

CHAPTER 14

CARNIVAL-AMUSEMENT RIDES

Authority

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

Source and Effective Date

R.1998 d.305, effective May 22, 1998.
See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Executive Order No. 66(1978) Expiration Date

Chapter 14, Carnival–Amusement Rides, expires on May 22, 2003.

Chapter Historical Note

Chapter 14, Demonstration Rent Supplement Program, was filed as R.1970 d.26, effective April 1, 1970. See: 2 N.J.R. 1(a), 2 N.J.R. 30(c). Chapter 14, Demonstration Rent Supplement Program, was repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a).

Chapter 14, Neighborhood Preservation Balanced Housing Program, was adopted as R.1985 d.688, effective January 21, 1986. See: 17 N.J.R. 2489(a), 18 N.J.R. 162(a). Subchapter 4, Affordability Controls, was adopted by R.1989 d.588, effective December 4, 1989. See: 21 N.J.R. 2153(a), 21 N.J.R. 3740(b).

Pursuant to Executive Order No. 66(1978), Chapter 14, Neighborhood Preservation Balanced Housing Program, was readopted as R.1990 d.604, effective November 9, 1990. See: 22 N.J.R. 1700(b), 22 N.J.R. 3734(a).

Pursuant to Executive Order No. 66(1978), Chapter 14, Neighborhood Preservation Balanced Housing Program, was readopted as R.1995 d.594, effective October 26, 1995. See: 27 N.J.R. 3256(a), 27 N.J.R. 4698(a).

Pursuant to Reorganization Plan No. 002–1998, Chapter 14, Neighborhood Preservation Balanced Housing Program, was recodified as N.J.A.C. 5:43, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 14, Carnival–Amusement Rides, was originally codified in Title 12 as Chapter 195, Carnival–Amusement Rides. Chapter 195 was adopted as Emergency New Rule R.1975 d.189, effective June 26, 1975. See: 7 N.J.R. 370(c).

Pursuant to Executive Order No. 66(1978), Chapter 195, Carnival–Amusement Rides, was readopted as R.1983 d.364, effective August 17, 1983. See: 15 N.J.R. 1002(a), 15 N.J.R. 1477(b).

Subchapter 6, Standards and Publications Referred To In This Chapter, was adopted as R.1986 d.222, effective June 16, 1986. See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Pursuant to Executive Order No. 66(1978), Chapter 195, Carnival–Amusement Rides, was readopted as R.1988 d.333, effective June 24, 1988. See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Pursuant to Executive Order No. 66(1978), Chapter 195, Carnival–Amusement Rides, was readopted as R.1993 d.343, effective June 14, 1993. See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a). 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).

Pursuant to Executive Order No. 66(1978), Chapter 195, Carnival–Amusement Rides, was readopted as R.1998 d.305, effective May 22, 1998. See: 30 N.J.R. 782(a), 30 N.J.R. 2230 (a).

Pursuant to Reorganization Plan No. 002–1998, Chapter 195 of Title 12, Carnival–Amusement Rides, was recodified as N.J.A.C. 5:14, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

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

5:14-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 14, Carnival-Amusement Rides of Title 5, N.J.A.C.

5:14-1.2 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.

5:14-1.3 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. 5:14-2.1;

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. 5:14-2.1; 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.

5:14-1.4 Documents referenced

(a) The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 5:14-6.

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

1. ASTM F698—1994, Physical Information to be Provided for Amusement Rides and Devices;

2. ASTM F747—1997, Definitions of Terms Relating to Amusement Rides and Devices;
3. ASTM F770—1993, Practice for Operation Procedures for Amusement Rides and Devices;
4. ASTM F846—1993, Guide for Testing Performance of Amusement Rides and Devices;
5. ASTM F853—1993, 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).

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (b), changed document date designations.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

5:14-1.5 (Reserved)

5:14-1.6 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".

Recodified from N.J.A.C. 5:14-1.7 by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Section was "Validity".

5:14-1.7 Compliance

(a) Every owner, ride operator and the public using an amusement ride shall comply with this Chapter.

(b) An amusement ride which is not in compliance with this Chapter shall not be used or occupied, except as provided in subsection (c) below.

(c) 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, such defects do not jeopardize the safety of the entire ride.

(d) The owner of an amusement ride shall not permit a person under the influence of alcohol or narcotics to enter any amusement ride.

(e) The Commissioner shall reserve the right to establish the height restriction, guardian restriction, and classification of any ride.

(f) The Commissioner in accordance with (e) above, shall maintain a list containing approved height restrictions for major rides.

(g) The Commissioner shall classify all amusement rides as "super ride," "major ride" or "kiddie ride."

(h) The owner of a major ride or a super ride shall not permit a passenger under 60 inches in height on the ride except when:

1. The approved height restriction specifically listed for the ride is less than 60 inches and the passenger meets it; or

2. The passenger not meeting the approved height restriction is accompanied, elbow to elbow or front to back, on the ride by a companion.

(i) When the weight of a passenger is used to determine entry to an amusement ride, a scale shall be provided.

1. The scale shall be tested and sealed by a New Jersey Weights and Measures Officer at least once a year.

2. The scale shall be tested using certified test weights before the opening of the ride each day.

Amended by R.1979 d.168, effective May 1, 1979.

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

Recodified from N.J.A.C. 5:14-1.8 and amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Added (i). Former N.J.A.C. 5:14-1.7, Existing equipment, recodified to N.J.A.C. 5:14-1.6.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (g), inserted a reference to super rides; and in (h), inserted a reference to super rides in the introductory paragraph, substituted a reference to companions for a reference to guardians at the end of 2, and deleted a former 3.

5:14-1.8 Inspection fee and permit

(a) Thirty days before commencing operations and in each year thereafter, an owner shall apply for a permit with an application form furnished by the Division and containing such information as the Division may require.

1. The application shall be accompanied by a certificate of insurance, bond or other security indicating that the owner has complied with N.J.A.C. 5:14-1.15.

2. The application shall include a copy of the maintenance recommendations, a non-destructive testing plan and operating instructions as provided by the manufacturer. The non-destructive testing plan and maintenance recommendations shall identify the components to be tested or maintained and the frequency for testing or maintenance. All documentation submitted shall comply with the requirements of the ASTM Standards on Amusement Rides and Devices promulgated by Committee F24, incorporated herein by reference.

- i. The non-destructive testing plan shall include provisions for the non-destructive testing of critical

structural and mechanical components, such as, but not limited to, journals, shafts, spindles, and pins not visible to the naked eye.

ii. Following the initial submission of these documents, the annual application shall include only changes to the manufacturer's maintenance recommendations and operating instructions, if any.

iii. The manufacturer may submit these documents on behalf of all applicants who own or operate a particular ride.

iv. Where there is no manufacturer to provide the required documents, the applicant shall submit to the Division for review and approval maintenance recommendations, a non-destructive testing plan and operating instructions prepared by a licensed professional engineer or other qualified professional with training, experience, and certification pertaining to the inspection and evaluation of amusement rides that is acceptable to the Division.

v. Where the applicant encounters practical difficulty in providing these documents, the applicant may request that the Division approve a schedule for the submission of the required documents.

(b) After commencing operations, 72 hours advance notice must be received by the Division before any additional rides or "book-ons" are placed in operation.

(c) No amusement ride shall be operated without a permit, except that a ride covered by a valid permit to operate for the preceding year may continue to operate for the current year, until reinspected. This carry-over permit shall be known as a temporary permit.

(d) All amusement rides shall be inspected by the Division before they are originally put into operation for the public use and thereafter at least once every year, unless authorized to operate on a temporary permit.

(e) At the time of application, an annual fee shall be included at the rate of \$600.00 for each super ride, \$400.00 for each major ride and \$200.00 for each kiddie ride. A permit to operate shall not be issued until the permit fee is paid.

(f) Once an application for a permit has been reviewed, staff of the Division shall inspect the amusement ride. After inspection, if the amusement ride is found to comply with this chapter, the Division shall authorize the ride for use by the public by issuing an annual permit and permanently affixing it to the ride in a location visible to the public.

(g) Annual permits shall be issued for a period commencing January 1, and expiring the following December 31.

(h) A copy of the permit issued by the Division shall be continuously displayed in the vicinity of the entrance to the ride when the ride is in use. The permit shall be encased in such a manner as to be protected from weather conditions. Duplicates of such permits shall be issued by the Division at a cost of \$20.00 for each permit.

(i) The Division shall order in writing a temporary cessation of operation of an amusement ride if it has been determined after inspection to be hazardous or unsafe. Operation of the ride shall not be resumed until the ride has been reinspected by a designee of the Division and it is determined by the designee to be safe for operation.

(j) The owner of an amusement ride shall notify the Commissioner when ownership is transferred to another owner. In such a case the new owner shall obtain a new permit.

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

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

(h) substantially amended.

Amended by R.1991 d.610, effective December 16, 1991.

See: 23 N.J.R. 2950(a), 23 N.J.R. 3816(a).

Revised (d).

Amended by 1994 d.581, effective November 21, 1994.

See: 26 N.J.R. 3594(a), 26 N.J.R. 4630(a).

Recodified from N.J.A.C. 5:14-1.9 and amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (a), changed N.J.A.C. reference; and in (e), substituted a reference to the Division of Public Safety and Occupational Safety and Health for a reference to the Division of Workplace Standards, and deleted a \$300 annual fee for each super ride. Former N.J.A.C. 5:14-1.8, Compliance, recodified to N.J.A.C. 5:14-1.7.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (a), (e) and (f).

Amended by R.2002 d.260, effective August 5, 2002.

See: 34 N.J.R. 1572(a), 34 N.J.R. 2781(c).

In (e), substituted "\$600.00" for "\$300.00", "\$400.00" for "\$200.00" and "\$200.00" for "\$100.00"; in (h), substituted "\$20.00" for "\$10.00".

5:14-1.9 Revocation of carnival-amusement ride permit

(a) Any owner may have his or her amusement ride permit revoked for:

1. Incompetence;
2. Negligence;
3. Continuing to operate an amusement ride without the Division's authorization when an incident as described in N.J.A.C. 5:14-1.13(a) occurs;
4. Failure to notify the Division of any incident as required by N.J.A.C. 5:14-1.13;
5. The discovery of false, invalid, incorrect or fraudulent information related to the design of the ride or its safe operation;
6. Knowingly submitting false, invalid or fraudulent information that is not related to the design of the ride or its safe operation;

7. Failure to comply with the Carnival Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq., orders of the Commissioner, or this chapter.

(b) Any owner who has an amusement ride permit revoked pursuant to this section shall not operate the affected amusement ride until such permit is restored by the Department through the regular application process.

New Rule, R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.9, Inspection fee and permit, recodified to N.J.A.C. 5:14-1.8.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (a).

5:14-1.10 Suspension and revocation of permit appeals

(a) Any person who has had his or her permit revoked pursuant to N.J.A.C. 5:14-1.9 shall have the right to a formal hearing 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. 1:12D, upon receipt by the Commissioner of a written request within 10 calendar days of having received due notice of the revocation.

(b) The Commissioner of Community Affairs may immediately suspend a permit prior to a hearing when it is determined that there has been a violation of N.J.A.C. 5:14-1.9(a)3, 4, or 5 or that the continued holding of the permit is otherwise a hazard to public health and safety. An owner may request an expedited hearing to contest any such suspension in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Special Hearing Rules at N.J.A.C. 1:12D.

1. The Commissioner of Community Affairs shall adopt, reject or modify the recommended decision of the Administrative Law Judge on the next business day following receipt of the Administrative Law Judge's decision. The Commissioner of Community Affairs' decision shall be final, subject to the right of the owner to appeal to the Superior Court of New Jersey, Appellate Division.

2. Failure of the Department to transmit the hearing request to the Office of Administrative Law within one business day of the Department's receipt thereof shall be deemed to be a final agency decision.

(c) When an aggrieved person fails to request a formal hearing within the 10 calendar day period specified in (a) above, his or her right to a formal hearing pursuant to this section shall be deemed waived and the agency action shall become final.

(d) For purposes of the section, "due notice" shall mean written notice to the aggrieved person which specifies:

1. The agency's action;
2. The legal basis for such action;
3. The facts supporting such legal basis; and
4. Notice of the right to a formal hearing including:

i. The 10 calendar day period to request such formal hearing; and

ii. The address to which such request shall be sent.

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

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

New Rule, R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.10, Filing of notice of intent to operate, recodified to N.J.A.C. 5:14-1.11.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote the section.

5:14-1.11 Application for a permit for a new ride

(a) An application for a permit for a new ride shall include the following:

1. A full set of signed and sealed drawings, designs, specifications, and other construction documents necessary for a full and complete review of the new ride or modification to an existing ride shall be submitted. These documents shall be sealed by a licensed professional engineer. A full set of assembly, maintenance and operational manuals shall also be submitted.

i. The manufacturer may submit prototype manuals, drawings, designs, specifications and other construction documents on behalf of all of the owners or purchasers of a given ride.

ii. If the required documentation has already been submitted for a given ride, subsequent purchasers may submit a certification that the equipment that they have purchased is the same equipment described in the documentation already submitted to the Department and that no modifications have been made to the ride.

2. For rides which are part of a carnival for which an itinerary is required to be submitted, installation or set up instructions and any other information on installation requirements shall be submitted.

3. For rides which are not part of a carnival for which an itinerary is required to be submitted, a full set of calculations signed and sealed by a licensed engineer shall be submitted for all site-related soil, pilings or structural bearings and dead and live load calculation to ensure the integrity of the ride in relation to expected and anticipated stresses as a result of the cyclical action of the ride.

(b) The owner or operator, within 30 calendar days of filing a complete package as required by (a) above, shall receive from the Office of Safety Compliance either a release to proceed or a denial which shall be in writing outlining the reason for such denial. Failure to release within 30 calendar days of submission of a complete package shall be deemed a denial for the purpose of appeal.

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

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

Recodified from N.J.A.C. 5:14-1.10 by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.11, Maintenance and inspection records, recodified to N.J.A.C. 5:14-1.12.

Repeal and New Rule, R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Section was "Filing of notice of intent to operate".

5:14-1.12 Maintenance and inspection records

(a) The owner shall retain at all times up-to-date maintenance and inspection records for each amusement ride at the carnival-amusement site.

(b) These records shall contain the following information:

1. Date and nature of all inspections, whether by the Division or the owner.
2. Any violation of the rules and types of action taken to rectify the violation.
3. All break-downs or repairs of any major mechanical part.
4. Records of all non-destructive tests performed including the information required by N.J.A.C. 5:14-3.14.
5. Records of maintenance and daily inspections and tests as required by N.J.A.C. 5:14-5.2.

Recodified from N.J.A.C. 5:14-1.11 and amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (a), added "at the carnival-amusement site" at the end. Former N.J.A.C. 5:14-1.12, Reporting, recodified to N.J.A.C. 5:14-1.13.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (b), added 4 and 5.

5:14-1.13 Incident reporting and response procedures

(a) When any incident occurs involving a death or injury requiring transport from the site by emergency medical personnel, caused by mechanical malfunction or structural failure of the ride or its support structure, operator error, failure of the restraint or constraint systems or rider misconduct or any combination of these causes, the owner or operator shall:

1. Report the incident to the Division immediately by telephone at the telephone number provided for this purpose.
2. Shut down the ride and secure the area. The ride shall not operate until the Division issues an approval for operation.
 - i. Where a verbal approval to operate is given, it shall be followed by a written approval. The written approval may be sent via facsimile.
3. Prepare a written incident report and send it to the Division by telefacsimile at the telefacsimile number provided for this purpose within 24 hours of the incident.

(b) When any incident occurs that involves: an injury requiring first aid; or any mechanical malfunction occurring while the ride is in use requiring operation of the ride to be suspended for diagnostic or corrective work; or a death or injury requiring transport from the site by emergency medical personnel not resulting from one of the causes listed in (a) above, the owner or operator shall:

1. Report the incident to the Division within 24 hours of the incident by telephone or by telefacsimile at the numbers provided for this purpose.
2. Prepare a written incident report and send it to the Division by telefacsimile at the telefacsimile number provided for this purpose within five days of the incident or by mail at PO Box 808, Trenton, NJ 08625-0808 post-marked within five days of the incident. The written incident report shall include a description of planned corrective action, if any, and a time frame for its completion.
3. Repair the ride, if necessary, and submit a written report to the Division indicating the actions taken.

(c) When any incident not covered by (a) or (b) above occurs involving any type of injury regardless of the cause, the owner or operator shall:

1. Prepare a written incident report and send it to the Division within 10 calendar days of the incident by telefacsimile at the telefacsimile number provided for this purpose or by mail at PO Box 808, Trenton, NJ 08625-0808.

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

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

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 to (b) "immediately by the owner"; and "in writing" deleted and "other means" substituted.

Recodified from N.J.A.C. 5:14-1.12 by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.13, Serious injury or death to a member of the public, recodified to N.J.A.C. 5:14-1.14.

Repeal and New Rule, R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Section was "Reporting".

5:14-1.14 (Reserved)

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

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

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

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

Deleted "with passengers" from (a)3.

Recodified from N.J.A.C. 5:14-1.13 by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.14, Insurance, bond or other security, recodified to N.J.A.C. 5:14-1.15.

Repealed by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Section was "Serious injury or death to a member of the public".

5:14-1.15 Insurance, bond or other security

(a) No person shall operate a ride unless at all times there is in existence:

1. A policy of insurance in an amount of not less than \$100,000 insuring the owner or operator against liability for injury suffered by persons riding the amusement ride; or
2. A bond in a like amount; provided, however, that the appropriate liability of the surety under such bond shall not exceed the face amount thereof; or
3. Cash or other security acceptable to the Commissioner.

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

1. Licensed to transact insurance in the State of New Jersey; or
2. Approved as surplus lines insurers pursuant to N.J.S.A. 17:22-6.45, the Surplus Lines Law.

(c) The bond as required by (a)2 above shall provide at least \$100,000 for each ride.

(d) The bond of (a)2 above shall be in such form and content as to be acceptable to the Department of Banking and Insurance.

(e) The cash or other security shall be assigned to meet carnival-amusement ride liability judgments only.

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

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

Added (c)-(e).

Recodified from N.J.A.C. 5:14-1.14 and amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.15, Violations, recodified to N.J.A.C. 5:14-1.16.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (a)3, substituted a reference to the Commissioner for a reference to the Board.

5:14-1.16 Violations

A violation of the Act shall occur when an owner, officer, agent or employee interferes in any manner with the implementation of, or otherwise fails to comply with, the provisions of the Act or regulations promulgated pursuant to the Act.

New Rule, R.1996 d.515, effective November 4, 1996.

See: 28 N.J.R. 3705(a), 28 N.J.R. 4792(a).

Recodified from N.J.A.C. 5:14-1.15 by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Former N.J.A.C. 5:14-1.16, Administrative penalties and hearings, recodified to N.J.A.C. 5:14-1.17.

5:14-1.17 Administrative penalties and hearings

(a) The Commissioner of Community Affairs or the Commissioner's designee is authorized to assess and collect an administrative penalty in the amount of up to \$5,000 for each violation.

(b) In determining the amount of the penalty, the following factors shall be considered:

1. Whether there has been a good faith attempt at full compliance;
2. The seriousness of the violation;
3. The past history of violations or non-compliance with orders;
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 any person operates a ride in violation of an order issued by the Department, or allows a violation set forth in (d)1 through 7 below to continue, shall be considered a separate violation.

(d) Except as otherwise set forth in (d)1 through 7 below, no administrative penalty shall be levied pursuant to this section unless the alleged violator is provided with a notice or order to abate the violation and the amount of any penalty and an opportunity to request an administrative hearing. Penalties may be issued without prior notice to abate only for the following violations occurring after July 16, 2001:

1. Operating a ride without a permit (N.J.A.C. 5:14-1.8(c));
2. Modification of a ride without approval by the Department (N.J.A.C. 5:14-3.16);
3. Operating a ride in a manner likely to cause injury (N.J.A.C. 5:14-5.4 through 5.11);
4. Submission or maintenance of false, invalid or fraudulent information (N.J.A.C. 5:14-1.9(a)5 and 6);
5. Failure to cease operation after a serious incident (N.J.A.C. 5:14-1.13(a)2);
6. Failure to report an incident (N.J.A.C. 5:14-1.13); or
7. Failure to comply with an order of the Commissioner that is in the form of an express condition of a permit (N.J.A.C. 5:14-1.9(a)7).

(e) A request for an administrative hearing must be in writing and submitted within 10 calendar days following

receipt of the notice or order. Hearing requests shall be addressed to: Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625. 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.

(f) If a hearing is not requested, the notice shall become the Final Order upon the expiration of the 10 day period following receipt of the notice.

(g) 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.

(h) 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.

(i) 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.

(j) All payments shall be made payable to the Treasurer, State of New Jersey 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 pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 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).
Recodified from N.J.A.C. 5:14-1.16 and amended by R.1998 d.305, effective June 15, 1998.
See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).
Amended by R.2000 d.88, effective March 6, 2000.
See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (a), increased the maximum penalty from \$500.00 to \$5000; in (d), substituted "submitted within 10" for "received within 21" in the second sentence; in (e), substituted a reference to the 10 day period for a reference to the 21 day period; deleted a former (i); recodified former (j) and (k), as (i) and (j); and in the new (i), substituted a reference to the Treasurer, State of New Jersey for a reference to the Department of Community Affairs.

Petition for Rulemaking.

See: 33 N.J.R. 1210(a).
Amended by R.2001 d.227, effective July 16, 2001.
See: 33 N.J.R. 1158(a), 33 N.J.R. 2461(b).

Rewrote the section.

5:14-1.18 Compliance with manufacturers' recommendations

(a) An owner shall comply with any manufacturer's recommendation or requirement including, but not limited to, the replacement or modification of a component of the amusement device, a change or addition to the maintenance schedule for an amusement device or the performance of a test on an amusement device.

1. A copy of all manufacturers' bulletins or recommendations received by the owner shall be forwarded to the Office of Safety Compliance within 14 days of receipt by the owner.

2. The Office of Safety Compliance may waive the requirement to implement a manufacturer's recommendation, at the owner's request, if failure to implement the recommendation does not jeopardize public safety.

New Rule, R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote the section.

Amended by R.2001 d.227, effective July 16, 2001.

See: 33 N.J.R. 1158(a), 33 N.J.R. 2461(b).

SUBCHAPTER 2. DEFINITIONS

5:14-2.1 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 Community Affairs.

“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 end connections" means a static line runner commonly made from tubular nylon webbing.

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

"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 Community Affairs of the State of New Jersey or his authorized designee.

"Companion" means a person meeting the height or other restrictions for a certain ride accompanying another person who does not meet those restrictions.

"Companion restriction" means a condition placed on a super or major ride where a passenger meeting certain criteria must be accompanied on the ride by a companion.

"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.

"Critical component" means a component or system or components that have been designated by the manufacturer as requiring special fabrication, maintenance, inspection or operation due to their importance to the continued proper and safe operation of the carnival-amusement ride device.

"Critical structural or mechanical component" means a component subject to cyclical loading whose failure will result in uncontrolled operation or movement of the ride.

"Department" means the New Jersey Department of Community Affairs.

"Division" means the Division of Codes and Standards, New Jersey Department of Community Affairs.

"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.

"Go-kart" means a self-propelled motor vehicle designed to convey passengers along a restricted roadway while being operated and controlled by the rider.

"Guardrail" means a building component located near the open sides of elevated walking surfaces or stairs for the purpose of minimizing the possibility of an accidental fall from the walking surface or stairs to the lower level.

"Handrail" means a horizontal or sloping rail intended for grasping by the hand for guidance or support for arresting falls on the adjacent walking surface or stairs and for providing a visual cue for changes in elevation.

"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. 5:14-1.8(f).

"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.

"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.

"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.

"Kiddie ride" means a ride designed primarily for passengers weighing 75 pounds or less.

"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.

"Major ride" means a ride not classified as a kiddie ride or as a super ride by the Commissioner.

"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 Codes and Standards, New Jersey Department of Community Affairs.

"Operating manual" means the document that contains the required procedures and forms for the safe operation of an amusement ride 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.

"Patrol entrance" means a pedestrian entrance into the go-kart pit area which must be kept closed with a positive self-latching device.

"Permit" means a 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.

"Safety spinner" means a tire mounted on a rim, inflated and installed on a rigid spindle at the pit entry area.

"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.

"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.

"Super ride" means a ride designed to loop upside-down or sideways, or free fall the riders at high speed, and that requires an over-the-shoulder restraining device.

"Tandem jumping." See "double jumping."

"Temporary permit." See N.J.A.C. 5:14-1.8(c).

"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).

Amended by R.1997 d.166, effective April 7, 1997.

See: 29 N.J.R. 305(a), 29 N.J.R. 1337(a).

Added "Go-kart", "Patrol entrance", and "Safety spinner".

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Inserted "Critical component"; in "Division" and "Office of Safety Compliance" substituted references to the Division of Public Safety and Occupational Safety and Health for references to the Division of Workplace Standards; and in "Temporary permit", changed N.J.A.C. reference.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Inserted "Companion", "Companion restriction", "Critical structural or mechanical component", "Guardrail", "Handrail", "Major ride" and "Super ride"; deleted "Guardian", "Guardian restriction", "Incident" and "Serious injury"; rewrote "Kiddie ride"; and in "Operating manual", substituted a reference to amusement rides for a reference to bungee jumping activity.

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

5:14-3.1 Design and construction

(a) All rides shall be subject to approval pursuant to N.J.A.C. 5:14-1.11. Any building or structure associated with, as a functional part of or housing, the ride shall be constructed in conformance with the State Uniform Construction Code and maintained in conformance with the State Uniform Fire Code. Additionally, permits and inspections, as required by the State Uniform Construction Code, N.J.A.C. 5:23, or the State Uniform Fire Code, N.J.A.C. 5:70, shall be obtained for the following:

1. Footings and foundations;

2. Plumbing or electrical connections, whether permanent or temporary;
3. Closed construction;
4. Tents; and
5. Flame-producing appliances.

(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.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (a).

5:14-3.2 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.

5:14-3.3 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 of amusement rides.

1. A single means of egress shall be permitted where the occupant load does not exceed 50 persons and the exit access travel distance does not exceed 75 feet or where the entire ride and queuing area are open to the outdoors.

(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 width of the tread 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 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 guardrails, 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 risers shall be of uniform height. The slope of ramps shall not exceed one inch vertical rise in 12 inch horizontal run in accordance with N.J.A.C. 5:23, State Uniform Construction Code.

(m) Handrails shall be provided on both sides of all stairways. Newly-installed or replacement handrails shall be not less than 34 inches and not more than 42 inches above the leading edge of treads or above finished floor of landings or walking surfaces.

(n) Guardrails shall be provided on both sides of stairways, landings, platforms or ramps 30 inches or more above the floor or ground below. Existing guardrails shall be at least 30 inches above the ramp surface or nose of steps and 42 inches above landings. Newly-installed or replacement guardrails shall be at least 42 inches above the ramp surface, nose of steps or landing.

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

(p) Two intermediate rails spaced equally apart or equivalent construction to prevent a passenger from falling shall be provided with all guardrails.

(q) Stairways and ramps requiring handrails in accordance with (m) 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 given in (k) above.

(r) When ride entrances and exits are provided, ride entrances and exits shall have a secured, self-closing gate with a self-latching locking device or shall be attended so that passengers cannot enter from outside of the ride while the ride is in operation.

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).

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (l), changed N.J.A.C. reference.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (b), added 1; in (e), substituted a reference to width for a reference to length; in (f), deleted a reference to rooms in the introductory paragraph; in (g), substituted a reference to guardrails for a reference to rails; in (l), rewrote the last sentence; rewrote (m); rewrote (n) and (o) as (n); recodified former (p) through (s) as (o) through (r); in the new (p), deleted "through the handrails" following "falling"; and substituted a reference to guardrails for a reference to handrails; in the new (q), deleted a reference to (n); and rewrote the new (r).

5:14-3.4 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 members of the public.

(c) All rides requiring emergency brakes and anti-roll back devices shall be designed in such a way that no single component failure will cause the failure of the emergency brakes or of the anti-roll back devices.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Added (c).

5:14-3.5 Signal system

(a) 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 passengers are loaded or unloaded and the complete operation of the ride. The additional operator shall be stationed so as to be able to observe all areas not visible to the operator of the ride.

(b) An emergency shut off switch shall be provided for both operators to stop operations in the event of any potential danger to the passengers.

(c) 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.

(d) 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.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Rewrote (a); inserted a new (b); and recodified former (b) and (c) as (c) and (d).

5:14-3.6 Protection against moving parts or other hazards

(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) Each ride shall be rendered inoperable when not attended or in use.

(c) 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.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Inserted a new (b); and recodified former (b) as (c).

5:14-3.7 Speed-limiting devices

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

5:14-3.8 Passenger-carrying rides

(a) The interior and exterior parts of all passenger-carrying amusement rides with which a passenger 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 passenger may be forcibly thrown by the action of the ride shall be adequately padded.

(c) Amusement rides which are self-powered and which are operated by a passenger shall have the driving mechanism so guarded and the guard so secured in place as to prevent passengers from gaining access to the mechanism.

(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 passengers.

(e) Restraining, containing or cushioning devices shall comply with this subsection.

1. Restraining, containing or cushioning devices or a combination of these shall be provided and used on all amusement rides where:

i. Centrifugal and other forces or mechanical malfunction could unseat or dislodge a passenger, or

ii. Inadvertent movement of a passenger could cause injury to the passenger or any other passenger, or

iii. The speed of the ride presents a hazard to a passenger.

2. Restraining, containing or cushioning devices shall be designed, constructed, installed and maintained so as to provide safe support for passengers.

3. Anchorage for restraining, containing or cushioning devices shall have strength at least equal to the strength of such devices.

4. Fastening for restraining, containing or cushioning devices shall be of a type which cannot be inadvertently released by the passenger or by accidental means while the ride is in motion.

5. Amusement rides equipped with a safety bar, cage or other mechanically operated restraining device shall be equipped with a retiring cam or other device so designed that the safety bar, cage or other mechanically operated device cannot be released except at the point of loading or unloading.

6. Any safeguarding means in itself shall not be a hazard.

5:14-3.9 Passenger tramways

(a) Aerial Passenger Tramways, ANSI B77.1—1992 and B.77.1B—1992 is incorporated herein by reference with the modifications as indicated in (b) below.

(b) The following are modifications to the standards as referenced in (a) above:

1. Sections 1.1 through 1.3 and section 8 are deleted.
2. Any standards relating to administration or reporting are deleted.

(c) Each owner engaged in passenger tramway operations shall protect the public by complying with the standards as referenced in (a) above.

(d) Where any conflict occurs between the standards referenced in (a) above and any other rule in this chapter, the latter shall prevail.

Amended by R.1986 d.222, effective June 16, 1986.
See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

(a)1 and 2 deleted.

Amended by R.1988 d.333, effective July 18, 1988.
See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Substantially amended.

Amended by R.1998 d.305, effective June 15, 1998.
See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (a), changed document date designations.

5:14-3.10 Electrical equipment and wiring

(a) The National Electrical Code, NFPA No. 70-1996 (NEC) is incorporated by reference. Installation of wiring and equipment shall comply with the requirements of the NEC.

(b) Permanent and portable wiring shall be subject to the following requirements:

1. All electrical wiring and equipment used for amusement rides or for lighting shall be installed and maintained in accordance with the code as referenced in (a) above.
2. The outlets of electrical power lines carrying more than 120 volts shall be clearly marked to show their voltage.
3. All electrical transformer substations shall be properly enclosed and proper warning signs shall be posted.
4. Electrical wiring and equipment located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.
5. Elevated power lines crossing access or other roads within the grounds of a carnival or amusement park shall be suspended to provide a vertical clearance of at least 12 feet from the road surface or three feet above any vehicle used within the grounds of a carnival or amusement park, whichever is greater. A horizontal clearance of at least three feet shall be provided on each side of the normal passage space of vehicles.

6. Electrical conductors other than flexible cords and fixture wires shall be protected against overcurrent in accordance with the requirements of Section 240-3 of the NEC and flexible cords and fixture wires shall be protected in accordance with the requirements of Section 240-4 of the NEC.

(c) Grounding:

1. All electrical installations shall be properly grounded, in accordance with the requirements of Article 250 of the NEC.

2. No overcurrent protection device shall be installed in neutral or grounding conductors.

3. Where electrical power is supplied for an amusement ride by a generating system, the generator and all equipment shall be properly grounded.

4. All receptacles and attachments plugs shall be of the grounding type.

5. Each electrically powered amusement ride shall be effectively grounded. The grounding shall be made effective as to all non-current carrying metal parts which may become energized and which are exposed to contact by any person.

6. Grounding which does not have a resistance to ground of 25 ohms or less shall be augmented by one additional electrode of any of the types specified in section 250-83 of the code referenced in (a) above.

(d) Each electrically operated amusement ride not designed to be controlled directly by the passenger shall be provided with a disconnect power switch placed within easy reach of the operator, as outlined in Section 525-30 of the NEC.

Amended by R.1986 d.222, effective June 16, 1986.
See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

Deleted (a)1 and 2; (a)6 added.

Amended by R.1988 d.333, effective July 18, 1988.
See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Deleted rule and substituted code; substituted "as referenced" for "adopted".

Amended by R.1998 d.305, effective June 15, 1998.
See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (a), changed document date designation.

Amended by R.2000 d.88, effective March 6, 2000.
See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (a), added the last sentence; in (b), inserted a reference to portable wiring in the introductory paragraph, inserted "whichever is greater" at the end of the first sentence in 5, and rewrote 6; in (c), inserted a new 1, and recodified former 1 through 5 as 2 through 6; and in (d), added "as outlined in Section 525-30 of the NEC" at the end.

5:14-3.11 Air compressors

(a) Air compressors, air compressor tanks and appurtenances used in connection therewith shall be designed, constructed, equipped and maintained to insure safe operation.

(b) Air compressor tanks and other receivers used in connection with air compressors shall comply with the provisions set forth at N.J.A.C. 5:11, concerning boilers, pressure vessels and refrigeration.

(c) Air compressor tanks and other air receivers used in connection with air compressors shall be inspected operationally at least once a year by a qualified person and a record of each inspection shall be kept.

(d) Air compressor tanks and other air receivers used in connection with air compressors shall have the maximum allowable working pressure conspicuously marked thereon.

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

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

Deleted text in (b) "Chapter 90, Boilers ..." and substituted "the provisions set forth ..."

5:14-3.12 Fire prevention

(a) Fabrics constituting part of an amusement ride shall be documented to have a flame resistance that meets NFPA 701, Chapter 10 or shall meet the following field test: The specimen to be tested shall be 24 inches wide by 48 inches long. A test flame shall be applied directly below the specimen in the middle of the 24 inch width at an angle of 25 degrees from the vertical. The test flame shall be applied for a duration of two minutes. Where the specimen causes a flash over, the specimen shall be deemed to have failed. Where the specimen continues flaming for two seconds after the test flame has been removed, the specimen shall be deemed to have failed. Where the length of char exceeds 41 inches, the specimen shall be deemed to have failed. Products which have failed the field test shall not be permitted to be installed.

(b) Approved fire extinguishers shall be provided.

(c) Flammable waste such as oily rags and other flammable materials shall be placed in covered metal containers which shall be kept in easily accessible locations. Such containers shall not be kept at or near exits.

(d) Gasoline and other flammable liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in approved containers. Smoking and the carrying of lighted cigars, cigarettes or pipes is prohibited in any area where such liquids or gases are stored or are transferred from one container to another.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (a) and (b).

5:14-3.13 Acceptance inspections

(a) An acceptance inspection shall be performed when a ride is first placed in service and permitted in a given location in New Jersey. The acceptance inspection shall include all of the following items:

1. A certification for site construction, component fabrication, welding and assembly by a licensed professional engineer evidencing compliance with accepted engineering practice, the manufacturer's design and installation requirements and any additional requirements that may be established by the Division.

i. Exception: A certification by a licensed professional engineer shall not be required for on-site assembly of a ride that is part of a carnival for which an itinerary is required to be submitted provided that every aspect of ride set-up, including anchoring and leveling, as needed, is addressed in the documentation submitted pursuant to N.J.A.C. 5:14-1.11(a)2;

2. A certification by the manufacturer of the ride indicating that all required testing and inspections of the ride have been performed and that the manufacturer has trained the owner/operator's employees in the proper maintenance and operation of the ride.

i. Exception: For equipment for which manufacturer's training is not available, the owner or operator of the ride may apply to the Division for relief; and

3. At the time of application for a permit, the Department will establish with the applicant which aspects of the assembly of the ride must be witnessed.

Repeal and New Rule, R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Section was "Load tests".

5:14-3.14 Non-destructive testing

(a) Non-destructive testing shall be performed by the owner or operator pursuant to the provisions of the non-destructive testing plan required at N.J.A.C. 5:14-1.8(a)2, with such additional requirements as may be established by the Division for a specific ride.

(b) The owner or operator shall prepare a report in writing for all non-destructive tests performed including those required by the manufacturer or those that may be required by the Commissioner.

(c) The report of the non-destructive tests shall include the following:

1. Name and business address of the owner or operator;
2. Date and location where the test was performed;
3. Name of ride;
4. Manufacturer's name and serial number of ride;
5. Name and business address of firm that conducted the test;
6. The type of non-destructive test performed and a description of the test equipment by name and serial number;

7. Results and certification of results and the criteria used for acceptance and/or rejection of the part(s);
8. Part name, part number, and quantity of each part that was inspected;
9. A statement that the test was performed in compliance with the ride manufacturer's maintenance manual or bulletin, identifying the bulletin by number and giving the date of publication and/or revision;
10. A detailed map, drawing, or photograph of sufficient clarity showing the area tested;
11. If rejected, a detailed sketch of the area repaired, the manufacturer's recommendation for repair, repair method used and the results of the retest;
12. Level of certification and signature of person performing test; and
13. Level of certification and signature of person interpreting the test results.

(d) The report required in (b) above shall be received by the Division prior to operation of the ride in the State.

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.2000 d.88, effective March 6, 2000.
 See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).
 Rewrote the section.

5:14-3.15 Identification and rating plates

(a) Every amusement ride shall be identified by the name and address of the manufacturer, if known; a trade or descriptive name; an identification number; the maximum safe number of passengers and the maximum safe speed.

(b) The required information shall be legibly impressed on a metal plate or equivalent and readily visible and legible at all times.

Reference

Recodified from 3.14.

5:14-3.16 Rebuilt or modified rides

(a) If an amusement ride is materially rebuilt or so modified as to change its original action:

1. The ride shall be reidentified by a different name or identification number or both;
2. The ride shall be subject to all other provisions of this Chapter as if it were a new ride not previously used.

(b) An amusement ride which is rebuilt or modified in a way that does not change its original action shall be subject to the following:

1. Modifications made at the direction of the original manufacturer shall be accepted with notification to the Department in accordance with N.J.A.C. 5:14-1.18.

2. Modifications made with the written approval of the original manufacturer shall be subject to review and approval by the Department.

3. Where a modification is necessary or desired and the original manufacturer is not involved, the owner shall submit to the Department for review and approval a plan prepared by a licensed professional engineer. The plan shall include calculations and/or such other documentation as is appropriate to demonstrate that the proposed modification conforms to all safety standards applicable to the ride, including these rules, and is consistent with accepted engineering practice. The plan shall also include any special maintenance considerations or changes to the existing maintenance schedule necessitated by this modification.

Amended by R.2000 d.88, effective March 6, 2000.
 See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).
 Rewrote the section.

Reference

Recodified from 3.15.

5:14-3.17 Assembly and disassembly

(a) The assembly and disassembly of an amusement ride shall be done by or under the immediate supervision of a qualified person.

(b) Assembly work shall be performed in a proper and workmanlike manner. Parts shall be properly aligned, and shall not be bent, distorted, cut or otherwise injured to force a fit. Parts requiring lubrication shall be lubricated in course of assembly. Fastening and locking devices, such as bolts, caps, screws, cotter pins and lock washers shall be installed where required for safe operation. Nuts shall be drawn tight, cotter pins shall be spread and lock nuts firmly set.

(c) Parts which are excessively worn or which have been materially damaged shall not be used. Close visual inspection of parts shall be made during assembly to discover such wear or damage and immediate inspection of fastening devices shall be made after assembly to assure that they have been properly installed.

(d) Persons engaged in the assembly or disassembly of amusement rides shall be provided with and shall use tools of proper size and design to enable the work to be done in a proper manner. Broken, damaged and unsuitable tools shall not be used.

(e) Assembly and disassembly of amusement rides shall be done under light conditions sufficient to permit the work to be properly performed and inspected.

(f) A sufficient number of persons to do the work properly shall be engaged for the assembly or disassembly of amusement rides. Persons not so engaged shall be prevented from entering the area in which the work may create a hazard.

(g) The owner of an amusement ride shall comply with the manufacturer's construction manual for the assembly and disassembly of the ride. The manufacturer's construction manual shall be kept with the amusement ride and shall be available for use by the Division.

5:14-3.18 Lighting

Amusement rides, access thereto, and means of egress therefrom, shall while in operation or occupied, be provided with illumination by natural or artificial means sufficient to guard against injuries to the public.

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

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

Section recodified from 3.17. Old section "Proximity to high voltage lines" repealed.

5:14-3.19 Water quality

(a) Water impounded by the ride owner and used as an integral part of a water amusement ride, whether it be a part of a water contact ride or a water noncontact ride, which could expose the public to a safety or health hazard shall be maintained in a safe and sanitary condition in accordance with this section.

(b) The owner of any water amusement ride as described in (a) above shall provide evidence of the sanitary condition of such water when requested by the Office of Safety Compliance.

(c) In order to maintain the safe and sanitary condition of water in a water amusement ride, the owner of a water amusement ride shall disinfect with chlorine or other approved disinfecting agent.

(d) Impounded water, when in use, shall be:

1. Sufficiently clear to permit the bottom of the water reservoir at its deepest point to be visible from an outside edge of the reservoir.
2. Aesthetically pleasing, and
3. Free of floating or suspended matter.

5:14-3.20 Internal combustion engines

(a) Internal combustion engines for amusement rides shall be of adequate type, design and capacity to handle the design load.

(b) Where fuel tanks of internal combustion engines for amusement rides are not of adequate capacity to permit uninterrupted operation during normal operating hours, the amusement ride shall be closed down and unloaded or

evacuated during the refueling procedure. The fuel supply shall not be replenished while the engine is running.

(c) Where an internal combustion engine for an amusement ride is operated in an enclosed area, the exhaust fumes shall be discharged to the outside.

(d) Internal combustion engines for amusement rides shall be located to permit proper maintenance and shall be protected by guards, fencing or enclosure.

5:14-3.21 Wire rope

(a) Wire rope on amusement rides shall be thoroughly examined periodically. Wire rope found to be damaged shall be replaced with new rope of proper design and capacity as per the manufacturer's data tag. Any of the following conditions shall be cause for use replacement:

1. In running ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.
2. In pendants or standing ropes, evidence of more than one broken wire in one rope lay.
3. Abrasion, scrubbing or peening causing loss of more than one-third of the original diameter of the outside individual wires.
4. Severe corrosion.
5. Kinking, crushing, bird-caging, or other damage resulting in distortion of the rope structure.
6. Heat damage.
7. Reduction from normal diameter of more than $\frac{3}{64}$ inch for diameters up to and including $\frac{3}{4}$ inch, $\frac{1}{16}$ inch for diameters $\frac{7}{8}$ inch to $1\frac{1}{8}$ inches, $\frac{3}{32}$ inch for diameters $1\frac{1}{4}$ inches to $1\frac{1}{2}$ inches.
8. Bird-caging or other distortion resulting in some members of the rope structure carrying more load than others.
9. Noticeable rusting or development of broken wires in the vicinity of attachments. When this condition is localized in an operational rope, it may be eliminated by making a new attachment.

(b) Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps, or other supporting members of an amusement ride shall not be lengthened or repaired by splicing.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

5:14-3.22 Hydraulic or pneumatic systems

(a) Hydraulic or pneumatic systems and other related equipment used in connection with amusement rides shall

be free of leaks and maintained to insure safe operation at all times.

(b) An amusement ride which depends upon hydraulic or pneumatic pressure to maintain safe operation shall be provided with a positive means of preventing loss in hydraulic pressure that could result in injury to a passenger.

(c) Hydraulic or pneumatic lines shall be guarded so that sudden leaks or breakage will not endanger the passengers or the public.

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

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

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

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

5:14-3.23 Manufacturer's information

(a) No new amusement ride shall be placed in service unless the following information as applicable is provided to the ride owner by the manufacturer of the ride:

1. A manufacturer's issued unique identifying number or code affixed to the ride in a permanent fashion;
2. A manufacturer's issued unique identifying number or code assigned to each manufactured ride type of the same structural design or components;
3. The date (month, year) determined by the manufacturer that the given ride met his required construction specifications;
4. The height, width, length and weight for each trailer necessary for the transport of a portable amusement ride;
5. The height, width, diameter and weight for the ride when it is in a nonoperational state; with no passengers;
6. The height, width, diameter and weight for the ride when it is in an operational state;
7. The maximum revolutions per minute, or the maximum feet per second, or miles per hour;
8. The direction of travel, including the reference point for this designation, when the proper direction of travel is essential to the design operation of the ride;
9. The minimum horsepower necessary to operate the ride properly;
10. The maximum static loading of each footing of the ride;
11. The maximum dynamic loading of each footing of the ride;
12. The capacity of the ride in terms of the total passenger weight and the number of passengers;
13. The actual time the ride cycle is in operation or the actual time a passenger is exposed to the elements of the ride functions including passenger restrictions to maximum exposure time;

14. The appropriate loading/unloading procedure with respect to weight distribution when passenger distribution is essential to the proper operation of the ride;

15. All passenger limitations such as, but not limited to, height, weight, age, passenger placement, or any of the appropriate restrictions; and

16. All recommendations for operational restrictions relating to environmental conditions such as, but not limited to, wind, rain, salt corrosion, extreme heat or cold.

(b) The ride owner shall maintain all of the information described in (a) above and make it available to the Commissioner upon his request.

(c) Where any conflict occurs between the manufacturer's information or recommendations of (a) above and other provisions of these rules, the other provisions of this chapter shall prevail.

5:14-3.24 Voice communication

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

5:14-3.25 Proximity to high voltage lines

Amusement rides shall be located so that they conform to the requirements of the High Voltage Proximity Act, N.J.S.A. 34:6-47.1 et seq.

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

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

SUBCHAPTER 4. (RESERVED)

Subchapter Historical Note

Subchapter 4, Buildings and Structures as Part of an Amusement Ride, was repealed by R.2000 d.88, effective March 6, 2000. See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

SUBCHAPTER 5. OPERATION

5:14-5.1 Notice

(a) No amusement ride shall be used at any time or location unless prior notice of intent to use the same has been given to the Commissioner.

(b) Notice of planned schedules shall:

1. Be in writing;

2. Identify the ride;
3. State the intended dates and specific locations of use including the municipality, street and street number or block and lot;
4. Include the specific location of the ride prior to being transported to New Jersey and the location to which the ride is intended to be transported once it leaves New Jersey; and
5. Be mailed to the Office of Safety Compliance at least five days before the first intended date of use.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (b), inserted a new 4, and recodified former 4 as 5.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (b)3; and deleted a former (c).

5:14-5.2 Daily inspection and test

(a) An amusement ride shall be inspected and tested on each day when it is intended to be used. The inspection and test shall be made by a qualified person experienced and instructed in the proper assembly and operation of the device and shall be performed before the ride is put into normal operation.

(b) The inspection and test shall include the operation of control devices, speed-limiting devices, brakes and other equipment provided for safety.

(c) A record of all maintenance, inspections and tests shall be made at once upon completion of the test and inspection, and shall be kept with the device and available to the Commissioner for at least three years.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (c), inserted a reference to maintenance records.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (c), inserted a reference to inspections, and substituted a reference to three years for a reference to one year.

5:14-5.3 Inspection after assembly and disassembly

Amusement rides shall be inspected in accordance with N.J.A.C. 5:14-5.2 by a qualified person each time the rides are assembled and disassembled.

5:14-5.4 Prohibited use

No person shall knowingly use or suffer or permit to be used, an amusement ride which is not properly assembled or which is defective or unsafe in any of its parts, components, controls or safety equipment.

5:14-5.5 Control of operation

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

(b) The ride operator shall operate no more than one ride at any given time.

(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 operator indicating the ride name and operator's level of authority regarding the ride. This certification shall be kept on file by the owner or operator for at least three years.

(d) The ride operator shall have knowledge of the use and function of all normal and emergency operating controls and the proper use of the ride.

(e) The ride operator shall be in the immediate vicinity of the amusement ride operating controls at all times during normal operations of the ride. This rule shall not be construed to prohibit passengers from using amusement ride operating controls designed for use by a passenger.

(f) The ride operator shall exercise control over the amusement ride to prevent dangerous actions by passengers.

(g) The ride operator shall watch for apparent impending mechanical failures of the amusement ride.

(h) The owner of an amusement ride shall insure that his or her ride is operated in a manner which precludes foreseeable mischievous use of the ride.

(i) The ride operator shall not operate any ride when under the influence of alcohol or drugs.

(j) All amusement rides shall have an operating manual. The owner of an amusement ride shall operate the ride in accordance with the manufacturer's operating manual. In the absence of a manufacturer's operating manual, the owner shall write an approved operating manual. Where any conflict occurs between the operating manual and this chapter, this chapter shall prevail. The operating manual shall be kept with the amusement ride and shall be available for use by the Office of Safety Compliance.

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

(l) Additional operation start button(s) shall be provided where loading and unloading operations are being performed in an extended area where safety restraints, harnesses and other devices are required to prevent ejection from riding during operations. The start button(s) shall work in series in that all button(s) shall be depressed by operators before the ride will start.

(m) All powered amusement rides and devices shall be equipped with an "enable" type switch that prohibits a ride from operating if not engaged by the operator. This device shall not be bypassed to allow the ride to operate in any other manner.

1. Exception: Computer-controlled rides shall not be required to be equipped with an "enable" type switch.

2. Where the installation of an "enable" type switch is not practical, other types of controls or safeguards that accomplish the same result as that intended by this requirement may be accepted by the Division.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Added (l).

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (c); and added (m).

5:14-5.6 Overload and overspeed

(a) An amusement ride shall not be overcrowded, or loaded in excess of its safe carrying capacity.

(b) Amusement rides shall not be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer.

5:14-5.7 Wind and storm hazards

An amusement ride which is exposed to wind or storm shall not be operated under dangerous weather conditions except to release or discharge occupants.

5:14-5.8 Imminent danger

(a) If the Commissioner finds that an amusement ride presents an imminent danger he may attach to such ride a notice warning all persons against the use of the ride. Such notice shall not be removed until the ride is made safe, and then only by the Commissioner.

(b) The amusement ride shall not be used while the Commissioner's notice is posted.

5:14-5.9 Cleanliness

(a) A suitable number of metal containers shall be provided in and around amusement rides. Excessive accumulations of trash or refuse shall be promptly removed.

(b) All parts of amusement devices and temporary structures used by passengers or customers shall be maintained in a clean condition.

5:14-5.10 Passenger conduct

(a) The owner shall have the right to refuse any member of the public admission to a ride if his bearing or conduct will endanger himself or other members of the public.

(b) The owner shall have the right to refuse admittance to any ride if the intended passenger's health or physical condition makes it unsafe for him to use the ride.

(c) The owner shall refuse a passenger seeking admission to a major or super ride if the passenger cannot meet a companion or height restriction, if the ride is subject to such a restriction. Legible signs to this effect shall be posted in full view of the public seeking admission to major or super rides.

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.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

In (c), inserted references to super rides throughout, and substituted a reference to companions for a reference to guardians.

5:14-5.11 Warning signs

(a) The following signs are required:

1. Where a major ride or a super ride exposes a passenger to high speed, substantial centrifugal force or a high degree of excitement, the owner shall post a conspicuous warning sign at the entrance to the ride advising the public of the risk to passengers.

2. Each person who operates a carnival-amusement ride shall post, in a conspicuous public place at or near the ride, a sign or signs containing the following:

i. The prominently displayed statement: "State law requires that each rider must obey all written warnings and directions regarding this ride and refrain from behaving in a reckless manner which may cause or contribute to injury of the rider or others. Failure to comply is a violation of law and subject to a penalty under the New Jersey Code of Criminal Justice pursuant to N.J.S.A. 5:3-36.1. Violators may be subject to a fine of up to \$1,000 and imprisonment of up to six months"; and

ii. All applicable written warnings and directions regarding use of the ride which are consistent with nationally recognized standards listed in N.J.A.C. 5:14-6.1.

(b) The signs required by (a) above shall be in sharply contrasting colors and shall be legible to a person of normal vision standing at the point of entrance to the ride.

(c) The sign required by (a)1 above shall read as follows or express an equivalent warning:

The following people should not use this ride:

1. Those who are pregnant;
2. Those with heart conditions;
3. Those with serious back problems;
4. Those subject to motion sickness;

5. Those with serious health problems or serious physical disabilities; and

6. Those under the influence of alcohol or drugs.

(d) The owner shall not post any sign which prohibits or discourages all handicapped persons from using the ride. For example "No Handicapped" shall not be used as an equivalent warning.

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

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

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

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

Old (c) and (d) deleted and new text substituted.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Rewrote (a) and (b); and in (c), substituted a reference to (a)1 for a reference to (a) in the introductory paragraph.

14. N.J.A.C. 5:70, Uniform Fire Code; and

15. N.J.S.A. 51:1-83 and 93, Standards, Weights, Measures and Containers.

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

See: 20 N.J.R. 1071(a), 20 N.J.R. 1721(a).

Substantially amended.

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

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

Added new (a)15.

Amended by R.1993 d.343, effective July 6, 1993.

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

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

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

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (a), changed document date designations throughout.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

SUBCHAPTER 6. STANDARDS AND PUBLICATIONS REFERENCED IN THIS CHAPTER

5:14-6.1 Documents referenced

(a) The full title and edition of each of the standards and publications referred to in this chapter is as follows:

1. ANSI B77.1—1992 and B77.1B—1992, Aerial Passenger Tramways;

2. ASTM F698—1994, Physical Information to be Provided for Amusement Rides and Devices;

3. ASTM F747—1997, Definitions of Terms Relating to Amusement Rides and Devices;

4. ASTM F770—1993, Practice for Operation Procedures for Amusement Rides and Devices;

5. ASTM F846—1993, Guide for Testing Performance of Amusement Rides and Devices;

6. ASTM F853—1993, Practice for Maintenance Procedures for Amusement Rides and Devices;

7. ASTM F893—1987, Guide for Inspection of Amusement Rides and Devices;

8. NFPA No. 70—1996, National Electrical Code;

9. NJAC 5:11, Boilers, Pressure Vessels and Refrigeration;

10. NJAC 5:23, Uniform Construction Code;

11. N.J.S.A. 5:3-31 et seq., Carnival-Amusement Ride Safety Act;

12. N.J.S.A. 17:22 et seq., Surplus Lines Law;

13. N.J.S.A. 34:6-47:1 et seq., High Voltage Proximity Act;

5:14-6.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

New Jersey Department of Community Affairs
Division of Codes and Standards
101 South Broad Street
Trenton, New Jersey 08625

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

See: 20 N.J.R. 1071(a), 20 N.J.R. 1721(a).

Address change.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Changed names and address.

5:14-6.3 Availability of documents from issuing organizations

Copies of the referenced standards and publications in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning, and are the organizations issuing the standards and publications listed in N.J.A.C. 5:14-6.1.

N.J.A.C.—New Jersey Administrative Code

5:11 Copies available from:

Office of Boiler and Pressure Vessel Compliance
New Jersey Department of Community Affairs
PO Box 814
Trenton, N.J. 08625-0814

5:70 Copies available from:

Division of Fire Safety
New Jersey Department of Community Affairs
PO Box 809
Trenton, N.J. 08625-0809

5:23 Copies available from:

Division of Codes and Standards
New Jersey Department of Community Affairs
Publications
PO Box 802
Trenton, N.J. 08625-0802

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

Copies available from:

Office of Safety Compliance
New Jersey Department of Community Affairs
PO Box 808
Trenton, N.J. 08625-0808

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Changed PO Box numbers in N.J.A.C. 5:11 and N.J.S.A. addresses, substituted a reference to Publications for a reference to Central Services/Publications in N.J.A.C. 5:23 address, and changed N.J.S.A. reference in N.J.S.A. address.

SUBCHAPTER 7. SPECIAL PROVISIONS FOR BUNGEE JUMPING OPERATIONS

5:14-7.1 Purpose

The purpose of this subchapter is to maximize safety to bungee jumpers and spectators while bungee jumping operations are in progress.

5:14-7.2 Scope

The scope of this subchapter is to set forth specific rules applicable to bungee jumping operations which shall be adhered to in addition to the general provisions of the rules governing carnival and amusement rides in this chapter. Where a specific provision is provided covering bungee jumping which conflicts with the general provisions of this chapter, the provisions set forth in this subchapter shall govern.

5:14-7.3 Prohibited activities

(a) The following practices and activities are prohibited:

1. Catapulting;
2. Double jumping;
3. Launching;

4. Reverse jumping;
5. Sandbagging;
6. Stunt jumping;
7. Tandem jumping;
8. More than two persons on the jump point, except for the allowance of one additional employee approved for training purposes only;
9. A bungee jumping operation which is exposed to wind velocity exceeding 25 miles per hour or other dangerous weather condition;
 - i. Wind velocity shall be measured by an anemometer mounted on the tower at least as high as the jump point and capable of being read from ground level as well as the jump point;
10. Bungee jumping from a mobile or fixed-type crane or lifting device not designed, approved and/or manufactured to carry, transport or in any fashion move a person;
11. A bungee jumping operation which is in violation of any Federal, State or local law or regulation with respect to any part of its operation; and
12. Any bungee type ride not specifically approved by the Commissioner.

5:14-7.4 Inspection fee and permit

An owner of a bungee jumping operation shall adhere to all of the provisions pertaining to the inspection and permitting procedures and requirements found at N.J.A.C. 5:14-1.8, except that the inspection fee for a bungee jumping operation shall be \$1,000 and the duplicate permit fee shall be \$50.00.

Amended by R.2002 d.260, effective August 5, 2002.

See: 34 N.J.R. 1572(a), 34 N.J.R. 2781(c).

Amended the N.J.A.C. reference and substituted "\$1,000" and "\$50.00" for "\$500.00" and "\$25.00", respectively.

5:14-7.5 Operating manual

(a) Each site shall have an operating manual for the safe operation of bungee jumping on the site. The manual and all amendments shall be held on the site and shall be freely available to staff and the Commissioner.

(b) The manual shall include, but not be limited to, the following:

1. Site plan;
2. Description of operating system and equipment;
3. Job procedures for each task in the operating system;
4. Job descriptions;
5. Maintenance inspection records;
6. Testing procedures and recording;

7. Criteria for the periodic maintenance or replacement of rigging, hardware, bungee cords, harnesses, or lifelines as required by the manufacturer;

8. Emergency plan and procedures;

9. Reports of injuries, damage, and incidents;
10. Bungee cord and equipment log books;
11. Inspection procedures, standards, and follow-up actions;
12. Setting up the site equipment;
13. Lists of all staff including their qualifications and training; and
14. Testing and checking for the following:
 - i. Personnel protective equipment including gloves, harnesses, and life lines;
 - ii. The communication system(s)—communications must be maintained between all operations personnel involved with the actual jump. For example, the jump master and jump operator must be in communication at all times by way of telephone or radio;
 - iii. Jump equipment and rigging;
 - iv. Telephone service to reach emergency medical personnel;
 - v. Documentation of test jumps and bungee cord performance;
 - vi. Documentation of staff briefing for the day's operations; and
 - vii. Exclusion of the public from the operating areas.

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

In (b)14, substituted a reference to documentation of test jumps for a reference to carrying out test jumps in v, and substituted a reference to documentation of staff briefings for a reference to staff briefings in vi.

5:14-7.6 Insurance, bond or other security

An owner of a bungee jumping operation shall adhere to all of the provisions pertaining to insurance, bond or other security found at N.J.A.C. 5:14-1.15, except that the amount of insurance liability shall be not less than \$1,000,000 for injury suffered by persons participating in a bungee jumping operation.

Amended by R.2000 d.88, effective March 6, 2000.

See: 31 N.J.R. 1172(a), 32 N.J.R. 826(a).

Changed N.J.A.C. reference.

5:14-7.7 Engineering certification

(a) Prior to approval of a bungee jump operation, a New Jersey licensed professional engineer shall forward to the Department two signed and sealed submittals of the following (Note: Only the embossed seal of a professional engineer shall be acceptable):

1. Certification of hoisting equipment, tower or other methods of hoisting or suspension;
2. Plot plan of jump site within 200 feet of a bungee operation;

3. Schematic drawings of structure foundation and load bearing certification;

4. Elevation schematic and calculations of G forces, bungee height and safety zone between maximum bungee elongation and air bag;

5. Certification of all equipment used in a bungee operation such as bungee ropes, harnesses, carabiners, straps, etc.;

6. Certification of operation, training and maintenance manuals;

7. Certification of inspection of entire bungee operation and equipment;

8. Certification that design and construction is in accordance with accepted engineering practices and that all reasonable foreseeable hazards have been guarded against in design; and

9. Definitive statement by a professional engineer that the bungee operation is safe and acceptable to operate with the equipment identified in the submittal.

5:14-7.8 Mechanical equipment

(a) Scales:

1. Scales shall be tested and sealed by a New Jersey Weights and Measures officer at least once a year.

2. Scales shall be tested using certified test weights before the opening of the ride each day.

(b) Weights:

1. Each bungee jumping operation shall obtain test weights in the aggregate capacity of 300 pounds which have been tested and sealed by the Superintendent of the State Office of Weights and Measures.

(c) Bungee cords:

1. Operating testing: All commercial operators shall follow the inspection and testing recommendations set forth by the cord manufacturer;

2. All bungee cord manufacturers must provide specifications to purchasers on maximum usage of bungee cords expressed in number of jumps;

3. Bungee cords shall be retired when the cords exhibit deterioration or damage, do not react according to specifications or have reached the maximum usage expressed in number of jumps as specified by the manufacturer. All commercial operators must have an auditable system for recording the number of jumps on each individual cord in use. This data must be readily available to the Commissioner upon request.

4. Bungee cords retired from use shall be destroyed by cutting the cord into five foot lengths.

(d) Bungee cord end connections:

1. All end connections shall be of a size and shape to allow easy attachment to the jumper harnesses and to the rigging. On multiple cord systems, each cord must meet its own independent end connection.

2. All end attachment points subject to wear are to be retired when the cord is retired.

3. On multiple cord systems, all end attachment points shall be bound together in a protective sheath that allows the individual ends to move with respect to each other.

4. All cords shall be inspected each day for wear, slippage, or any other abnormalities, unless the manufacturer specifies more frequent inspections.

(e) Jump harnesses:

1. A jump harness shall be either:

i. A full body harness; or

ii. An ankle harness or ankle strapping that is tied off in such a manner so as to secure the jumper to the cord end connection. The ankle harness/strapping must evidence redundancy. A link to a waist harness is required.

2. Neither harness shall cause bruising.

3. Harnesses shall be available to fit the range of jumper sizes accepted for jumping.

4. The harness shall have a minimum breaking strength of 4,000 pounds, be suitable for the type of jumping conducted and shall be manufactured by an organization approved to manufacture similar harnesses to an approved standard.

5. Each harness shall be inspected prior to harnessing a jumper and shall be removed from service when it exhibits signs of excessive wear, damage, or when it has met the manufacturer's maximum usage allowance.

(f) Carabiners and locking devices:

1. Specification—carabiners shall be of the screw type lock with a minimum main axis breaking strength of 8,000 pounds.

2. Use—a minimum of two carabiners shall be used at each bungee end connection point.

3. Design and construction—all carabiners shall be designed and constructed using the existing standards for mountaineering and rescue gear.

4. Testing—all carabiners shall be inspected daily and shall be removed from service when the locking mechanisms fail to lock properly, the springs are worn or the locking gates deform.

(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.

5:14-7.9 Communication

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

SUBCHAPTER 8. GO-KART OPERATIONS

5:14-8.1 Purpose

The purpose of this subchapter is to provide standards necessary for the safety of go-kart drivers, passengers, and the general public.

Amended by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Substituted "provide standards necessary for the" for "maximum".

5:14-8.2 Scope

The scope of this subchapter is to set forth specific rules applicable to go-kart operations which shall be adhered to in addition to the general provisions of the rules governing carnival and amusement rides in this chapter. Where a specific provision covering go-karts conflicts with the general provisions of this chapter, the provisions set forth in this subchapter shall govern.

5:14-8.3 Control of operations

Each go-kart operation shall be equipped with a device to control the vehicles on the track. The device shall be capable of placing the vehicles in an idle mode and prevent acceleration in the event of an emergency and at the end of the ride cycle to prevent vehicles from colliding. This device shall be under the sole control of the operator.

Recodified from N.J.A.C. 5:14-8.16 by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Former N.J.A.C. 5:14-8.3, Vehicle design, was repealed.

5:14-8.4 Driver limitations

At go-kart tracks where the designed speed is 25 miles per hour or more, all drivers shall possess a valid drivers license and shall show such driver license to the operator prior to being allowed to enter the go-kart.

Repeal and New Rule, R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Maintenance".

5:14-8.5 Adoption of ASTM F2007-00

(a) The Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go-Karts and Facilities, designated by the American Society for Testing and Material as F2007-00, (the standard) is adopted and incorporated by reference as part of this subchapter, with the amendments set forth in (c) below.

(b) Notwithstanding any provisions stated in the standard, where specific provisions of the standard are in conflict with the provisions expressly set forth in this chapter, the provisions expressly set forth in this chapter shall govern.

(c) The standard is amended as follows:

1. Section 5.5—add the words ", or normal operation" after the word "rollover";

2. Section 5.6—delete the word "or" after "go-kart" and use the word "and" in its place;

3. Section 6.2—delete the words "free of vertical misalignment greater than $\frac{3}{4}$ in. within 1 in. horizontal distance" and substitute the words "maintained in good repair and free of cracks, obstructions and/or potholes which could damage the cart or cause the rider/driver to lose control of the vehicles" and delete the words "material that cannot be moved or displaced by normal go-kart operation" and substitute the words "solid asphalt or concrete binding material";

4. Section 6.3—delete the words "on the same horizontal plane for classes of concession go-karts 2, 3, 4, or 5, with the exception of the entrance and exit points of the pit area" and substitute the words "of the cart track which allow or enable go-karts on a go-kart track to cross one another in opposite directions on the same track plan";

5. Section 6.10.1—delete the word "may" and insert "shall" and add the words ", but not limited to," after the word "include";

6. Section 6.11—delete the word "may" and insert "shall"; and

7. Section 7.16—delete "of greater than $\frac{3}{4}$ in. in vertical change within a 1 in. horizontal distance,".

(d) The standard may be obtained from:

ASTM

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Repeal and New Rule, R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Non-destructive testing".

5:14-8.6 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Manufacturer's information".

5:14-8.7 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Warning signs".

5:14-8.8 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Driver control".

Section was "Track design and maintenance".

5:14-8.9 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Overload and overspeed".

5:14-8.13 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Brakes".

5:14-8.10 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Operations manual".

5:14-8.14 (Reserved)

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Fire prevention".

5:14-8.11 (Reserved)

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Padding and restraints".

5:14-8.15 (Reserved)

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Operator training".

5:14-8.12 (Reserved)

Amended by R.1998 d.305, effective June 15, 1998.

See: 30 N.J.R. 782(a), 30 N.J.R. 2230(a).

Repealed by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

5:14-8.16 (Reserved)

Recodified to N.J.A.C. 5:14-8.3 by R.2002 d.41, effective February 4, 2002.

See: 33 N.J.R. 3712(a), 34 N.J.R. 731(b).

Section was "Control of operations".