

and may be cited throughout the rules as N.J.A.C. 5:14A-2, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes general administrative provisions related to classification of rides, fees, and the provisions of the application for an annual permit, type certification, amended type certification, individual approval, and supplemental modification certification applications.

(c) Before being placed in operation in this State, all rides shall have a valid type certification/amended type certification or individual approval/supplemental modification certification, as applicable, and a current annual permit.

(d) Information supplied in accordance with these rules shall be considered public information, except for information supplied by an applicant in support of a type certification, amended type certification, individual approval or supplemental modification certification application and designated by the applicant as proprietary. Documents that are submitted as proprietary shall be clearly stamped or marked as such. Documents not marked as such shall be considered public records.

1. For other than information supplied by the manufacturer for type certification applications, final determinations as to whether information contained in the Department's files shall be considered a public record shall be made by the Department consistent with P.L. 1963, c.73 as amended by P.L. 2001, c.404 and N.J.A.C. 5:3.

(e) When an amusement ride is rebuilt or is modified to change its original action, the ride shall be subject to all provisions of these rules as if it were a new ride not previously in use.

5:14A-2.2 Classification of and height requirements for rides

(a) The Department shall classify all amusement rides as "super ride," "major ride," "kiddie ride," or "inflatable ride."

(b) The Department shall establish height requirements based on manufacturer's recommendations, design criteria, and shall reference height restrictions from nationally recognized publications.

1. The Department shall maintain a list containing approved height restrictions for rides.

2. For cases where the manufacturer's manuals do not include height restrictions, and for "major" or "super" rides, the default minimum height shall be 60 inches.

5:14A-2.3 Categories of certification and approval

(a) Each ride put into operation in this State shall be certified or approved in one of four categories, as follows:

1. Type certification: A type certification shall apply to all rides of the same type and design. The application shall be submitted by the manufacturer of the ride as provided in N.J.A.C. 5:14A-2.4.

2. Individual approval: An individual approval shall apply only to the specific ride reviewed and approved. The application shall be submitted by the owner of the ride as provided in N.J.A.C. 5:14A-2.5.

3. Amended type certification: An amended type certification shall be required when a ride that has a type certification is modified. The application shall be submitted by the manufacturer as provided in N.J.A.C. 5:14A-2.6.

4. Supplemental modification certification: A supplemental modification certification shall be required when a ride that has an individual approval is modified. The application shall be submitted by the owner of the ride as provided at N.J.A.C. 5:14A-2.7.

5:14A-2.4 Type certification

(a) A manufacturer may apply for type certification for any ride.

1. An application for type certification of a new ride shall comply with (b) below.

2. An application for type certification of a time tested ride shall comply with (c) below.

3. An application for type certification for an inflatable ride shall comply with N.J.A.C. 5:14A-13.3.

4. When a major modification is performed to a ride having a valid type certification, an application for an amended type certification shall be required, pursuant to N.J.A.C. 5:14A-2.6.

5. An application for a type certification shall be submitted a minimum of 60 days prior to the date that a ride is scheduled to be set up in this State.

6. An application for a type certification may be submitted by the manufacturer for a ride that has a valid individual approval.

i. Documentation shall be provided that demonstrates that the ride for which the individual approval has been issued is the same ride, without modification, as that for which the type certification is sought. In this case, an engineering review and, pursuant to N.J.A.C. 5:14A-2.8, an engineering review fee shall not be required.

7. When a ride with a valid type certification is sited in New Jersey, the fixed site and foundation requirements at N.J.A.C. 5:14A-2.13 shall apply.

(b) An application for a type certification for a new ride shall contain the following:

1. Demonstrated compliance with the design requirements of N.J.A.C. 5:14A-7;

2. Ride drawings that comply with N.J.A.C. 5:14A-2.12;

3. One complete set of ride design calculations signed and sealed by a licensed professional engineer. These ride design calculations shall include:

i. Calculations for the worst case environmental conditions in New Jersey; or

ii. Calculations for the limitations of the worst case environmental conditions the ride can stand.

(1) Where the ride is not designed to withstand the worst case environmental conditions, the conditions under which the ride can safely operate shall be provided.

(2) Where the ride is not designed to withstand the worst case environmental conditions, the conditions under which the ride may not operate, but may remain standing, and those under which the ride must be taken down or partially taken down, shall be provided.

iii. In an application for a type certification for a carnival ride for non-fixed site applications, calculations shall be required only for operational wind loads as environmental conditions.

iv. When an application for a type certification is submitted for a specific site, calculations for the specific environmental conditions shall be used;

4. A non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15;

5. A statement of compliance of redundancy on emergency brakes, anti-rollback devices, and other safety systems, if applicable;

6. Certification of design of ride;

7. A full set of assembly, maintenance and operational manuals as required by N.J.A.C. 5:14A-2.14;

8. A ride analysis as required by N.J.A.C. 5:14A-7; and

9. The name and the address of the New Jersey office or New Jersey residence of the ride's manufacturer or the manufacturer's representative; the manufacturer or the manufacturer's representative must reside or have an office in the State of New Jersey to accept service of process.

i. It shall be the responsibility of the manufacturer to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the manufacturer or representative. Any change shall be reported to the Department in writing within 30 days of the change.

(c) An application for a type of certification for a time tested ride shall contain the following:

1. Documentation that the ride meets the definition of time tested;

2. A statement of compliance of redundancy on emergency brakes, anti-rollback devices, and other safety systems, if required; and

(d) Within 30 calendar days of receipt of a complete, accepted application, the Department shall send the applicant either a type certification or a denial of the application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.

2. Failure to issue a type certification within 30 calendar days of the submittal of a complete application shall be deemed a denial for the purpose of appeal.

(e) Provided that the manufacturer supports the ride within the full meaning of these rules, a type certification shall be valid for a period of three years or until a new type certification or an amended type certification has been obtained.

1. An application to renew the amended type certification shall be required.

2. The renewal application shall comply with the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.

3. The renewal of a type certification for a ride type that has not undergone a major modification shall not require an engineering review.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote (a)4; deleted former (b)7; recodified (b)8 and (b)9 as (b)7 and (b)8; in (b)7, deleted "and" from the end; in (b)8, substituted "; and" for a period at the end; added new (b)9; deleted (c)3; and in (e)3, substituted "for a ride type that has not undergone a major modification" for "where there are no modifications to the ride".

5:14A-2.5 Individual approval

(a) An owner of a ride may apply for an individual approval for a ride.

1. An application for an individual approval for a new ride shall comply with (b) below.

2. An application for an individual approval for a ride with a valid New Jersey serial number, carnival rides, and a fixed ride that has not been moved, or a fixed ride that has been returned to the same foundation shall comply with (c) below.

3. An application for a fixed ride with a valid New Jersey serial number, a fixed ride that has been moved, or a fixed ride that has not been returned to the same foundation shall comply with (d) below.

4. For a ride that has a valid type certification that the manufacturer is not renewing and where the ride meets all the requirements for that certification, the owner may apply

for an individual approval without undergoing an engineering review.

5. An application for an individual approval for an inflatable ride shall comply with N.J.A.C. 5:14A-13.4.

6. An individual approval shall remain valid as long as the ride complies with the conditions on which the individual approval is based.

7. An application for an individual approval shall be submitted a minimum of 60 days prior to the date that a ride is scheduled to be set up in this State.

8. If the required documentation has been submitted to the Department for a specific ride, an applicant for an individual approval may submit a certification stating that the equipment is the same equipment described in the documentation already submitted and that no major modification has been performed to the ride.

9. When a ride with an individual approval is sited in New Jersey, the fixed site and foundation requirements at N.J.A.C. 5:14A-2.13 shall apply.

(b) An application for an individual approval for a new ride shall contain the following:

1. Demonstrated compliance with the design requirements of N.J.A.C. 5:14A-7;

2. Ride drawings that comply with N.J.A.C. 5:14A-2.12;

3. One complete set of ride design calculations signed and sealed by a licensed professional engineer. These ride design calculations shall include:

i. Calculations for the worst case environmental conditions in New Jersey; or

ii. Calculations for the limitations of the worst case environmental conditions the ride can stand.

(1) Where the ride is not designed to withstand the worst case environmental conditions, the conditions under which the ride can safely operate shall be provided.

(2) Where the ride is not designed to withstand the worst case environmental conditions, the conditions under which the ride may not operate, but may remain standing, and those under which the ride must be taken down or partially taken down, shall be provided.

iii. In an application for an individual approval for a carnival ride for non-fixed site applications, calculations shall be required only for operational wind loads as environmental conditions.

iv. Where an application for an individual approval is submitted for a specific site, calculations for the specific environmental conditions shall be used;

4. A non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15;

5. A statement of compliance of redundancy on emergency brakes and anti-rollback devices, if applicable;

6. Certification of design of ride;

7. A full set of assembly, maintenance and operational manuals as required by N.J.A.C. 5:14A-2.14;

8. A ride analysis as required by N.J.A.C. 5:14A-7; and

9. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

i. It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

(c) An application for an individual approval for a time tested ride shall contain the following:

1. Documentation that the ride meets the definition of time tested;

2. A statement of compliance of redundancy on emergency brakes, anti-rollback devices, and other safety systems, if required; and

3. Certification of fabrication of the ride.

(d) An application for an individual approval for a ride with a New Jersey serial number, for carnival rides, and for a fixed ride that has not been moved, or that has been returned to the same foundation shall contain the following:

1. If not already submitted, non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15; and

2. If not already submitted, a full set of manuals required at N.J.A.C. 5:14A-2.14.

i. Exception: Where there is a valid type certification, the manuals required at N.J.A.C. 5:14A-2.14 shall not be required.

(e) An application for an individual approval for a fixed ride that has a New Jersey serial number, for a fixed ride that has been moved or has not been returned to the same foundation shall contain the following:

1. Ride drawings that comply with N.J.A.C. 5:14A-2.12;

2. If not already submitted, a full set of manuals required at N.J.A.C. 5:14A-2.14.

i. Exception: Where there is a valid type certification, the manuals required at N.J.A.C. 5:14A-2.14 shall not be required;

3. If not already submitted, a non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15; and

4. One set of ride design calculations signed and sealed by a licensed professional engineer for local environmental conditions.

(f) When a major modification is performed to a ride having a valid type certification and the manufacturer does not apply for an amended type certification, the owner may apply for an individual approval.

(g) Within 30 calendar days of receipt of a complete application, the Department shall send the applicant either an individual approval or a denial of the application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.

2. Failure to issue a type certification within 30 calendar days of the submittal of a complete application shall be deemed a denial for the purpose of appeal.

(h) An individual approval shall remain valid as long as the ride complies with the conditions on which the approval is based.

Amended by R.2007 d.75, effective March 19, 2007.
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In (a)8, substituted "major modification has been performed to the ride" for "modifications have been made"; deleted former (b)7; recodified (b)8 and (b)9 as (b)7 and (b)8; in (b)7, deleted "and" from the end; in (b)8, substituted "; and" for a period at the end; added new (b)9; and rewrote (f).

Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (b)9, substituted "official correspondence from the Department" for "service of process".

5:14A-2.6 Amended type certification

(a) When a major modification is performed to a ride having a valid type certification, the type certification shall no longer be valid. The ride shall be taken out of service or the manufacturer shall apply for an amended type certification.

1. For the modified portion(s) of the ride, the application shall be based on the rules in place at the time of the application for the modification.

2. For the unmodified portion(s) of the ride, the application shall be based on the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.

3. When a ride with a valid a type certification is modified by the owner and the manufacturer does not apply for an amended type certification, the owner shall apply for an individual approval.

(b) The application for an amended type certification shall include the following:

1. One copy of the original type certification issued by the Department;

2. All supplemental safety bulletins, safety alerts, or notifications issued following the issuance of the original type certification;

3. One full set of drawings, designs, specifications, and other construction documents, signed and sealed by a licensed professional engineer, that demonstrate compliance with the design requirements of N.J.A.C. 5:14A-7, that comply with N.J.A.C. 5:14A-2.12, and are necessary for full and complete review of the major modification; and

4. The name and the address of the New Jersey office or New Jersey residence of the ride's manufacturer or the manufacturer's representative; the manufacturer or the manufacturer's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

i. It shall be the responsibility of the manufacturer to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the manufacturer or representative. Any change shall be reported to the Department in writing within 30 days of the change.

5. The differences between the information submitted in support of the original type certification and that provided with the application for an amended type certification shall be clearly shown.

(c) Within 30 calendar days of receipt a complete application, the Department shall send to the applicant either an amended type certification or a denial of the application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.

2. Failure to issue the certification within 30 calendar days of submittal of a complete application shall be deemed a denial for the purpose of appeal.

(d) Provided that the manufacturer supports the ride within the full meaning of these rules, an amended type certification shall be valid for a period of three years or until a new amended type certification has been obtained.

1. An application to renew the amended type certification shall be required.

2. The renewal application shall comply with the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.

3. The renewal of an amended type certification for a ride type that has not undergone a subsequent major modification shall not require an engineering review.

Amended by R.2007 d.75, effective March 19, 2007.
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote the introductory paragraph of (a); in (b)2, deleted "and" from the end; in (b)3, substituted "major" for "ride" and ";" and " for a period at the end; added new (b)4; recodified former (b)4 as (b)5; and in (d)3, substituted "for a ride type that has not undergone a subsequent major modification" for "where there are no modifications to the ride".

Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (b)4, substituted "official correspondence from the Department" for "service of process".

5:14A-2.7 Supplemental modification certification

(a) When a major modification is performed to a ride having a valid individual approval, the individual approval shall no longer be valid and the owner of the ride shall take the ride out of service or apply for a supplemental modification certification.

1. For the modified portion of the ride, the application shall be based on the rules in place at the time of the application for the modification.
2. For the unmodified portion of the ride, the application shall be based on the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.

(b) The application for a supplemental modification certification shall include the following:

1. One copy of the valid individual approval issued by the Department;
2. All supplemental safety bulletins, safety alerts, or notifications issued following the issuance of the individual approval;
3. One full set of drawings, designs, specifications, and other construction documents, signed and sealed by a licensed professional engineer, that demonstrate compliance with the design requirements of N.J.A.C. 5:14A-7, that comply with N.J.A.C. 5:14A-2.12, and are necessary for full and complete review of the major modification; and
4. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.
 - i. It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

5. The differences between the information submitted in support of the individual approval and that provided with the application for a supplemental modification certification shall be clearly shown.

(c) Within 30 calendar days of receipt a complete application, the Department shall send to the applicant either an amended type certification or a denial of the application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.
2. Failure to issue the certification within 30 calendar days of submittal of a complete application shall be deemed a denial for the purpose of appeal.

(d) A supplemental modification certification shall remain valid as long as the ride complies with the conditions on which the certification is based.

Amended by R.2007 d.75, effective March 19, 2007.
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote the introductory paragraph of (a); in (b)2, deleted "and" from the end; in (b)3, substituted "major" for "ride" and ";" and " for a period at the end; added new (b)4; and recodified former (b)4 as (b)5.

Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (b)4, substituted "official correspondence from the Department" for "service of process".

5:14A-2.8 Fees

(a) At the time of application for an annual permit, a fee shall be paid as follows:

1. Super Ride	\$600.00
2. Major Ride	\$400.00
3. Kiddie Ride	\$200.00
4. Inflatable Ride	\$200.00

(b) When an application for a type certification/amended type certification or an individual approval/supplemental modification certification is submitted to the Department, the application fee shall be \$200.00.

1. Exception: For a ride with a New Jersey serial number and an annual permit that was valid in the year of or the year prior to December 16, 2002, no fee for an application for an individual approval shall be required if submitted by December 16, 2003.

(c) When an application for a type certification or individual approval is submitted to the Department and an engineering review is required, a review fee shall be paid as follows:

1. Inflatable rides	\$ 200
2. Rides \$99,999 or less in value	\$1,000
3. Rides from \$100,000 to \$499,999 in value	\$2,000
4. Rides from \$500,000 to \$999,999 in value	\$3,000
5. Rides \$1,000,000 and over in value	\$4,000

(d) When an application for an amended type certification or a supplemental modification certification is submitted to the Department that requires an engineering review, a review fee shall be paid. The fee shall be calculated as one percent of the cost of the modification, up to a maximum fee of \$3,000. The minimum fee shall be \$100.00.

(e) There shall be no engineering review fee for:

1. An application by a manufacturer for a type certification for a ride with a valid individual approval; or

2. A review of the documentation for a foundation for or the siting of a ride at a fixed location pursuant to N.J.A.C. 5:14A-2.13.

(f) No permit to operate, type certification, individual approval, amended type certification, or supplemental modification certification shall be issued until all applicable fees have been paid.

5:14A-2.9 Insurance, bond or other security

(a) No person shall operate a ride without:

1. A policy of insurance written on a per occurrence basis in an amount not less than \$1,000,000 per occurrence insuring the owner against liability for injury suffered by persons riding the amusement ride; or

2. A bond in like amount; provided, however, that the appropriate liability of the surety under such bond shall not exceed the face amount thereof. The bond shall be in such form and content as to be acceptable to the Department of Banking and Insurance.

(b) The policy shall be issued by one or more insurers acceptable to the Commissioner of Banking and Insurance, and shall be either

1. Licensed to write insurance in the State of New Jersey; or

2. Approved as surplus lines insurers pursuant to section 11 of P.L. 1960, c.32, the "Surplus Lines Law."

5:14A-2.10 Annual permits and issuance of serial number plates

(a) An annual permit shall be issued for the current calendar year or for a period of one year from the expiration of the last permit. No amusement ride shall be operated without a current, valid annual permit, except when:

1. The ride is covered by a valid annual permit from the prior year, the owner of the ride has applied for an annual permit in the current year, there are no outstanding orders against the ride, there is no outstanding documentation or fee, and an inspection is scheduled; or

2. An application for an annual permit for the ride has been submitted in the current year, there are no outstanding orders against the ride, all required documentation and fees have been received, reviewed, and accepted, and the ride has passed inspection, but the operator has not received the permit.

(b) Not less than 30 days before commencing operations and in each year thereafter, on a form supplied by the Department, an owner shall apply for an annual permit to place the ride in use.

(c) Each application for an annual permit shall include:

1. A certificate of insurance, bond, or other security demonstrating compliance with N.J.A.C. 5:14A-2.9;

2. Payment of the appropriate fee, as provided in N.J.A.C. 5:14A-2.8. A check shall be made payable to "Treasurer, State of New Jersey"; and

3. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

i. It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

(d) For rides with a New Jersey serial number, an application for an annual permit shall contain the following information and shall be submitted on a form provided by the Department.

1. The required proof of insurance and fee;

2. Documentation of required non-destructive testing performed during the past year, if completed. Documentation of required non-destructive testing not yet completed at the time of application shall be provided at the time of inspection;

3. For an application to be complete and acceptable, there shall be no outstanding documentation required from previous years; and there shall be no outstanding violations; and

4. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

i. It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

(e) For rides without a New Jersey serial number:

1. An application for an annual permit shall include the following information and shall be submitted on a form provided by the Department:

i. Required proof of insurance and fee, as stated in (c) above;

ii. Type certification/amended type certification number or individual approval/supplemental modification certification;

iii. Certification of the fabrication of the ride. (Certification of weld integrity shall be acceptable for a used ride, when the ride manufacturer does not provide a certification of fabrication.);

iv. A copy of certification that the manufacture has tested the ride in accordance with ASTM F 846 and determined that the ride is satisfactory. (Certification of testing from the ride owner shall be acceptable for a used ride, when the ride manufacturer does not provide a certificate.);

v. Certification of training;

vi. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

(1) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change; and

vii. For rides sited on foundation(s) or a separate structure, applicable documentation of N.J.A.C. 5:14A-2.13, Foundations for and siting of rides at fixed locations.

2. There shall be no outstanding documentation required from previous years and there shall be no outstanding violations.

3. When the Department's review determines that the ride information is complete and accepted, a New Jersey serial number shall be assigned, the annual permit shall be printed, and the annual permit and a New Jersey serial number plate shall be sent via first class mail to the owner at the address of record.

(f) Within 30 calendar days of receipt a complete and accepted application, the Department shall send to the applicant either a notification of approval or denial of the permit application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.

2. Failure to issue a determination within 30 calendar days of submission of a complete application shall be deemed a denial for the purpose of appeal.

(g) The annual permit issued by the Department shall be continuously displayed in the vicinity of the entrance to the ride or where the inspector affixed it. The permit shall be en-

cased in such a manner as to be protected from weather conditions.

(h) A duplicate plate may be obtained from the Department at a cost of \$100.00 for each plate.

(i) A duplicate permit may be obtained from the Department at a cost of \$20.00 for each permit.

(j) A ride for which no foundation is required may be moved during the season without obtaining a new annual permit. In this case, the owner shall notify the Department of the move. The ride shall be required to be inspected prior to being put back into use. Rides that are to be located on another structure shall comply with the siting requirements of N.J.A.C. 5:14A-2.13.

(k) When a ride for which a foundation is required is moved, it shall comply with the fixed site requirements of N.J.A.C. 5:14A-2.13 and shall obtain a new annual permit pursuant to this section.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In (c)1, deleted "and" from the end; in (c)2, substituted "; and" for a period at the end; added (c)3; in d(2), deleted "and" from the end; in (d)3, substituted "; and" for a period at the end; added (d)4; and rewrote (e).

Amended by R.2008 d.54, effective March 3, 2008.

See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (c)3, (d)4, and (e)1vi, substituted "official correspondence from the Department" for "service of process".

5:14A-2.11 Inspections

(a) For all inspections, the owner, operator or manufacturer shall ensure that the ride is ready.

1. Where required, personnel shall be available to operate the ride at the scheduled inspection time.

2. Where required, power shall be provided to operate the ride.

3. If the ride is not ready at the time of the scheduled inspection, it shall be deemed to have failed the inspection. Another inspection shall be required to be scheduled.

(b) Following any pre-season or pre-operational inspection, the inspector shall provide a deficiencies list to the owner.

1. When the ride is presented as ready for opening to the public, any non-conformances from the deficiencies list that have not been corrected shall become violations and shall be included in an "Order to Cease Violations."

(c) Annual inspection: An annual inspection shall be performed before a ride operates each year. The annual inspection shall include, but not be limited to:

1. A review of the maintenance records, including periodic check lists;

2. A review of operator training records;

3. A review of required non-destructive testing records if these records were not submitted with the application;

4. A complete mechanical inspection, which may require the ride to be partially disassembled;

5. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as it is during normal operation; and

6. A test and inspection of the full emergency brake or anti-rollback system, as applicable.

(d) Reassembly inspection: The Department may perform a reassembly inspection at any new set-up. The reassembly inspection shall include, but not be limited to:

1. A review of the maintenance records including periodic check lists;

2. A review of operator training records;

3. A complete mechanical inspection, or at the discretion of the inspector, a partial inspection addressing only those portions disassembled; and

4. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation.

(e) Acceptance inspection: An acceptance inspection shall be performed before a new ride, or a ride having undergone a major modification, may operate. The acceptance inspection shall verify conformance with the approved design and shall include, but not be limited to, the following:

1. A review of the maintenance records, including periodic check lists, if applicable;

2. A review of operator training records, including certification of training in accordance with the manufacturer's procedures or manuals;

3. A review of non-destructive testing records, when required;

4. For fixed rides, an erection and assembly certification. This certification shall be retained in the ride file at the Department;

5. Those parts of the assembly process that are required to be witnessed of which the owner was notified during the permit process;

6. A complete mechanical inspection, which may require the ride to be partially disassembled;

7. A check of redundant safety systems;

8. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation; and

9. Any ride designed with g's in excess of 75 percent of the limits, as set forth in N.J.A.C. 5:14A-7, shall be tested in accordance with ASTM F 2137. Any ride that has peaks greater than 75 percent of any value in the pulse width of less than 60 seconds, in figures 5 through 9 of ASTM F 2291, no matter how long its total run time, requires a Department-witnessed accelerometer test. For a portable amusement ride, this test may be performed at the factory by a third party testing agency.

(f) Operational inspection: An operational inspection shall be performed several times each year. The operational inspection shall include, but not be limited to:

1. Observation of the ride operating when the operator has not been informed of the inspector's presence;

2. A review of operator training records; and

3. Information provided to the owner both verbally and in writing of the results of the inspection.

(g) Notwithstanding any appeal procedures of these rules, for any ride for which a permit has been suspended, the Department shall re-inspect a ride within 48 hours of receiving written notice from the owner of the ride that the condition or violation for which the permit was suspended has been corrected.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote (e).

5:14A-2.12 Engineering review

(a) The Department shall perform engineering reviews in support of type certifications/amended type certifications and individual approvals/supplemental modification certifications. The manufacturer or owner, as appropriate, shall ensure that all documents submitted conform to accepted engineering practice and reflect sound engineering principals.

(b) Unless waived by the Department, ride drawings shall be required for all applications for type certifications/amended type certifications and individual approvals/supplemental modification certifications. All ride drawings submitted as part of an application shall clearly depict the following in appropriate views and cross-sections:

1. Dimensions and tolerances and other important characteristics;

2. General drawings or diagrams in plan, elevation, and section views showing the general arrangement of components and operating clearance envelopes;

3. Assembly and sub-assembly drawings that provide additional views of areas not clearly discernable from the general drawings and providing clear identification and specification of all components, including proper adjustment(s), fastener tightening specifications, descriptions of

other materials or lubricants used, any other important information;

4. Detailed drawings of all components specifically manufactured for use in the amusement ride, device, or modification shall not be required unless a specific drawing

is needed for verification. However, such drawings shall be available from the manufacturer as per N.J.A.C. 5:14A-5;

5. Illustrations or narrative, as appropriate, to provide a clear understanding of the function and relationship of each important part of the amusement ride, device, or modification;

4. Riders at or above the maximum weight may be allowed if such riders are provided for in the manufacturer's operations manual. Distribution of such riders shall be as per the operations manual.

(l) All powered amusement rides and devices shall be equipped with a properly functioning operator presence device.

1. The operator shall be in constant contact with the operator presence device at all times during normal operation of the ride. This rule shall not be construed to prohibit riders from using amusement ride operating controls designed for use by a rider.

2. The operator presence device shall be tested at each inspection.

3. Exception: For rides and attractions where the operator presence device does not add to safety, including roller coasters, bumper cars, log flumes, go karts and some computer controlled rides, an operator presence device shall not be required.

(m) The ride operator shall exercise control over the ride to prevent dangerous actions by a rider.

(n) In the event of an emergency stop, routine stop (for the purpose of loading or unloading of a rider), or a stop for any other reason, the operator or operator assistants shall assure that no other riders have exited their vehicles unexpectedly.

5:14A-9.9 Operator qualifications and training

(a) The ride operator shall be at least 16 years of age.

(b) The ride operator or operator assistant shall not operate any ride while under the influence of drugs or alcohol.

(c) The ride operator shall be properly trained before being assigned the duties of operating a ride. The operator training shall include, but shall not be limited to, any manufacturer's recommendations for the operation of the ride. The owner shall require a certification to be signed by each ride operator and operator assistant indicating the ride name and operator's level of authority regarding the ride. This certification shall be kept on file by the owner for at least three years.

(d) The ride operator shall have a copy of the manual and shall have the ability to read and understand the manual as written by the manufacturer and to safely operate and communicate safe riding policies to the public for the ride.

(e) The operator and all operator assistants shall have a complete knowledge of the operation of the restraint system, lap bar locking system, seatbelts and the proper way to seat a rider in a vehicle.

(f) The operator and all operator assistants shall be trained to be aware of the motions and sounds attributed to the normal operation of the ride. The operator shall be familiar with how the ride looks when it is functioning normally, and be alert to any unusual conditions. If there are any changes in the normal operating condition, operation shall cease and the owner shall be called immediately. The owner will decide the appropriate action to be taken.

(g) Operators and operator assistants shall know the whereabouts of all safety equipment such as fire extinguishers, emergency main electrical disconnect, lock-out point and nearest telephone for routine or emergency assistance.

5:14A-9.10 Lock-out procedure

(a) All amusement ride disconnecting devices shall be provided with a means of lock-out. Where rides have mechanical, pneumatic or hydraulic energy, these shall have a means of being locked out when necessary for doing maintenance and inspections.

(b) The ride operator or maintenance staff shall lock-out the disconnect switch when restoration of power to an amusement ride could create a hazard to persons during the performance of maintenance, repair, inspection or an emergency evacuation of riders, and ensure that it remains locked-out until such time that restoration of power will not create a hazard.

(c) All amusement ride owners shall have in place a written lock-out procedure.

(d) A lock-out shall not be removed by any person other than the person who installed it, except as allowed by the written procedure for lock-outs. Lock-outs put in place by the Department shall be removed only by the Department.

5:14A-9.11 Set up, maintenance and repair operations affecting structural integrity or key components

(a) Amusement rides and attractions shall have no corrosion or pitting affecting structural integrity or the functioning of key components.

(b) Rides shall be operated and maintained in compliance with the manufacturer's specifications for fatigue loading. No holes shall be drilled into tubing that might compromise the integrity of the structure without written permission from the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey shall review and approve, in writing, the actions and reasons for said actions. The manufacturer or the professional engineer shall show, from materials standards or from the maintenance manual, that the proposed hole sizes and locations will not compromise the integrity of the structure.

(c) No structural shaft may be cross-drilled or welded without the written permission of the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey shall review and approve, in writing, the actions and reasons for said actions.

(d) During installation, set-up to begin seasonal operation or assembly after disassembly for mechanical malfunction, an owner shall use or order to be used fasteners supplied by or the equivalent to those specified by the manufacturer.

1. All pins used shall adhere to manufacturer's specifications in length, hardness and type.

2. All safety pins, such as "R" keys, and "cotter pins," shall be as per manufacturer's specifications.

3. All fasteners shall be tightened to manufacturer's specified torque values.

(e) 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.

(f) Any and all welding done on the amusement ride shall be performed by a welder certified by the American Welding Society (AWS) or an acceptable alternative welding certification with proof of certification on site at all times.

(g) Any and all work performed by a machine shop, repair facility, or a third party of any kind for any reason shall be done to the documented specifications of the manufacturer or of a professional engineer licensed to practice in the State of New Jersey, as appropriate, based on the approved written repair plan.

(h) All work done shall be done to manufacturer's specifications.

(i) Prior to re-inspection following a repair, documentation for the repair shall be provided from the maintenance manual or from an original letter from the manufacturer.

1. When requested by the Department, copies of all correspondence regarding a specific repair not covered in the manual shall be sent to the Department. Copies of subsequent correspondence shall be sent as they occur.

2. If a manufacturer no longer exists or no other manufacturer has taken over responsibility for the technical support of the ride, then the ride owner shall make the repair following accepted engineering practice. Notice of such repair, including a description of the repair procedure, shall be given to the Department.

i. The owner takes responsibility for the repair and may be required to have the repair certified by a licensed professional engineer or other individual acceptable to the Department.

5:14A-9.12 Vehicle integrity

(a) The interior and exterior parts of all rider carrying amusement rides with which a rider may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury.

(b) Interior parts upon which a rider may be forcibly thrown by the action of the ride shall be adequately padded.

(c) Seatbelts, lap bars, straps, shoulder harnesses, chains, secondary locking devices and any other form of restraint, constraint or containment device shall be in proper working order or vehicle shall be tagged "Out of Service."

(d) Handholds, bars, footrests and other equipment as may be necessary for safe entrance and exit to and from amusement rides shall be provided and maintained in a safe condition. Such equipment shall be of sufficient strength to support the riders.

(e) Where only individual units of a ride, such as cars, seats or other carriers are defective and not in compliance with this chapter, such units shall be taken out of service and clearly marked with a sign reading "Out of Service," provided, however, that such defects do not jeopardize safety and that removing these units does not unbalance the ride.

5:14A-9.13 Voice communication and signal system

(a) Voice communication shall be provided between the ride operators at the entrance, intermediate points, and the termination of an amusement ride where voice communication improves control of the ride by reducing a hazardous condition created by distance or lack of visibility between these points.

(b) An additional operator and a signal system shall be provided where the operator of the ride does not have a clear view of the point at which riders are loaded or unloaded. The additional operator shall be stationed so as to be able to observe all areas not visible to the operator of the ride.

(c) For rides and attractions which require a spoken message of instruction or warning prior to operation, this message shall be given in a manner that is clearly audible to all riders prior to the start of each ride cycle. This message shall be in writing in the operation manual.

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

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