

**CHAPTER 14A**

**CARNIVAL-AMUSEMENT RIDES**

**Authority**

N.J.S.A. 5:3-36.

**Source and Effective Date**

R.2002 d.400, effective December 16, 2002.  
See: 34 N.J.R. 2554(a), 34 N.J.R. 4343(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 14A, Carnival-Amusement Rides, expires on June 13, 2008. See: 39 N.J.R. 2301(a).

**Chapter Historical Note**

Chapter 14A, Carnival-Amusement Rides, was adopted as new rules by R.2002 d.400, effective December 16, 2002. See: Source and Effective Date.

Public Notice: The notices of adoption that appeared in the December 16, 2002 New Jersey Register (at 34 N.J.R. 4343(a) and 4412(a), respectively) contained no illustrations and figures within the rule text. An advisory concerning this omission was sent by the publisher, West Group, to all New Jersey Register subscribers, as was a corrected replacement run of that issue of the New Jersey Register.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:14A-1.1 Title; scope; intent**

(a) These rules shall be known and may be cited as chapter 14A, Carnival-Amusement Rides of Title 5, N.J.A.C.

(b) 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.

(c) No person shall manufacture or sell for use in this State, operate, arrange for or cause to be used any ride that is not in compliance with this chapter.

1. No person shall change a ride in any way that makes the ride less conforming with the provisions of this chapter.

(d) This chapter shall apply to:

1. An amusement ride subject to the Carnival-Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq.;

2. An amusement ride as defined in N.J.A.C. 5:14A-1.2;

i. Amusement ride shall include a water slide exceeding 15 feet in height with the height of a water slide calculated as the difference in elevation between the highest point on the sliding surface and the lowest allowable elevation of the water surface into which the slide discharges; and

ii. A water amusement ride as defined in N.J.A.C. 5:14A-1.2;

3. Any mechanical device which carries, conveys, or directs riders along, around, or over a fixed or restricted route or course for the purpose of giving its riders amusement, pleasure, thrills or excitement; and

4. Any rider or gravity propelled ride, including, but not limited to, any water slide or water-based recreation equipment when located in an amusement area or park in which there are other rides covered by the Act.

(e) 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 gage of which is three feet or greater, and the weight of which is at least 60 pounds per yard;

i. Such locomotives shall be under the jurisdiction of the New Jersey Department of Transportation for the purposes of safety inspection;

2. A 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 rider-or gravity-propelled ride that is not a mechanical device, or is not limited to a fixed or restricted course, and is not located in an amusement area or park.

(f) Where there is a conflict between these rules and any referenced standard, these rules shall govern.

“NDT statement” means a non-destructive testing plan or a statement from the manufacturer that NDT is not required.

“New Jersey serial number” means a unique identifying number assigned to each individual ride at the time that a permit is first issued for it, which remains with the ride as long as it exists in this State.

“New ride” means a ride of a type that has not previously been assigned a type certification by the Department, that has not obtained individual approval or that does not have a New Jersey serial number.

“NFPA” means the National Fire Prevention Association.

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

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

“Operating manual” means the document that contains the required procedures and forms for the safe operation of an amusement ride at the stated site.

“Operator” see “ride operator.”

“Operator assistant” means a person whose duties include, but are not limited to, loading and unloading riders, collecting tickets, checking seatbelts, lap bars and other restraints and occupying the entrance or exit areas to prevent intrusion while ride is in operation, but who is not the primary operator.

“Operator presence device” means a device which, when activated, requires an operator to remain in contact with the switch during the entire ride cycle.

“Over speed” means a condition present when a ride achieves a speed, whether forward or reverse, that is faster than the approved manufacturer’s safe operating speed.

“Owner” means a person who owns, leases, controls, or manages the operations of a carnival-amusement ride, including individuals, partnerships, corporations, both profit and non-profit, and the State or any of its political subdivisions and their Departments and agencies.

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

“Patron” see “rider.”

“Permit” means a permit to operate an amusement ride issued annually by the Department.

“Person” includes corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals, unless restricted by the context to an individual.

“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. In the case of weld or metal crack inspections recommended or required by the manufacturer based on a safety bulletin, the qualified person shall be designated by the manufacturer or shall be an AWS Certified Weld Inspector or SNT-TC-1A Certified Level II or III Inspector, as appropriate.

“Reassembly” means the installation, erection, or reconstruction of an amusement ride following transportation or storage and prior to operation.

“Redundant restraint devices” means independent restraints in the sense that the secondary device, for example, lap bar, containment enclosure, etc., is able to restrain the patron in case of failure of the primary restraint.

“Repair” means to restore or fix an amusement ride or ride component with like components or materials that meet or exceed current design specifications for the ride.

“Ride” see “carnival-amusement ride.”

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

“Rider” or “patron” means a person riding on or utilizing an amusement ride.

“SAE” means Society of Automotive Engineers.

“Safety bulletin” means a supplemental notification delivered by the manufacturer or the holder of a supplemental modification certification to the owner that contains new information or new recommendations for inspections, testing, repair, operation or training. For the purposes of ASTM F 853, this term includes, but is not limited to, Safety Alerts, Service Bulletins, and Notifications.

“Serious injury” means any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.

“Service proven” means an amusement ride, device or modification to an amusement ride or device of which:

1. Units have been in service to the public for a minimum of five years; and
2. Unit(s) that have been in service have done so without any significant design related failures or significant design related safety issues that have not been mitigated.

“Super ride” means a ride designed to propel riders at high speed or acceleration in any direction which requires an accelerometer test according to the provisions of N.J.A.C. 5:14A-7.5.

“Supplemental modification certification” means a certification that is granted to a person other than the manufacturer by the Department after review of an application for modification of an individual approval.

“Time tested” means a type of amusement ride which is found by the Department to be simple in operation and impose insignificant forces on riders or which is service proven.

“Type certification” means a certification that is granted to a manufacturer by the Department after review of a new ride application and that is applicable to all rides of essentially the same design and manufacture with regard to structural, mechanical, electrical, hydraulic drive and control features, and restraint and other protective features.

“Use” means that an amusement ride is in operation, whether it is empty or carrying riders.

“Vehicle” means any carrier (for example, car, tub, tube, gondola, chair, capsule, compartment, etc.) on or in which riders are supported or contained and carried when participating in or riding on an amusement ride.

“Water amusement ride” means an amusement ride where water is used as an integral part of the ride and where it is expected that riders will get wet.

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

Deleted definitions “Acceleration, impact”, “Acceleration, sustained”, “Automatic mode”, “Closed”, “Containment”, “Electrical (E)/Electronic (E)/Programmable Electronic Systems (PES) (E/E/PES)”, “Electro-sensitive protective equipment (ESPE)”, “Emergency stop (e-stop)”, “Fail-safe”, “Fence”, “Force limiting”, “Gate”, “Guardrail”, “Hand mode”, “Handrail”, “Latched”, “Locked”, “Manual release”, “Modification”, “Primary circulation area”, “Restraint” and “Safety-related control system”; and added definitions “Fixed amusement ride”, “Fixed location”, “Major modification” and “Mobile ride”.

### 5:14A-1.3 Standards adopted

(a) The standards listed below are adopted and incorporated as part of this chapter. In the event that any provision in any of the following standards conflicts with a provision of this chapter, this chapter shall govern.

1. The following standards are adopted and are available from the American Concrete Institute, P.O. Box 19150, Detroit, Michigan 48219:

- i. ACI 301—99, “Specifications for Structural Concrete for Buildings”;
- ii. ACI 318-02, “Building Code Requirements for Reinforced Concrete”

2. The following standards are adopted and are available from the American Institute of Steel Construction, 400 North Michigan Ave., Chicago, Illinois 60611:

- i. AISC, “Manual of Steel Construction ASD, 9th Edition”;

- ii. AISC 316 (1989) Manual on Steel Construction, Allowable Stress Design (ASD); and

- iii. AISC M015 (1986) Manual on Steel Construction, Load and Resistance Factor Design (LRFD);

3. The following standards are adopted and are available from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036:

- i. ANSI B11.TR3 (2000), “Technical Report on Risk Assessment and Reduction”;

- ii. ANSI B77.1—1999, “American National Standard for Passenger Ropeways, Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyers—Safety Requirements”;

- iii. ANSI/ASME B15.1, “Safety Standards for Mechanical Power Transmission and Conveyors and Related Equipment”; and

- iv. ANSI B93.114M (1987) Pneumatic Fluid Power - System Standard for Industrial Machinery;

4. The following standards are adopted and are available from the American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, Virginia 20191-4400:

- i. ASCE 7 (1998), Minimum Design Loads for Buildings and Other Structures; and

- ii. ASCE 16 (1995) Standard for Load and Resistance Factor Design (LRFD) for Engineered Wood Construction;

5. The following standards are adopted and are available from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, W. Conshohocken, PA 19428-2959:

- i. ASTM E 84, “Test Method for Surface Burning Characteristics of Building Materials”;

- ii. ASTM F 698-94, “Specification for Physical Information to be Provided for Amusement Rides and Devices”;

- iii. ASTM F 747-97, “Terminology Relating to Amusement Rides and Devices”;

- iv. ASTM F 770-93, “Practice for Operation Procedures for Amusement Rides and Devices”;

- v. ASTM F 846-92, “Guide for Testing Performance of Amusement Rides and Devices”;

- vi. ASTM F 853-04, “Practice for Maintenance Procedures for Amusement Rides and Devices”;

- vii. ASTM F 893-04, “Guide for Inspection of Amusement Rides and Devices”;

- viii. ASTM F 1159-03a, “Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water

Immersion Amusement Rides and Devices and Air-Supported Structures”;

ix. ASTM F 1193-04, “Practice for Amusement Ride and Device Manufacturer Quality Assurance Program and Manufacturing Requirements”;

x. ASTM F 1918-98, “Standard Safety Performance Specification for Soft Contained Play Equipment”;

xi. ASTM F 1957-99, “Test Method for Composite Foam Hardness Durometer Hardness”;

xii. ASTM F 2007-00, “Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities”;

xiii. ASTM F 2137-01, “Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices”;

xiv. ASTM F 1305-94, “Guide for the Classification of Amusement Ride and Device Related Injuries and Illnesses”;

xv. ASTM F 1950-99, “Specifications for Physical Information to be Transferred with Used Amusement Rides and Devices”;

xvi. ASTM F 2291-04, “Practice for Design of Amusement Rides and Devices”;

xvii. ASTM F 2374-04, “Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices”;

xviii. MIL-STD-17 (2000), “The Composite Material Handbook”;

xix. Mil-STD-882C (1993), “System Safety Program Requirements”;

xx. STP-1330, “Composite Materials: Fatigue and Fracture, 7th Volume”;

6. The following standards are adopted and are available from the American Welding Society, 550 N.W. LeJeune Road, Miami, Florida 33126:

i. ANSI/AWS D1.1/D1.1M (2002), “Structural Welding Code – Steel”; and

ii. ANSI/AWS D14.4 (1997), “Specification for Welded Joints in Machinery and Equipment”;

7. CDC 95th Percentile is adopted and is available from the National Center for Health Statistics at <http://www.cdc.gov/growthcharts>;

8. The following standards are adopted and are available from the MIT Press, 5 Cambridge Center, Cambridge, MA 02142-1493:

i. Dreyfuss Human Scale 4/5/6;

ii. Dreyfuss Human Scale 7/8/9;

9. The following standards are adopted and are available from the European Committee for Standardization, Central Secretariat, rue de Stassart 36, B-1050 Brussels, Belgium:

i. EN 954-1 (1996), “Safety of Machinery—Safety-related parts of control systems—Part 1: General principles for design”;

ii. EN 1050 (1996), “Safety of Machinery—Principles for Risk Assessment”;

iii. EN 61496, “Safety of Machinery—Electro-sensitive protective equipment”;

iv. EN 1993-1-9 (2001), “Eurocode 3 Design of Steel Structures. Part 1.9 Fatigue Strength of Steel Structures”;

v. EN 1993-1-9 (2001), “Eurocode 3 Design of Steel Structures. Part 6.9 Crane Support Structures-Fatigue Strength”;

vi. EN 60947-1 (1999), “Low Voltage Switchgear and Controlgear”;

vii. EN 280 (2001), “Mobile Elevating Work Platforms — Design Calculations, Stability Criteria, Construction, Safety, Examination and Test”;

10. IBC—2000, “International Building Code,” is adopted and available from the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795;

11. The following standards are adopted and are available from the International Electrotechnical Commission 3, rue de Varembé, P.O. Box 131, CH - 1211 Geneva 20, Switzerland;

i. IEC-61508-1 (1999), “Functional safety of electrical/electronic/programmable electronic safety-related systems”;

ii. IEC-60204-1 (2000), “Safety of Machinery – Electrical Equipment of Machines – Part 1 General Requirements”;

iii. IEC-61496-1 (1998), “Safety of Machinery – Electrosensitive Protective Equipment – General Requirements and Tests”;

iv. IEC-61511, “Functional Safety: Safety Instrumented Systems for the Process Industry Sector”;

v. IEC-62061, “Safety of Machinery – Functional Safety – Electrical, Electronic, and Programmable Electronic Systems”;

12. ISO 4414 (1998), “Pneumatic Fluid power - General rules relating to systems,” is adopted and is available from the National Fluid Power Association, 3333 North Mayfair Road, Milwaukee, Wisconsin 53222-3219;

13. NDS—91, “National Design Specifications for Wood Construction,” is adopted and is available from the American Forest and Paper Association, 1250 Connecticut Avenue/Suite 200, Washington, DC 20036;

14. The following standards are adopted and are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101:

- i. NFPA 10 1998, “Portable Fire Extinguishers”;
- ii. NFPA 70 2002, “National Electrical Code”;
- iii. NFPA 79 1997, “Electrical Standard for Industrial Machinery”;
- iv. NFPA 261 1998, “Standard Method of Test for Determining Resistance of Mock Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes”;
- v. NFPA 701 1996, “Methods of Fire Tests for Flame Resistant Textiles and Films”;
- vi. NFPA 705 1997, “Recommended Practice for a Field Flame Test for Textiles and Films”;
- vii. NFPA-101 (2000), “Life Safety Code”;

15. The following standards are adopted and are available from the National Fluid Power Association, 3333 North Mayfair Road, Milwaukee, Wisconsin 53222-3219:

- i. NFPA/T2.24.1R1-2000, “Hydraulic fluid power—Systems Standard for Stationary Industrial Machinery”;
- ii. NFPA/JIC T2.25.1M-1986, “Pneumatic fluid power—Systems Standard for Industrial Machinery”;

16. OIPEEC Standards, Organisation Internationale Pour L’Etude De L’Endurance Des Cables International, are adopted and are available from The University of Reading, Department of Engineering, P.O. Box 225, Reading RG6 6AY, UK;

17. The following standards are adopted and are available from the SAE World Headquarters, 400 Commonwealth Drive, Warrendale, PA 15096-0001:

- i. SAE J211 (1995), “Instrumentation for Impact Test—Part 1—Electronic Instrumentation”;
- ii. SAE J833 (1989), “Human Physical Dimensions”;
- iii. SAE HS 4000 (1999), “Fastener Standards”;

18. The following standards are adopted and are available from the Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062-2096.

- i. UL 508 (2000), “Industrial Control Equipment”;
- ii. UL 508A (2000), “Industrial Control Panels”;

19. The following standards are adopted and are available from the American Society of Metals International, 9639 Kinsman Road, Materials Park, OH 44073-0002.

- i. ASM Atlas of Fatigue Curves (1986); and
- ii. ASM Handbook Volume 19: Fatigue and Fracture;

20. The following standards are adopted and are available from the American Society of Mechanical Engineers, ASME International Headquarters, Three Park Avenue, NY, NY 10016-5990:

- i. ASME B15.1-2000, “Safety Standard for Mechanical Power Transmission Apparatus”;
- ii. ASME A17.1-2002, “Safety Code for Elevators and Escalators”;

21. The following standards are adopted and are available from the British Standards Institute, 389 Chiswick Road, London W4 4AL, UK.

- i. BS 5400-10 (1980), “Steel, Concrete and Composite Bridges – Code of Practice for Fatigue”;
- ii. BS 7608 (1993), “Code for Practice for Fatigue Design and of Steel Structures”;

22. “DIN 15018-1 Cranes; Steel Structures Verification and Analysis Data” is adopted and is available from the Beuth Verlag GmbH (DIN – DIN Deutsches Institut für Normung e.V.), Burggrafenstraße 6, 10787 Berlin, Germany;

23. “Hollow Structural Section Connection and Trusses – A Design Guide,” J.A. Parker and J. E. Henderson, is adopted and is available from Canadian Institute of Steel Construction;

24. “USDA-72 (U.S. Department of Agriculture) The Wood Handbook – Wood as an Engineering Material, Forest Service, Forest Products Laboratory,” is adopted and is available from Federal Documents; and

25. “NEMA 250 (1997) Enclosures for Electrical Equipment” is adopted and is available from National Electrical Manufacturers Association (NEMA), 1300 N. 17th St., Suite 1847, Rosslyn, VA 22209.

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 section.

## SUBCHAPTER 2. GENERAL ADMINISTRATIVE PROVISIONS

### 5:14A-2.1 Title; scope; intent

(a) This subchapter of the regulations, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled “General Administrative Provisions,” shall be known

for an individual approval without undergoing an engineering review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Certification of design of ride;

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

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

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

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

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

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

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

3. Certification of fabrication of the ride.

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

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

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

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

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

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

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

- i. Exception: Where there is a valid type certification, the manuals required at N.J.A.C. 5:14A-2.14 shall not be required;
  - 3. If not already submitted, a non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15; and
  - 4. One set of ride design calculations signed and sealed by a licensed professional engineer for local environmental conditions.
- (f) When a major modification is performed to a ride having a valid type certification and the manufacturer does not apply for an amended type certification, the owner may apply for an individual approval.

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

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

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

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

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

### 5:14A-2.6 Amended type certification

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

- 1. For the modified portion(s) of the ride, the application shall be based on the rules in place at the time of the application for the modification.
- 2. For the unmodified portion(s) of the ride, the application shall be based on the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.
- 3. When a ride with a valid a type certification is modified by the owner and the manufacturer does not apply for an amended type certification, the owner shall apply for an individual approval.

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

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

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

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

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

- 1. An application to renew the amended type certification shall be required.
- 2. The renewal application shall comply with the rules in place at the time of the original application, except that safety bulletins issued since the original application shall govern.
- 3. The renewal of an amended type certification for a ride type that has not undergone a subsequent major modification shall not require an engineering review.

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

Rewrote the introductory paragraph of (a); in (b)2, deleted "and" from the end; in (b)3, substituted "major" for "ride" and "; and" for a period at

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 5:14A-2.8 Fees

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

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

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

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

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

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

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

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

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

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

(f) No permit to operate, type certification, individual approval, amended type certification, or supplemental modifi-

cation certification shall be issued until all applicable fees have been paid.

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

(a) No person shall operate a ride without:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The required proof of insurance and fee;

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

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

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

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

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

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

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

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

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

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

v. Certification of training;

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

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

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

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

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

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

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

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

(g) The annual permit issued by the Department shall be continuously displayed in the vicinity of the entrance to the ride or where the inspector affixed it. The permit shall be encased in such a manner as to be protected from weather conditions.

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

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

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

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

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

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

### 5:14A-2.11 Inspections

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

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

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

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

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

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

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

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

2. A review of operator training records;

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

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

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

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

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

1. A review of the maintenance records including periodic check lists;
2. A review of operator training records;
3. A complete mechanical inspection, or at the discretion of the inspector, a partial inspection addressing only those portions disassembled; and
4. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation.

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

1. A review of the maintenance records, including periodic check lists, if applicable;
2. A review of operator training records, including certification of training in accordance with the manufacturer's procedures or manuals;
3. A review of non-destructive testing records, when required;
4. For fixed rides, an erection and assembly certification. This certification shall be retained in the ride file at the Department;
5. Those parts of the assembly process that are required to be witnessed of which the owner was notified during the permit process;
6. A complete mechanical inspection, which may require the ride to be partially disassembled;
7. A check of redundant safety systems;
8. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation; and
9. Any ride designed with g's in excess of 75 percent of the limits, as set forth in N.J.A.C. 5:14A-7, shall be tested in accordance with ASTM F 2137. Any ride that has peaks greater than 75 percent of any value in the pulse width of less than 60 seconds, in figures 5 through 9 of ASTM F 2291, no matter how long its total run time, requires a Department-witnessed accelerometer test. For a portable amusement ride, this test may be performed at the factory by a third party testing agency.

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

1. Observation of the ride operating when the operator has not been informed of the inspector's presence;
2. A review of operator training records; and
3. Information provided to the owner both verbally and in writing of the results of the inspection.

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

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

### 5:14A-2.12 Engineering review

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

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

1. Dimensions and tolerances and other important characteristics;
2. General drawings or diagrams in plan, elevation, and section views showing the general arrangement of components and operating clearance envelopes;
3. Assembly and sub-assembly drawings that provide additional views of areas not clearly discernable from the general drawings and providing clear identification and specification of all components, including proper adjustment(s), fastener tightening specifications, descriptions of other materials or lubricants used, any other important information;
4. Detailed drawings of all components specifically manufactured for use in the amusement ride, device, or modification shall not be required unless a specific drawing is needed for verification. However, such drawings shall be available from the manufacturer as per N.J.A.C. 5:14A-5;
5. Illustrations or narrative, as appropriate, to provide a clear understanding of the function and relationship of each important part of the amusement ride, device, or modification;

4. Any other signs or warning posted by the operator with the express intent to protect the safety and well being of riders, equipment and operators.

#### **5:14A-3.3 Riders under the influence of alcohol or drugs**

A rider shall not board or attempt to board any amusement ride if he/she is knowingly under the influence of any alcoholic beverage as defined in N.J.S.A. 33:1-1 or under the influence of any prescription, legend drug or controlled dangerous substance as this term is defined P.L. 1970, c.226 (N.J.S.A. 24:21-1 et al.) or any other substance which affects the rider's ability to use the ride safely and to abide by the posted and stated instructions.

### **SUBCHAPTER 4. OWNER RESPONSIBILITY**

#### **5:14A-4.1 Title; scope; intent**

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Owner Responsibility," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-4, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes the responsibilities of the owner of an amusement ride regarding the safe operation and maintenance of amusement rides.

#### **5:14A-4.2 Ride equipment**

(a) No one shall install, operate or allow to be operated any ride that does not have a current type certification, individual approval, supplemental modification certification or amended type certification issued pursuant to the requirements of this chapter.

(b) The owner of an amusement ride shall not knowingly permit a major modification of that ride without obtaining a supplemental modification certification or an amended type certification, as applicable, from the Department, pursuant to N.J.A.C. 5:14A-2.7 or 2.6.

(c) Existing equipment shall be maintained in accordance with this chapter.

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

#### **5:14A-4.3 Annual permit application**

(a) Each year, 30 days before commencing operations and in each year thereafter or, for continuously operated rides, 30 days prior to the beginning of a new year, the owner shall apply for a permit on an application form furnished by the Department.

(b) The application for an annual permit shall include all information required pursuant to N.J.A.C. 5:14A-2.10.

#### **5:14A-4.4 Application for individual approval and grandfathering**

(a) If a carnival-amusement ride was manufactured prior to December 16, 2002, or if type certification is not renewed by the manufacturer or is revoked by the Department, then the ride shall not be operated, installed, or used in the State unless the owner has obtained an individual approval from the Department.

1. For rides that have a valid type certification that the manufacturer is not renewing, the owner may apply for an individual approval pursuant to N.J.A.C. 5:14A-2.4 without undergoing engineering review.

2. For rides that have a New Jersey serial number and had an annual permit in the year of or the year prior to December 16, 2002, but are not type certified, the owner may apply for an individual approval pursuant to N.J.A.C. 5:14A-2.5 without undergoing an engineering review.

(b) For rides not grandfathered under the provisions of (a) above, the owner shall make application for individual approval of the ride as a new ride. The application for an individual approval shall include the information required by N.J.A.C. 5:14A-2.5 and the ride shall undergo engineering review according to the applicable provisions of this chapter. The fees for these reviews will be consistent with type certification review fees.

1. Pursuant to N.J.A.C. 5:14A-2.1, information supplied by the owner in support of an individual approval application that has been designated by the manufacturer in an application for a type certification as proprietary shall be considered proprietary.

#### **5:14A-4.5 Compliance with manufacturer's recommendations for modifications**

(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 ride, a change or addition to the maintenance schedule for a ride or the performance of a test on a ride.

1. A copy of all manufacturer's bulletins or recommendations received by the owner shall be forwarded to the Department within 14 days of receipt by the owner unless the ride has a current type certification, in which case the manufacturer shall be responsible for sending such information to the Department.

2. The Department 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.

**5:14A-4.6 Assembly or disassembly**

(a) The assembly or disassembly of an amusement ride shall be done in accordance with the applicable requirements of N.J.A.C. 5:14A-9 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 the 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 use tools of proper size and design to enable work to be done in a proper manner. Broken, damaged and unsuitable tools shall not be used.

(e) Assembly or disassembly of amusement rides shall be done under light conditions adequate 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. The public 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 assembly/construction manual for the assembly and disassembly of the ride. The manufacturer's assembly/construction manual shall be kept with the amusement ride and shall be available for use by the Department.

**5:14A-4.7 Daily inspection, test and maintenance and inspection records**

(a) An amusement ride shall be inspected and tested on each day of intended use. 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 be based on any manufacturer requirement and shall include, but not be limited to, 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 Department for at least three years.

(d) The owner shall retain up to date records of all maintenance, inspections and tests including those required by these regulations or by the manufacturer for each amusement ride at the carnival-amusement site. These records shall contain, at a minimum, the following information:

1. The date and nature of all tests, including who conducted them, why, and the result of the test;
2. The date and nature of all inspections, including who conducted them, why, and the result of the inspection;
3. The date and nature of all maintenance, including who did it, and why; and
4. The date and nature of all breakdowns or repairs of a mechanical part, who completed the repair, and a reference to the manufacturer's procedure used to effect the repair. If this is a new procedure, the Department shall be notified, in writing, of the new procedure and the new procedure shall be added to the permanent record of the ride.

**5:14A-4.8 Training and certification of ride operators**

(a) The owner shall ensure that all operators comply with the requirements of N.J.A.C. 5:14A-9.8 and 9.9.

(b) The owner shall ensure that, at the time of initial operation in the State, at least one operator trained by the manufacturer and having a certification from the manufacturer, in a format prescribed by the Department, is operating the ride.

(c) The owner shall ensure that operators are trained to operate the ride based on manufacturer requirements covered by the operational manual and any supplemental safety bulletins, safety alerts or other notices related to operational requirements.

(d) The owner shall ensure that ride operators operate no more than one ride at any given time.

(e) The owner shall ensure that operators give full attention to any ride they operate.

(f) The owner shall ensure that anyone who operates a ride shall have demonstrated the ability to operate the ride in compliance with all applicable requirements of this chapter and shall ensure that each operator has signed a ride-specific certification attesting that the operator:

1. Has read and understood the manufacturer's recommendations for the operation of the ride and, if applicable, any operations manual provided by the owner;
2. Knows the safety-based limitations, including height, weight or other rider requirements, on who may ride the ride;
3. Is well versed on what could be reasonably expected to go wrong, how to recognize it, and how to get the ride

and riders into as safe a position as possible to minimize the risk of injury or damage;

4. Has had adequate training to operate the ride;
5. Knows how to do the pre-startup operational ride checks as required by the manufacturer or as established by the owner in compliance with this chapter;
6. Knows how to verify that the daily maintenance checklist has been done prior to operating the ride; and
7. Has knowledge of the use and function of all normal and emergency operating controls and the proper use of the ride.

#### 5:14A-4.9 Insurance, bond or other security

No person shall operate a ride without insurance as required by N.J.A.C. 5:14A-2.9.

#### 5:14A-4.10 Riders under the influence of alcohol or drugs

The owner of an amusement ride may not permit a person who is perceptibly or apparently under the influence of alcohol or drugs to enter or ride an amusement ride.

#### 5:14A-4.11 Rider accident reporting requirement

The owner shall designate an office or location as a site for reporting accidents or injuries. The office shall be open during normal business hours and shall be marked with clear signage. Forms with the minimum required information (see N.J.A.C. 5:14A-4.13(c)) shall be available for riders to fill out at this location. More than one office or location may be required so that the locations are within reasonable walking distance from any ride.

#### 5:14A-4.12 Required notices of rider responsibility

(a) Signs advising of the rider reporting requirement (see N.J.S.A. 5:3-57) in English, and in at least one other language prevalent among riders, shall be posted in areas where rides covered by this chapter are operating, including all entrances, exits, locations for receiving forms and the first aid station(s).

(b) Each ride owner shall post warnings and directions for each ride which comply with manufacturer's requirements, N.J.S.A. 5:3-31 et seq. and this chapter. Such warnings shall be clearly legible and shall be in a conspicuous location.

(c) This sign shall be next to, above, below or may be combined with the required signs regarding accident reporting, rider conduct and warnings described in this section and in N.J.A.C. 5:14A-9.33 and 9.34.

#### 5:14A-4.13 Accident, incident or mechanical breakdown reporting

(a) Shut down and report: When any incident occurs involving a death or serious injury, ejection from the ride or

failure of a critical structural or mechanical component, regardless of cause, the owner shall:

1. Shut down the ride and secure the area;
2. Evacuate riders and provide care for any injured persons;
3. Report the incident to the Department immediately by telephone at the telephone number provided for this purpose; and
4. Prepare a written incident report and send it to the Department by telefacsimile at the telefacsimile number provided for this purpose within 24 hours of the incident.

i. A copy of the report submitted to the Department shall be sent to the manufacturer.

(b) Report within 24 hours: When any incident occurs involving a ride-related injury requiring first aid, or any mechanical malfunction, or an emergency evacuation of the ride, the owner shall:

1. Report the incident to the Department 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 Department by facsimile at a number provided for this purpose within five days of the incident or by mail at PO Box 808, Trenton, NJ 08625 postmarked within five days of the incident. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and
3. Repair the ride according to the manufacturer's instructions, if necessary, and submit a written report to the Department indicating the actions taken.
4. An evacuation due to an area-wide power failure or an evacuation at the normal discharge location of the ride shall not be considered an emergency evacuation for purposes of this subsection.

i. The removal of an individual rider or riders at other than the normal discharge location at the rider's request or due to rider behavior and having nothing to do with the operation or functioning of the ride shall be recorded in accordance with (c) below.

(c) Record: When any incident occurs that is not covered by (a) or (b) above involving any type of ride-related injury or complaint that was observed by the owner or operator or reported to the owner or operator by the rider, the owner shall keep a record of such incident, including pertinent information, in a form that is easy to access and read and that is readily available for inspection by the Department.

1. The information shall include at least the following:
  - i. The name and address of the injured party;

- ii. The age and sex of the injured party;
  - iii. A brief description of the injury;
  - iv. The ride on which injury occurred;
  - v. The time, date and weather conditions when the incident occurred; and
  - vi. A description of the incident.
2. The removal of an individual rider or riders as described in (b)4i above shall be recorded.

#### 5:14A-4.14 Transfer of ownership

The owner of an amusement ride shall notify the Department when ownership is transferred to another owner. In such case, the new owner shall obtain a new annual permit and become responsible for the individual approval, if applicable.

### SUBCHAPTER 5. MANUFACTURER RESPONSIBILITY

#### 5:14A-5.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Manufacturer Responsibility," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-5, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes responsibilities for a ride manufacturer.

#### 5:14A-5.2 General requirements

(a) The manufacturer shall ensure that all rides are designed and constructed in compliance with the requirements of N.J.A.C. 5:14A-7.

(b) The manufacturer shall affix a data plate to each ride in compliance with N.J.A.C. 5:14A-7.7.

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

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

In (b), updated N.J.A.C. reference.

#### 5:14A-5.3 Ride type certifications

(a) The manufacturer shall apply for type certification, in accordance with the requirements of N.J.A.C. 5:14A-2.4, for each ride type to be used within this State.

(b) As provided at N.J.A.C. 5:14A-2.4, type certification shall be valid for a period of three years and may be renewed every three years provided that the manufacturer continues to support the ride within the full meaning of this chapter.

#### 5:14A-5.4 Amended type certification

(a) The manufacturer of an amusement ride type having a valid type certification shall not knowingly authorize a major modification of that ride type without obtaining an amended type certification from the Department, in accordance with N.J.A.C. 5:14A-2.6.

(b) Amended type certification shall be valid for a period of three years and may be renewed every three years provided that the manufacturer continues to support the ride within the full meaning of this chapter.

(c) If, as determined by the Department, an amusement ride is materially rebuilt or so modified as to change its original action, then a new type certification or individual approval shall be required as if it were a new ride.

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

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

Rewrote (a).

#### 5:14A-5.5 Quality assurance manual

For rides being issued a type certified or individual approval, the manufacturer shall provide a quality assurance manual that is in compliance with ASTM F 1193-97.

#### 5:14A-5.6 Retention of documents, drawings and calculations

All required quality assurance documents including, but not limited to, material certifications, test reports, inspection reports, drawings and calculations shall be retained by the manufacturer for at least the design life of the ride or 20 years from the date of last manufacture, whichever is longer, or until all such rides have been destroyed or scrapped. This shall include any ride that uses the documentation in question. The Department shall be notified six months prior to the destruction of such documents.

#### 5:14A-5.7 Notification, bulletins and other information as required by the Department

(a) When the manufacturer is notified by an owner of an incident, whether in this State or elsewhere, involving a serious injury or a critical structural or mechanical component of a ride, the manufacturer shall promptly evaluate the information in that notification and, if necessary, provide, in the form of a safety bulletin, the results of that evaluation, together with any recommendations to eliminate or prevent the situation that created the incident, to the Department and to all known owners of the ride in the State.

(b) The manufacturer of a ride shall also provide to the Department and to all known owners of the ride in the State:

1. All bulletins, and notifications on type certified rides;
2. Information as necessary for those rides that have individual approval or supplemental modification certifica-

tion based on the manufacturer's documentation supplied by the owner or responsible person; and

3. Other documents requested by the Department as a result of an incident involving a ride supported by the manufacturer, either directly or indirectly.

## SUBCHAPTER 6. VIOLATIONS, PENALTIES, REMEDIES AND INVESTIGATIONS

### 5:14A-6.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Violations, Penalties, Remedies and Investigations," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-6, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes the procedures for owners, operators or manufacturers to follow upon receipt of an order of the Commissioner and establishes the amount of penalties and reasons for action and provides information on Department investigations.

(c) A violation of the Act occurs whenever an owner, manufacturer, officer, agent, employee or person interferes in any manner with the implementation of, or otherwise fails to comply with, the provisions of the Act or rules promulgated pursuant to the Act.

### 5:14A-6.2 Revocation of carnival-amusement ride permit, certification or approval

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

1. Incompetence;
2. Negligence;
3. Continuing to operate an amusement ride without the Department's authorization when an incident as described in N.J.A.C. 5:14A-4.13 occurs;
4. Failure to notify the Department of any incident as required by N.J.A.C. 5:14A-4.13;
5. The discovery of false, invalid, incorrect or fraudulent information related to the design of the ride or its safe operation;
6. Continuing to operate an amusement ride after having been notified by the Department that the ride has been determined by the Department to be unsafe or hazardous, or potentially unsafe or hazardous;
7. Failure or refusal to comply with an order to provide to the Department any engineering data or report or other

information concerning the ride that may be required by the Department;

8. Failure to maintain, or failure or refusal to provide, records concerning the maintenance of the ride that may be required by the Department;

9. Knowingly submitting false, invalid or fraudulent information that is not related to the design of the ride or its safe operation; or

10. 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.

(c) Any manufacturer may have a type certification or amended type certification revoked for:

1. Failure to report incidents as required by N.J.A.C. 5:14A-5.7;
2. Failure or refusal to issue safety bulletins required by the Department;
3. Failure or refusal to supply requested engineering analyses;
4. The determination by the Department that the ride for which the type certification or amended type certification was issued is unsafe or hazardous, or potentially unsafe or hazardous;
5. The discovery of or knowingly submitting false, invalid, incorrect or fraudulent information related to the design or manufacture of a ride; or
6. 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.

(d) Any manufacturer who has a type certification or amended type certification revoked, after exhaustion of all available remedies at law, shall be prohibited to sell, erect, use or install that carnival-amusement ride in this State.

Amended by R.2006 d.325, effective September 18, 2006.

See: 38 N.J.R. 1919(a), 38 N.J.R. 3776(a).

Inserted new (a)6 through (a)8; recodified former (a)6 and (a)7 as (a)9 and (a)10; in (c)2 and (c)3, substituted "Failure or refusal" for "Repeated failure"; inserted new (c)4; and recodified former (c)4 and (c)5 as (c)5 and (c)6.

### 5:14A-6.3 Administrative penalties

(a) The Commissioner 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 the owner, operator or manufacturer operates a ride in violation of an order issued by the Department or allows a violation to continue, shall be considered a separate violation.

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

1. Operating a ride without a permit;
2. Modification of a ride without approval by the Department;
3. Operating a ride in a manner likely to cause injury;
4. Submission or maintenance of false, invalid or fraudulent information;
5. Failure to cease operation after a serious incident;
6. Failure to report an incident; or
7. Failure to comply with an order of the Commissioner that is in the form of an express condition of a permit, individual approval, type certification, or amended type certification.

#### 5:14A-6.4 Appeals and hearings

(a) A request for an administrative hearing shall be submitted, in writing, within 10-calendar-days following the receipt of the notice or order. Hearing requests shall be addressed to: Hearing Coordinator, Department of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802. 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.

(b) 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 shall be deemed waived and the agency action shall become final.

(c) 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 might be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the hearing request.

(d) 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.

(e) 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.

(f) 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 of payment as may be acceptable to the Department.

(g) 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.

#### 5:14A-6.5 Suspension or revocation of permit

(a) The Department may immediately suspend or revoke a permit, prior to a hearing, when it is determined that the violations listed in N.J.A.C. 5:14A-6.2 exist or that the continued holding of the permit, approval or certifications is otherwise a hazard to public health and safety. An owner or manufacturer 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. In such cases, the Commissioner 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. The expedited hearing shall be held, and a final decision issued by the Commissioner, within 48 hours of receipt of a written request for such a hearing, except as extended with the consent of both parties.

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.

3. Failure to issue a decision shall constitute denial of the appeal.

**5:14A-6.6 Re-inspections following a suspension or shut down and investigations**

(a) The Department shall issue a notice and order to cease operation for any amusement ride found to be hazardous or unsafe. Operation of the ride shall not be resumed until the ride has been re-inspected by the Department and found to be safe for operation unless the order allows operation to resume or unless re-inspection is waived by the Department.

(b) Notwithstanding any appeal procedures covered by this subchapter, the Department shall re-inspect any carnival-amusement ride for which a permit has been suspended within 48 hours of receiving written notice from the owner of the ride stating that the condition or violation for which the permit was suspended has been corrected. If upon re-inspection, the Department determines that the condition or violation has been corrected, the Department shall reinstate the permit immediately.

(c) When, as required by N.J.A.C. 5:14A-4.13, a ride has been shut down following an incident, the ride shall not operate until the Department issues an approval for operation.

1. Where a verbal approval to operate is given, it shall be followed by a written approval. The written approval may be sent via facsimile.

2. The Department shall investigate each of these incidents, and may require records, tests, and may take temporary possession of the ride or portions of it. In cases involving death or serious injury, the Department may issue and enforce subpoenas to compel the testimony of any person who may have knowledge of any relevant matters and the production of any relevant documents.

(d) The Department may request and the owner or manufacturer, as appropriate, shall provide documentation of repairs as specified in N.J.A.C. 5:14A-9.11.

**5:14A-6.7 Departmental remedies for non-compliant manufacturers**

(a) The Department shall have the authority to prohibit the sale, erection, use, or installation of any carnival-amusement ride in this State upon final determination, following exhaustion of all available remedies at law, that the manufacturer of the ride has repeatedly failed to comply with orders requiring engineering analyses to be prepared and submitted to the Department or safety bulletins to be issued for individual carnival-amusement rides or classes of carnival-amusement rides or upon final determination, following exhaustion of all available remedies at law, that the manufacturer has refused, on a repeated and egregious basis, to comply with orders to carry out the duties and obligations imposed by P.L. 1975. c.105 (N.J.S.A. 5:3-31 et seq.) or this chapter.

1. For purposes of this section, the term "manufacturer" applies equally to the original manufacturer and to

any successor or other person acting in the place of the manufacturer pursuant to these regulations.

**SUBCHAPTER 7. DESIGN AND CONSTRUCTION****5:14A-7.1 Title; scope; intent**

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Design and Construction," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-7, and when referred to in this subchapter may be cited as "this subchapter."

(b) The intent of this subchapter is to provide minimum criteria for the design and construction of amusement rides and devices.

(c) The scope of this subchapter shall include the design and construction of all amusement rides and devices whose design criteria are not specifically addressed in another subchapter of this chapter.

(d) The scope of this subchapter shall not include:

1. Unmodified portions of rides subjected to a major modification when certified by the manufacturer or by the engineer as unaffected by the modification;

2. Amusement rides and devices whose design criteria are specifically addressed in another subchapter of this chapter;

3. Soft-play equipment, subject to these rules because of its location with other amusement rides, which shall meet ASTM F 1918-98, Standard Safety Performance Specification for Soft Contained Play Equipment, and all applicable rules.

4. Passenger tramways, which shall comply with ANSI B77.1-1999, Aerial Passenger Tramways, with the following amendments:

i. Section 1.1 through 1.3 and section 8 shall be deleted.

ii. Any section or provision relating to administration or to reporting shall be deleted.

(e) In addition to the requirements set forth in this subchapter, all rides shall be designed to allow for compliance with any applicable provisions of N.J.A.C. 5:14A-9.

(f) Where there is a conflict between these regulations and any standard referenced in this subchapter, these regulations shall govern.

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

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

Rewrote (b); added new (c) and (d); and recodified former (c) and (d) as (e) and (f).

**5:14A-7.2 Adoption as amended of ASTM practice F 2291-04**

(a) The Standard Practice for Design of Amusement Rides and Devices, designated by the American Society for Testing Materials (ASTM) as F 2291-04, is adopted by reference, as amended, and made part of this subchapter and shall be enforced as part of this subchapter.

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

(c) The following sections of the standard are modified as follows:

1. Chapter 1, Scope, shall be amended as follows:
  - i. Section 1.1 shall be deleted in its entirety.
  - ii. Section 1.2 shall be deleted in its entirety.
  - iii. Section 1.5 shall be deleted in its entirety.
2. Chapter 2, Referenced Documents, shall be deleted in its entirety.
3. Chapter 3, Terminology, shall be amended as follows:
  - i. Section 3.1.20, the definition of "manufacturer" shall be deleted.
  - ii. Section 3.1.22, the words "ASTM Standard" shall be deleted and the words "provisions of N.J.A.C. 5:14A-7" shall be inserted in their place.
4. Chapter 4, Significance and Use, shall be deleted in its entirety.
5. Chapter 5, General Design Criteria, shall be amended as follows:
  - i. Section 5.1.1.3: In the second sentence, the word "either" shall be deleted and following the words "Fault Tree Analysis" the word "or" shall be inserted.
  - ii. Section 5.2.1.4: In the first sentence, the words "for passenger and vehicles" shall be inserted after the word "Calculations".
  - iii. Section 5.4.1 shall be deleted and replaced with, "The manufacturer shall produce and retain as-built drawings, calculations, and control software as necessary for a full and complete review, as required by N.J.A.C. 5:14A-2.12. These documents shall be retained in accordance with N.J.A.C. 5:14A-5.6."
  - iv. Add new section "5.4.1.1 If a voice communication or signal system is required under N.J.A.C. 5:14A-9.13, to the extent that the manufacturer has been involved in its development, it shall be included in the manufacturer's documentation to the Department."

v. Section 5.4.2: In the second sentence, the word "review," shall be inserted after the words "to the".

vi. Section 5.5 shall be deleted in its entirety.

6. Chapter 6, Patron Restraint, Clearance Envelope, and Containment Design Criteria, shall be amended as follows:

i. Section 6.3.1, the wording "designer/engineer. This determination shall be based on the" shall be deleted.

ii. Section 6.3.4: At the end of the section, the following sentence shall be added, "Restraints required because of ride elevation shall be the locking type, not capable of being unlocked by patrons."

iii. Section 6.3.6: In the first sentence, the word "manufacturer" shall be deleted and the word "design" shall be inserted in its place. Also, at the end of the section, the following sentence shall be added, "The design for emergency evacuation shall be such that riders shall be kept safely on the ride or shall be safely evacuated."

iv. Section 6.3.7: In the first sentence, the word "manufacturer" shall be deleted and the word "design" shall be inserted in its place.

v. Section 6.3.10: In the first sentence, the word "manufacturer" shall be deleted and the word "design" shall be inserted in its place.

vi. Section 6.3, Patron Restraints, add new subsection: "6.3.12 Any ride where it is possible for a rider to slide laterally shall be designed to adequately and safely contain the rider in the ride. When designing ride pieces which riders will slide into, the design shall account for the rider and any fellow riders who will be sliding into those pieces while being contained by the ride."

vii. Section 6.3, Patron Restraints, add new subsection: "6.3.13 Restraints shall not be required for water slides, wave pools, water play areas, lazy rivers or other, similar rides."

viii. Section 6.3, Patron Restraints, add new subsection: "6.3.14 If Gx exceeds +0.2 g for more than 0.2 seconds, a backrest shall be required. If Gx exceeds +0.5 g for more than 0.2 seconds, a full backrest shall be required. If Gx exceeds 1.5 g for more than 0.2 seconds, see Note 1 on Figure 5. If +Gx exceeds +2.5 g for more than 0.2 seconds, a headrest, which discourages both lateral movement and movement away from the headrest, shall be required. As used in this subsection, a backrest does not allow a person to slide off the seat backwards. A full backrest supports the torso up to the shoulders. A headrest supports the back of the head."

ix. Section 6.3, Patron Restraints, add new subsection: "6.3.15 Unless the ride analysis indicates other-

**5:14A-13.12 Identification and data plate**

(a) Every inflatable ride shall have an identification and data plate attached to it that is either sewn or glued to the unit. The identification and data plate shall include the following information:

1. The name and address of manufacturer;
2. The ride name;
3. The ride serial number;
4. The date of manufacture;
5. The rider capacity by weight and number;
6. Cubic feet per minute (CFM) required to properly inflate the ride;
7. The type of blower to be used; and
8. The flame resistant standards by which all materials used in the fabrication of the ride were tested and passed.

**5:14A-13.13 Assembly and disassembly**

(a) A thorough check of the inflatable ride and its accessories shall be carried out by a qualified person before its use. This check shall ensure that all anchor points, anchor ropes, and anchor stakes or ballasts are undamaged and suitable for continued use.

(b) Illustrations and detailed instructions shall be provided for setting up an inflatable ride.

(c) Anchorage requirements:

1. Stakes or ballast shall be used at every anchorage point and shall be installed per manufacturer requirements;
2. Stakes with restraining hooks or collars at the top shall be used to prevent the attached rope from sliding up and releasing; and
3. Anchoring shall not create a tripping hazard.

(d) All tie-down ropes attached to the inflatable ride shall be fastened to a stake or anchorage. Any rope that becomes detached from the structure shall be replaced with ropes of at least equivalent breaking strength, and shall be attached with equivalent or greater attachment strength.

(e) During assembly, proper clearance on all sides and top of the inflatable ride shall be observed as per the manufacturer's requirements and N.J.A.C. 5:14A-9.14.

**5:14A-13.14 Auxiliary equipment**

(a) Specification sheets for auxiliary components, including, but not limited to, harnesses, bungee cords, carabineers and other fasteners that support or limit riders on inflatable rides shall be provided. The specification sheets shall include:

1. The life cycle of component;
2. The conditions that would indicate mandatory replacement of component; and
3. Instructions indicating proper replacement procedures.

**5:14A-13.15 Operation**

(a) Notice shall be provided as per N.J.A.C. 5:14A-9.2.

(b) Daily inspection and testing shall be provided as per N.J.A.C. 5:14A-9.3.

(c) Inflatable rides shall comply with N.J.A.C. 5:14A-9.6, as applicable.

(d) Control of operation shall be as follows:

1. Operators shall operate only one inflatable ride at a time;
2. Operators shall be stationed at the exit as well as the entrance when the exit and entrance are in different locations not easily viewed and controlled from one location; and
3. On slides over 15 feet from the top of the sliding surface to the ground, an operator shall be stationed at the top of the slide.

(e) Operators shall not mix small riders with larger riders whose actions could cause injury to the smaller riders.

(f) Operators shall not allow riders to flip.

(g) Operators shall not allow any rider to wear shoes on an inflatable ride.

(h) Provisions shall be made to ensure that riders cannot conceal themselves from the operator's view.

(i) Wind and storm hazards:

1. In the event of an approaching thunderstorm, gusting or sustained wind, rain, or any other hazardous weather related condition, inflatable rides shall be evacuated and deflated; and
2. After the weather condition passes, the inflatable ride shall be dried of rainwater, re-inflated, re-inspected by the operator and shall be re-opened when deemed safe to operate.

(j) Imminent danger:

1. Inflatable rides shall not be placed under power lines;
2. Inflatable rides shall be placed a reasonable distance from roadways or motor vehicle traffic;
3. Inflatable rides shall have the proper manufacturer-recommended ground cover, and shall not be set up on a

surface that could puncture the structure and cause sudden deflation;

4. Areas in which inflatable rides are used shall be sufficiently lighted; and

5. Inflatable rides shall be placed on relatively level ground.

(k) Cleanliness:

1. Inflatable rides shall be cleaned as per manufacturer's specifications on a regular basis; and

2. The air intake filter screen on the blower unit shall be free of debris at all times.

(l) Rider conduct:

1. Warning signs: On inflatable rides that require physical exertion by the riders, the owner shall post a conspicuous warning sign at the entrance of the ride advising the public of the risk to participants;

2. All operators and operating assistants shall be aware of and understand the use of and reasoning behind the required warning sign; and

3. The sign posted shall comply with the requirements of N.J.A.C. 5:14A-9.34, and shall include "NO FLIPS".

(m) All rides shall have a legible sign in plain view of the riding public indicating the height restriction for that ride.