHAIRMAN FOX: Oh, he is.
 17. MR. POPE: I was sitting here
 18. thinking if there was a way to present it when used
 19. as an amusement device or something -- I mean, there
 20. would be a classification. It'd be a little bit
 21. different than a fixed something at a gym. But it's
 22. still as much of an amusement device as --
 23. MR. STOCK: Anything else.
 24. MR. POPE: -- anything.
 25. MR. SELLS: The portable ones -- the

1. walls are actually -- they have more ASTM standards
 2. than, like, the bungee power jumps.
 3. MR. POPE: They -- yeah. They
 4. have --
 5. MR. SELLS: Steel cables have to be
 6. replaced on an annual basis. The pulley poles --
 7. MR. POPE: Elastics.
 8. MR. SELLS: -- have to be replaced.
 9. MR. POPE: The elastics.
 10. MR. FARMER: Would it be safe to say
 11. that they're all portable?
 12. MR. SELLS: Yeah. I mean --
 13. MR. POPE: I would say the portables
 14. would fall into more of a category of needing to be
 15. inspected.
 16. MR. FARMER: That may be your
 17. verbiage, then, "portable."
 18. MS. O'CONNOR: And they're not
 19. currently inspected by any other department?
 20. MR. BAILEY: No.
 21. MR. SELLS: They're inspected by our
 22. insurance, but no State department.
 23. CHAIRMAN FOX: Okay. We might as
 24. well roll the dice. I would entertain a motion to
 25. either include or exclude portable rock climbing

1. walls.
 2. MR. POPE: I'll make a motion.
 3. MS. O'CONNOR: I'll second.
 4. CHAIRMAN FOX: We have a motion and a
 5. second. Any discussion?
 6. MR. BAILEY: That was to include,
 7. right?
 8. CHAIRMAN FOX: Include. Hearing
 9. none, all in favor of the motion, let it be known by
 10. saying "aye."
 11. MS. O'CONNOR: Aye.
 12. MR. FISHER: Aye.
 13. MR. MOORER: Aye.
 14. MR. MOORE: Aye.
 15. MR. POPE: Aye.
 16. MR. RADER: Aye.
 17. CHAIRMAN FOX: All opposed, like
 18. sign. Yes, ma'am?
 19. MS. BENNETT: Just out of curiosity,
 20. typically, whenever you do a motion, there's a
 21. conflict-of-interest statement. Is that required in
 22. this instance on these motions? Because typically,
 23. they would let you -- you know, in the discussion of
 24. it but not voting if you had --
 25. MR. BAILEY: Yeah.

1. MS. BENNETT: -- you know, one of
 2. those devices.
 3. MR. BAILEY: Yeah. Usually that
 4. comes up if you want, like, variances. But I guess,
 5. to be safe, you're probably right, that -- I mean,
 6. if there's -- on any of these items that was just
 7. voted on, if there was a -- if any of the Board
 8. members had a conflict of interest, that should be
 9. stated, and they could talk about it but not vote on
 10. it.
 11. CHAIRMAN FOX: Okay. So let's go
 12. back and ask the Board members. Are there any Board
 13. members who would declare a conflict of interest on
 14. either go-karts, trampoline parks, rock climbing --
 15. portable rock climbing walls, mechanical bulls, or
 16. bungee?
 17. MR. POPE: I own some bounces.
 18. That'd be the only one that I might not get to vote
 19. on.
 20. CHAIRMAN FOX: You own --
 21. MR. POPE: Bounce houses.
 22. CHAIRMAN FOX: Bounce houses.
 23. MR. POPE: Inflatables.
 24. CHAIRMAN FOX: Okay.
 25. MR. POPE: And I don't see how that

1. could be a conflict of interest --

2. MR. RADER: I don't either.

3. MR. POPE: -- that I --

4. CHAIRMAN FOX: Well, the motion

5. carried, regardless, so the majority -- and the

6. majority would rule.

7. MR. POPE: According -- you know, I

8. would think according to Robert's Rules, you only

9. declare it if you can see a conflict and I can't see

10. a conflict.

11. CHAIRMAN FOX: Okay. Does that

12. suffice, Mr. Bailey?

13. MR. BAILEY: Yeah. I'm fine.

14. CHAIRMAN FOX: Okay. All right. And

15. good point. Thank you. All right. Yes, sir?

16. MR. SELLS: Chairman, just a

17. suggestion, but you used the word "inflatable."

18. That's a very wide scope. I would highly --

19. CHAIRMAN FOX: Well, that's the

20. reason we used it.

21. MR. SELLS: -- suggest, to keep you

22. from having more of those phone calls, that you make

23. a definition, because there's a lot of things that

24. are inflated, either inspected or not inspected.

25. You know. A bounce house, you get inside of. A

1. basketball -- an inflated basketball goal, same

2. thing, they're both inflatables.

3. MR. HARDY: But if I might, we

4. recently had an inquiry about the inflatable game,

5. but by definition, they're not devices in which the

6. patrons come aboard, you know, that there's no -- so

7. our determination was to exclude them within the

8. Unit.

9. MR. SELLS: That's perfect.

10. MR. POPE: You have to be very, very

11. careful, because bungee runs and bounces and -- I

12. mean, there's stuff that you don't -- I mean,

13. there's even inflatable lemonade stands. I mean,

14. there's everything out there. Inflatable gateways

15. that I don't think you would have to inspect and --

16. you know, like you said, there's -- I think that

17. would be almost a determination call. I don't know

18. how you'd --

19. MR. FARMER: You've got the wavy guy

20. out in front of the car lots.

21. MR. POPE: Yeah. That's --

22. CHAIRMAN FOX: Yeah. Now, just for

23. process purposes, we would request that each one of

24. those be set out separate so that if the legislature

25. said, we don't want to do mechanical bulls,

1. everything else wouldn't be voted out. I don't

2. know. I'm not familiar enough with your process to

3. understand how that's going to be --

4. MR. BAILEY: Well, I mean, that's

5. certainly what we would suggest to the legislative

6. liaison and the Commissioner. But they would -- you

7. know, how they'd present it, if the governor were to

8. make it part of his legislative package, whether

9. they keep it separate or not is not -- I mean, we

10. can certainly suggest that, but we can't require it,

11. I guess.

12. CHAIRMAN FOX: Correct. And I'm just

13. saying, if we identify it as a particular section --

14. MR. BAILEY: Right.

15. CHAIRMAN FOX: -- so if they said,

16. you know --

17. MR. BAILEY: Each one stands alone.

18. CHAIRMAN FOX: Yeah.

19. MR. BAILEY: Right.

20. CHAIRMAN FOX: Each one stands alone.

21. MR. BAILEY: Right.

22. CHAIRMAN FOX: Okay. Now, the fee

23. structure. Oh, wait a minute. Any others -- are

24. there any others that we need to -- any other

25. amusements or attractions that we either need to

1. include or exclude? Okay.

2. Change the -- a note to change the

3. fee structure. Now, presently we charge \$150 per

4. company for all of their rides, attractions, and

5. amusements; is that correct?

6. MS. JEFFERSON: That's correct.

7. CHAIRMAN FOX: Okay. We had spent

8. considerable time last year. You all had developed

9. a fee schedule that you had asked us to adopt, and

10. if memory serves me correct, which a lot of times,

11. it don't, but we did adopt that at that time.

12. MS. JEFFERSON: That's correct.

13. CHAIRMAN FOX: Correct?

14. MS. JEFFERSON: That's correct.

15. CHAIRMAN FOX: Okay. So

16. process-wise, then we need to -- this Board would

17. need to make a request to ask the legislature to

18. implement that fee structure? Is that how that

19. needs to work or --

20. MS. JEFFERSON: That's rule change.

21. CHAIRMAN FOX: Okay.

22. MS. JEFFERSON: So we're just waiting

23. on approval from the Department to approve that. I

24. believe that we're waiting for the legislative

25. session to end. Now the legislative session has

1. ended, we know more about legislative changes for
 2. the Amusement Device Unit, now that's going to be
 3. considered. So the goal will be to have some
 4. information about that prior to the next board
 5. meeting.
 6. We're just waiting -- I believe Dan
 7. had prepared the information that we need to
 8. submit, is the next step, to the Secretary of
 9. State?
 10. MR. BAILEY: No. To the governor.
 11. We have to get permission from the Governor's
 12. Office. I mean, the fee structure has been put
 13. out -- has been set out in a rule, in a red lined
 14. version. And the first step, once the Commissioner
 15. gives us the go-ahead, is to send it to the
 16. Governor's Office, the red-lined version, and
 17. there's six questions that's supposed to -- that
 18. have to answer regarding why we're asking for this
 19. rule change.
 20. And I had that prepared back in, I
 21. think, December or January, had the e-mail
 22. prepared to go, ready to go, and just waiting on
 23. the okay, and something I did not realize -- I
 24. thought once an e-mail that was in a draft, would
 25. stay a draft forever and the other day, I noticed

1. it's not in draft. So I've got to redraft it, but
 2. it's no -- you know, it's no big deal. But once
 3. we get the go-ahead, I can get it to the
 4. Governor's Office in, like, you know, a day.
 5. CHAIRMAN FOX: So it's approved on
 6. date certain. Does that -- does it fall in place
 7. that day or does it begin on July the 1st? Pick a
 8. day.
 9. MR. BAILEY: Well, for a fee
 10. increase, first of all, if -- once our Commissioner
 11. gives the go-ahead, we've got to get the Governor's
 12. Office approval and that may take a few days
 13. minimum, you know, and then once they approve it,
 14. then I got to go through the Attorney General's
 15. Office for their review and approval. That can
 16. sometimes take another week or two, sometimes more.
 17. And then once they approve it, then I got to file it
 18. with the Secretary of State's Office. And if it is
 19. filed with them prior to July 1, then it would go in
 20. effect this July 1.
 21. More than likely, it's not going to
 22. get filed that quickly. So if it gets filed after
 23. July 1 of 2017, the new fee structure won't go
 24. into effect until July 1 of 2018.
 25. CHAIRMAN FOX: 2018?

1. MR. BAILEY: Yeah. It has to go in
 2. at the beginning of a fiscal year.
 3. CHAIRMAN FOX: Okay. Mr. Pope?
 4. MR. POPE: Coming on the Board --
 5. newly coming on the Board, do you have that draft of
 6. the fee structure? Is that something --
 7. MR. FARMER: I don't know if I have
 8. it with me. I --
 9. CHAIRMAN FOX: We can --
 10. MS. JEFFERSON: We can get it to you.
 11. CHAIRMAN FOX: We can get that to
 12. you.
 13. MS. JEFFERSON: Yes. In fact, we'll
 14. make a note to send that to all the Board members
 15. after the meeting.
 16. MR. POPE: Is that something that the
 17. Board has discussed or was it done internally --
 18. CHAIRMAN FOX: Yes.
 19. MR. POPE: -- in the office?
 20. MS. JEFFERSON: Both.
 21. CHAIRMAN FOX: Yes.
 22. MS. JEFFERSON: It was done
 23. internally. We presented it to the Board. The
 24. Board recommended -- they approved it and
 25. recommended it.

1. MR. POPE: Okay.
 2. CHAIRMAN FOX: Let's go back to the
 3. dates, just for my edification. We -- are we
 4. sitting here saying it's going to be another year
 5. before we can implement the more stringent fees?
 6. MR. BAILEY: Well, more likely, just
 7. given the time -- it's the red-lined version. Just
 8. given the time it's going to take, this is June 6th,
 9. so there's no way -- I can tell you there's no way,
 10. even if the Commissioner says today, go forward,
 11. that I'm going to get all the approval I'm going to
 12. need to get it filed. And even when you file it
 13. with the Secretary of State's Office, it's a 90-day
 14. waiting period before it goes into effect. So
 15. there's no way it's going to be effective July 1 of
 16. 2017.
 17. CHAIRMAN FOX: What about January 1st
 18. of '18.
 19. MR. BAILEY: No. The statute
 20. requires that it has to go in effect at the
 21. beginning of a new fiscal year, the State fiscal
 22. year. So that's July 1.
 23. CHAIRMAN FOX: Okay. Well, two
 24. things in my purpose in asking that question, number
 25. one, is so that we actually make enough money to

1. self-support. The second part of that is that
2. there's a lot of people who are preparing budgets,
3. like Mr. Pope's group. They're going to prepare
4. their budget, so they've got to prepare for that
5. inspection fee, whatever it may be. And I want to
6. give them ample time to do so, but I think there
7. just needs to be notification.

8. MR. BAILEY: Yeah. Well, I mean,
9. they -- I mean, depending on when it all gets
10. filed -- and another thing to consider is whether --
11. and I think we had discussed having a rulemaking
12. hearing where it's open to the public because it
13. involves fee increases, and that's also going to
14. take additional time.

15. But if it's, you know, filed
16. sometime, say, in the fall of 2017, then, you
17. know, companies will have, like, eight or nine
18. months' notice that, come July 1 of 2018, this is
19. going to be your new fee structure.

20. CHAIRMAN FOX: Okay.

21. MR. BAILEY: So it actually will be
22. better for the businesses than if we were to -- if
23. there was a way we could get it filed, like, next
24. week and it go into effect July -- that would --
25. they would only have, like, a two week's notice.

1. But like I said, logistically, there's no way that
2. can happen.

3. CHAIRMAN FOX: Okay. All right. Any
4. questions from the Board?

5. MR. POPE: So at this point in time,
6. it'll stay 150 for each company?

7. CHAIRMAN FOX: Through January -- or
8. through July -- or June 30th of seven -- '18.

9. MR. BAILEY: Of 2018.

10. CHAIRMAN FOX: Okay. Just so we're
11. all clear. All right.

12. ASTM 24 reference. To your point,
13. Mr. Stock, do we want to include the ASTM 24
14. reference in the law if it is not there? Somebody
15. asked me specifically about that.

16. MS. JEFFERSON: I'm concerned about
17. that, and you all can probably help me to understand
18. that. Because we have ASTM and we don't specify
19. F24. If it changes or if we decide to use something
20. more current at a later date, then we're not
21. required to go back and take a look at the law and
22. then have it changed. Because as you know, it's
23. very difficult to change the law. So when I saw
24. that, I was concerned because of that. You don't
25. want to have to go back and change the law.

1. Right now, the record says ASTM and
2. recently, the ACCT standard, because the Board
3. recommended that previously. And so from the last
4. legislative session, the ACCT standard was added.
5. But there's no reference to F24. But that's just
6. my opinion.

7. CHAIRMAN FOX: F24 covers amusements.

8. MR. STOCK: Correct.

9. CHAIRMAN FOX: Period. I mean, it's
10. the all-encompassing standard for amusement devices.
11. And that does cover --

12. MR. STOCK: All of them.

13. CHAIRMAN FOX: Huh?

14. MR. STOCK: It covers all of them.

15. CHAIRMAN FOX: Yes. It covers --

16. MR. STOCK: There's sub ones
17. underneath for -- per the disciplines, so to speak.

18. CHAIRMAN FOX: Yeah. I mean, you've
19. got ASTM 24, that's kind of the mother ship, and
20. then you've got all of the little subsets under it.

21. I mean, there's -- I don't want to sit here and
22. start throwing out the numbers, but they're all
23. inclusive of F -- excuse me, of ASTM F24. Now, if
24. that gives you pause, then --

25. MS. JEFFERSON: Well, it requires a

1. law -- is it necessary? Because the law currently
2. references ASTM, so the question is whether or not
3. it's truly necessary for us to accomplish our goal.

4. CHAIRMAN FOX: Okay. What's the
5. feeling of the Board?

6. MR. POPE: Chairman?

7. CHAIRMAN FOX: Sir.

8. MR. POPE: I think if you reference
9. it specifically -- just like this phone call, to
10. where it's pulled up or not pulled up or whether you
11. absolutely required that, when you say, ASTM
12. standards as they apply, then I think that leaves
13. you -- you're covered by ASTM standards, but you're
14. not --

15. MS. JEFFERSON: Limited?

16. MR. POPE: -- limited to which ones.

17. CHAIRMAN FOX: Okay.

18. MR. POPE: And I think that's what
19. this lawyer was trying to do. I don't see that
20. being a benefit.

21. CHAIRMAN FOX: Okay. So --

22. MR. POPE: Now, that ASTM standard,
23. whether it applies or not may be up to this Board or
24. may be up, you know, for interpretation.

25. CHAIRMAN FOX: Okay. What's the

1. consensus of the Board?

2. MR. POPE: I don't have the 24. I

3. don't know exactly what it is, so I couldn't say

4. without reading it.

5. CHAIRMAN FOX: Okay. But you're

6. saying if we change the ASTM F24, that requires the

7. law to change, correct?

8. MR. BAILEY: I mean, you could do it

9. by rule. I don't see any reason why you couldn't do

10. it by the rule. I mean, the statute currently just

11. references ASTM.

12. MS. JEFFERSON: All these bullet

13. points are under legislative changes in the rule.

14. You have some suggestive law/rule changes. Yeah.

15. We just don't want to put ourselves in a position

16. where we're having to deal with telephone calls,

17. like today. So that's why I was concerned. We

18. don't want to limit ourselves.

19. CHAIRMAN FOX: Okay.

20. MS. JEFFERSON: It references ASTM

21. and so we know that we're looking for the most

22. current standard, ASTM standard. That's what we're

23. looking for when we do these reports. And the

24. inspectors are certifying that they inspected to

25. ASTM -- the proper ASTM standard.

1. CHAIRMAN FOX: Okay.

2. MR. BAILEY: And also, if I may say,

3. I mean, if you try to -- as Kim has said, it's, you

4. know, difficult to get legislation passed anyway.

5. And if it's not anything that's really going to, you

6. know, change or advance anything, you have to, you

7. know, educate the legislature on what the difference

8. is, what is it you're -- you know, what are you

9. getting at here that's so different? Why do we have

10. to have this? You know. For them to even consider

11. taking it up.

12. If it's not anything that's really

13. groundbreaking or needed, absolutely needed, I'd

14. say leave it off. You know.

15. CHAIRMAN FOX: Anybody have an

16. objection to leaving it off?

17. MR. RADER: No.

18. CHAIRMAN FOX: Okay. All right.

19. Deletion Of Section (20). The

20. "serious incident." We talked about this ad

21. nauseam. I would entertain a motion by the Board

22. to -- if we're going to do this all -- enter --

23. I'd make -- entertain a motion of the Board to

24. delete Section (20), as we've discussed in the

25. last meeting, out of the law.

1. MR. BAILEY: Just so it's clear, what

2. you were referring to is -- Section (20) is T.C.A.

3. 68-121-101, subparagraph one and subparagraph 120.

4. Or no, I'm sorry. Subparagraph 20.

5. CHAIRMAN FOX: 20.

6. MR. BAILEY: That's it.

7. CHAIRMAN FOX: Yes.

8. MR. BAILEY: All right. Yeah.

9. CHAIRMAN FOX: The definition of

10. "serious incident," because it has some reporting

11. issues in it. And again, I don't want to get

12. started on that again. So -- but delete Section 20,

13. as you've just pointed out.

14. And that was actually in the law,

15. this last House Bill, 191 and Senate Bill 424-30.

16. But somehow or another, it was deleted -- that

17. amendment was deleted at the end. But I think if

18. we're --

19. MS. JEFFERSON: And the way it was

20. explained to me is that -- because "serious

21. incident" appeared in the law and we -- and there

22. wasn't a provision to delete in the other provisions

23. in the law. They couldn't just delete the

24. definition, because the term, the phrase "serious

25. incident" remained. And so that would cause

1. problems. So I think it was more technical. And

2. that's the way it was explained to me.

3. CHAIRMAN FOX: Okay. So to clear up

4. the technical, we would need to make a motion to

5. clear up the definition and Section (20)?

6. MS. JEFFERSON: Right. Everywhere it

7. appears in the law. To delete it everywhere it

8. appears in the law.

9. CHAIRMAN FOX: Okay.

10. MS. JEFFERSON: Does that make sense?

11. Delete the definition of "serious incident" as well

12. as every place that "serious incident" appears in

13. the law. That way, it'll clean it up completely.

14. CHAIRMAN FOX: Okay.

15. MR. BAILEY: Right. And wasn't a

16. part of that a change of the definition of, the next

17. paragraph, (21), "serious physical injury"?

18. CHAIRMAN FOX: I think we came back

19. to that to say that the ASTM has a requirement for

20. reporting, and that ASTM requirement would fit in

21. that slot, Section (21), which was "serious

22. accident," not "incident."

23. MR. BAILEY: Okay. And so -- I mean,

24. that's what the Board is asking that if this is --

25. if it's passed, that (20), which is "serious

1. incident," be deleted and any reference to "serious
2. incident" throughout the statute and that (21)
3. would --
4. CHAIRMAN FOX: Would be the --
5. MR. BAILEY: Would be the ASTM
6. definition of "serious accident."
7. CHAIRMAN FOX: Accident.
8. MR. BAILEY: Yeah. Is that right?
9. CHAIRMAN FOX: And it does -- it is
10. the same. What's written in (21) is the same as
11. what ASTM recognizes. It covers the definition
12. and/or reporting issue.
13. MR. BAILEY: Okay. But you're --
14. just so I'm clear, you're talking about actually
15. changing the current (21) to --
16. CHAIRMAN FOX: No.
17. MR. BAILEY: No. So leave (21) --
18. CHAIRMAN FOX: Leave it alone.
19. MR. BAILEY: -- completely alone.
20. CHAIRMAN FOX: Just delete (20).
21. MR. BAILEY: Okay. Okay.
22. CHAIRMAN FOX: So do you need a
23. motion from this Board to delete (20) and any
24. definition or reference to that law?
25. MR. BAILEY: Uh-huh.

1. CHAIRMAN FOX: Okay. We'd entertain
2. a motion to delete Section (20), for lack of a
3. better term, and any reference to "serious incident"
4. in the law.
5. MS. O'CONNOR: So moved.
6. CHAIRMAN FOX: I have a motion.
7. MR. RADER: Second.
8. CHAIRMAN FOX: Second. Any
9. discussion? All in favor, let it be -- all in favor
10. of the motion, let it be known by saying "aye."
11. MR. RADER: Aye.
12. MR. MOORE: Aye.
13. MR. FISHER: Aye.
14. MS. O'CONNOR: Aye.
15. MR. MOORER: Aye.
16. CHAIRMAN FOX: All opposed, like
17. sign.
18. MR. POPE: One abstention. I wasn't
19. here for the meeting, so I don't know what was
20. discussed.
21. CHAIRMAN FOX: Okay. Very good.
22. Ms. Jefferson, are you going to bring us up to speed
23. or are you -- or Mr. Bailey or one of you on the new
24. law? Or the change in the law, the amendment.
25. MS. JEFFERSON: Actually, that's

1. something that our legislative liaison would
2. normally do. I'm not the person to speak on behalf
3. of the legislation. What she asked me to do was to
4. provide the public chapters to you all. I'm not
5. sure if you had an opportunity to read the two
6. public chapters that were recently passed. You
7. should have Public Chapter 393, and I gave someone a
8. copy of the other one.
9. Public Chapter 393, which is the
10. Amusement Device Law, as well as Public Chapter
11. 230. And what she asked is that you all take a
12. look at these and if you have any questions about
13. them, to let her know.
14. If you want to speak on these, that's
15. fine, Chairman Fox, but I'm not really in a
16. position to speak on either one. So if you have
17. any questions about these, then I'll be happy to
18. take those questions to her and to have her to
19. respond to the Board.
20. CHAIRMAN FOX: Has the amendment or
21. the change in the law, has that been signed by the
22. governor yet?
23. MS. JEFFERSON: Yes. If you take a
24. look at Public Chapter -- on the last page of each
25. one, it actually references the passage date and the

1. approval date for both. And the Amusement Device
2. 393 was passed on May the 4th, 2017. It was
3. approved on May the 18th.
4. MR. BAILEY: And the page right
5. before that, Section eight says, this act shall take
6. effect upon becoming a law, the public welfare
7. requiring it. So it became law May 18th when the
8. governor signed it.
9. CHAIRMAN FOX: Okay. I can tell you
10. that I appreciate Ms. Durham's work on this. She
11. worked very hard. I'm sure others were there, but
12. she was the lady that I talked to quite often on
13. this. But this cleared up several things in the
14. law, and I think it will be a better situation for
15. all concerned, both the people in the amusement
16. business and us. It just made it a little bit
17. clearer.
18. MS. JEFFERSON: Good deal. And I'll
19. let her know. And the one item that I know
20. Mr. Stock is interested in, is the ACCT Standard is
21. actually recognized in Tennessee based on this.
22. CHAIRMAN FOX: Yes. Okay. Next item
23. is -- or any other comment on the legislative
24. update?
25. Next item is discussion about ASME

1. and the ANSI code and updating current rules,
 2. elevator and related devices.
 3. MR. FARMER: Elevators.
 4. CHAIRMAN FOX: Up and down, round and
 5. round. That's us.
 6. MR. FARMER: Yeah. There you go. I
 7. guess, Dan, you want me to speak about it first?
 8. MR. BAILEY: Yeah. Go ahead.
 9. MR. FARMER: Okay. We're currently
 10. under the 2010 code of A17.1. The rules do ask that
 11. the Board triennially review and may adopt any new
 12. or existing publications of it. What I'm going to
 13. do -- I don't have the newest version yet. We're in
 14. the process of purchasing it. And also, being with
 15. the new committee that I'm on, I have access to a
 16. summary of changes. So we don't have to sit down
 17. and read the whole book. We can just read the
 18. summary of changes. I will supply that either
 19. before or after the next board meeting so we can
 20. review it.
 21. I don't think there's anything in
 22. there that we have to adopt, yet, but we do have
 23. to review it to see if we need to. We don't ever
 24. want to get too far behind, and technology outruns
 25. the code we're under, because that will require

1. all the elevator companies to come for variances
 2. and I don't believe that's what we want to ever
 3. get into a position where we're doing that at
 4. every board meeting.
 5. CHAIRMAN FOX: Okay. So you're going
 6. to update the Board on your progress; is that
 7. correct?
 8. MR. FARMER: Yeah. What I'll do is
 9. I'll actually supply you with a new code book and
 10. I'll supply you with a summary of the changes.
 11. And -- so you can look at it and -- basically what
 12. I'll do -- we'll just go through what's updated in
 13. the actual code itself. And if it's something that
 14. y'all feel like that we need to adopt to stay more
 15. current, then I guess we'll just go through the same
 16. motions as we do on everything else. But if it
 17. feels like we don't need to adopt the newer code to
 18. keep up with technology, then we can wait. You
 19. know. It's -- we're under 2010. We're not -- and I
 20. mean, it sounds like it's far behind, but it's not
 21. really that far behind. There's still states under
 22. '96 codes. So we're not too far behind.
 23. MR. MOORE: And there's actually a
 24. little bit of a benefit to stay somewhat behind,
 25. because if you don't, then you get all the addendums

1. and amendments to the --
 2. MR. FARMER: Yeah. Yeah.
 3. MR. MOORE: So, you know, staying --
 4. MR. FARMER: Yeah.
 5. MR. MOORE: -- a little bit behind's
 6. actually somewhat of a benefit.
 7. MR. FARMER: Yeah. So a lot of times
 8. they'll come out with addendums the year after that
 9. they've made mistakes in that new code.
 10. MR. MOORE: Yeah.
 11. MR. FARMER: And so we don't want
 12. to -- you don't ever want to jump the gun and adopt
 13. the latest and greatest just for that reason,
 14. because there may be stuff in there they have to go
 15. in and change.
 16. MR. FISHER: So which year would you
 17. be reviewing as --
 18. MR. FARMER: '16.
 19. MR. FISHER: 2016?
 20. MR. FARMER: '16's the latest
 21. addition --
 22. MR. FISHER: Okay.
 23. MR. FARMER: -- on the A17.1. So
 24. that's for new installations, not for existing.
 25. So --

1. CHAIRMAN FOX: Does the adoption of
 2. the IBC by the State have an effect?
 3. MR. FARMER: It's actually a
 4. reference document in A17.1. So what we do is if --
 5. it's a reference document in A17.1, we can use it.
 6. And it usually calls for the latest edition of the
 7. time of this code book. So if we use International
 8. Building Code under 2010, we would actually use the
 9. 2010 version of the IBC or the 2009 version of the
 10. IBC. Does that make sense? So --
 11. CHAIRMAN FOX: Yes.
 12. MR. FARMER: -- it's a reference
 13. document out of our book.
 14. CHAIRMAN FOX: The scary part is it
 15. did make sense. The next question is, to your point
 16. a minute ago, how far back can we be and still be in
 17. compliance as far as the --
 18. MR. FARMER: Well, just to give you a
 19. little history, and I think you -- maybe you were on
 20. the Board at the time, but MRLs, which is a machine
 21. room-less elevator, was brought into production and
 22. our code that we were under would not allow that
 23. type of elevator. So we were having elevator
 24. companies coming to every board meeting complaining
 25. that we were not under that code, because they

1. couldn't sell that product in the state of
 2. Tennessee. That's what we don't want to happen.
 3. CHAIRMAN FOX: Right.
 4. MR. FARMER: As I foresee, there's
 5. nothing new coming in the industry that's going to
 6. keep us from installing anything under what code
 7. we're under now, but that changes every day.
 8. Technology changes every day. So we --
 9. MR. MOORE: You have tug belts and
 10. the --
 11. MR. FARMER: Yeah. Yeah.
 12. MR. MOORE: Versus cables.
 13. MR. FARMER: Yeah. Exactly.
 14. MR. MOORE: That came along also.
 15. MR. FARMER: Yeah, the elevators used
 16. traditionally, just runoff cables. Well, this
 17. elevator company invented a belt system and our
 18. suspension means codes would not allow belts to run
 19. an elevator. It had to be a traditional, steel
 20. cable. So with -- back in, I guess, 2004, we had to
 21. adopt that code to allow that in where they could
 22. bring -- start using that type of belt or that type
 23. of cable.
 24. So right now, we're safe. I'm not
 25. getting anything presented to me that doesn't fall

1. CERTIFICATE
 2.
 3. STATE OF TENNESSEE)
 4.
 5. COUNTY OF WILLIAMSON)
 6.
 7. I, Dominique A. Dubois LCR# 686, Notary
 8. Public and Court Reporter, do hereby certify that I
 9. have recorded to the best of my skill and ability
 10. by machine shorthand all the proceedings in the
 11. foregoing transcript, and that said transcript is a
 12. true, accurate, and complete transcript to the best
 13. of my ability.
 14. I further certify that I am not an attorney
 15. or counsel of any of the parties, nor a relative or
 16. employee of any attorney or counsel connected with
 17. the action, nor financially interested in the
 18. action.
 19. SIGNED this 12th day of July, 2017.
 20.
 21. _____
 22. Dominique A. Dubois, LCR# 686
 23. Notary Public State at Large
 24. My commission expires: 8/9/2018
 25.

1. under the scope we're under right now, which is
 2. A17.1 2010.
 3. CHAIRMAN FOX: Okay. All right.
 4. Anything else on that topic? Anything else for the
 5. good of the order, so to speak? Okay.
 6. Item Number 11. The announcement of
 7. the next meeting will be -- the next regularly
 8. scheduled meeting of the Elevator & Amusement
 9. Device Safety Board meeting will be held at
 10. 9:00 a.m. Central Time on Tuesday, September the
 11. 12th, 2017 at the State of Tennessee Department of
 12. Labor and Workforce Development Building, located
 13. at 220 French Landing Drive, Nashville, Tennessee,
 14. for the record. Do I have a motion to adjourn?
 15. MR. RADER: So moved.
 16. CHAIRMAN FOX: Thank you. Good
 17. meeting. Thank you all very much.
 18. END OF PROCEEDINGS.
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