

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

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

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

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

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

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

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

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

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

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

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

Amended by R.2008 d.370, effective December 15, 2008.

See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

In the introductory paragraph of (c), inserted the second occurrence of "of" and inserted "temporary amended type certification".

Amended by R.2009 d.50, effective February 2, 2009.

See: 40 N.J.R. 5316(a), 41 N.J.R. 727(a).

In (b)3, deleted "and" from the end; and rewrote (b)4.

### 5:14A-2.7 Supplemental modification certification

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

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

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

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

1. One copy of the valid individual approval issued by the Department;

2. All supplemental safety bulletins, safety alerts, or notifications issued following the issuance of the individual approval;

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

4. The name and address for official correspondence, pursuant to N.J.A.C. 5:14A-4.15; and

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

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

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

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

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

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

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

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

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

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

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

Amended by R.2008 d.370, effective December 15, 2008.

See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

In the introductory paragraph of (c), inserted the second occurrence of "of" and inserted "temporary amended type certification".

Amended by R.2009 d.50, effective February 2, 2009.

See: 40 N.J.R. 5316(a), 41 N.J.R. 727(a).

In (b)3, deleted "and" from the end; and rewrote (b)4.

### 5:14A-2.8 Fees

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

|                    |          |
|--------------------|----------|
| 1. Super Ride      | \$756.00 |
| 2. Major Ride      | \$504.00 |
| 3. Kiddie Ride     | \$252.00 |
| 4. Inflatable Ride | \$252.00 |

(b) When an application for a type certification or amended type certification or an individual approval or supplemental modification certification is submitted to the Department, the application fee shall be \$252.00.

1. Exception: For a ride with a New Jersey serial number and an annual permit that was valid in the year of or the

year prior to December 16, 2002, no fee for an application for an individual approval shall be required if submitted by December 16, 2003.

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

|   |         |
|---|---------|
| 1. Inflatable rides                           | \$ 252  |
| 2. Rides \$99,999 or less in value            | \$1,260 |
| 3. Rides from \$100,000 to \$499,999 in value | \$2,520 |
| 4. Rides from \$500,000 to \$999,999 in value | \$3,780 |
| 5. Rides \$1,000,000 and over in value        | \$5,040 |

(d) When an application for an amended type certification or a supplemental modification certification is submitted to the Department that requires an engineering review, a review fee shall be paid. The fee shall be calculated as one percent of the cost of the modification, up to a maximum fee of \$3,780. The minimum fee shall be \$126.00.

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

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

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

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

Amended by R.2009 d.77, effective March 2, 2009.  
See: 40 N.J.R 5895(a), 41 N.J.R. 1009(b).

In the tables in (a) and (c), updated the fee amounts; in the introductory paragraph of (b), substituted "or" for "/" following "certification" and "approval", and substituted "\$252.00" for "\$200.00"; and in (d), substituted "\$3,780" for "\$3,000" and "\$126.00" for "\$100.00".

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

(a) No person shall operate a ride without:

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

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

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

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

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

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

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

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

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

(b) Where a permit is issued pursuant to a temporary type certification/amended type certification or a temporary individual approval/supplemental modification certification, the permit shall only be valid for the period that the temporary type certification/amended type certification or a temporary individual approval/supplemental modification certification remains valid.

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

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

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

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

3. The name and address for official correspondence, pursuant to N.J.A.C. 5:14A-4.15.

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

1. The required proof of insurance and fee;

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