

**CHAPTER 195**

**CARNIVAL-AMUSEMENT RIDES**

**Authority**

N.J.S.A. 5:3-31 et seq., specifically 5:3-36.

**Source and Effective Date**

R.1993 d.343, effective June 14, 1993.  
See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 195, Carnival-Amusement Rides, expires on June 14, 1998.

**Chapter Historical Note**

This chapter was adopted pursuant to authority of N.J.S.A 5:3-31 et seq. and were filed and became effective on June 26, 1975, as R.1975 d.189. See: 7 N.J.R. 370(c).

1978 Revisions: Amendments to this chapter became effective August 1, 1978 as R.1978 d.239. See: 10 N.J.R. 257(b), 10 N.J.R. 347(a).

1979 Revisions: Amendments became effective May 1, 1979 as R.1979 d.168. See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

1983 Revisions: This chapter was readopted in accordance with the "sunset" provisions of the Executive Order 66(1978) effective August 17, 1983. See: 15 N.J.R. 1002(a), 15 N.J.R. 1447(b).

1986 Revisions: Amendments to the chapter and new subchapter 6 became effective June 16, 1986 as R.1986 d.222. See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective June 24, 1988 and with amendments effective July 18, 1988 as R.1988 d.333. See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Pursuant to Executive Order No. 66(1978), Chapter 195 was readopted as R.1993 d.343. See: Source and Effective Date. Subchapter 7, Special Provisions for Bungee Jumping Operations, was adopted as Emergency New Rules, R.1993 d.244, effective May 3, 1993 (to expire July 2, 1993). See: 25 N.J.R. 2128(a). The provisions of R.1993 d.244 were readopted as R.1993 d.374, effective July 2, 1993. See: 25 N.J.R. 3500(a). See, also, section annotations for specific rulemaking activity.

**Law Review and Journal Commentaries**

What Price Human Flight? Bungee Jumping Accidents Indicate Need for More Expeditions Regulation of Potentially Hazardous Activities. Thomas H. Ehrhardt, 25 Rutgers L.J. 853 (Spring 1994).

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## SUBCHAPTER 1. GENERAL PROVISIONS

### 12:195-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 195, Carnival-Amusement Rides of Title 12, N.J.A.C.

### 12:195-1.2 Purpose

The purpose of this Chapter is to provide reasonable standards for the design, construction and operation of amusement rides for the safety of the public.

### 12:195-1.3 Scope

(a) This chapter shall apply to:

1. An amusement ride subject to the Carnival-Amusement Rides Act, N.J.S.A. 5:3-31 et seq.;
2. An amusement ride as defined in N.J.A.C. 12:195-2.1;
3. Any mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement and including, among others:
  - i. A water slide exceeding 15 feet in height; and
  - ii. A water amusement ride as defined in N.J.A.C. 12:195-2.1; and
4. Any passenger or gravity propelled ride when located in an amusement area or park in which there are other rides covered by the Act.

(b) This chapter shall not apply to:

1. A locomotive weighing more than seven tons, operating on a track the length of which is one-half mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard;
2. Any single-passenger manually, mechanically or electrically operated, coin-operated ride, which is customarily placed, singly or in groups, in a public location and which does not normally require the supervision or services of an operator; or
3. A passenger or gravity propelled ride that is not a mechanical device and is not located in an amusement area or park.

(c) The height of a water slide as described in (a)3i above shall be the difference in elevation between the point of entry (top) and the point of discharge (bottom) of the slide.

(d) A locomotive falling within the scope of (b)1 above shall be under the jurisdiction of the New Jersey Department of Transportation for the purpose of safety inspection.

As amended, R.1979 d.168, eff. May 1, 1979.

See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

New Rule R.1986 d.222, effective June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Old text was deleted and new text substituted.

### 12:195-1.4 Documents referred to by reference

(a) The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:195-6.

(b) The standards listed below have been utilized in the development of this rule, when appropriate:

1. ASTM F 698—1988, Physical Information to be provided for Amusement Rides and Devices;
2. ASTM F 747—1989, Definitions of Terms Relating to Amusement Rides and Devices;
3. ASTM F 770—1988, Practice for Operation Procedures for Amusement Rides and Devices;
4. ASTM F 846—1992, Guide for Testing Performance of Amusement Rides and Devices;
5. ASTM F 853—1991, Practice for Maintenance Procedures for Amusement Rides and Devices; and
6. ASTM F 893—1987, Guide for Inspection of Amusement Rides and Devices.

New Rule R.1986 d.222, effective June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Amended by R.1988 d.333, effective July 18, 1988.

See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Dates for the standards in (b) have been changed.

Amended by R.1993 d.334, effective July 6, 1993.

See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a).

### 12:195-1.5 (Reserved)

### 12:195-1.6 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

### 12:195-1.7 Existing equipment

Maintenance of existing equipment shall be in accordance with this chapter. Any replacements of existing equipment shall also be in conformity with this chapter.

Amended by R.1986 d.222, effective June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Added text "of existing equipment".

2. The seriousness of the violation;
3. The past history of the previous violations by the owner;
4. Whether the violation was willful;
5. Whether the violation did cause or could have caused injury or bodily harm;
6. Whether the violation poses an imminent hazard to public health and safety; and
7. Any other appropriate factors.

(c) Each day in which the operator operates a ride in violation of the Act or this chapter shall be considered a separate violation.

(d) No administrative penalty shall be levied pursuant to this subchapter unless the alleged violator is provided with notification of the violation and the amount of the penalty and an opportunity to request a formal hearing. A request for a formal hearing must be in writing and received within 21 calendar days following the receipt of the notice. All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) If a hearing is not requested, the notice shall become the Final Order upon the expiration of the 21 day period following receipt of the notice.

(f) Recipients of an administrative penalty assessment may request the initiation of a settlement conference at the time that a hearing request is made. If a party requests a settlement conference, or the Department determines that a settlement conference would be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the hearing request.

(g) If a settlement is not agreed upon or no settlement conference is scheduled and a hearing has been requested, the matter shall be transmitted to the Office of Administrative Law (OAL) for hearing.

(h) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(i) The Commissioner may, by way of settlement in a contested case or for good cause shown, consider payment of an assessment as being without prejudice, meaning the existence of the alleged violation is not admitted or denied by virtue of paying the assessment.

(j) All payments shall be made payable to the Department of Labor in the form of a certified check or money order, or such other form suitable to the Department.

(k) Upon final order, the penalty imposed may be recovered with cost in a summary proceeding commenced by the Department pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

New Rule, R.1996 d.515, effective November 4, 1996.  
See: 28 N.J.R. 3705(a), 28 N.J.R. 4792(a).

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## SUBCHAPTER 2. DEFINITIONS

### 12:195-2.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Accepted engineering practice” means that which conforms to accepted principles, tests, or standards of accredited authorized agencies, and to standards or generic principles and practices of safety engineering.

“Act” means the Carnival-Amusement Rides Safety Act, N.J.S.A. 5:3-31 et seq.

“Air bag” means a device which cradles the body using a multi-cell release breather system to dissipate the energy due to a fall, thereby allowing the jumper to land without an abrupt stop or bounce.



“Amusement ride” means any mechanical device or devices, including water slides exceeding 15 feet in height, which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and any passenger or gravity propelled ride when located in an amusement area or park in which there are other rides covered by the Act; provided, however, that this shall not include locomotives weighing more than seven tons, operating on track the length of which is one-half mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard. (See “Water amusement ride.”)

“ANSI” means the American National Standards Institute.

“Approved” means acceptable to the Commissioner. Any product certified, or classified, or labeled, or listed by a nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the Commissioner.

“Approved operating site” means the area including the preparation area, the jump space, the landing area and the recovery area as reflected on the site plan drawings submitted by the operator pursuant to this chapter in conjunction with the registration of a bungee jumping operation and as approved by the Commissioner.

“Approving authority” means the Commissioner of Labor.

“Binding” means material used to wrap and hold together the jumper’s ankles which is tied together and attached to the bungee cord.

“Board” means the Advisory Board on Carnival-Amusement Ride Safety.

“BOCA” means Building Officials and Code Administrators International.

“Bungee cord” means the elastic rope attached to the jumper which lengthens and shortens to produce a bouncing action.

“Bungee cord loop end connections” means the loop of cord generally provided by the manufacturer.

“Bungee cord end connections” means a static line runner commonly made from tubular nylon webbing.

“Bungee jumping” means the activity where a person free falls from a height and the person’s descent is limited by his or her attachment to a bungee cord.

“Bungee jumping operation” means all activity associated with bungee jumping.

“Carabiner” means a shaped metal device of the spring loaded design with a gate used to connect sections of the bungee cord, jump rigging, equipment, or safety gear as well as all other life supporting activities.

“Carnival ride”. See Amusement Ride.

“Catapulting, launching or reverse jumping” means the practice of stretching the bungee cord while attached to the jumper who is held on the ground, then released and propelled upward.

“Child” means a person 12 years of age and under.

“Commissioner” means the Commissioner of Labor of the State of New Jersey or his authorized designee.

“Containing device” means a strap, belt, bar, gate or other safety device designed to prevent accidental or inadvertent dislodgement of a passenger from a ride but which does not actually provide physical support.

“Controlled load lowering” means a system or device on the power train, other than the load hoist brake, which can regulate the lowering rate of speed of the hoist mechanism.

“Department” means the New Jersey Department of Labor.

“Division” means the Division of Workplace Standards, New Jersey Department of Labor, CN 054, Trenton, New Jersey 08625-0054.

“Double or tandem jumping” means the practice of two or more individuals jumping simultaneously from the same jump platform, whether from a common bungee cord or individual bungee cords.

“Dynamic load” means the load placed on the rigging and attachments by the free fall, including the bouncing movements, of the jumper.

“Equipment” means each component which is utilized in a bungee jumping operation, including power or manually operated devices to raise, lower and hold loads.

“Fence” means a permanent or temporary structure designed and constructed to prevent public intrusion.

“Guardian” means a person 16 years of age and over.

“Guardian restriction” means a condition placed on a major ride where a passenger must be accompanied on the ride by a guardian.

“Harness” means an assembly to be worn by a jumper and attached to a bungee cord.

“Height restriction” means a stature requirement for passengers to be permitted on a specific major ride which is

contained on the list of height restrictions maintained by the Commissioner in accordance with N.J.A.C. 12:195-1.8(f).

“Incident” means an event that does or could result in injury to a person, damage to equipment, or the interruption or stopping of a bungee jumping operation.

“Jump area” means the ground level area of the jump zone.

“Jump height” means the distance from the jump point to the position on the ground at which an object dropped from the jump point would impact, exclusive of any air bag or other impediments.

“Jump master” means a person at least 18 years of age who is responsible for the supervision and control of the entire bungee jumping operation.

“Jump operator” means a person at least 18 years of age who assists the jump master to prepare a jumper for jumping.

“Jump point” means the position from which the jumper leaps from the platform.

“Jumper” means a person at least 18 years of age who leaps from a platform while attached to a bungee cord.

“Jumper weight” means the weight of the jumper, exclusive of any bungee jumping equipment or apparatus, which is used to select the proper bungee cord.

“Jump zone” means the space allowed for the maximum possible movements of the jumper or any part of the jumper while attached to a bungee cord.

“Kiddie ride” means a ride designed for children 12 years of age and under.

“Landing area” means the surface area on which the jumper is lowered.

“Launching.” See “catapulting.”

“Lowering system” means any manual or mechanical equipment capable of lowering a jumper to the designated landing area.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the Commissioner.

“NFPA” means the National Fire Protection Association.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Office of Safety Compliance” means the Office of Safety Compliance in the Division of Workplace Standards, New Jersey Department of Labor, CN 386, Trenton, New Jersey 08625-0386.

“Operating manual” means the document that contains the required procedures and forms for the safe operation of the bungee jumping activity at the stated site.

“Owner” means a person who owns or leases the operations of a carnival or amusement ride, including the State or any of its subdivisions.

“Passenger tramway” means a device used to transport passengers in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans.

“Permit” means permit to operate issued annually by the Division to an owner for authorization to operate an amusement ride.

“Platform” means the designated part of the structure from which the jumper leaps.

“Preparation area” means a separate area on the support structure or part where the jumper is prepared for jumping.

“Qualified person” means an individual assigned by the owner who has the degree of competence necessary to perform the work on an amusement ride so that the ride will be safe.

“Recovery area” means an area near the landing area where the jumper may choose to recover from the jump before exiting the bungee jumping operation site.

“Restraining device” means a safety belt, harness, chair, bar or other device which affords actual physical support, retention or restraint to the passenger of a ride.

“Reverse jumping.” See “catapulting.”

“Ride operator” means any person or persons actually engaged in or directly controlling the operations of a carnival or amusement ride.

“Rigging system” means a combination of components that connect the bungee cord to the jumper and the bungee cord to the structure, lowering/raising device or platform. The rigging system includes ropes, pulleys, carabiners, shackles and lowering/raising devices.

“Rope” means wire rope.

“Safety hook” means a hook with a latch to prevent the rigging or loads from accidentally slipping off the hook.

“Sandbagging” means the practice of loading excess weight to a jumper intending to release the excess weight at the bottom of the jump, thus gaining extra momentum on the rebound.

“Scale” means a weighing device or apparatus which has been approved as to type, construction and operation by the Superintendent of the State Office of Weights and Measures pursuant to N.J.S.A. 51:1-93.

“Serious injury” means a hurt to a member of the public which requires treatment by a doctor, such as a fracture, or a condition requiring admittance to a hospital for at least 24 hours.

“Shall” means a mandatory requirement.

“Structure” means a permanent building or tower used for bungee jumping.

“Stunt jumping” means the combining of any other activity with bungee jumping.

“Tandem jumping.” See “double jumping.”

“Temporary permit”. See N.J.A.C. 12:195-1.9(b).

“Water amusement ride” means an amusement ride where water is used as an integral part of the ride and could expose the public to a safety and health hazard.

Amended by R.1986 d.222, effective June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Amended definitions “amusement ride”, “Commissioner”, “Division”, “office of safety compliance”.

Emergency amendment, R.1993 d.244, effective May 3, 1993 (to expire July 2, 1993).

See: 25 N.J.R. 2128(a).

Added new definitions and revised “owner”.

Adopted concurrent proposal, R.1993 d.374, effective July 2, 1993.

See: 25 N.J.R. 3500(a).

Public Notice: Receipt of petition for rulemaking and action on petition.

See: 28 N.J.R. 2087(a).

#### Case Notes

“Rapid Riser” was not prohibited. *Mariner’s Landing Wildwood v. New Jersey Department of Labor*, 93 N.J.A.R.2d (LBR) 17.

## SUBCHAPTER 3. DESIGN AND CONSTRUCTION

### 12:195-3.1 Design

(a) All rides shall be approved.

(b) All amusement rides shall be designed and constructed in accordance with accepted engineering practice, and all reasonably foreseeable hazards which could arise from use or probable misuse of the ride shall be guarded against in the design insofar as it is feasible to do so. “Accepted

engineering practice” means that which conforms to accepted principles, tests or standards of accredited authorized agencies, and to standards or generic principles and practices of safety engineering.

(c) All amusement rides shall be designed, constructed and installed so as to withstand any normal stresses to which they may be subjected.

(d) Before being used by the public, amusement rides shall be so placed or secured with blocking, cribbing, outriggers, guys or other means as to be stable under all operating conditions.

(e) All amusement rides, such as, but not limited to, passenger tramways, where restoration of electrical power could create a hazard, shall be provided with a main disconnect switch capable of being locked only in the OFF position.

(f) The path of travel of an amusement ride shall have a clearance adequate to insure that a passenger on the ride cannot be injured by contacting any structural member or other fixed object when the passenger is in the riding position.

(g) All structures used in connection with amusement rides shall be so designed and constructed as to carry safely all loads to which such structures may be subjected.

As amended, R.1979 d.168, eff. May 1, 1979.

See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

Amended by R.1986 d.222, eff. June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Text deleted from (b) and new text substituted; (g) added.

### 12:195-3.2 Ride entry and discharge

Safe and adequate means of entry and discharge from each ride shall be provided. This safe and adequate means of entry and discharge shall not be construed to mean exits, means of access or means of egress.

### 12:195-3.3 Means of access and egress

(a) Safe and adequate means of access and egress from amusement rides shall be provided.

(b) At least two means of egress remote from each other shall be provided from each floor, tier, room or balcony in structures which house amusement rides.

(c) Access to the means of egress shall be marked by readily visible signs in all cases where it is not immediately visible to the passengers.

(d) No means of egress shall be less than 22 inches in width.

(e) The width of a stairway shall be taken as the length of the treads between stringers. The width of a doorway shall be taken as the width of the door.

(f) The maximum travel distance from the most remote point in any room or enclosed space to an open safe outside space shall be not greater than that listed below:

1. 100 feet in unsprinklered construction;
2. 150 feet in sprinklered construction; and
3. 25 feet in dead ends.

(g) Means of access and egress shall have protection from adjacent hazards and protection from falling by use of rails, enclosures, barriers or similar means.

(h) Means of access and egress shall be free from debris, obstructions, projections and slipping, tripping and other hazards.

(i) The vertical clearance in passageways shall not be less than seven feet.

(j) Means of access or egress shall have either stairways or ramps and connecting landings or platforms where the public enter or leave an amusement ride that is above or below grade.

(k) Stairways, passageways, ramps, landings or platforms shall be not less than 22 inches in width for single lane passage or 44 inches for double lane passage. Landings or platforms shall not be less than 3 feet long measured in the direction of travel.

(l) Stair treads shall be at least nine inches deep exclusive of nosing, and the height of rise shall not exceed eight inches. Between any two connecting levels the treads shall be of uniform depth and the risers shall be of uniform height. The slope of ramps shall not exceed that required in N.J.A.C. 12:195-4.6(a).

(m) Handrails shall be provided on both sides of all stairways of four or more risers connecting adjoining levels whose difference in elevation is 30 inches or more.

(n) Handrails shall be provided on both sides of landings, platforms or ramps 30 inches or more above grade.

(o) Handrails shall be at least 30 inches above the ramp surface or nose of steps and 42 inches above the landings.

(p) The distances between handrails shall not be less than 18 inches for single lane passage and 36 inches for a double lane passage.

(q) Two intermediate rails spaced equally apart or equivalent construction to prevent a passenger from falling through the handrails shall be provided with all handrails.

(r) Stairways and ramps requiring handrails in accordance with (m) and (n) above which are more than eight feet wide shall be provided with railings dividing the widths into not more than eight feet, and not less than the widths of (k) above.

(s) When ride entrances are provided, ride entrances shall have a passenger waiting line retaining chain, gate or device.

Amended by R.1986 d.222, effective June 16, 1986.

See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Substituted "vertical" for "head" in (i).

#### 12:195-3.4 Emergency brakes and anti-roll back devices

(a) If cars or other components of an amusement ride may collide upon failure of normal controls, emergency brakes sufficient to prevent such collisions shall be provided.

(b) On rides which make use of inclined tracks, automatic anti-roll back devices shall be installed to prevent backward movement of the passenger-carrying units in case of failure of the propelling mechanism when such backward movement could result in injury to member of the public.

#### 12:195-3.5 Signal system

(a) Signal systems for the starting and stopping of amusement rides shall be provided where the operator of the ride does not have a clear view of the point at which passengers are loaded or unloaded.

(b) Any code of signals adopted for the operation of any amusement ride shall be printed and kept posted at both the operator's and signalman's stations. All persons who may use these signals shall be carefully instructed in their use.

(c) Signals for the movement or operation of an amusement ride shall not be given until all passengers and other persons who may be endangered are in a position of safety.

#### 12:195-3.6 Protection against moving parts

(a) An amusement ride shall not be used or operated while any person is so located as to be endangered by it. Areas in which persons may be so endangered shall be fenced, barricaded or otherwise guarded against public intrusion.

(b) Machinery used in or with an amusement ride shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

#### 12:195-3.7 Speed-limiting devices

An amusement ride capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device.

(g) Anchors:

1. Specification: There shall be two anchors that attach the bungee cord to the structure. Each shall have a minimum strength of 8,000 pounds or shall be designed with a minimum factor of safety of five, whichever is more. There shall be a carabiner that attaches each anchor to the bungee cord end. The two carabiners shall not be connected to each other.

2. Where wire rope is used, it shall have staged ends with a thimble eye or be continuous. Other connection systems are acceptable if they meet the aforementioned strength specifications.

3. Daily inspection of the anchors shall be carried out and any portion showing sign of excessive wear shall be removed from service immediately.

(h) Air bags:

1. An air bag shall be provided.

2. A minimum of a 10 foot safety zone shall be maintained above the air bag.

(i) Platforms:

1. Platforms shall be constructed so as to provide safety and security to the public by providing the following. Every platform shall:

i. Be completely enclosed except for the jumping off area;

ii. Have a nonskid floor surface;

iii. Be provided with a gate equipped with locking devices to prevent accidental openings;

iv. Be provided with anchor rails or points to secure the jumper prior to jump;

v. Have no more than two persons on the platform during bungee jumping operations, the jumper and jump master. A third (employee only) may be added for training and instruction purposes only;

vi. Be permanently attached to a structure; and

vii. Be constructed so that the jump point shall not exceed 100 feet above the ground surface.

(j) Rescue procedures: All operations regardless of jump platform in use must have a secondary retrieval system. All appropriate staff must be trained on proper rescue procedures. Prior to bungee jumping operations, all appropriate staff must conduct a test rescue.

**12:195-7.9 Communication**

Radio communication shall be provided between the jump master and the jump operator(s).