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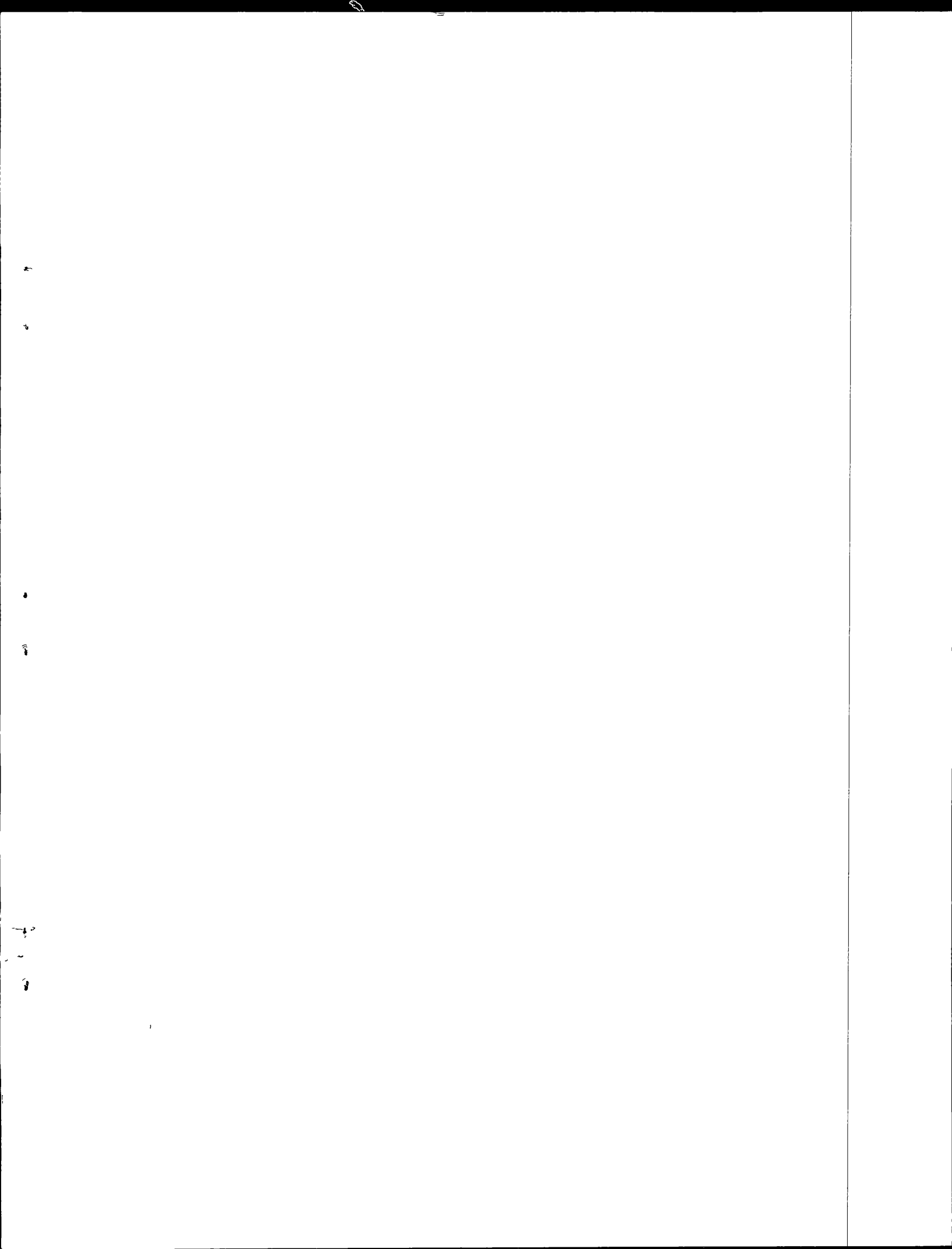
PUBLIC HEARING
before
SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE
on
SENATE RESOLUTION NO. 22
(Mechanical amusement or recreational devices)

Held:
September 19, 1972
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator William E. Schluter (Chairman)
Senator Jerome M. Epstein
Senator Joseph A. Maressa
Senator William V. Musto

* * * * *



SENATE RESOLUTION No. 22

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Senators SCHLUTER and MERLINO

(Without Reference)

A SENATE RESOLUTION directing the County and Municipal Government Committee, in collaboration with the Department of Labor, to study and develop legislation affecting moving, mechanical amusement or recreational devices which transport or carry persons, and recommending certain interim action by municipalities.

1 WHEREAS, An accident resulting in death of one child and serious
2 injury of another occurred on June 23, 1972 in Trenton, New
3 Jersey, as a result of inadequate protective features on a ferris
4 wheel; and

5 WHEREAS, Present State statutes do not provide essential pro-
6 tection of the public and the employees using or operating mov-
7 ing, mechanical amusement and recreational devices which
8 transport or carry people; and

9 WHEREAS, Widespread public interest already has been expressed
10 calling for protection of persons using or operating ski tows
11 in the State; and

12 WHEREAS, Due to the urgency of the problem of widespread opera-
13 tion and use of amusement and carnival rides during the summer
14 months and the shortness of time to develop appropriate and
15 sound State legislation comprehensively treating this matter,
16 now, therefore

1 BE IT RESOLVED, *by the Senate of the State of New Jersey.*

1 1. The County and Municipal Government Committee, in col-
2 laboration with the State Department of Labor, is directed to study,
3 hold public hearings and develop legislation assuring protection of
4 the public making use of, and employees operating moving, mechan-
5 ical amusement or recreational devices which transport or carry
6 persons.

1 2 The County and Municipal Government Committee and the
2 Department of Labor, in carrying out this study, shall give con-
3 sideration to the licensing of such devices, the placing of re-
4 sponsibility for direction and control of such devices in a board
5 or council, providing for inspections by municipalities if local
6 ordinances meet or exceed such standards as may be established
7 by the State, determine what devices shall be subject to State regu-
8 lation and shall consider such other related matters deemed ap-
9 propriate.

1 3 The committee shall be entitled to call to its assistance and
2 avail itself of the services of such employees of any State, county
3 or municipal department, board, bureau, commission or agency as
4 it may require and as may be available to it for said purpose, and
5 to employ such stenographic and clerical assistants and incur travel-
6 ing and other miscellaneous expenses as it may deem necessary in
7 order to perform its duties and as may be within the limits of funds
8 appropriated or otherwise made available to it for said purposes.

1 4. For the purposes of carrying out the terms of this resolution,
2 the committee shall have all the powers granted pursuant to chapter
3 13 of Title 52 of the Revised Statutes

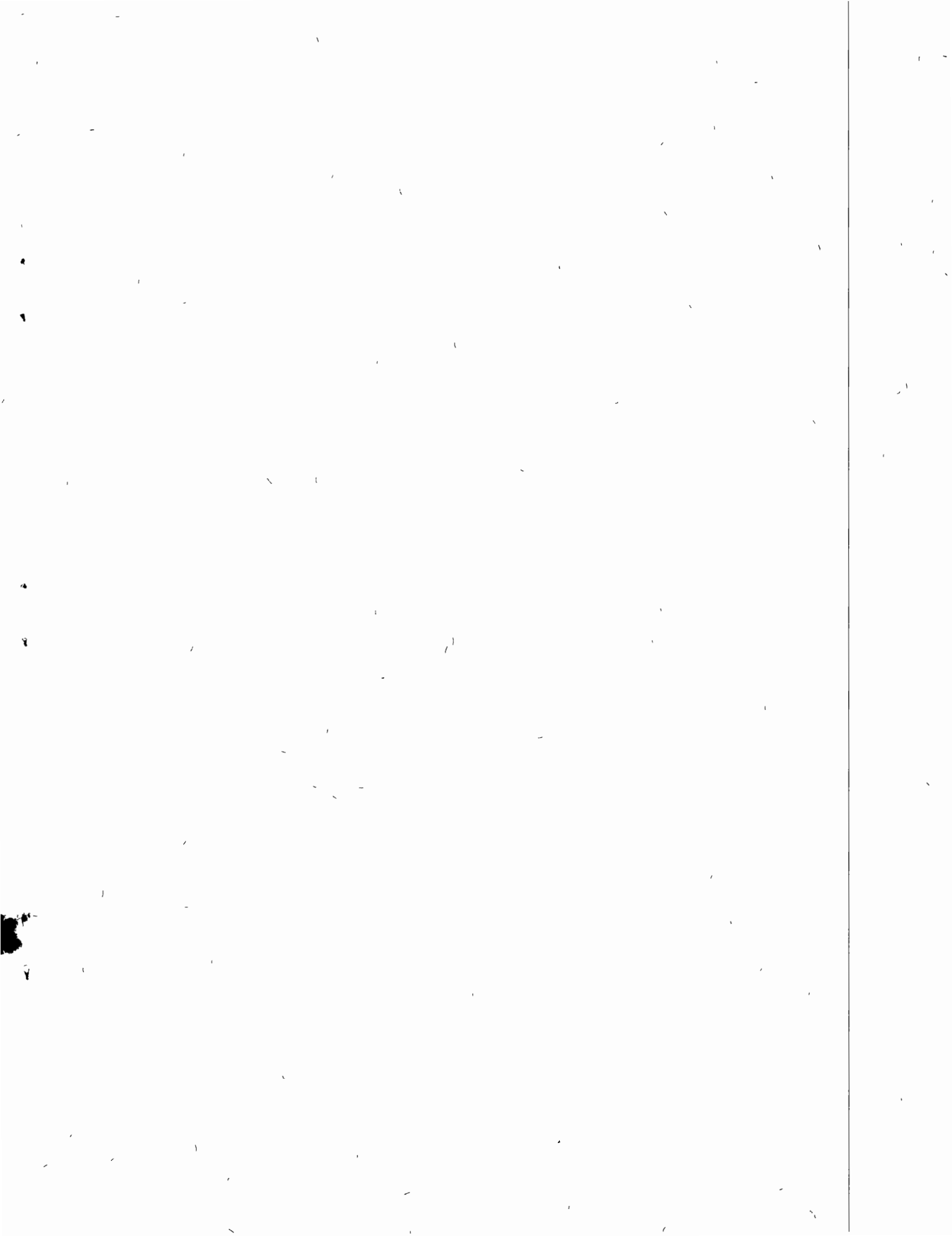
1 5. The committee may meet and hold hearings at such place or
2 places as it shall designate during the sessions or recesses of the
3 Senate and shall report its findings and recommendations on or
4 before December 31 1972 to the Senate, accompanying the same
5 with any legislative bills which it may desire to recommend for
6 adoption.

1 6 It is the sense of the Senate that local municipalities, upon
2 being made aware of the danger of unsafe amusement and recre-
3 ational equipment transporting or carrying persons, will seriously
4 consider early enactment of local ordinances requiring operators
5 of such equipment to carry liability insurance in such sufficient
6 amounts as to encourage insurance underwriters to establish and
7 enforce appropriate and adequate safety standards and to assure
8 proper and reasonable compensation for property loss and personal
9 injury

10 BE IT FURTHER RESOLVED, That this resolution be spread upon the
11 Journal of the Senate and that copies be transmitted to the govern-
12 ing body of each of the several municipalities of the State

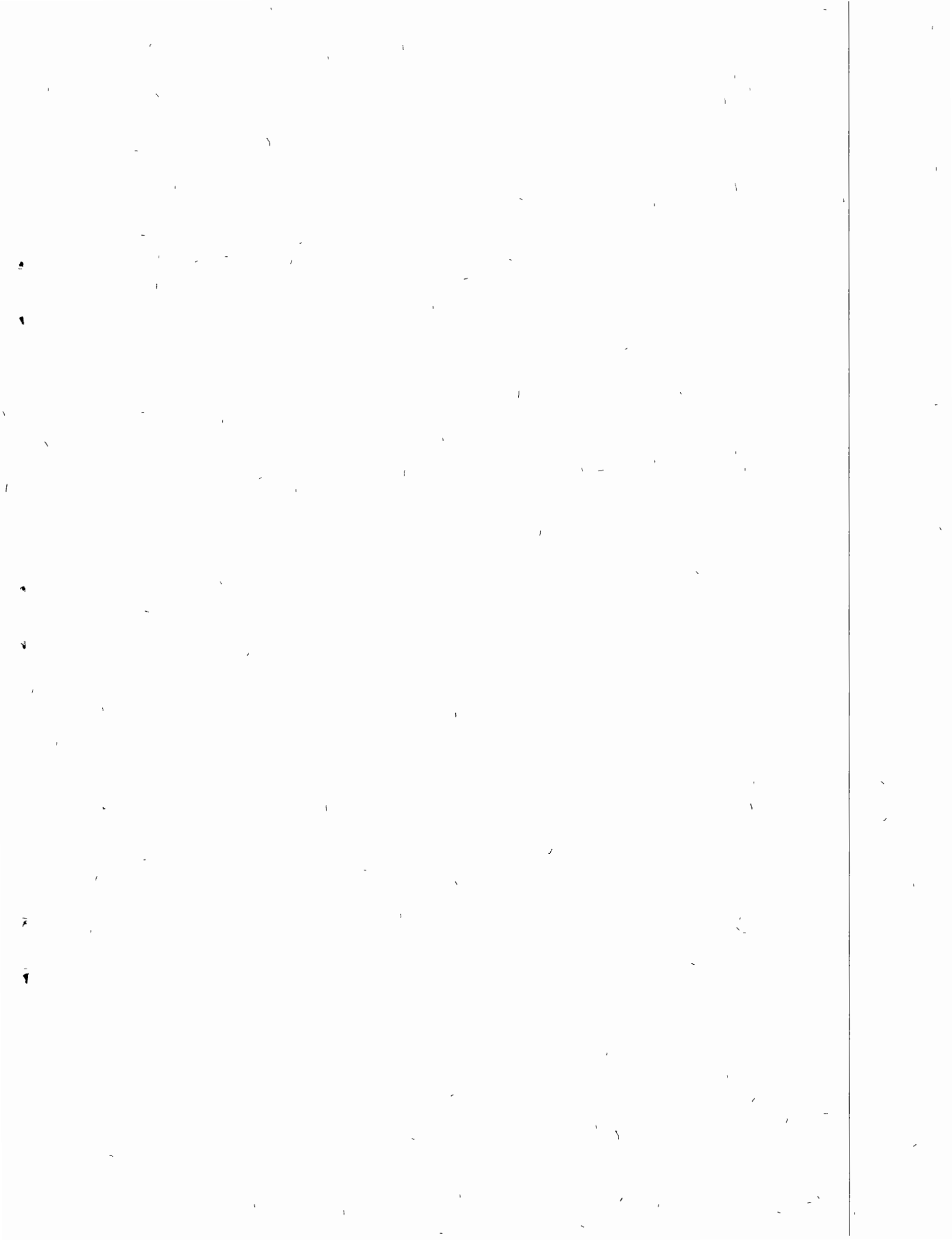
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SENATOR WILLIAM E. SCHLUTER (Chairman): Good morning, ladies and gentlemen. This is a hearing before the Senate County and Municipal Government Committee. This hearing has been scheduled for approximately five weeks; it grows out of Senate Resolution No. 22, which the Senate passed on July 17. At that time, there had been an accident in the City of Trenton involving the death of a youngster who was riding on a small ferris wheel. It pointed up the fact that the State has no safety standards which apply to amusement carnival rides on a comprehensive statewide basis. And as a result of that accident and the public outcry thereafter, it became obvious that the people of New Jersey and the elected officials are extremely interested in getting a realistic and a comprehensive set of safety standards for carnival rides. And, personally, I can say that they deserve nothing less than this protection.

Since that time - I am addressing this to members of the Committee as well as to those in the audience - there was a very unfortunate and tragic accident resulting in the death of a 14 year old girl at the Trenton State Fair, one week ago yesterday. So, I think that this hearing is most timely and I would like to proceed with the witnesses forthwith.

I would like to introduce the Senators who are members of this Committee. On my left is Senator William Musto of Hudson County; on my right is Senator Epstein of Union County; and at the end of the table, on my right, is Senator Maressa of Camden and Gloucester Counties. We are missing today Senator Wendel of Bergen County who is Vice Chairman of the Committee.

Now I would like to say, for the benefit of those who have come in and wish to testify, that you should sign up with our Committee Secretary, Mr. Caramalis, who is over here, on the right. Mr. Caramalis is sitting in the seat of Assemblyman Hawkins. He is the Secretary of our Committee, assigned to us by Legislative Services.

I would also like to mention to the witnesses and to the members of the Committee that we have, in our presence, representatives from the Department of Labor and Industry, who will be sitting alongside Mr. Caramalis, Mr. Hart and Mr. Clark. And they are there for two purposes, one to advise our Committee of pertinent issues to raise in this hearing, as well as to be available for interrogation by our Committee later in the day.

We also have other gentlemen who perhaps will be delaying their testimony until the afternoon, and we have asked them if they would do that because we think they will be able to give us more information on this subject after the Committee has had a chance to get a general feel for the subject. We have the Consultant to the manufacturers of carnival rides, Mr. Estes, who has come in from Michigan. He used to work for the Department of Labor in the State of Michigan and he will be testifying this afternoon. We have others representing the operators, as well as public officials.

So, again, I ask those who wish to testify to sign in with Mr. Caramalis.

Unfortunately, Senator Musto and I, as well as Senator Epstein, have an obligation here shortly before 11 o'clock; we have another very important function, ceremonial as it is, it's an important function to perform. The Governor is signing the County Charter Bill which we have been instrumental in helping getting through the Legislature and we have to depart for a short while.

As it looks now, subject to the Acting Chairman's discretion on the matter, we will probably break for lunch at around 12 o'clock, with a one-hour lunch period, and come back and continue with the hearing until all witnesses have been heard.

Do the members of the Committee have anything to add at this time? (No response)

I would like to proceed with the first witness and we will call on Assemblyman Reid who represents a district in Bergen County. Assemblyman, I wonder if you can step over to the witness chair there and identify your exact district. I would like also to mention to the Committee that Assemblyman Reid has with him the Chief of the Police of the Town of Paramus who will combine his testimony with the Assemblyman's. Will you proceed, Mr. Reid.

C H A R L E S E. R E I D: Thank you very much, Senator.

My name is Charles Reid. I am Assemblyman from District 13-D, representing 19 towns in Bergen County.

We are very much concerned about the safety standards and the inspection procedure relative to amusement devices. I tried to take a poll of the number of carnivals that are held in my particular district. I find it varies from town to town from anywhere from one to three carnivals per year per town. This is in addition to the different riding devices at the shopping centers and food markets and the mobile amusement devices such as whips, merry-go-rounds, etc. that go in the streets on a seasonal basis.

At the present time, we have little or no control over these particular devices. There are some towns that do require registration of them, but it pretty much ends there.

We of Paramus have investigated the possibility of establishing a local ordinance to inspect and set standards for this type of device. We have found that this is a very difficult thing to do. The inspection of such devices would include things such as structural steel, cables, etc., temporary erection procedures, electrical and mechanical devices. We have come to the conclusion to recruit the inspection personnel necessary and to create the standards necessary to have a decent background on a local level is practically impossible, uneconomical and very impractical.

We feel equally, very strongly, if we tried to have multiple inspection of such devices that this would be very time-consuming. It would also be equally inefficient and impractical.

It is obvious to me that it is incumbent upon the State to establish these standards for not only controls in the manufacture of these materials; but the inspection of them. This is extremely necessary in order to protect the public and the millions of people who use these devices each year.

We have recently had a similar incident to what you have had in Trenton here at the Trenton State Fair, having had an accident at one of our carnivals for a local Boys Club in Paramus.

I have asked the Chief of Police to come down and give you copies of the report on that particular accident. He also has photographic information which he can give you which I am sure will be of help to your Committee in your deliberations.

At this time, I would like to introduce to you, if I may, Chief John Nicolas of the Paramus Police Department.

SENATOR SCHLUTER: Assemblyman Reid, if you will stand by, both you and Chief Nicolas can be available for joint questioning after he is finished.

J O H N P. N I C O L A S: Good morning! My name is John Nicolas and I am the Chief of Police of the Borough of Paramus.

I would like to thank you at this time for the invitation and the opportunity to appear before this body to discuss an important area of safety for the residents of our State.

My contribution, in support of this bill, is based upon my observation of the operation of amusement devices large and small, ranging from the neighborhood truck carrying the merry-go-round to a large-sized carnival

consisting of various types of larger rides.

I might just digress, if you will permit me, to state that I am fully aware of the tradition of the amusement area of the fair or the carnival. I am further aware of the economic impact on the State. I am also aware of the impact of this type of family diversion and, in fact, admit that I am a carnival buff and enjoy, with my family, our visits to the Shore or just to watch my own children on a neighborhood ride.

My attention for the need for some type of control of the devices themselves was brought about this summer by an incident concerning a ride at a carnival where a car left the body of the ride itself and flew or skidded into an adjacent area. Two people on the ride were injured and one person on the platform was also injured.

The accident took place fortunately at a time when the area was not crowded and when the ride, that type that both spins and goes up and down, was in a lower or down position.

Our investigators reported some indication of rust in the area where the break occurred where the car left the ride.

I think our frustration with our investigation was that we could not officially indicate a period of time prior to the accident when the ride had been inspected. The operators were able to tell us about when repairs had been made and did indicate their own concern as to inspections.

The problem you have with carnivals is that carnivals may come in under a name, but they may book someone who is down at another carnival. He may have a free week. And he may just ride in and work with that carnival. That lessens our area of control, if we had any at all.

To briefly express my support, may I simply say, we inspect automobiles for safety. We have standards by statute that govern other types of amusements - and here

I am talking about the go-cart and the mini bike. Even our airlines require the airplanes to put down for periodic inspections.

I would not like to venture a guess as to the number of people who daily use the amusement devices. It is usually safe to say about a million, and I would be the first to admit that the incident that occurred in Paramus was the only incident.

I do feel, however, that inspection and regulation is needed. The bill that I have seen begins some form of process. Thank you.

I brought some photos for you.

SENATOR SCHLUTER: Chief, you are leaving these with the Committee and the staff?

MR. NICOLAS: Yes. Would you like the police report also?

SENATOR SCHLUTER: We would like the police report. Does that conclude your formal remarks, Chief?

MR. NICOLAS: Yes.

SENATOR SCHLUTER: Thank you very much.

Now if we can open the questioning - does the municipality of Paramus where this accident, I presume, occurred require carnival operators to be insured?

MR. NICOLAS: Yes.

SENATOR SCHLUTER: To what extent?

MR. NICOLAS: I don't know the figures, but it is substantial. We also require an inspection of the tents by our Fire Department and the usual inspection by health agencies.

SENATOR SCHLUTER: Is this by municipal ordinance then that you require that the operators have insurance?

MR. NICOLAS: Yes.

SENATOR SCHLUTER: I have no further questions. Does anyone have any questions?

SENATOR MARESSA: Chief, it would appear to me that under the police powers of Paramus, you would have the right

in your particular municipality to adopt an ordinance that would completely control and regulate carnivals and this type of amusement devices there. Is it your thought then that if it were done on a statewide basis, the Commission, if a Commission were set up, would have a great deal more expertise in controlling and inspecting and regulating carnival devices and the like than would be had on a local basis? Is that your thought?

MR. NICOLAS: Yes.

ASSEMBLYMAN REID: Let me answer that, if I may, Senator. At the present time in the Borough of Paramus, of which I am Mayor, we do require a permit for all carnivals. The site is inspected by the police for traffic safety and also for the safety of the site itself. Most of our carnivals today are held on black-top. Previously they were held on open grounds. And we exercise a great deal of control in the setup of the carnival and also, as the Chief pointed out, the Fire Department inspects the tents to see there is adequate exits from the tents, etc. So we do exercise a significant amount of municipal control over these carnivals.

However, we do not have the expertise to control the actual mechanical devices themselves and I think this is our primary concern. We have a Borough Engineer but he is primarily a civil engineer and not a man who is involved in the structural mechanism of a complicated mechanical device. We have building inspectors who may or may not have the expertise to make an inspection of this type.

I also wish to emphasize that we have had recent tragedies, but these small devices which you find even in the shopping centers are moving devices, mechanical devices. They are electrically controlled. They are seldom inspected by the regional electrical inspectors for safety hazards, for shock hazards, etc. I do not know of any control that we have even over the manufacturers of these devices.

So these are our concerns, to try and get the State to take the responsibility which is beyond the capability of the municipality to control.

I believe we require \$1 million - \$3 million insurance at the present time. I don't believe there is any statutory requirement for the amount of insurance. This perhaps should be considered because these do involve large groups of people. We have been lucky. The accidents have been singular in nature. But there could well be multiple accidents where ten or even hundreds of people might be involved.

This is the type of concern that we have and that is the reason that we are here to testify.

SENATOR SCHLUTER: Are there any further questions?
(No response.)

Thank you very much, Chief and Assemblyman. We appreciate your testimony.

The next witness is Mr. George Hamid, who is owner and operator of the Steel Pier in Atlantic City as well as the Trenton State Fair, and has had considerable background and experience in running amusement affairs.

Mr. Hamid, would you identify yourself, please, and give us your statement.

G E O R G E H A M I D, J R.: Senator Schluter, ladies and gentlemen, my name is George Hamid, Jr. I am President of the New Jersey State Fair. I am also President of the Abel Holding Company, Inc., which operates the Steel Pier in Atlantic City.

I want to clarify at the outset that the Steel Pier is not an amusement pier such as Hunt's Pier and some of the piers that you have in Seaside Heights and elsewhere where they have a lot of rides. Our basic ride experience at this time in New Jersey is at the New Jersey State Fair.

First of all, I think I must give you some of my background so that you will recognize my experience in this

field. My first visit to an amusement park was in the mid '20's when my father, who had the largest booking business at that time of circus acts, booked circus acts in amusement parks throughout the country. I will say there is not an amusement park, as such, in the northeastern part of the United States that I have not visited extensively and where I have not had a firsthand knowledge of the types of rides and the types of operations that we have had.

The industry has progressed since the '20's. Back in the '20's, most of the rides were permanently based. Here in New Jersey at that time, there was Olympic Park in Irvington. There was Bergen Point in Hudson County. There was Palisade Park and many, many others.

Today the sophisticated scientists in engineering have designed rides which are both permanent and portable and, as a result, the carnival business has developed very strongly.

The Chief did not know how many people are involved in riding riding devices, but I will give you some figures so that you, yourselves, will have an indication in just one specific area, which is the New Jersey State Fair.

The Hamids, father first and me second, took over the operation as President of the New Jersey State Fair in 1937 when my father became President of the Fair. A few years ago I became the President and have operated it. But jointly, we have operated the State Fair since that time. Amusements of America is a carnival and the carnival becomes a tenant at the Fair Grounds. The Fair owners or operators do not own the rides, in fact, do not own any of them. The agreement between the Fair -- and this is not only ours -- you have 22 fairs in the State of New Jersey and, God knows how many celebrations and shopping center events at which carnivals appear. But in each and every case, the owner of the property or the President or the Board of Directors of the Fair does not own the rides. It simply leases ground to the people who own the rides

and operate the rides. Mr. Vivona is sitting back here in our midst and he will testify to the same thing.

We have a very carefully worded contract which spells out this relationship. This, of course, does not mean that we are not interested, because we are vitally interested in what happens. I am particularly interested because of my long experience in the amusement business.

In the average year at the New Jersey State Fair, there are 300 to 350 thousand riders on the devices at the Fair. There are some 20 or so devices that we have there. Conceivably there are many more than that because the kiddie rides sell for 15 cents and a quarter and they are constantly jammed.

In the 12 years that the Vivonas have brought Amusements of America to the New Jersey State Fair, we have had in excess of 4 million rides at the New Jersey State Fair. In the total period in which the Hamid Companies have operated the State Fair, the figure is between 12 and 15 million rides. We operate a first-aid station. We have police on the grounds who make actual written reports of every single thing that happens.

I would like to bring to your attention some facts with which you must deal. You are dealing essentially with two situations: the permanent installation, such as you have at the piers and at the parks that still remain; and the transient situation which you have at the carnivals. Within the carnivals, you have another breakdown of those which are major, big carnivals, with standard rides purchased from standard companies, versus those which are smaller and perhaps have the older equipment and perhaps the non-standard equipment.

We are dealing essentially with three things when we deal with accidents and, unfortunately, deaths. We deal with the physical structure and condition of the rides themselves. We deal with the human person who operates the rides. We deal with the human person who

is on the rides, patronizing and enjoying them. The accident can stem from any of the three or a combination of any of the three. The accident that you were just told about was obviously a mechanically-caused accident. The accident which happened in Trenton at the shopping center, I have not very much familiarity with, but I don't believe that the ride, itself, was found to be structurally faulty when it was examined after the accident, and the same applies to the round-up that was used at Trenton and was used throughout the Fair, in that it was structurally sound.

Rides are designed basically with safety in mind. A person riding a ride, unlike someone in an industrial situation, is not especially and critically exposed to a hazard. The designer tries to eliminate every hazard that he possibly can in the basic, initial design of the ride. Upkeep of the ride is extremely important.

Now I have several things I would like to suggest dealing with all of this. First of all, in the permanent establishments, I see no reason why each ride cannot be subjected to a State license. I see no reason why a man shouldn't have a license similar to the license we have on our automobiles on each and every permanently-installed ride.

I think every major carnival that comes into the State of New Jersey - for example, Amusements of America plays many towns in the State of New Jersey, as does the James E. Strate shows and others - should also apply for and be given licenses for the riding devices and list with the State precisely which riding devices they have.

I think everyone with a riding device should indicate on some recorded arrangement whether it is a standard ride, conventionally manufactured, operating throughout the United States, or whether it is a ride of rare and unique design. The standard ride, well kept, will be about as accident proof as we can possibly get a ride. Witness the fact of all of the millions and millions of riders at the State

Fair, and unfortunately this one terrible tragedy which happened last week. It was the first fatality that we have had at the New Jersey State Fair in the 37 years that Hamid, Sr. and Jr., have operated the State Fair. The first is one far too many. Believe me, you can't imagine how upset we are and were. We did everything we could to examine the situation and the ride. It is a simple, conventional, round-up ride. There are at least ten of them in the State of New Jersey. I know there is one at Steeple Chase Pier. There is one at Seaside Heights. There is one at Hunt's Pier, I know. There is one up in Northern New Jersey. This is a conventional, manufactured ride - very, very hard to have an accident - very hard for the operator to operate it in a manner that would create an accident and very hard for the rider to behave in a manner that could create an accident. The odds in all such accidents are incredible because so many conditions have to be met for a fatality to occur on a well-kept riding device in which there is no mechanical failure, unlike automobiles where we know how many thousands are going to get killed in New Jersey every year and 90 percent of them are essentially driver caused. You can take as many flaws as you want out of the car, but when some guy is going 60 miles an hour down a back country road in the middle of the night, there is no way you can go inside his brain and take him down to the 40 miles an hour he should be travelling.

I would like to make other suggestions. I think it should be the responsibility of every ride owner to fill out a card and put it in the possession of the ride operator. And I think the ride operator should have a card on him, certifying that, at least as far as the owner of the ride or the carnival or the amusement is concerned, this man has had the personal attention necessary to see to it that he is a competent operator of the ride.

I think you should have some standards for ride

operators. I think you should have standards, for example, that a ride operator should, let's say, be 18 years of age or older because he has responsibility. I think, again, each ride operator should be checked out by the owner so that at least he can say, if something happens, that this man has been tested, we know he has the ability to run this ride, and this is about as far as the ride owners - and I, myself, - am not a rider owner - can go. I think that is extremely important.

One other area in which I think you can do a marvelous job for the State and for yourselves and for safety is accident reporting. In my judgment, any time, any place and wherever a ride accident involving hospital treatment occurs, there should be a mandatory form that is filled out and sent in. You may be surprised to find that a certain given ride is creating more nonfatal accidents than it should. If it is creating nonfatal accidents, conceivably it has built into itself a flaw that perhaps should require your attention. Because if there is a ride creating more than its share of nonfatals, it is certainly a potential fatal creator.

So I have brought my testimony to you -- and none of these things are expensive. Certainly the ride license - the ride metal license plate - could cost enough money to pay for the cost of the licenses and the cost of the persons that issue them, staple them on and take a look at the ride and see what condition the ride is in.

Certainly a ride operator should have a little card. So in the event there is an accident and you come in, at least you know all about the ride operator. You know his name, his age, his background and you know that he was checked out on the ride.

As for accident reporting, this, gentlemen, I think is an absolute must. We are required to do it in auto racing. We are required to do it in any fatality that occurs or any accident of any kind on the highways,

in boats and in industry. Accident reporting is vital in my judgment.

I offer these suggestions to you and insofar as the mechanical approach, I am not expert in the way to check the mechanics of a ride. You will have testimony of men from Michigan and elsewhere who are expert in this and I think you will find something very interesting from them. I offer you my suggestions because no matter how perfectly you manufacture or check or keep the rides up, you have the human element and that is where 90 percent of the problem lies.

I will answer any questions that are directed to me.

SENATOR SCHLUTER: Thank you, Mr. Hamid. I have several brief questions.

Mr. Hamid, do you insist that the amusement company with whom you contract have insurance?

MR. HAMID: Oh, yes. They can't come on the grounds until we have the insurance not only of the Amusements of America, but any other display; any item of any kind that comes on the Fair Grounds must have insurance.

SENATOR SCHLUTER: With regard to ride insurance, do you have any recommendations or do you have any minimums which you insist on?

MR. HAMID: We have a million dollars. Our base, I believe, is a million dollars. I will ask Mr. Vivona. Is that correct? A million dollars is the amount that we require.

SENATOR SCHLUTER: Do you also insure yourself?

MR. HAMID: We also have a general liability policy for the Fair Grounds, for the State Fair, for the Steel Pier, for any property we have, and that is kind of an umbrella. If for some reason their policy didn't cover the amount of the award, then ours would take over.

SENATOR SCHLUTER: Mr. Hamid, you have suggested that a permanent-type ride, such as the round-up, for example,

which was the ride involved in the situation at the State Fair, where it is permanently located at an installation, be itself licensed or have a plaque on it with a number and be registered and subject to State inspection and control. I presume you made that point.

MR. HAMID: I did very strongly.

SENATOR SCHLUTER: Why would the same principle not apply to a portable ride?

MR. HAMID: It would.

SENATOR SCHLUTER: In other words, you would favor the portable rides ---

MR. HAMID: The only reason I made a differentiation is because there are some portable rides so small, like the little merry-go-round on the truck that was referred to in earlier testimony, that you might have problems scaring those things up. Also in the church picnics where they sometimes have some home-made rides and little pony rides - that might present a problem. But any registered carnival that plays in the State of New Jersey certainly should not have any objection - in fact, they should be satisfied that the State has checked their rides because then they have a measure of shared responsibility. If the State checks their rides and says the rides meet the necessary standards of upkeep, maintenance and repair, and are in good condition and are standard rides, then, if anything happens, they have done their part.

SENATOR SCHLUTER: Mr. Hamid, you also operate auto racing speedways, is that correct?

MR. HAMID: That's right. We do.

SENATOR SCHLUTER: Could you compare the safety requirements, particularly with seat belts and harnesses of auto racing drivers and the accident rate and the effect of accidents, compared to this particular accident that took place at your Fair last week, with respect to the human element?

MR. HAMID: Yes. In auto racing, it is mandatory

that there be a standard shoulder harness and a standard 45-degree seat belt. It can't be an over-the-lap seat belt because a man can fly out of an over-the-lap seat belt. Nevertheless, it takes all kinds of pounding and hitting and screaming at the fellows, particularly when you get down to midget cars and sprint cars and stock cars, to get them to put the equipment in and then sometimes even to get them to wear it when they have it in. But 99 per cent of the drivers have proper equipment and wear it properly and a man who doesn't is a fool.

Now in the round-up, the round-up ride particularly is a gravity or centrifugal-designed ride, in which the motion of the ride keeps the rider in position so that he can't possibly get out. In front of the rider, there is a clipped strap and the operator does not start the ride until he sees that all of these straps are in place.

There is nothing, unfortunately that prevents the person riding such a ride or any ride where there is a strap in front of that person from unbuckling it. That is the unfortunate thing that happened in this situation. All the straps were buckled, but then, at a premature time, this child unbuckled it, tried to get out while the ride was riding, and unfortunately succeeded in pushing herself against the centrifugal force, but apparently was in the cell right next to where you would normally get off the ride. And once she had given herself enough power to get out, she couldn't stand against the centrifugal force and it threw her off the ride. And it threw her off the ride in just the very one spot of the ride where she wouldn't have fallen to the ground but where she would get caught in the wheel that makes the thing go round and round.

The comparison here is that the belt in front of the girl functioned as a seat belt would function and, unfortunately, she just undid it before she should have. This is the thing that ride operators live with all the

time. They design them as best they can, but there is no way you can have that thing locked and then automatically unlock all of them by a remote device. It can't be worked that way.

SENATOR SCHLUTER: Thank you very much, Mr. Hamid.

Do any other members of the Committee have any questions?

SENATOR MARESSA: Mr. Hamid, do you know whether or not there is any Federal legislation that covers the carnivals that go from one state to another, that are in interstate commerce?

MR. HAMID: I really must plead ignorance. I would say that I strongly doubt that there is any Federal regulation, except for the general Interstate Commerce legislation which exists in terms of vehicles over the roads, the trucks they use and this sort of thing. I know that equipment has to be maintained up to Federal standards. I would doubt that the rides themselves are under Federal standard, but I can't say for sure.

SENATOR MARESSA: I don't know whether or not you are the proper witness, but would you have some idea how often the equipment should be inspected with particular regard, if you will, to carnivals which go from one spot to another on one night stands and which are broken down and set up? How often would they have to be inspected?

MR. HAMID: I would suspect I am not the right witness since I don't travel the rides. However, certainly they should start out the year in tip-top condition. There is no question about that. The rides should be painted. They should be rust free. They should be, just as an example, in the same condition as your car when you take it in for winterizing - you expect that car to be ready to roll and to be in perfect condition.

I would certainly think that each ride should start the year out in Grade-A condition. This should be a must.

SENATOR MARESSA: Thank you.

SENATOR SCHLUTER: Thank you very much, Mr. Hamid.

I would like to remind anybody that came in late that if they plan to testify, they should sign up with Mr. Caramalis, our Secretary, and he will put you on the schedule.

I would also like to remind the Committee and others that we have representatives here of the Department of Labor and Industry and the Community Affairs Department who will be sitting in and will be available for questions later on in the day.

We do have many letters from Mayors who responded to our resolution which passed the Senate on July 17th, indicating their concern for this problem and making suggestions. I think most of these Mayors and Public Safety Directors declined to testify at this hearing, but did send their remarks in, in letter form or resolution form. I would like to make all of these communications an official part of our transcript today.

We will take our next witness a little bit out of order, but I think since Mr. Hamid is the owner of the New Jersey State Fair, it might be appropriate to hear from Mr. John Vivona, who is owner of Amusements of America. Then we can get the natural connection between the two. Mr. Vivona, could you take the seat over here, sir.

J O H N V I V O N A: My name is John Vivona, Sr., one of five brothers who own and operated Amusements of America, a New Jersey based corporation. We have our winter quarters in Englishtown, New Jersey. We have owned and operated carnivals for 32 years and we started in the Essex County area. We have played many, many church bazaars, firemen's carnivals, American Legion carnivals and various fairs throughout the State.

I am in agreement with everything that Mr. Hamid said. He is very, very well versed in the amusement park

and seashore business. He has owned and operated the New Jersey State Fair for many years and he is very familiar with most of the operation of amusement parks and fairs.

I am also in agreement with an inspection of the various rides. I think it is healthy for both the operator, the patron and the State. As a matter of fact, we have our rides inspected right here in the State of New Jersey at various locations. For instance, we have been showing the Kiwanis Fair in Livingston, New Jersey, since 1941. We have been showing the Cumberland County Fair in Bridgeton and Millville for the last dozen years. We have an inspection during the week of that fair.

We are not imposed to inspection. We feel it is very healthy and we are for it.

We buy our equipment from bona fide manufacturers. The same types of equipment we transport are used at all the various seashore resorts, amusement parks, etc. throughout the United States and, I would say, the world. As a matter of fact, we have imported some very fantastic Italian and German rides in the last few years.

I think a building code is very important. For example, let's go back to the accident we had on the round-up, which I am very sorry to have to report. It was not a mechanical error; it was not an error of the operator; but it was proven and reported --and the statements are at the Hamilton Police Department in Hamilton Township, New Jersey, of the various witnesses who saw this child unlatch the safety belt and try to get off the ride before it had come to a complete stop. Now this is not my statement, but it is a statement that we can readily go to the Police Department and get copies of.

My insurance adjuster was at the ride very, very shortly after the accident occurred. They took all the necessary data. They stopped the ride and had it inspected

completely. We had some of the officials of the township come out and inspect the ride and in just a short while we proceeded to operate it again.

We operate five units here in the State of New Jersey, starting in April and closing sometime around the middle of September. Talking about the number of riders, just prior to coming to the New Jersey State Fair, we showed the Central Canada Exhibition in Ottawa, Canada. We rode in excess of a million and a half people and there are records to prove that we had not one accident, and this was over a period of ten days.

We also boast the fact that we own and operate our own machine shop. It is now in a big 40-foot semi-trailer, complete with lathes, drill presses, welders, air compressors, whatever is needed to maintain a good-sized portable machine shop. We are in a position in the event of a breakdown to stop the ride and immediately take care of any small, minor job that is necessary to start the ride running again. If it is a big, major job, then we close the ride and have it taken care of in due time.

If there are any questions, I would be glad to answer them, Senator.

SENATOR SCHLUTER: Thank you very much, Mr. Vivona.

I have several questions. You mentioned at the State Fair you have a fully-equipped machine shop. Is that correct?

MR. VIVONA: Yes, sir.

SENATOR SCHLUTER: Do you have a machine shop unit to go with each of your five travelling units?

MR. VIVONA: No, we don't. Because the unit that plays the New Jersey State Fair plays the entire East Coast from April through November and we have a machine shop setup in Englishtown, New Jersey. Our other units stay within the New Jersey area and any problems, we either take care of them at Englishtown or in the various towns

we play over the years,-we have made many contacts with the various machine shops there.

SENATOR SCHLUTER: I see. How many rides, other than the so-called kiddie rides and the small, little rides which might be for juveniles or very young children, where you have a boat in the water where very little could go wrong - but how many rides like the round-up and the ferris wheels and the crack-the-whip, etc., do you run approximately at a place like the Trenton State Fair?

MR. VIVONA: At the New Jersey State Fair, we probably had about 20 large, major rides.

SENATOR SCHLUTER: About 20?

MR. VIVONA: About 20, and I would say about 16 or 18 children's rides, such as the merry-go-round, etc.

SENATOR SCHLUTER: Mr. Hamid testified a few moments ago that he feels that there should be a full reporting of any accidents, any deaths or any injuries. Would you go along with that?

MR. VIVONA: Certainly. We do that now. Our insurance company forces us to do that. Any minor accident - if you scratch your finger, we take a report and turn it into our insurance company.

SENATOR SCHLUTER: How do you feel about the value of reporting equipment breakdowns to a State agency?

MR. VIVONA: Senator, I feel anything that would help the situation as far as safety is concerned, as long as it is not unreasonable, I would go along with.

SENATOR SCHLUTER: When you buy new equipment, Mr. Vivona, do the manufacturers give you a warranty and can you describe the length of life of that warranty and some of the details?

MR. VIVONA: Well, when we buy our equipment -- I am not a qualified engineer so I can't answer about warranties too much. But we buy our equipment through knowledge of the various show people. We have the showmen's organizations - there are a couple represented here today -

and we get to talking to each other - we have conventions - and we more or less follow the ride before we buy it. We try not to be the first people to buy equipment. We follow it around. If we feel it is a good ride and it is a profitable ride and a safe ride, then we proceed to buy it.

But I am sure there are gentlemen here today that can give you all the pertinent information you would like to know as far as the safety standards and the history of all the ride manufacturers that sell rides to various carnivals.

SENATOR SCHLUTER: Do you know how many years approximately on some of these rides that the warranty would extend to guarantee against broken parts?

MR. VIVONA: Well, if they are properly maintained, Senator, they can last a long time. We bought a ride from Germany, the Swiss Bob, three years ago and it is a very fantastic ride. Incidentally the building code in the country of Germany, not the state where we bought the ride, but the country of Germany, is a little tougher building code than the average country has throughout the world. Their material must be heavier and other things of that nature. But this is a national thing; this wouldn't be on a local level.

SENATOR SCHLUTER: Fine. I think we can then ask the representative of the manufacturers what their standard warranty is.

MR. VIVONA: Right.

SENATOR SCHLUTER: Mr. Vivona, you raised another point. If you buy some equipment from Switzerland, what do you do for repair parts?

MR. VIVONA: For repair parts, the companies have some agents throughout the United States where they carry a surplus of parts.

SENATOR SCHLUTER: Manufacturers abroad do have agents here?

MR. VIVONA: They have agents right here, right.

SENATOR SCHLUTER: Two more question I think will be all. Mr. Vivona, there have been occasions reported to me where an owner will have one operator running two rides. Do you have any comments about one individual running two rides?

MR. VIVONA: That is not supposed to be, Senator, and I am not aware of it if it is.

SENATOR SCHLUTER: Are any of your men operating two rides?

MR. VIVONA: I have one man for each one of my rides.

SENATOR SCHLUTER: One man for each ride.

MR. VIVONA: That's right. I also have as many as four or five men for certain rides.

SENATOR SCHLUTER: I have heard the safety standards in Canada are spelled out and somewhat more rigorous than they are in the United States. Is this a fact?

MR. VIVONA: Yes, they are a little stricter.

SENATOR SCHLUTER: Do they have a national law in Canada or a law in each province?

MR. VIVONA: No, not that I know of. All I know is they have concerns just like we do sitting here. The concern is to try to keep the operation accident free and each province handles it themselves. I don't know about any national law.

SENATOR SCHLUTER: That is all the questions I have.

SENATOR MUSTO: Do you have a minimum age, Mr. Vivona?

MR. VIVONA: Yes, sir, eighteen.

SENATOR MUSTO: How often do you feel inspections are necessary?

MR. VIVONA: Well, I agree with Mr. Hamid. I think at the start of a season you can have a State inspection similar to an automobile and tag a ride and make it good for the season. But I also agree with periodic checks.

SENATOR MUSTO: I didn't mean as much on a State level. I suppose you could set most any criteria there.

But how often do you think rides, for example, at the State Fair, the ones you operate, should be inspected with the amount of activity that takes place?

MR. VIVONA: Most of the time, you are inspected one time. If you wanted to make it just for the State Fair, you could come in and inspect the ride, and then it would be entirely up to you. We are not opposed to any inspections.

SENATOR MUSTO: Do you inspect when you disassemble as well as when you assemble your rides?

MR. VIVONA: In our operation I have a gentleman who was a ride manufacturer, Stacy Johnson, from Miami, Florida. He built one of the original portable roller-coasters. He is now in my employ and has been in my employ since 1959 and he is what we would call our ride engineer and ride superintendent. And he manages my machine shop and every morning, he and his staff parade the grounds and inspect each ride for safety pins for cotter pins for loose bolts or anything that is important to the safety of a ride - safety belts. And this happens every day of my season. On each one of our units we have a similar man, not with the qualifications of Stacy Johnson, but a qualified man to do this.

SENATOR MUSTO: The problem I am faced with as a member of the Committee is that we are looking for legislation to provide more safety.

MR. VIVONA: Right.

SENATOR MUSTO: In many ways you may be doing more now than we might come up with in legislation. That is why I ask you what recommendations you would have as to the minimum the State should require. I don't doubt that many of the owners of these amusement machines - they say they don't want accidents - it would put them out of business -- but I would presume that on their own they would be very, very careful and want to make inspections of the highest degree. That is why I ask you what you

would think would be a minimum as to the type of inspections we should require in any legislation we might develop.

MR. VIVONA: Like I say, I would think that if you could inspect a ride early in the season and then spot check it as you go along, that's plenty of time. I don't think a ride can rust out over night or in two weeks. It would take a long time for a ride to deteriorate and rust out. I think if you could spotcheck an inspection, form a committee, and any operator that comes in the State of New Jersey would give you their itinerary and you make spotchecks of the equipment, I think it would be a good idea.

SENATOR MUSTO: I think inspections are necessary. It is how you inspect that is important. We have motor vehicle inspection in the State of New Jersey. You buy a new car, you go in and it is inspected, and you drive outside and there is an accident. It is a matter of how you inspect and the things you look for. Some things are probably way out of control.

Thank you, Mr. Vivona.

SENATOR EPSTEIN: Mr. Vivona, do you make a daily inspection or a trial run of the ride before the day starts, before you open up?

MR. VIVONA: Yes, we do.

SENATOR EPSTEIN: Would you agree with Mr. Hamid, that if you were to go over your insurance company records where you have reported accidents, that 90 per cent are due to the riders' negligence, perhaps in getting on or getting off?

MR. VIVONA: At least 90 per cent.

SENATOR EPSTEIN: When you go to different municipalities throughout the State, do you find a great variance in the requirements for insurance?

MR. VIVONA: Yes, we do. But we carry a sizable amount of insurance at all times. We don't look to save

a buck by carrying \$100 thousand this week and one million dollars the next week because of the requirements. We carry \$1,100,000 - \$1,300,000 at all times. And some places if they require more, we buy excess. But that is what we carry minimally.

SENATOR MARESSA: Mr. Vivona, you mentioned earlier about being in Bridgeton at the Cumberland County Fair and that you were inspected once during the week. By whom were you inspected?

MR. VIVONA: Well, the Cumberland County Fair originally was in Bridgeton, New Jersey. And they had a gentleman that worked for the city who was the city engineer, I presume. He came out and inspected the rides. When we moved to Millville - the fairgrounds moved to Millville about four or five years ago - they still retained the same gentleman that was the city engineer in Bridgeton.

SENATOR MARESSA: In other words, it was a county official and not a State official?

MR. VIVONA: It wasn't a State official, no. It was either a city or county official.

SENATOR MARESSA: In your opinion then, in answer to Senator Musto's question, you felt at least once a year there should be a good inspection of each ride?

MR. VIVONA: No. I say once a year when an operator is going to start in the State of New Jersey, whether it may be in April or July, he should be inspected and then have periodic checks throughout the rest of the season as long as he is in the State of New Jersey.

SENATOR MARESSA: I think your testimony was once it is painted and gone over, it lasts for a considerable time.

MR. VIVONA: You should have very little problems. We have ridden millions and millions of people. I told you, in ten days we rode over two million people in Ottawa alone without an accident.

SENATOR MARESSA: The point I am trying to get at is, if it is properly taken care of on an annual basis ---

MR. VIVONA: -- you should have no problem.

SENATOR MARESSA: (Continuing) --- why is it necessary for you to have a travelling machine shop?

MR. VIVONA: Because we are dealing with mechanical equipment. I could buy a new Cadillac right now and drive it around the corner and I can't start it in ten minutes. You are dealing with machinery. You have a certain amount of wear and tear. We try - not try - we maintain it accordingly and we have these facilities to keep this machinery in operation.

SENATOR MARESSA: But you have found it necessary to have this machine shop along with your enterprise for the constant need of repairs.

MR. VIVONA: Not only on amusement rides. We move on 150 trucks. And we have problems. Sides of bodies need painting. We repair a patch at the side door or we go down the highway and have a truck accident and it needs some repair. We do most of that ourselves.

SENATOR MARESSA: Although you have a minimum age of 18 years for your ride operators, you are aware, are you not, Mr. Vivona, that many outfits have ride operators who are much younger?

MR. VIVONA: I heard about a case this summer of a 15-year-old boy running a ferris wheel.

SENATOR SCHLUTER: Mr. Vivona, thank you very much. You are welcome to stay and if there is anything that escaped you now and you would like to come back later today and cover it, you are welcome to do so.

MR. VIVONA: O.K. Thank you.

SENATOR SCHLUTER: At this time, unfortunately three of the Committee have to leave for a little while because of the pleasant opportunity to witness the Governor's signing of the Optional County Charter Bill. So, Senator Maressa, will you please take over.

I would like to call a short recess at this time.

(After recess)

SENATOR MARESSA: Ladies and gentlemen, we will resume the hearing. Our next speaker will be Mr. MacKay. Will Mr. MacKay come forward, please.

Whenever you are ready, you may proceed, Mr. MacKay, if you will, please.

W I L L I A M M a c K A Y: I won't monopolize the Committee's time by going through my whole statement here, because it is six pages, but I just want to highlight some things. (See page 54 A)

First of all, the Outdoor Amusement Business Association is the North American trade association for the carnival industry. Our members consist of carnival operators, independent ride owners and the concessionaires, sideshow and arcade people that make up a typical midway.

We're here in support of the bill.

The OABA believes in safety legislation and we support it.

The carnival business already is doing a great deal in the safety area, as Mr. Vivona pointed out. You, of course, understand the carnival business. They move 20 to 25 times a year and each time they move those rides are dismantled, loaded on trucks, moved down the road to the next spot. That's an inspection procedure when they're dismantled and reassembled. In the winter time they go back to winter quarters and the rides are taken apart, examined, inspected, parts replaced. Sometimes the rides need rebuilding and they are sent back to the factory.

Insurance companies send inspectors around periodically because they have a great stake in it.

As a result, some figures have been given here today on the safety record of carnivals. I can cite you one of the biggest carnivals in the country. They had fifteen to eighteen million rides a year and they've had 150 reportable accidents and they're what we call "band-aid" accidents, skinned elbows, bruised shins, that sort of thing. But,

as we've found out in Trenton, and other places, there are accidents. And, unfortunately, as has been pointed out earlier, they are almost always caused by the rider's carelessness.

Now, we've given the Committee what we call the OADA Model Ride Bill. We can't take any pride in authorship; we copied it from the Michigan enabling legislation. We like enabling legislation because we have a lot of problems otherwise. Let me cite Wisconsin. They passed a ride-safety law. There was a load testing factor in there which was erroneous. There are some rides, as I understand it, that have a built-in safety factor. If you overload them, they won't operate. In this particular load test, you overload the ride and the ride won't operate and, therefore, it won't pass the test. Now, to get that changed, you have to go back to the Legislature and get it amended.

Also, you can pass a law that can cover every conceivable ride that exists today but five years from now you may have 10 or 15 brand new rides that are on the drawing boards right now. So, we like enabling legislation, and then the code set up by the appropriate department.

And we also would like to urge you gentlemen to set up an advisory board, such board to consist of a carnival operator, an amusement park operator, and we would like to see a member of the fair association. While they aren't ride authorities, the fairs have a great stake in ride safety because these carnivals play the fairs.

I want to stress that the board would be an advisory board and wouldn't have any power. Now, the reason why we suggest this is that rides are unique and specialized kinds of equipment. I'll tell you frankly, I don't know very much about them myself, although I'm the Executive Secretary of the Organization, because you have to live with them for years, take them apart and reassemble them and operate them. And I think, and Mr. Estes will testify that it has worked very well in Michigan, that if you have

this kind of a board a great many problems can be solved and a great many questions answered when you're putting together your code because you have people who are ride authorities.

The second thing we're concerned about, - as Mr. Vivona pointed out, we don't mind inspections but carnivals operate on a very precise timetable. You're in a certain town tonight and you tear down some time after midnight, you load a couple hundred tons of equipment on to trucks, you take it 200 miles down the road, and sometimes you are expected, you know, within a period of 30 hours to be set up and in operation at another fair. You've signed a contract saying that you will be open at such and such a time. And our only concern about ride inspections is that they don't interfere with this kind of precise timetable because it would cause great embarrassment to the carnival operators if they couldn't open on time, cause great embarrassment to fair and civic celebrations. So, if the inspections can be done in such a way that it doesn't interfere with this, the orderly moving from place to place, we would appreciate it very much. And Mr. Estes, who is very involved in Michigan can explain to you how they do it there - and I keep referring to Michigan constantly because (A) they've had their code in effect for five years, it's operated very well, it has protected the public, the State is happy with it and the carnival people are very cooperative and very happy with it. And to reiterate, I think one of the primary reasons why Michigan works so well is because of that advisory board. You have people there who are familiar with rides. And I want to stress the fact that they don't run the thing, they merely advise.

That's about all I have to say this morning.

SENATOR MARESSA: All right. Thank you.

As an Attorney, Mr. MacKay, something bothers me. Presently there are no minimum standards. Some municipalities take it upon themselves to enact ordinances setting up

insurance requirements and maybe some minimum standards. I think the problem doesn't lie too much with the permanent installations, such as Hunts Pier or Palisades Park or something like that, but, as you've indicated, the carnival that has - how many stops did you say? 20 to 25 times a year must assemble and reassemble, and so forth.

Now, suppose we enact a law in this State which sets forth minimum standards and these minimum standards, as Senator Musto indicated, perhaps may be lower than those self-imposed by the industry. Would it not then give the insurance company a free ride, so to speak, with regard to paying claims?

I think of it in this light because of this reason. If, for example, we require, the State of New Jersey requires each carnival and each ride to be licensed, as Mr. Hamid recommended that we do, and this licensee is inspected periodically, and something happens, I think it would be very difficult for any lawyer or any plaintiff to establish a claim against the insurance company, of course through the defendant enterprise, because they have met the state standards.

Now, in order that this not happen, I would like to believe that we would set forth safety regulations and inspection procedures that would tighten, rather than loosen, the responsibility of the insurance company and, in so doing, - taking into consideration your remarks - we would not want to set forth procedures that would impose upon the orderly arrangement and disarrangement of these various carnivals as they proceed from place to place. As you indicated, inspection shouldn't interfere.

If we do have a tight inspection code - and I don't say a daily inspection, but I asked the question of Mr. Hamid and he said that he wasn't the proper witness to answer it. If the ferris wheel is assembled and disassembled on a daily basis, maybe it should be inspected on a daily

basis.

Then again, we come to the understanding, if you will, that most of the charitable organizations, the churches, the fire companies, are the ones who utilize the services of these itinerant carnivals. If we impose more rigid safety regulations, of course the licensing fees are going to have to be higher because we don't want the state to operate in the red, will not these costs then be, of course, translated into higher ticket or admission fees?

My question then, in summary to you, is, do you suppose, from your experience and your knowledge of what has happened in Michigan, that we here in the State of New Jersey can wear both hats - in other words, establish safety regulations that will be so precise that the industry is going to benefit by having them, and they will be more rigid than they presently are, without having to cause a price increase by having the proper safety officials and inspectors throughout the State, the advisory board and so forth and so on, to the point that it will jeopardize the charitable ideas, of course, that various churches and fire companies hire these itinerant carnivals for.

Do you understand what my thinking is?

MR. MacKAY: As I understand it - Mr. Estes can either refute this or support me on it - in Michigan the program is self-financing. The way they've set it up in Iowa, it's self-financing. I haven't heard any complaints from our people as to the cost of the inspections. As a matter of fact, in Michigan they magnaflux the rides, they have a portable magnaflux unit that's taken around in a station wagon. One of our operators - Bill can correct me, if I'm wrong, but I think it's \$20 a ride, something like that -- and our people's attitude is: Lord, I couldn't hire an engineering firm to come and magnaflux my rides for that amount of money. They like it.

Now, the position of the OABA is this, that as long

as any ride legislation is passed that's realistic - and there again that's why we would like to see those people on the advisory board because if something unrealistic comes up they can point out what's unrealistic about it - as long as it's realistic, our good operators can comply with it, with the proviso that you don't interfere with the orderly moving down the road of the carnival. We've got marginal people in this business. Now, anybody can buy a ride and anybody can set himself up, get himself a name and call himself a carnival. We're a little rigid with them. Our attitude is, go ahead and pass the law and if they can't comply then they are going to have to do one of two things, either upgrade their equipment or find a new line of work, because if a little two-bit carnival has an accident somewhere it reflects on the entire industry. That's our attitude. An accident anywhere in the United States, by any carnival, whether it's a member of our Association or not, reflects on the carnival industry. And, frankly, one of the reasons why we support this kind of legislation is it makes some of these people shape up. Now the Vivonas and the Strates and the Reithoffers, and all those people that work up and down - and I could go on and on and list you forty of them -- that work up and down the Atlantic Coast don't have to worry about realistic ride safety legislation and inspection and licensing, because they are already doing it. They're doing it, as I point out in my statement, for some pretty selfish reasons. First of all, an accident is rotten public relations; secondly, it affects your insurance premiums that you pay, which are considerable to begin with, they run around 6% of your gross - I think it will go down as low as 4, it's on performance, but I think the industry average, John, is about 5 or 6, isn't it? Liability insurance 5 or 6%, isn't that about the industry average?

MR. VIVONA: 8%.

MR. MacKAY: 8%. All right. And also, you know,

being human beings, they don't want to have to live with the memory of an accident. I've known carnival operators who have had some fairly minor accidents on their rides - nobody was killed but somebody just broke an arm, which was the rider's fault, - and two years later they're still talking about it, which shows that it's gnawing on their minds. I mean, they don't like that kind of thing and that's why they work so hard, you know, to keep their equipment in good order. The people that don't keep their equipment in good order, and I'll say it again, as far as the OABA is concerned we would just as soon they either upgrade their standards or get out of the business.

SENATOR MARESSA: In your opinion, Mr. MacKay, should a ride be inspected each time that it's assembled?

MR. MacKAY: To be perfectly honest with you, Senator, I don't know how a state could set up - you know, if you could set up that kind of a procedure.

SENATOR MARESSA: I think Mr. Vivona indicated that at most of the county fairs, and so forth, there is an inspection some time during the week. Now, we would assume that that's a minimum of at least a week's stay, a week's booking. But I think there are indications - and, of course, I don't know this exactly from personal experience - that a carnival will come in for one night. And if it comes in for one night, something like a church bazaar or something, I would agree with you that it would be very difficult for the State to be there. But notwithstanding the difficulties involved, would it be your opinion that it would be necessary?

MR. MacKAY: No. I really feel - and this is the way it's done in most states - you have one first-class, thorough, comprehensive inspection the first time the carnival comes into the State, the first date it plays. In the case of Mr. Vivona, he's already here, you would probably go out and inspect his rides perhaps before he even went out, before the season began. And, as Mr. Vivona pointed out, periodic

spot-checks throughout the season would be a good idea, for obvious reasons. If you know you're going to be spot-checked - and here again I'm not talking about the good operators, but some of these other people, if they know they are going to be spot-checked and they don't know when, they will redouble their efforts to see that their rides are safe. But I want to reiterate, the very fact that these rides are taken apart and reassembled is in itself an inspection procedure, because when you take them apart, if you see a worn part, you replace it.

SENATOR MARESSA: I was referring to the actual assembly itself, somebody forgets to put a nut on a bolt or something like that.

MR. MacKAY: But I might respectfully suggest that maybe you would be spending a lot of time and effort on something that isn't really required. I go back and cite the carnival industry's safety record. I can't remember an accident where a ride fell apart. I'll take that back. There have been rare instances, but not because the nuts and bolts were put together improperly. One instance I'm thinking of - and that ride is no longer manufactured, I mean the ride itself is but improvements have been made, but there was something wrong with the rivets in the buckets that the people sat in. On rare occasions, the thing would give way. But that particular bucket is no longer being manufactured.

SENATOR MARESSA: Well, thank you very much, Mr. MacKay. You have been very informative. Thank you.

Is Mr. James Hughes here?

J A M E S F. H U G H E S: Senator, I am James Hughes, Director of the General Education Division of the New Jersey State Safety Council, Inc., a non-profit, non-political organization supported by business and industry for the promotion of accident prevention. This is our main function.

The subject of discussion this morning, the

establishment of a New Jersey safety standard for rides at amusement parks and carnivals, has been researched by the Council through the United States Department of Health, Education and Welfare, United States Office of Product Safety, United States Public Health Service, National Safety Council, and the National Fire Protection Association.

Our research reveals that on a nationwide basis there is need for statistical tabulations and we have found that in New Jersey the source of information on this subject was the newspapers. In fact, I would say it is the only source of information. Our survey of the newspapers brought to our attention five accidents between May, 1971 and September, 1972. And these are probably just a skeleton or the tip of the iceberg.

- A. May, 1971, Asbury Park, a mother and child fell from Sky-Ride.
- B. June, 1971, Point Pleasant, woman struck by amusement train.
- C. June 1972, Trenton, 13 year old boy fatally injured at carnival.
- D. August, 1972, Wildwood, four year old boy died when struck by tram car.
- E. September, 1972, Trenton, fourteen year old girl fatally injured on amusement ride.

We think that the actual record is greater than what has been reported in the newspapers since there is no obligation on the part of any agency to report or to tabulate accidents occurring at amusement parks.

We have found that a possible source of information are police departments and in one department we determined that they had a record of four fatals at a local amusement park between 1965 and 1972.

Gentlemen, we might suggest, as a possible furtherance of this Committee, that you might survey all the police departments in the State of New Jersey for their records.

The New Jersey State Safety Council supports the need

for a study of the problem and urges the appointment of an action-oriented study commission. The Council suggests that this study commission review the rules and regulations of the State of New York and the State of Wisconsin as they apply to amusement parks.

Also, for your consideration we are presenting with our written statement a copy of the recommended safety code for operators who are members of the Showmen's Guild of Great Britain; also photo copies of the bimonthly fire reports, November, 1966, of the National Fire Protection Association, as they relate to amusement park fires. (See P.61A)

Gentlemen, we thank you for the opportunity to appear this morning and we will answer any questions.

SENATOR MARESSA: Have you been in touch with Senator Schluter concerning this?

MR. HUGHES: No, I have not.

SENATOR MARESSA: Have you a prepared statement?

MR. HUGHES: Yes.

SENATOR MARESSA: Does your Department have any records concerning accident experience with respect to these?

MR. HUGHES: As far as we can determine, the records do not exist. There is one possibility of existing records in the future. In conversation with the Office of Product Safety, they have three hospitals in the State of New Jersey which are operating on a contract basis and every night they report to Washington, on a teletype, produce related accidents. This is a project which is going on now in 50 states and I think maybe at a point in time, which is going to be six months or a year from now, we will begin to see what the experience is. It might also be helpful if this Committee or if the Legislature or the State of New Jersey would go on record, in a formal petition to the Office of Product Safety, asking that they make a special survey of this type of accident.

SENATOR MARESSA: I was going to ask, would your Department be in a position to sit down with some Legislators and help draw up a particular bill or a particular set of safety regulations?

MR. MACKAY: We would be glad to offer the expertise we have both here in New Jersey and on a national level to do what we can to assist in this loss control problem.

SENATOR MARESSA: What expertise do you have here in New Jersey? Do you have engineers on your staff, and so forth?

MR. MACKAY: No. When we get down to an engineering problem, we would have to bring in people from our National Headquarters in Chicago. This is what we would have to do. And I think if we go to an agency in New Jersey that will eventually take this over, or if someone is assigned to function, it should be in an agency that has competence. As was pointed out this morning by previous speakers, you have to know what you're looking for to determine if a ride is in safe condition. I think the agency which does this will have to have personnel that can look at a product and say, "I know what I'm looking for and I know where possible defects will be."

I heard mentioned a number of times this morning, the question of insurance. I think it's an important factor. But the question of insurance is really post-crash, it comes into play after the accident. I think we have to look at the crash phase, which is what happens at the time of the occurrence, and also we have to be concerned with pre-crash or pre-accident, the conditions which lead up to it, and if 90% are man failures, then maybe we have to have a man-failure program to work on reducing that 90%.

SENATOR MARESSA: Thank you very, very much.

We are going to recess this hearing until 1 o'clock, ladies and gentlemen, and we will resume at that time.

Thank you very much.

(Recess)

(Afternoon session)

SENATOR SCHLUTER: Ladies and gentlemen, if we could come to order again.

I do want to apologize for several members of the Committee leaving the Chamber. We did have another conflicting engagement, which was quite important, as is this hearing. So, I thank Senator Maressa for chairing it in my absence. And if we can come back to order at this time, we have several more witnesses. Anybody who has arrived who would like to testify and who has not signed up, I might remind them to check with our Secretary, Mr. Caramalis, who is sitting in Assemblyman Hawkins' seat, and he will take your name and we will put you on the schedule.

We do have the Department of Labor and Industry present. I think the Department of Community Affairs is still represented here. And perhaps at the end of the day we can call them to the witness stand for certain comments.

Senator Musto will try to get back. Senator Musto has a very big day here - not only was he involved with the previous legislation which the Governor signed but he is vitally concerned with the State Lottery and the Governor has a statement which he is making at 1:30 on that matter. He will try to get back.

Senator Maressa will also try to get back.

On my right is Senator Epstein from Union County.

We do have statements which we will enter into our official transcript and if any of the witnesses would like to present statements, we would encourage that.

Senator, do you have anything to add at this time?

SENATOR EPSTEIN: No, thank you.

SENATOR SCHLUTER: Our next witness is Assistant Prosecutor of Mercer County, Mr. Howard Golden. Mr. Golden, please identify yourself and proceed, if you will.

H O W A R D G O L D E N: I am Howard Golden, Assistant Prosecutor, Mercer County Prosecutor's Office. Our Office is in charge of investigating all deaths under unusual

circumstances.

We were called to take some part in the investigation of the young lady who was killed last Monday on the ride at the New Jersey State Fair. This matter is still under active investigation, both by our office and by the Hamilton Township Police Department, which has original jurisdiction since the incident took place in Hamilton Township.

Let me just briefly state some of the facts that we've established, some of the areas that we are trying to investigate with respect to this last accident.

First of all, of course, is the fact, I believe from what I have been told, that this is about the first fatal accident at the New Jersey State Fair in a rather lengthy period of time, I believe over 30 years. To this point, and I would point out that the investigation is not yet complete, but to this point all indications of the accident are that it was caused by the young lady herself removing a safety device from the particular ride while it was still in operation. This is on the basis of all the statements from the witnesses and the best information that the police who were on the scene could establish, to this point.

There is some uncertainty as to the physical condition of the operator of the ride at the time. I am sure most of you have read in the papers over the week-end that at one point he indicated that he had been drinking and that if he had not been drinking he perhaps would have been in a position to avoid the fatality. He later recanted that statement and said that the only reason that he made it was to embarrass the owners who had fired him. We do know, however, to the best of our information now, that this same operator had been fired just a short time before the Fair got to Trenton, in Flemington, for being drunk and he was rehired when the Fair got to Trenton.

Part of our problem, at least insofar as the Prosecutor's Office is concerned, is that we were not called out to the scene until approximately 8 P. M. a week ago Monday.

The accident occurred at approximately 1:10 P.M. and the young girl expired some time shortly after 6 P.M. So, actually, we didn't get out there before some seven hours. When we did get out, the ride was still in operation; there were no apparent defects in the ride; there were no further injuries that I'm aware of with respect to the ride.

For those reasons, without even going into the question of what authority either myself or the Prosecutor's Office or even the Police would have had, the ride was not shut down.

As I said, the indications then and still are that the accident was caused by this young lady releasing a safety belt which held her into a cage-like affair while the ride was still going.

I don't know how many of you are familiar with the ride but basically it's a ride consisting of a large, round platform which raises and lowers and goes on various angles with a number of cage-like individual areas in there which each hold one person. Again, I don't want to sound like an expert, I'm far from that, as I observed it, the only safety device I could see from the ground was what appeared to me to be a belt-like affair which was snapped into place and held the person in there. Additionally, when the ride was in motion, at a sufficient speed, I gather centrifugal force also took a large part and would keep the individual up against the back of this cage like affair. It was kind of oval in shape.

Our indications are that as the ride slowed down and went back on an even level at a point where it was slowed so that centrifugal force no longer kept the individual in this cage, this young lady was able to unfasten the belt and walk out of this cage and attempted to get off the ride while it was still in motion and was thrown back against one of the supports. And, as I understand it, the death was caused by severe internal injuries of a crushing nature. I have not yet seen an autopsy report. My indications, from speaking to the pathologist--and these are pretty much his words - were

that if she had been run over by a truck her pelvis and hip area couldn't have been more destroyed or more crushed. So, apparently, she was involved with a great deal of force in the midsection of her body.

Senator Schluter asked me here, last week, and I imagine the main reason was for whatever comments I could offer to perhaps avoid a repetition of this.

In addition to this fatality, Trenton also had one several months back on, I believe, a ferris-wheel type ride when another youngster fell or jumped from a rather high point. Two people were involved in that, I believe, one was killed and one was severely injured.

I think it is clear that what we need, and what we don't have yet to my knowledge in any shape or form in this State, is some form of inspection and mandatory minimum safety regulations. These, obviously, are very difficult for someone in the position that I am, and most of you are, I presume, as lay people in this area, to try to devise or even come up with ideas on.

With respect to the ride involved in this latest fatality, it would seem to me that if there were some kind of device that prevented any rider from removing the safety belt, this fatality could have easily been avoided. I would guess, and it's only a guess, that that would be rather easy to install - kind of like the things in many washing machines, for instance, where the lid cannot be lifted up during the high-speed rinse cycles. I would imagine that, if Whirlpool and Sears and the rest of these places can make a device there, these rides can also have some kind of device where there is an electrical or magnetic lock so that at any time this ride is in motion that safety belt cannot possibly be removed. I guess we're coming similar to that now in the new automobiles where you have the light on and the buzzer for the safety belts. Of course, that is easy to get around because all you have to do is make sure the belts are connected whether they're around someone or not. But I think in the type of ride and

these different types of amusements, if you have the operator of that ride lock in the device and that at that point that device cannot be unlocked again until it arrives at a full and complete stop, it would have avoided at least this last fatality.

I don't know, again, because of the engineering problems involved, whether it's possible to permit a ride of the nature in which the fatality occurred to have a kind of - I guess you would call it - a "fail-safe" device which would automatically and quickly bring that ride to a stop. I don't know whether that would cause more injuries to the other riders or not, so it's difficult to say.

Again, one other possibility specifically with regard to this ride is a full cage-like affair rather than just a semi-cage affair and then a safety belt in front.

I think it's without question that we do need some minimum safety requirements; we do need inspection, periodic inspections; we do need a central authority or regional authorities, at the very least, to make inspections, since I think it would be almost ridiculous to have some municipal level authorities because you would have then hundreds of different people making judgments. It would either have to be done on the state level or at the very least a regional level.

I think high insurance requirements would have a beneficial effect because insurance companies have a habit of checking carefully when there is a lot of money on the line. I understand that many municipalities, in permitting amusements of this type to come on to their property, do require substantial insurance bonds to be posted and in most cases, I am told, that the insurance companies have an inspector or someone from their company on hand to at least make some form of inspection in an attempt to avoid any injuries which would lead to law suits and liabilities.

Short of these kinds of basic regulations, safety regulations and inspections, I don't know what you can do. I

think what this whole idea has to be geared to is that these rides attract children and young people, and young people have a habit of liking to take chances. Unless you make these requirements mandatory and operate in such a way that the people who go on the rides cannot of their own volition remove the safety devices, I don't think you will get anywhere at all. It's like the old - you know, that many states have - nuisance doctrine recognizing the fact that the kids and even some times the young adults will take chances, stand up on roller-coasters and things of that sort. And unless you make these safety devices operate in such a way that once they are put in place they cannot be moved until the ride comes to a full and complete stop, we're going to go nowhere.

I understand you have had or will have someone who worked on Michigan's statute who is supposedly - and I don't mean that facetiously but I don't know who he is - an expert in the field who would be far better along those lines than I am. But certainly, in view of the two fatal accidents we've had within the last six months in this County alone, something is necessary and it is not sufficient to say that we haven't had a fatality before that in some 30-odd years.

SENATOR SCHLUTER: Does that conclude your testimony, Mr. Golden?

MR. GOLDEN: Yes, sir.

SENATOR SCHLUTER: I have several questions but before I start I would like to say that when I refer to the word "operator" I am not referring to the owner and manager of rides who rents to the different fair grounds but to the individual who is responsible for actually pushing the buttons and operating the brakes of a ride such as a round-up.

Do you feel, Mr. Golden, that it would be wise to have state standards for qualification to be an operator of a carnival ride?

MR. GOLDEN: I think it definitely would be advantageous. The only thing I can say, other than that, would be that in

view of what I consider - and I may just be way off base - would be the type of people that you characterize as operating the carnival rides, they seem to be of a type that is here one day and gone the next, as of this point in time - and maybe I'm thirty or forty years behind the times - it's going to be difficult. When I referred to the "operator", I also was referring to the person who was pushing the button. As I said, I guess you are all aware of what happened involving him and his alleged statements to the police and to the press within the last few days. The last I saw, he has been sentenced I believe to 30 days for drunken and disorderly behavior arising after the incident. But he has had at least some history of drinking. And I think that type of person should be prevented in the same way as people operating cars - you check to see if they're alcoholics, drug addicts, epileptics, things of that nature. Even assuming all these infirmities are sicknesses rather than anything else, still, because of the nature of the problem, the nature of the beast and the possible risk, you have to have competent people who are all there at all times.

SENATOR SCHLUTER: After your examination of that particular ride and the position of the safety belt, do you feel that a youngster of age 7 should be allowed to go on that ride if he is, say, or she is something like under 4 feet in height?

MR. GOLDEN: No. I think on a ride of that type there also have to be regulations as far as age, height and weight, with any ride. There are certain rides where it doesn't matter and I think this has to be taken into consideration.

Again, as I recall that belt - and I don't want to be held to it now - was approximately 2½ to 3 feet above the level of the platform. When I got there in the evening the ride, as I said, was in operation. I saw one young man, while the ride was slowing down, who completely sat down so that his head was either below the level of the belt or his whole face was at the level of the belt and if anything had

happened he would have been thrown out face first either into the belt or he would have just slipped out all together.

So there should be, number one, the size, height, and age regulations, and also, again, something to prevent an individual from sliding over or under this safety device, whatever it might be.

SENATOR SCHLUTER: Mr. Golden, do you feel that the operator should have a certain amount of discretion to allow a person on a ride or to prevent the person from getting on a ride if he feels in his judgment that the person is acting in a manner that might be dangerous, such as indulging in alcohol or is a hazard to the public?

MR. GOLDEN: Absolutely. I think even if a person goes on a ride once and causes trouble and he wants to go again, I think the operator there too should have the opportunity and the discretion to remove him. All the rides, at least in this area, that I've been to, be it the State Fair or some of the local functions, when they bring in either the same company or another similar company there are usually uniformed on-duty members of the police as well as special officers who are assigned. And, while I don't think force should be used by an operator, I think there are sufficient police in the immediate area in every case, so he has got to do that not only for the safety of the individual involved but for the safety of others on the ride.

SENATOR SCHLUTER: Would you say that these powers, that you suggest the operator have, are sufficient for a state licensing board, for example, to examine a man's character and his moral turpitude, if you will, in qualifying him for a license to operate?

MR. GOLDEN: I think the area that we're talking about is at least as important as, for instance, the selling of alcoholic beverages. It is my understanding that the State ABC, as well as the local authorities who have licensing powers, do have the right to investigate the background of anyone seeking a liquor license. Here, again, you're dealing

with something in which a human life is involved, particularly when you're dealing with - as I said before - young people who sometimes don't act in their own best interest, there must be this kind of power by any licensing authority and I think there should be such a licensing authority.

SENATOR SCHLUTER: Mr. Golden, if the State were to promulgate, through the process of legislation and regulation, certain safety standards which might by any estimate be considered to be rigorous, and if the manufacturer met these standards, and if the owner of the ride met these standards, and if the operator was duly licensed and qualified, and if there happened to be, even despite all of this, a death or a serious injury, do you think the fact that the State has set standards would be enough to indemnify the operator from other normal discretionary powers to insure safety?

MR. GOLDEN: Normally, the licensing authorities merely set minimum requirements. There is nothing to prevent any operator - now I'm talking about the owner rather than the individual who just pushes the buttons - from instituting and setting up more stringent requirements than the minimums which might be set by any state or even the federal authorities.

For instance, we have a Safety Construction Code in this State for such things as, when they work on high buildings, the elevators and that type of thing, and these are examined and must be okehed or approved by the State. Yet, in my career in trial work and civil litigation, there have been a number of cases which have arisen, and the fact that the State has approved is neither here nor there. In fact, under the State Law now, the last I saw of it, that would be not even admitted into a court room; that's all privileged information, the state's examinations and the approval. So, again, the basic statement is that the State would merely set up what they considered to be minimum necessary standards and there is no reason why a manufacturer or an operator could not impose even more stringent standards.

SENATOR SCHLUTER: And I assume, from what you say, the manufacturer or owner is still responsible, even after meeting the minimum standards, to employ certain sound principles of operation and construction which a reasonable person would employ and, if he doesn't employ these and there is an injury or death, he's still liable.

MR. GOLDEN: Right. I think what you're getting into here, probably the meeting of the requirements of a licensing authority would probably insulate such an operator, owner, or manufacturer, from perhaps criminal sanctions, not necessarily civil sanctions. The standards of care are quite different. In the civil area it's merely a standard of reasonable care under the circumstances; the criminal sanctions would impose a much more stringent test. And I think there, once the individual has shown he has met all those requirements, he would be insulated from any criminal sanctions.

SENATOR SCHLUTER: That's all the questions I have. Senator Epstein, do you have any?

SENATOR EPSTEIN: No.

SENATOR SCHLUTER: Thank you very much, Mr. Golden.

MR. GOLDEN: Thank you.

SENATOR SCHLUTER: Our next witness is Mr. Warren Cook who is from the Agricultural Fair Association. Do you have a prepared statement, Mr. Cook?

MR. COOK: Yes, I do.

SENATOR SCHLUTER: Very good. You may proceed.

WARREN COOK: Senator Schluter, my name is Warren Cook, Secretary of the Agricultural Fair Association of New Jersey.

The Agricultural Fair Association of New Jersey is an organization of the 21 officially recognized agricultural fairs of the State. Approximately half of these fairs feature amusement rides during their annual summer events. Some of these fairs have regular carnivals of which amusement rides are a portion and the rest have amusement or

kiddie rides not in connection with a carnival.

My statement today, on the subject of amusement ride safety legislation, is to assert that our agricultural fairs favor development of a workable statute which will provide reasonable safety to customers and be workable for ride contractors and fair management. In addition, for the record, I would like to point out just a few facts regarding amusement rides at fairs:

1. Amusement rides at fairs are usually set up and put into operation within a short period of time. This is not always the case, but usually. If "on site" inspection is intended, the inspector would have to be available within a time frame which will not interfere with the operation of the fair which must take place on given dates and must be ready to open at a certain hour.

2. Most amusement ride contractors at fairs are interstate operators.

3. Most of the very few accidents that we can attribute to rides at fairs in recent years have apparently been due to action on the part of customers in leaving or entering rides while they are in motion. I think this is repeating what other people have said here today.

4. Amusement rides furnished by reputable contractors do provide a form of amusement and recreation, important today in allowing young folks to release their stored-up energy.

5. Also, we're pleased that there will be a representative here from Michigan since we feel that their five years of experience with a very comprehensive amusement ride safety act can be very helpful in providing information to the Committee.

6. We would like to point out that we hope that any legislation will provide sufficient funds for enforcement for the agency who will have the responsibility.

In conclusion, the Agricultural Fair Association of New Jersey and the fairs which make up its membership are

willing to provide further information and cooperate in any way in the development of a workable amusement ride safety act.

Thank you.

SENATOR SCHLUTER: Thank you, Mr. Cook. I have one question.

You say, "If 'on-site' inspection is intended, the inspector must be available within a time frame which will not interfere with the operation of the fair which must take place on given dates and must be ready to open at a certain hour." If, however, you have a provision in the law, such as is in the Michigan statute or in the Michigan regulations, I think, which says that if a ride is disabled because of a broken part - do you agree with the provision in the Michigan law which says it shall not be started up again until it is inspected?

MR. COOK: Most certainly. My point here was that hopefully the entire operation of a fair or a carnival would not be held up because of either lack of inspection, because the inspector couldn't be there, or because, we will say, just one ride might be inoperable. This is merely to keep - I think Mr. McKay made the point -- to keep things flowing in the normal order of this type of business.

SENATOR SCHLUTER: Thank you.

Senator Epstein?

SENATOR EPSTEIN: No questions.

SENATOR SCHLUTER: Thank you very much, Mr. Cook.

We do have at this time the Deputy Commissioner of the Department of Insurance, Mr. Morgan Shumake. Do you have a prepared statement, Mr. Shumake?

Thank you. Mr. Shumake, if you will identify yourself and your interest.

W. M O R G A N S H U M A K E: Certainly. I am W. Morgan Shumake, Deputy Commissioner of Insurance for the State of New Jersey.

First of all, I would like to thank you for the opportunity to be heard on what I consider to be a very significant piece of legislation. I am certain that the average citizen of this State, when enjoying amusement devices, believes that he is protected by a much higher degree of regulation than he is in fact.

I will direct my comments to the value of requiring rather high liability insurance limits on all amusement devices operating in New Jersey. There are three specific advantages to such an insurance requirement.

1. After all the efforts of safety regulations have failed and injury or death results, the loss to the injured person or his heirs will be paid by an authorized insurer.

2. Before an insurance policy with high limits would be issued by an insurer, an inspection of the premises would be made and, where necessary, safety recommendations to make the risk insurable would be issued and complied with before coverage was made effective.

3. Risks, which may by their very nature be uninsurable, could not operate without insurance.

Not too many years ago, trampolines were introduced as a new form of recreation. Anyone of any age for perhaps 50¢ could bounce on a trampoline for a given period of time with no experience, no training and, often times, no supervision. It quickly became apparent that people would bounce up and off these devices and, while I recall no serious injuries, there were large numbers of broken arms, legs, sprains and the claims were so great that the operators could not have paid a premium commensurate with the risk. The result was that I know of no trampoline facilities open and available to the general public in our resort areas today.

There is an amusement emerging today known as a "walk on the moon" where people walk along a sponge type surface

and to a large degree lose control of the direction in which they bounce. This risk may very well be uninsurable in that participants collide and suffer injuries for which they make claims against the operator.

I am told by professional amusement inspectors employed in the insurance industry that there are two basic tenets of regulation:

1. Every safety control shall have a back-up control.
2. The key to safety is "who operates the ride".

Not too many years ago, two children were killed when an enclosed horror house type ride caught on fire and the young inexperienced operator panicked and shut down the ride leaving the children trapped in a car inside the horror house. It was probable that if the train had continued through they would have emerged safely on the outside.

I believe that there should be the appointment of a safety inspector at each major risk who must follow generally the regulations of the Department of Labor and must keep a log of unsafe conditions. Someone should be charged with periodic investigating to see that such a log exists and that entries are made regularly and the conditions criticized are promptly corrected.

One of the major concerns, I believe, should be the transient or mobile amusement operator. Many of their rides operate on the average of a three-day stand which results in the rides being put up and taken down by casual unsupervised labor with a frequency greater than anticipated by the manufacturer. Many of these rides are separately incorporated and in the event of death or injury, the extent of recovery is limited to the value of the ride unless liability insurance exists with adequate limits.

I have attached hereto a copy of an Amusement Park Check List for loss control techniques used by the inspectors of a major insurer. I think you will find that they produce a good quality of inspection. (See p. 66 A)

Should your actions result in the establishment of a

State-operated inspection program, I can convey the offer of the insurance industry to aid in any such training program. Slides are available that are presently used by the insurance companies and an inspector trainee would be welcomed to travel with insurance company inspectors to gain from their experience.

We cannot rely upon the amusement device manufacturer to build in maximum safety standards. There have been instances where newly designed rides were opened to the public with inadequate strength or control. Comments in the Amusement Park Check List attached will give illustrations of alteration after public use. Specifically, I would call your attention to the ride known as the "round-up" where it is stated that the original Model #30 had a rocker shaft which had a tendency to fail. This shaft was the main pivot for the boom and the main wheel assembly during elevation. The manufacturer has, in later models, increased the size of this shaft to 4½" diameter. The manual states that these larger diameter shafts and bushings are readily available from the manufacturer.

In this type of an instance, the insurance company would not provide coverage unless the improved or larger diameter shaft had been installed in the mechanism.

Gentlemen, if there are any specific questions, I will be pleased to answer them or, failing that, get the answers for you.

Thank you.

SENATOR SCHLUTER: Thank you very much, Mr. Shumake.

Mr. Shumake, with your experience in State Government and your knowledge of this particular problem, which agency or which bureau in State Government would you suggest as being most qualified to administer a safety program for carnival rides?

MR. SHUMAKE: There is, I believe, a program within the Department of State Police that regulates racing events, drag races and that type of thing, and I would think that whoever regulates the Legalized Games of Chance - I'm not

sure, is that still under the Alcoholic Beverage Control Board?

SENATOR SCHLUTER: It's separate.

MR. SHUMAKE: It's separate now. I believe they have inspectors that, if not presently qualified, could be qualified.

SENATOR SCHLUTER: Mr. Shumake, the insurance companies have qualified inspectors who make routine inspections, I take it?

MR. SHUMAKE: Not all insurance companies but those that specialize in this type of risk do have qualified inspectors.

SENATOR SCHLUTER: If the State were to undertake a comprehensive program, would there be any conflict in having State inspectors and insurance inspectors?

MR. SHUMAKE: I would see no conflict, no. There would be no conflict.

SENATOR SCHLUTER: What type of qualifications for a State inspector would you, off the top of your head, recommend?

MR. SHUMAKE: I would sort of hedge the question by suggesting that I perhaps get the qualifications used by the insurance industry in the employment of an inspector and make them available to the Committee.

SENATOR SCHLUTER: The question was asked of the previous witness or two witnesses ago regarding insurance coverage, if, for example, the State had standards for a certain ride, for the manufacturer and for the operator and for the owner, and all of these standards were met but there was an injury or a fatality because if a reasonable or prudent operator had been a little more careful, a little more assiduous in their attention to detail it might have prevented it. Would you care to comment on that possibility from the insurance point of view?

MR. SHUMAKE: Yes. I think that was one of the first points that I tried to touch on that, having done everything reasonable and prudent to avoid injury, injury will still

result. Which is one of the reasons for having insurance because in that case the insurance company would certainly pay without litigation. And I think there is just a limit as to how far you can engineer or protect. There will still be some mistakes. And there is always something more that maybe the operator could have done, but it has to be judged on the basis of a reasonable attempt, I think.

SENATOR SCHLUTER: Would you care to comment on the need or possibility of federal legislation in this area?

MR. SHUMAKE: I haven't really given any thought to that aspect. I think that there might be some need for federal legislation on interstate mobile amusement devices. I would recommend, and I did not touch on it in my remarks, that any insurance that is acceptable, whoever ends up accepting it be an authorized insurer of the State of New Jersey or an eligible surplus line insurer. I would not want to necessarily rely upon, let's say, the insurance regulation of the State of Missouri to protect New Jersey citizens with a traveling amusement device that might be housed in Missouri and insured in Missouri.

SENATOR SCHLUTER: Thank you, Mr. Shumake.

Senator Epstein?

SENATOR EPSTEIN: No questions.

SENATOR SCHLUTER: Thank you very much.

MR. SHUMAKE: Thank you.

SENATOR SCHLUTER: Now at this time I would like to call on Mr. George Christian. Mr. George Christian is filling in for Mr. William Reed who is the Director of the New Jersey Legalized Games of Chance Control Commission, the Bingo Commission.

G E O R G E C H R I S T I A N: Senator and members of the Committee, my name is George H. Christian. I am a Field Investigator for the State Legalized Games of Chance Control Commission.

The responsibility of the Commission is the administration and control and enforcement of our Games of Chance Laws,

specifically the Bingo and Raffles Licensing Law.

Under the Raffles Law, one of our responsibilities is the games and wheels conducted at carnivals. For a period of the last 11 years, I've conducted on-site inspections of the various carnivals throughout the State.

The information that I feel I might be able to assist the Committee with is based on my personal observation and interviews with the organizations who sponsor carnivals, the people who operate the carnivals, - I've met with and talked to over a period of years the actual carnival operators themselves - the people who actually operate the rides and, of course, the people who ride on them.

We've had problems crop up in this area. Initially, I was surprised myself that there was no State regulation or inspection of amusement rides. Constantly, throughout our inspections in the State, when we talk to people the citizens and the people who ride on the rides assume that the rides are safe and they also assume and are surprised to hear that there is no inspection of rides by any agency, either a local or state agency.

We've heard considerable testimony relating to the operation of carnivals, the large carnivals at our State fairs and county fairs, principally staffed by Amusements of America which happens to be the largest carnival ride operator. I think at the present time he's the largest operator in the State of New Jersey and possibly in the United States. However, to give the Committee a picture of what this covers, we have many, many other carnivals in this State.

This last carnival season, 1972, through April, May, June, July to September, the Commission issued 270 licenses covering games of chance at carnivals which, in effect, means we had 270 organizations which ran carnivals throughout the State. Amusements of America is one of the biggest. However, I have here a list of 12 other amusement ride or carnival operators throughout the State. Amusements of America is the biggest. Generally, it has been my experience that the

organizations that are engaged in a carnival try to seek Amusements of America because it has the best equipment, the newest thing. This has become a highly competitive business. The people who wish to raise funds, your churches, religious groups, fire companies, first aid squads, civic organizations, fraternal organizations - the carnivals are now on the increase. The decline of our amusement parks, the closing of Palisades Park was the last big one, - the people are going back to carnivals and there is quite a demand.

My concern always has been not only for the person who rides on these rides but the organizations who sponsor these carnivals. At the present time, if they can't get one of the big ride operators, the demand is so great for the carnival season that they take whoever they can get.

Over a period of years, I have observed, in many cases, serious defects in the equipment that is utilized by many of these carnival operators. Amusements of America is a large corporation, it has a staff of supervisors and directors, mechanics and operators. They operate an international unit, a national unit, various local units, they go throughout the State of New Jersey. However, most of our operators are small operators. Usually they are family owned businesses where the man owns it and he is usually assisted by his son. The major difficulty that these people are having today, and they're in trouble, is competent help. Because it's such a short season and it's jammed in, they travel throughout the various towns; they must live on the road in trailers; they cannot get regular help. Where Amusements of America is in operation all year round throughout the country, these smaller operators generally use their family, their children and sometimes anybody that they can get who actually is not working.

I completely concur with the Mercer County Prosecutor's Office in the characterization of some of the types of people who are operating carnival rides. They should not only be

near a piece of mechanical equipment, they shouldn't be near people. And I have observed the operation of these - children on rides that became ill, children on rides who became frightened where the operators weren't even observing the ride in operation so they could stop this to get the child off.

In addition to that, I would like to point out here that I am not a qualified engineer and I am not a technical expert on structural steel or rides or anything else. My observations would be what the normal citizen might observe on some of the equipment. Some of the equipment is antiquated and it's old, in these small operations throughout the State. They've had it in use for years and usually it's old equipment that a better operator got rid of and sold to him. In most cases the manufacturer has been out of business for years and it's impossible to get the proper spare parts on this so they fix it up. Generally their maintenance program consists of a large hammer - and I don't mean that to be facetious, that's what they utilize to straighten out a part. Most of the things you can just walk up and look at are non-operating safety devices that are supposed to work, leather safety belts that are worn and cracked, locking devices that are loose; you can slam a door on the ride and the lock falls off; lock pins of the cotter type pin, they're either loose, they're worn or they're rusty; missing safety devices, lock pins and cotter pins.

Most or all of these rides now are mobile. They are trucked either on a trailer or put in back of a truck. They are operated either by electrical generators or gasoline engines. It's easy enough to observe. Most of the carnivals are on grounds of supermarket parking lots and they use bare electric cable, bare wiring is laying about. And I am concerned, as I said before, not only with the riders but the operators, the safety of the operators themselves. They have large fly wheels with no protective guards, drive belts

flapping around, and the people walking on and off this equipment could just slip and fall into. They operate these rides from time to time when it's drizzling or in the rain, making it twice as difficult for people to have a safe ride on them.

There is no question and I have felt for many years that legislation is necessary, some way to regulate and control and inspect the amusement rides of the State.

The tremendous interest in the games of chance, particularly in the carnival game license, indicates that this will arise. Every day we are having new operators come into the amusement games business. And I think, because there is so much business to be had, we are leaving ourselves, at this time, wide open for any individual to buy himself a ride and throw himself in the carnival business.

I have spoken to people, the sponsors, and they assume the ride operator is properly insured or the ride operator will supply them with insurance certificates. They are not absolutely sure. In many cases, the sponsoring organizations are not on their own property. They sponsor the carnival but they're on a supermarket or municipal parking lot. And if there is accident or injury, you could have a three-party suit, there, not only the operator of the carnival, the ride operator, the sponsoring organization and the person who owns the property. These people are not sure. They are good organizations, fraternal groups, but they are not experienced in handling these types of people and contracts. Many of the contracts, apparently, aren't worth the paper they are written on, or the insurance binders. They have no way of knowing whether the insurance is valid at the time the carnival is in operation.

I concur also with the earlier testimony that over a period of years there have been many more accidents that have not received the publicity and are not known because there is no central reporting agency to collect this information.

I might point out, in previous testimony you asked about the agency possibly best qualified. I believe that in the State of New Jersey we have already, as part of State Government, an excellent agency that could engage in this. In the Department of Labor and Industry we have the Bureau of Engineering and Safety. This Bureau is responsible for the worker health and safety act, construction safety act, mine safety act, explosive safety act. They are also responsible for any safety activity of a general nature. They have right within their Department the legal, technical and inspection staff, well qualified to handle this. They are the people who handle the factories and machines. This would be ideal. I understand this Bureau has an excellent reputation for its handling and inspection of what their present responsibility is. I believe that they could pick this up.

Initially, I would feel that a ride operator should register with the State, rather than have local and municipal licenses. Because of the mobility of these people, moving from town to town, it would be difficult for them to move in and file in advance for a local permit. If we have registration, there would be no question on the part of these ride operators what their responsibility would be to the law.

Do you have any questions, Senator?

SENATOR SCHLUTER: Yes. Thank you, Mr. Christian.

How many are on the staff of the Legalized Games of Chance Commission?

MR. CHRISTIAN: In our field, we have 6 field investigators.

SENATOR SCHLUTER: You have 6 field investigators.

MR. CHRISTIAN: Yes.

SENATOR SCHLUTER: What do they do in the winter time?

MR. CHRISTIAN: We're responsible for the complete investigation of the conduct of the bingo games. During the winter time we are engaged in inspections of the bingo games and the various investigations involved in the conduct of

bingo in the independent organizations and the commercial halls throughout the State.

SENATOR SCHLUTER: If the Legislature developed a set of state standards and a program for administration, do you feel your Agency is qualified to review insurance coverage with operators?

MR. CHRISTIAN: I'm negative on that Senator.

SENATOR SCHLUTER: Pardon me?

MR. CHRISTIAN: No, I don't think -- Under our present organizational setup there has been such a tremendous increase in the conduct of legalized gambling and the various new forms that are coming in that our staff, at the present time, - I'm an expert, I'm a field investigator and an expert on legalized gambling in its various forms as we now allow it in the State of New Jersey. As far as insurance and technical inspections, at the present time we're not qualified to handle anything like that.

SENATOR SCHLUTER: Does your staff check to see that municipal ordinances are adhered to in anyway?

MR. CHRISTIAN: Yes, sir. The Games of Chance Law, the Bingo and Raffles Licensing Law, - the basic administration of the law is on the municipal level. The licenses are issued by the boroughs and townships and cities throughout the State. They're issued there. We're the overall controlling agency. We, of course, meet with and keep close contact with municipalities in the administration of the statute.

SENATOR SCHLUTER: Fine.

Senator Epstein?

SENATOR EPSTEIN: No questions.

SENATOR SCHLUTER: Thank you very much, Mr. Christian.

MR. CHRISTIAN: You are certainly welcome, sir, and I would just like to note that the Commission will continue to cooperate with your Committee and support it in any way possible. And just - not in passing but after my concern for so many years, as a father of 4 kids who love the

boardwalk rides and amusement rides, I can thank you personally for your concern for the safety of the children in this State.

SENATOR SCHLUTER: Thank you. Thank you for your testimony.

Has anyone else come in who has not signed up who would care to - we're coming down to our last couple of witnesses - you may sign up with Mr. Caramalis over here.

Now I think we can hear from Mr. Estes. If Mr. Estes would take the stand, please, and identify yourself.

Do you have any formal remarks or written testimony, Mr. Estes?

MR. ESTES: No, I didn't bring any formal presentation. However, I did leave with the Committee some material that I think is pertinent to the hearing.

SENATOR SCHLUTER: Fine. If you will identify yourself, sir, past and present, and then proceed with your testimony.

W I L L I A M E S T E S: My name is William Estes. I was with the Michigan Department of Labor for 14 years as a Special Assistant to the Director of the Department. I retired from the Department of Labor about 3 years ago and I am presently employed as a Safety Engineering Consultant by the American Recreational Equipment Association.

I think one of the reasons why I could not make a formal statement for presentation is that I didn't know in which area a formal statement would be most effective. I notice that we've gone through about seven different areas of concern, all of them pertinent to the problem that we have.

I think the first and most important concern that we have here today is with the statutory requirements that will be necessary to start an effective program in the State.

I have furnished the Committee with a copy of the Michigan Act, Act 225 of the Public Acts of 1966, which

is an act to provide for the inspection, licensing and regulation of carnival amusement rides, and to provide for the safety of the public using carnival amusement rides; to create a carnival safety board in the Department of Labor; and to provide for the disposition of revenues, to make appropriations and to provide penalties for violations.

I have also provided the Committee with suggestions for amendment to that Act. I don't believe this is the proper time and place to go into the history of how the Act was originated and conceived, and I think reading it will indicate why some amendments will be necessary at some date in the future. However, it is a workable vehicle and should not be tampered with until the time arrives.

All of the discussions that we've had here today on statutes, operations, employees, equipment, insurance, regulations in other states, inspection rules and inspection personnel, operator personnel, are all pertinent.

I have been reviewing my material that is contained in the Code of the State of Michigan and in the Operational Procedures, which is published and given to every operator in the State, during the discussions by these other people, and I find that every topic has been dealt with. There has been some consideration - I would hesitate to say how many hours of discussion have gone into forming this Code and these Rules and Regulations.

Another subject that I have presented to the Committee today has been an outline prepared by the American Ride Safety Committee for an American National Standards Institute Code or Standard. I think that you people are all aware of the old American Standards which are now American National Standards Institute or ANSI Codes.

And the question here of federal regulation, universal coding, has come up many times. We've taken the bull by the horns and set down and built a table of contents or an outline of what we feel should be included in here. We start with the design of the ride, the engineering, the very

conception of a ride. This would not apply to the public when the ride is in the field but it would apply to all manufacturers of rides. They would have to come up to a certain threshold standard in order to build a ride properly or a ride that would be acceptable. We are at the present time writing the language for this Section 2, called Design.

The next big problem, starting from the bottom, is after we get the design details worked out and have it on the board and the blueprint is out, is the actual fabrication of rides. This section contains material on the fitting of parts, the installation of fasteners, proper welding, the types of adhesives to be used, woods, metals, everything that goes into the ride; a quality control program to see that the material is fabricated as designed; certification of materials that go into the rides; certification of the processes that we're using, such as certified welders working on parts, certification of the workmen themselves to be sure that John Doe doesn't do a chewing-gum weld job on something that's going to support his son or daughter or wife or myself or anyone else; a program of random tests to ultimate destruction, that is taking parts that are designed and fabricated and sending them to a testing laboratory where they will be tested to ultimate destruction; a 100% nondestructive testing program for all critical parts, axle shafts, parts that are going to hold human beings; a fabrication inspection program, step by step to see that they are properly made; records of serially numbered production parts, so that at some future date we will find out whether the part that failed, if we have a failure, is a part that was originally designed or something that someone built in a back-yard machine shop to replace it without anyone's knowledge; requirements to keep inspection records of all these tests that are being made; and records of field failures and corrective measures - this is something that sounds very simple but it is, in fact,

a very difficult procedure to find out where we had a few failures and what was done to correct it; and final inspection of every finished part, everything that goes out of the factory is completely inspected, operated and put into A-1 working condition before it leaves the factory.

Up to this point we are working in the factory itself and all of these points that we have here are being observed in some form in the manufacturer's plant today. They are not 100%. Probably the Arrow Manufacturing Company that builds equipment for the large parks and Disneyland, Disney-world, people of this kind, the large, heavily operated equipment manufacturers do have every one of these steps in their factories. This isn't something that you dream could be done, it's something that can be done and will be done.

We find that communications, like everything else, are very lacking, so we are presently engaged in the preparation of manuals for erection, for operation, for maintenance, for inspection, and for part replacement. To some degree, there is this material available but not completely from everyone. We feel that it should be required.

Then we go into the electrical systems, how they are installed, whether they are for power transmission or decorative lighting; provisions for fire prevention - this has been mentioned here today, the fire hazards that we have. These can all be handled at our level.

Then we go into a section which will deal with the operators and impinge directly on the public - an erection manual with the proper bulletins and material to show them how to erect a ride properly. Every manufacturer now does have a bulletin that goes out with his ride but when we reviewed it we found out that perhaps the language could be changed to be made a little more clear. And each manufacturers now is working in this area. It will deal with space requirements, horizontal requirement for space, overhead requirement for space, foundations, blocking,

assembly and disassembly of temporary structures; it will go into the supervision area to cover the hazards of the erection; the quality and assembly of the parts; the tools and equipment that are necessary; all phases of erection.

And, five, we have another manual or another section to this ANSI Code which will deal with operation, the one area here that seems to be the wolloiest, from the testimony that I've heard today, and it brings out many of the points that have come up, the control of the operation, with a manual and bulletins and everything that is necessary to cover it; operating procedures; persons in the area; overloading; overspeeding - the two biggest hazards in the whole carnival amusement business; windstorm hazards; malfunctions of equipment; supervision; and qualification of operators, what is a good operator, what should he know, what type should he be, and answers to many of the little questions that we've had here; and passenger control, which we haven't talked about but which is a big problem; misconduct of passengers who are in the area, people who are perhaps overexcited or intoxicated or need some guidance; all of these areas will be dealt with. Then the inspection by the operator prior to and during operation. We have to tell him what to look for before he starts up and what to watch for while he is operating; we'll deal with his housekeeping problems, his storage and handling of flammable materials; we'll deal with signal systems and foundations and fences, and access and egress to the rides, electrical systems, guarding machinery, air and hydraulics, power sources, wire ropes, the whole category.

Then we have another section on maintenance. Many rides have trouble because they are not properly maintained, they don't know where to oil them and claim they never were told; they don't know when this part is getting worn that they're going to be in deep trouble - at least, these are the stories they tell the manufacturer when they bring a ride back in poor condition. So, we will have record-keeping

here again.

Schedule of maintenance programs. This has to be done annually, this monthly, this daily. Housekeeping problems, again. And we will probably update service manuals on how to minimize wear and get the maximum reliability and attractiveness out of our rides.

Once again, we have personnel requirements, who is going to do this work, what type of person; replacement of worn parts; the use of genuine parts rather than making a jerry-rigged part; specific information on adjustment for fit and proper alignment; functionability of all safety devices - sometimes people don't check all the devices that we put on the rides; and the maintenance of air hydraulic systems is getting to be a big problem because our newer rides are all very sophisticated and require not just the ordinary Joe but a real, well-trained mechanic to maintain these rides properly so that they will operate safely.

Then we have another manual which should be of value to every state, every insurance carrier, even the police department of a small municipality, which is a field inspection manual, how to inspect.

We will divide that into two parts, the annual inspection which is done in a dismantled condition, and the use of nondestructive materials, the visual part of an inspection. Then we have an assembled inspection which is visual and functional. You can't use nondestructive testing very well on an already assembled ride.

This will go right on down through all of the phases of inspection.

Then we have one last section which - we're going to change its position in here - is called Testing at the present time, Section No. 8 on Page 10, but it will go up into our first three sections dealing with design and fabrication. This is testing to be performed by the manufacturer to verify his design. This is where we put on overloads, we'll test parts to destruction, we will make sure that if we design a

sweep to carry 3,000 pounds that it will carry 6,000 to 9,000 pounds before any sign of failure. This will be the function of the manufacturer and he will have these things observed and witnessed. It probably will be performed by an outside testing laboratory because it's pretty hard to have the doctor treat himself. And certified copies of this material will be sent to any state authority. So that if they question the integrity of a ride or wonder whether it will actually carry the weights and loads and speeds that the salesman says it will, you will have that information at your fingertips and can question the designers and engineers.

And the last area that we will deal with is Rebuilt or Modified Riding Devices. Many rides that leave the factories today come back in a condition that you wouldn't recognize them because some mechanic down the line has altered the ride, he knows better than the engineer who designed it what should be in it.

I can think of one ride in particular, the ferris wheel. There are two or three companies in the business right now that are taking old ferris wheels and trailer-mounting them and making hydraulics out of them. They no longer have the integrity that was designed into that equipment; neither are they required by any law, that we know of at the present time, to assume responsibility for design and reliability of this rebuilt material.

I think when we get this all put together we will have a set of criteria that we've been longing for here on a national basis because this material, while not law, will represent a concensus, a cross-section of the entire industry.

The ride manufacturers themselves cannot sit down and write this manual. We will have to have committees from the operators, from the park owners, from the maintenance people. And the ANSI people themselves have several boards that are set up to examine this material, electrical people,

engineering people, metal standards, there are about 19 of them, 19 boards that this material has to be sent to for approval before it can be published as a consensus publication.

The saddest part of it all is that the entire outline there cannot be completed over night, naturally, with 19 or 20 boards to work on it. We do hope to meet with the present requirements of OSHA, that's the Office of Safety and Health Administration, Federal Government. They have already published regulations within OSHA that are specifically outlined for carnivals and amusement parks. This is Sub-Section G, Electrical. We will have to conform with Federal regulation right now in that line. There isn't any and, if or but. The Federal people are here.

If we do not do something of this kind and if states do not enact workable, equitable laws, the Federal people will be in and take over our responsibilities. I feel that this would not be the best thing to have happen.

I have, some time in the past, gone through the process of writing to every state - I and several other people that are interested in this business - to find out what kind of regulations they have. And I do have a copy of the response which is about a year old but you can make copies of it if you wish, to tell who has regulation and who doesn't and which department administers it. I think that might be useful to your Committee.

Now, I think that's about as far as I can go unless you want to ask some questions and we can discuss specific parts of this.

SENATOR SCHLUTER: Thank you, Mr. Estes. And I think Mr. Caramalis took note of that last point where you referred to other state statutes and we would appreciate that.

MR. ESTES: Good. I will get some copies made.

SENATOR SCHLUTER: We do thank you and Mrs. Estes for traveling from Michigan and we hope you enjoy your stay in Trenton.

I have a number of questions.

Mr. Estes, do you take issue - and I hope you will be candid -- do you take issue with any basic points that were made by previous witnesses as far as your experience showing this to be not substantiated by the facts?

MR. ESTES: Oh, I can think of one right off the bat which was a lulu that my friend, Bill MacKay, made, the fact that Michigan's Inspection Division was designed to be self-supporting. It isn't, nor does the schedule of fees anywhere near support the activities. The activity of that Division - it's called the Ski - Carnival Safety Division in the State of Michigan - it is a budgeted group dependent upon the Legislature for appropriation from the General Fund. The income generated from the inspection of ski lifts and carnival rides defer less than one-third of the expense.

This was discussed by the Carnival Amusement Safety Board and by the Ski Area Safety Board at the inception of their code writing and, at that time, the fees would be at least ten times what they are published. And the then Director of the Department of Labor, Thomas Rommell, said "we are here to protect the public; we're not here to make money; and we need enough money to make this reasonable and realistic to the people who are being inspected but not to pay for the total bill."

SENATOR SCHLUTER: Is the fee schedule included in this material?

MR. ESTES: Yes. It's in the Code. \$5.00 for a permit, for instance.

SENATOR SCHLUTER: \$5.00 for a permit for what? for each ride?

MR. ESTES: No. We have a dual system. We have a permit system where everyone intending to play in the State of Michigan has to obtain a permit to operate; that is, every unit.

SENATOR SCHLUTER: Amusements of America?

MR. ESTES: Well, Vivonas have five. If they are

going to play in here they would require five permits, one for each of his units, \$5.00 apiece. That covers the whole unit. In order to get this, he has to supply certain material - I think, without looking, it's all printed out in here, - but he must supply us with the number of rides and the titles of them that he intends to bring in and play in the area; his itinerary for that unit; evidence of insurance; and the dates that he will play, including the date that he will arrive on the lot. If he's going to open on Monday morning and he was going to pull in Sunday night or Saturday night, we want to know that because it's at that time that we would be able to make our inspection to the greatest advantage. While the iron is coming down off the truck and before they put it together, we can see all the integral parts, to work with it. Then he must have this permit. The greatest enforcement tool that we have established in the Code is to remove that permit from that unit. That would shut the whole show down, not just one ride but the whole show. We have never done this yet but there is a possibility there.

And we have another section where we inspect each ride individually, and the charge for every ride is \$10.00 for the inspection. I think we charged \$25.00 for a fixed roller coaster. That's a big park model roller coaster. That doesn't even hardly get your hat off in the work. It takes three days to a week to do an adequate job on a roller coaster. And I think it was \$40.00 for fixed aerial tramways that are being used for amusement purposes, which coincided with a charge that we make for ski rides.

I might say that the reason that we call this the Ski-Carnival Amusement Division, Safety Division, is the fact that we have ski areas in Michigan that operate in the wintertime and carnivals and parks that operate in the summertime. And the same crew of inspectors inspect skis in the winter and carnivals in the summer. So that we have a small division within a division for that particular

purpose, within the Department of Labor. We had requested 10 inspectors, to begin with, and we received 4, and I think they are presently working with 3 but are hopeful that the new budget will bring them back to 4 again.

SENATOR SCHLUTER: Mr. Estes, with regard to administration, I read in the Michigan Law that they have a separate commission of 7 members which establishes the rules and regulations and standards.

MR. ESTES: Right.

SENATOR SCHLUTER: What are the advantages or disadvantages of an independent board which has citizen members versus a bureau or an agency of state government, for example, a bureau of carnival safety in the Department of Labor and Industry?

MR. ESTES: We had our Division of Carnival Safety. This was the administrative and enforcement division. We do not have representation that we would like to see on a board within our bureau. The Board, as created, gave representatives from amusement parks, carnivals - let me see, I better get the old one here because I had some arguments with it -- these people are appointed by the Governor with the advice and consent of the Senate. The terms of the members shall be four years except - so forth and so on, so that they will stagger out. Of the six appointed members of the Board, one shall be a representative of amusement park operators, one a representative of carnival operators, one shall be a representative of retail merchants associations, and one shall be a registered professional engineer, and two shall represent the general public. Now the seventh member of this board is the Director of the Department of Labor. So Mr. Rommell and I made some remarks that we would like to amend the Act at some convenient date, we would like to remove the Director of the Department of Labor from this operation because in other parts of the Code he sits as judge. If Mr. Vivona didn't like what we wrote and thought we were imposing on him, he can - there is a procedure set up that

he can ask for a hearing to have the law relaxed or even taken away; and here, the same man that passed it is going to sit in judgment on it. It just isn't good feasible work. It puts an awful strain on a man. And we found that the retail people - that must have sounded well when they passed it in the Legislature but when we hunted around to find a retail association, we couldn't find one, so we had to do the best we could and we found a man who was interested in that field to act with us.

I think in my new one we would recommend that a member of the Fair Board or somebody who would be closer to the activity be required as a required occupation, or to move it up and have one more member of the general public; although I feel that the Fair Board does represent the public, and thereby we would get a little better balance for thinking in the area.

SENATOR SCHLUTER: Do you feel that, if a government bureau or agency, for example, in our Department of Labor and Industry - it's comparable to Michigan's Department of Labor, I guess, - with proper administrative procedure, where you have hearings and due process, and so on, - do you think they would be capable of promulgating a code, a safety code?

MR. ESTES: I think they are capable of it, yes, but here, again, we're not bringing in the representation of the various people that we're governing. Iowa presently has a law where the Director of the Department of Labor is the czar of this business. He can set up little committees within his own, and you run into a real personal problem here. It would depend on the person as to whether you were going to get a viable act or not, or whether you were going to get a mess of worms to deal with every week. I feel that representation of the industry is an important step, one way or another, even if they're an ad hoc committee, not a statutory board, if they're just an administrative, appointed ad hoc committee for the purpose of, it might work without statutory requirement.

SENATOR SCHLUTER: I see. Mr. Estes, you have talked a lot about inspection. Would you care to comment on the

frequency of inspection either by the state or as part of the Code, requiring an owner-operator to inspect? We heard from Amusements of America that there is one thorough inspection a year and yet they will give each ride a trial run the first thing in the morning, and they're inspecting them all the time. What is the frequency and the thoroughness of each inspection that you think is sufficient to protect the public?

MR. ESTES: I believe that the statute in Michigan requires that every ride be inspected annually, that's every ride whether it's a little kiddie ride or whether it's a big super-duper major ride. This is the annual inspection. The Code also requires that rides be inspected daily by a person capable of doing this action, and the report of this inspection certified to and filed with the Department of Labor. In other words, every show on the road in Michigan. Somewhere in that pile of material that I gave you, you will find the forms that are necessary for the daily inspection. These are signed by the owner-operator of the unit or by a person whom we have designated as a special inspector.

We have discussed holding examinations for this type of an office, a special inspector, but we found out that it wouldn't be feasible, that the problem was too great, there are too many things in there. So, as it presently is established, a special operator's commission is issued to a person whose ability and faithfulness is attested to by the owner of the show. This is kind of a roundabout way to do it. But Mr. Vivona knows - I think he named one of his men that he has confidence in. Now, he can have as many of these special inspectors as he wants to certify to. They pay \$2.00 for the privilege of having this card issued to them annually.

Now, the Code further indicates that one of these persons carrying a special inspector's card has to be on the lot at all times when the rides are in operation. He is the responsible person, he is the representative of the owner

of the show. If you don't have one, you will have to stay there yourself. There must be one of those people on board at all times. He is responsible to see that that daily inspection is done.

When we were discussing the Code, the operator-owners said, "Oh, this is no problem. We do this every day." So we said, "Well, fine. Then you won't object to certifying to the fact that you did do it every day." And we have had some static, that there's too much paper work, and so forth, involved in it, but we still require that they do it. It's a little hard to enforce. But the Attorney General gave me an opinion at one time and he said, "Well, this isn't really a police activity, it's like the driver's license that you're required to have. If you don't happen to file it and nothing happens, nobody will know that you're not up to date; but, brother, if something happens, you're really in trouble." So, most of them do file with the Department.

SENATOR SCHLUTER: In Michigan, do they require a special extra inspection after a unit has arrived on a lot and been set up?

MR. ESTES: No. The State has not had to do that; the special inspector must do that.

SENATOR SCHLUTER: For the operator.

MR. ESTES: Yes.

SENATOR SCHLUTER: And that would be his daily inspection.

MR. ESTES: He must certify that it's in shape. Now, we do go in more often on some shows. I won't name the particular show but we had one in Michigan whose equipment was in terrible shape and we just couldn't go by the lot without looking at his rides. Every time he set up, we were there and we always found trouble. That's why we went back. We couldn't depend on them to do an honest job of work. They left the road, by the way. It's too much bother to come to Michigan. But at the State Fairs, the big Class A fairs, as they call them, we send the inspectors

down there daily. We let them camp right at the fair. There were three of them down at the State Fair this year and they alternated. One would be there two or three days and then the other would take over for two or three days, and they did a daily inspection of all the rides because of the tremendous traffic during a state fair or at any other Class A fair.

SENATOR SCHLUTER: Do you find that the small operator is able to comply with this, the operator who has a trailer and he has a little, miniature ferris wheel for the kids at a shopping center? How can he comply with having an inspector of his own?

MR. ESTES: Some of them have gone out of business. Those that didn't, give us excellent response. One thing, a state inspector can find something wrong with his equipment that can be repaired and give him advice that he couldn't get anywhere else.

I might mention at this point that when I established this division, I set it up not as a police operation but as an educational operation. The modern safety concept today is not so much to force a man to do something with a club as it is to teach him how to do it properly and guide him along with as much guidance as he needs. And it doesn't take too long to figure out the man who needs the most guidance. And we schedule our appearances in that manner.

SENATOR SCHLUTER: Are you saying then that the small man that has a little merry-go-round on the back of his truck and he owns it and he runs it himself, he is designated as the inspector?

MR. ESTES: Yes, he would be his own inspector. He must certify. And I might make a remark that during the time I was in the office there we received more cooperation from the little man, prompt return of his forms and everything else, than we did from some of the larger shows that had a little more bookkeeping to do. The little

man has the time to send them in, and he would do it. Our inspectors were instructed, when they went by an area to stop in at any show even though they had already seen it, just tip their hat and go in and look things over. By bringing information to them and guiding them in the proper way to make repairs, helping them, we accomplished a great deal, I feel.

SENATOR SCHLUTER: Mr. Estes, you are an Engineer, and comment was made by the Mercer County Prosecutor that he felt it would be helpful if some back-up safety devices or some fail-safe mechanisms were on some of these devices which hold passengers into position. Would you care to comment on this business.

MR. ESTES: I think he caught the main idea in the fact that some of these things are not feasible. I think right today if you went into any engineering department in any of the factories that I know of, and that's all of them that are reputable builders in the country today, one of their greatest concerns is with safety containing devices to make sure that people can't get out. That round-up, where you had the serious accident here, has operated for around 40 years and I think this is the first time anybody tried to crawl out of one, in this sense, of undoing their own safety belt and getting out while that was still revolving. It can be done. There's a thing we have in this world that's known as Murphy's Law, if it can happen, it will. And there isn't any device that I know of that can't be gimmicked somehow, one way or another someone can find a way to get out. But most people try to obey the laws. Well, we did have safety belts in some rides and we got some static from the operators on the time it takes to put them in and take them off, and we got quite a bit of, I would say, adverse criticism from the public in the fact that the people would take knives and cut them right off. You'd start out with a full set of belts in the morning and if you finished the day, in some areas, with a full set of belts, you were a

pretty lucky man.

We have studied every ride from one end to the other and we've developed new safety devices for many that were having trouble. There are several that are now under discussion for improvements in their devices. I think you will find in the California Code that we had two types, one called a restraining device and the other a retaining device. We set up very rigid requirements for those devices which would retain a person in the car during the action. If it had to hold him in, where the car goes upside down and he's hanging on the safety belt, these things have to comply with virtually the requirements of aviation safety belts and retainers. Some of them are not belts, they're just retaining devices; while the others were restraining devices which were to keep persons from making an inadvertant move that might be injurious to themselves. We still have people.

SENATOR SCHLUTER: Mr. Estes, I don't mean to dwell on this one ride, this round-up, but an examination of that indicates that if somebody were to get loose from their position and they fell toward the center of the ride, they'd get banged up a lot, but the opening between the ride and the bottom was not large enough to allow a human being to slip. So that if he's thrown out against the edge he may get banged up a lot.

MR. ESTES: Yes, against the perimeter.

SENATOR SCHLUTER: Against the perimeter. Now, I presume that was designed intentionally so that if a person did stumble in the middle they wouldn't fall down and get --

MR. ESTES: They're loaded on the outside, in the first place, and when that ride is in operation you or I, I don't think, could push ourselves away from the wall. But at that moment that that little girl pushed herself away she could.

SENATOR SCHLUTER: Okeh, and it caused a death. Now, if New Jersey were to say that all round-ups must have a gate so that the person -- is that a reasonable thing? I'm talking theoretically.

MR. ESTES: Theoretically, I would say it was possible; whether it's a feasible thing to do, I wouldn't know. The girl must have been right next to the entrance. If she had been anywhere else, she wouldn't have gotten into trouble, she couldn't have moved fast enough to get over the hole but when she rode around the corner, she fell out. I haven't looked at a round-up closely enough lately to know whether there was ever, at any time, a chain or retainer across that boarding vent there. There doesn't appear to be. I think it would be something worth discussing.

SENATOR SCHLUTER: In our comments, when you arrived in Trenton, you mentioned that there were a couple of state statutes that you knew of, for example, of unreasonable conditions. Could you give us an example?

MR. ESTES: Well, I think one of them has already been mentioned, that it happens to be a statutory requirement in the State of Wisconsin that I feel, at least, is unreasonable, where if they require a load test and define the weight to be placed in each adult seating space as 300 pounds per adult seating space. When you figure out the stress and strains when you operate this machinery, you're getting up into the testing area, you're going beyond any normal, conceivable load that you would have in normal operation, you're getting up to testing design and this isn't necessary. For one thing, if it's performed on a brand new ride, you'll stress this point maybe within a fraction of the yield point, the yield point being when metal bends and keeps a set, it doesn't spring back to straight.

I have a letter, I think it's over on the other desk, that I just found, it was just forwarded to me by Mr. Sullivan from some engineers that were talking about overload testing where you set up strains within new material which later result in fractures. They were concerning themselves - it's part of the NASA program and they were concerning themselves with pressurized vessels and overload

testing them and then putting them out and to work. It's fine to test them to prove design and after that rely on the integrity of your designer and the metallurgists that are working with him.

SENATOR SCHLUTER: Mr. Estes, could you supply us with the Canadian standards which have been referred to occasionally?

MR. ESTES: I will leave a copy of it with you.

SENATOR SCHLUTER: Fine, with our Secretary.

MR. ESTES: I have one that I can give you.

SENATOR SCHLUTER: And, as I understand, they are more rigid.

MR. ESTES: The Canadian standards are like our ANSI standards. The Canadian National Safety Board has published this set of standards and I was informed just the other day that they have been adopted in the Province of Manitoba as the law up there now, which we hope some day when we can get ours published you will have the ability to do that here.

SENATOR SCHLUTER: Fine. Another question was asked - you represent the manufacturers - what is the normal length of warranty that a manufacturer will have on a ride, an adult ride?

MR. ESTES: We don't give a warranty. It's one of the questions that was brought up by the OABA people in Florida a couple of years ago. They wanted a warranty from each of these ride people. Warranties involve product liability, they involve law suits, they have big ghosts and big skeletons hanging in the closet. So, until we can develop an ANSI standard or the equivalent thereof, where everybody knows what is going into a ride and how to do it, we don't give a warranty, printed as such. I don't understand all the legal parts of this but there is an implied warranty anytime you sell anybody anything. And product liability being one of the big hazards in our business, we're very, very aware. We are more concerned with when we could

ask people to quit using our rides. Some rides on the road right today are 40 years or more old, and they've never been back to the family for reinspection. One of the sections that we're working on here, or trying to think up an answer to, is how long should you design life into one of these rides before it's mandatory that it go back for factory overhaul, like the thousand hours on an airplane or the annual inspection of boilers. There are various things that have to be done by certified people. Today we don't have that.

Now we took a figure of 25 years, which would give us, oh, several million flexings, figuring that it worked 10 hours a day for 5 days a week, etc., for 25 years, which would take it beyond the point of fatigue. It would, theoretically, last forever. No one can tell you today, on some of the rides that are presently designed, how many flexings it will take to break. There are some rides on the market, in my own opinion, that have a life of about 3 years. If you can't make it in 3 years, junk it because you're going to be in trouble with it. So the warranty just isn't there, as such.

SENATOR SCHLUTER: Mr. Estes, I've exhausted my questions. I wonder if Senator Epstein has any.

SENATOR EPSTEIN: You've asked all of mine, Bill.

MR. ESTES: You've only dented the surface.

SENATOR SCHLUTER: Well, we do appreciate your coming here. I know you are going to be here later and we will probably meet with you and our staff, if we have additional questions. Thank you very much.

MR. ESTES: I thank you very much for the opportunity to appear here. I like to get into these things, like your law that you're thinking of - I like to get here before the accident, not like the insurance man that comes over to pay for it later.

SENATOR SCHLUTER: Fine. Now we will take a three or four minute break. We have two more witnesses. We have

Mr. Scozzari, who will appear here next, and the Department of Labor and Industry. If anybody else wants to testify, they should register with Mr. Caramalis.

We will be back here in about three or four minutes.

(Recess)

SENATOR SCHLUTER: I wonder if we could get back to order here. If anybody else has come in who would like to testify, we only have two more witnesses, they should come forward.

We will now hear from Mr. John Scozzari, who represents an operator as Legal Counsel. Mr. Scozzari, if you would identify yourself and proceed, please.

J O H N P. S C O Z Z A R I: Yes, Senator Schluter, my name is John P. Scozzari. I am a member of the New Jersey Bar and I am Counsel for Amusements of America and, as well as Amusements of America, New Jersey State Fair and other amusement industries.

I had not originally planned to make any comments, as I indicated to you yesterday; however, in view of some that were made, I thought that I would like to add some observations. I think the subject has been well exhausted.

Our concern is that we concur with your Committee and the general public's belief that regulation is needed and is desirable in order to insure the safety of the public. However, we want to do our best to see that the legislative action that comes from the results of these hearings is reasonable and addresses itself to the problems that need to be solved, rather than to have legislative action that is perhaps reactionary to some unfortunate incidents that have occurred here in the Mercer County area within the past three or four months and, of course, most recently a week ago last Monday at the New Jersey State Fair on the Amusements of America Round-Up ride.

I would like to ask the Committee, in drafting this legislation, to keep in mind that we have two distinct types of amusement enterprises that have been talked about here today, other than the manufacturer, which would be the

transient or mobile amusement business and the stationary or permanent, and by that I mean such things as the Steel Pier in Atlantic City being permanent, and the Casino in Seaside Park, and other types of installations of that nature, as against Amusements of America and straight shows and things of that nature as being mobile. And in proposing regulatory and safety measures for them, we would urge that the Committee keep in mind that there are those distinctions of function and that what is applicable in certain instances to one will be very difficult to apply or have workable and feasible with the other.

We also would ask the Committee to keep in mind, as it develops legislation for recommendation, that many of the relationships between the amusement enterprises that have been talked about here today are peculiar, peculiar legally if nothing else. People talk in terms of "the Fair", in fact, Assistant Prosecutor Golden said, "when the Fair came to Trenton" which would suggest the Fair that was in Flemington was the Fair that was in Trenton. Of course, I think the Senator knows, and some of the people here, that that's not so. These are independent enterprises which are wound together at best by such mobile units as Amusements of America and other concessionaires who lease space or obtain licenses to operate for these various entertainments.

And there were also some suggestions, in testimony given today, about the quality or character of the businesses that are involved, and we are concerned about the image of Amusements of America, in particular, and, of course, the New Jersey State Fair and the rest of the industry.

Contrary to what was represented, insofar as Amusements of America is concerned, the bulk of the staff, some 90% of it, is permanent, as against the flotation expressed here earlier, here one day, gone the next. And that small percentage that is not permanent - and by that I mean year round, from year to year for long periods, - they are hired to do very simple tasks which do not in any way endanger the public. Tasks that require special knowledge

and skills are in the hands of long-time employees of such companies as Amusements of America or the New Jersey State Fair or other such long-established institutions. And we would hope that tragedies, such as that of last week, would not in any way cause anyone to stampede through legislation which was not very carefully thought out. By way of example, some 2 million people in Ottawa, Canada, not too long ago, during this season, enjoyed the privileges and rides of Amusements of America and there were not fatalities and there were no tragedies or accidents. And I think that's highly indicative of the trade itself.

We're flattered by the comments made by a representative of the State of New Jersey, Mr. Christian, because he certainly was very favorable to Amusements of America's record, both as to size and its cooperation and performance in New Jersey. As indicated in his testimony, they operate from Canada to Florida and they operate year-round and, therefore, the quality of their operation is perhaps different from the corner lot which has a one-man operation set up with his son.

I am concerned about a comment also made by the Prosecutor's office, with regard to some questions asked by the Chairman, and that was such things as automatic locks which will not open except under extreme circumstances. And I call your attention to, and ask you to reflect upon this in drafting legislation, the fact that Mr. Shumake, of the Department of Insurance pointed out a perfect example as to why rides should be equipped in such a way that, although it's difficult for the passenger to get out, it is not impossible. Mr. Shumake pointed out the firehouse ride episode in which the ride attendant stopped the ride in position, the passengers were not able to get out, because of the design of the ride, and apparently, from his comment, as will appear in his testimony, a multiple tragedy ensued.

For reasons such as that, it is also not desirable

just to carte blanche require that safety equipment and safety belts and locks be such that they cannot be disengaged by the passenger. There will be occasions when that will be equally as desirable as having a safety belt present at all.

As Mr. Vivona indicated earlier today, Amusements of America welcomes inspection. It has inspections and certifications now in order to comply with its insurance. And as long as the inspections that are promulgated by virtue of legislation are such to take into consideration that Amusements of America and other enterprises of its type are transient or mobile and that the inspections have to be practical and feasible for that kind of a unit, they would be more than happy to comply with any reasonable regulations that are ultimately enacted.

A comment was made also in reference to the Michigan statute on the subject of breakdowns. I believe, Mr. Chairman, that you queried one of the witnesses about whether or not a ride should be able to resume, after a part had broken down and had been repaired, without inspection. And I would suggest, just for consideration later in deliberating over the testimony given, that consideration should be given as to the character of the breakdown and whether or not the ride operation can be resumed without further inspection. And by that I mean such things as, some of the children's rides have on them inflated rubber tires and might well have a simple flat tire and the tire itself is not critical to the operation of the ride but in order to operate smoothly it has to be inflated. It would be unreasonable to suggest that if the tire were repaired that it should not be able to resume operation until the inspector came and looked at the repaired flat tire.

And one of the ultimate problems with safety in any business that deals with the public, of course, is the public itself. No matter what you install or require to be installed in the equipment, the public always manages to find a way to circumvent our interests in their safety. And any such

requirements that this Committee may care to recommend to the Legislature should also be reasonable in that respect.

In conclusion, I would say that we concur wholeheartedly with comments made by Mr. MacKay of Outdoor Amusement Business Association, and, of course, with Mr. Cook of the Agricultural Fair Association of New Jersey. You have our pledge that we will cooperate with you and with the Legislature in every respect but we would hope that before any legislation is formally introduced you might afford representatives of the industry an opportunity to meet with you, or whomever is appropriate, to consider what you are going to propose. Perhaps their thoughts and insight might be helpful in making changes before it finally gets into the hopper for formal consideration.

With that, Mr. Chairman, I conclude my remarks and thank you for the opportunity to speak.

SENATOR SCHLUTER: Thank you, Mr. Scozzari. I have one quick question

From your remarks then, about the caliber of people working for Amusements of America, and the high standards that are maintained and the fact that the majority of them work on a year-round basis, I would assume that you and Amusements of America, your client, are in complete accord with the licensing, some sort of licensing or qualification of the operators of the actual rides.

MR. SCOZZARI: Yes. The only reservation would be the obvious one, Mr. Chairman, that because these employees do move from place to place with the units of Amusements of America the criteria for getting them qualified and licensed by the State of New Jersey and any other governmental agency be reasonable, with the thought in mind that the mobile amusement business is different than the stationary amusement business.

SENATOR SCHLUTER: Fine. Thank you very much, Mr. Scozzari.

MR. SCOZZARI: Thank you.

SENATOR SCHLUTER: Now, I am not sure whether Labor and Industry would have Mr. Hart or Mr. Clark appear just for a few questions.

Mr. Clark. Yes, proceed.

W I L L I A M C L A R K: I am William Clark, Director of Labor Standards for the Department of Labor and Industry. We are not going to make any formal presentation today. I'm here to answer any questions that you might have that might be appropriate to the hearing.

SENATOR SCHLUTER: Fine. Mr. Clark, thank you. I am sorry the full Committee isn't here and we appreciate your cooperation and that of Mr. Hart in being present because we are going to consult with you, as a Committee, and our staff will, on the procedures to bring protection to the State of New Jersey or to at least formalize protection procedures.

Now, the one real question that I have. Would you comment, Mr. Clark, on the merits and demerits of a commission approach, a commission which sets standards or approves standards, as in the Michigan law, compared to the advantages and disadvantages of a governmental bureau or agency.

MR. CLARK: The only thing I can say is that past experience in the Department of Labor and Industry with the Migrant Labor Bureau and several other committee-type approaches hasn't been quite satisfactory. My own personal view is that to enforce a law and to administer a law, the responsibility should be centered upon a commissioner of some type of agency or some type of agency head, and then he could work in conjunction with all parties and advisory committees. But I think, in order to properly administer a program, the authority should be centralized.

Our experience in the past with citizen committees - they tend, like most committees, to sometimes get controlled by special interest groups and what-have-you. I think an administrator should shoulder the responsibility and I

think with centralized responsibility it is one way of assuring that the work is done properly or the man should be removed if he can't do the job. I think the whole tendency of committees in the past that have studied state government in the past few years almost invariably recommended getting rid of outside committees and placing responsibility within the control of - New Jersey has a strong Governor, perhaps the strongest Governor in the United States through our Constitution, and it's more in line with our Constitution to have a strong administrator with total responsibility and accountability.

SENATOR SCHLUTER: Do you think a bureau or agency, through administrative procedures, would be able to get enough input from the representatives of the industry through advisory committees or through public hearings through the Administrative Procedures Act?

MR. CLARK: We have that through the Administrative Procedures Act in New Jersey. Again everybody has an opportunity - we can enact a regulation without following that Administrative Procedures Act in detail, which gives the public a say in everything we do. Our current Bureau of Engineering and Safety and of our Bureaus within the Department of Labor and Industry are administrative bureaus that enact regulations and they have cooperated very closely with all interest groups in the past very successfully.

SENATOR SCHLUTER: I see. Well, we will be wrestling with this problem.

Mr. Clark, as you know the Senate has passed a bill for inspection of ski tows. We don't have too many in New Jersey. This bill is now in Committee in the Assembly. And this bill would charge the Department of Labor and Industry with the responsibility of providing inspections and regulating ski tows and setting up standards. Would you care to comment on the possible combination of ski tows and amusement rides?

MR. CLARK: There is no doubt that the Department of Labor and Industry has the capacity. We have a code-writing section already set up, we have a plan examination section, we have a safety inspection force already trained in safety. One of the problems that bothers me, however, is, throughout the Nation New Jersey has a fairly good reputation as a Labor Department - many labor departments throughout the country are not in fact labor departments -- Texas, for example, up until recent enactment of the Federal Occupational Health and Safety Act, the Labor Department in Texas amounted to a boxing commission. So we've got to be careful that the Department of Labor and Industry, recently set up as an employer-employee jurisdiction agency, - by going into areas of public safety, we have to be very careful that the new programs are adequately funded. If they are not adequately funded, we would be subsidizing public safety at the expense of employer-employee programs that we already have.

My personal recommendation. I think the Department of Labor and Industry should stay an employer-employee agency. However, we have some precedents already within the agency where we have some public minor things. We had a private employment agency section which has recently been transferred out at least as a recommendation of the Governor's Committee on Efficiency and Economy. We still have some explosive laws. We have a boiler section. So we have some precedent there on public safety regulated things but what we have to watch is that we don't get directed into the area of public safety at the expense of our current employer-employee related directions.

There is no question in my mind about our capacity but the feasibility is something that should be studied.

SENATOR SCHLUTER: It's a matter of policy, really.

Mr. Clark, You administer the Child Labor Laws through, I think, your division.

MR. CLARK: Yes. I'm Director of Labor Standards. We

administer safety laws, mechanical inspections section, migrant labor bureau, and the wage and hour section which included minimum wage and child labor laws.

SENATOR SCHLUTER: Do you feel that the child labor laws should apply to operating amusement and carnival machinery?

MR. CLARK: At the present time, our Child Labor Law prohibits youngsters under the age of 16 from working in or about or in connection with power driven machinery. However, in realizing now, after your public hearings, the responsibility, the speed of machines, the inspection requirements, the check lists required, the endurance of a person throughout the day working with this machine and the public responsibility, I think the Child Labor Law, or at least if we are going to enact a statute here, - I don't think that youngsters under the age of 18 should operate these as a matter of responsibility to the public and to the youngsters themselves. But at this time, the Child Labor Law permits youngsters 16 and 17 to operate such machines, but not under 16.

SENATOR SCHLUTER: Thank you very much, Mr. Clark. That's all I have. And we appreciate your coming here and the Committee will avail itself of your help in trying to come up with some recommendations.

MR. CLARK: Thank you very much, Senator.

SENATOR SCHLUTER: Now, before we close the hearing, I would just like to enter into the record - and will you keep the record open for one more week, Mr. Caramalis, for additional testimony from anybody who was not able to be here and would like to write in. And also, Mr. Caramalis, I would like you to enter all the letters from the different Mayors and municipalities.

I would like to read a letter which I just received yesterday from the Assistant Township Clerk of Lawrence Township, here in Mercer County. The covering letter explains a resolution which was passed on September 7th, which was passed by the Lawrence Township Council, which

reads as follows:

"WHEREAS, public hearings on the establishment by the State of New Jersey of safety standards for rides at amusement parks and carnivals will be held on September 19, 1972 beginning at 10:00 A. M. in the General Assembly Chamber, State House, Trenton, New Jersey; and

WHEREAS, the Lawrence Township Council wishes to express their feelings on this matter;

THEREFORE, BE IT RESOLVED by the Council of the Township of Lawrence in the County of Mercer that they hereby support the establishment by the State of New Jersey of safety standards for rides at amusement parks and carnivals."

I think it's safe to say that we have received at least 12 or 15 additional resolutions by municipalities to the same effect.

Are there any other witnesses who would care to testify?

Hearing none, I will declare this public hearing closed, with the provision that the record stays open for one more week to include any additional testimony.

Thank you all very much for coming.

(Hearing concluded)

OUTDOOR AMUSEMENT BUSINESS ASSOCIATION, INC.

Statement by Bill MacKay, Executive Secretary,
Outdoor Amusement Business Association, 9072
Lyndale Avenue, Bloomington, Minnesota 55420
(Telephone: 612 888-0244) Before the Senate
County and Municipal Government Committee,
State of New Jersey, on September 19, 1972.

The Outdoor Amusement Business Association -- the North American trade association for the carnival industry -- is totally committed to amusement ride safety. Our members believe in it and support it.

Since the inception of the OABA in 1965, association leaders have worked closely with officials in the states of Wisconsin, Michigan and Iowa to develop ride safety and inspection regulations. We are prepared to do likewise in any state where ride safety legislation is being considered, for we can easily envision a time when most, if not all, states will have enacted such statutes for the further protection of their citizens.

Carnival operators recognize that an element of risk is involved whenever human bodies are moved from place to place. A person strolling along an avenue is exposed to some risk of injury, as are motorists and passengers on public conveyances such as buses, trains and airplanes. The same is true of amusement ride patrons.

Consequently, the owners and operators of traveling carnivals are continually preoccupied with ride safety. Part of their concern, to be perfectly candid, is born out of selfishness. Because almost any amusement ride mishap receives widespread coverage by the news media, it reflects negatively not only upon the carnival involved but upon the entire carnival industry and the agricultural fair or civic celebration that is sponsoring the carnival. Accidents are

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bad public relations and can have harmful effect on midway business. Too, a serious accident can cause an increase in the liability insurance premiums paid by the carnival. More importantly, however, no responsible carnival operator possessed of even minimum compassion wishes to live with the memory of a ride accident caused by his lack of attention to details or the carelessness of one of his employes.

As a result, it is safe to say that, aside from commercial aircraft and space vehicles, no machinery of any industry in North America is as rigorously and regularly inspected as are carnival amusement rides. A typical traveling carnival plays 20 to 25 dates per season -- which means that its rides are set up and disassembled that many times over a period of, say, 150 days. During each set up, each ride's parts are inspected for wear, and if a component is determined to be sub-standard, it is replaced. In recent years, however, there has been a trend toward trailer-mounting some rides in order to reduce the number of man hours required to disassemble and erect them. Such rides, generally speaking, are only partially taken apart and reassembled on each carnival move.

In the autumn of the year, a carnival returns to its winter quarters where the rides are readied for the following season. Again ride components are inspected, worn parts replaced and, in some instances, the ride is rebuilt -- sometimes being returned to the factory that produced it for such work.

As an additional safeguard, the insurance companies providing liability coverage on amusement rides send their representatives to carnival midways to inspect the rides.

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The carnival industry's safety consciousness pays off. One major carnival, for example, provides between 15 to 18 million amusement rides per season and reports only about 150 mishaps -- most of them of the band-aid variety: a banged elbow, a skinned shin.

In view of the fact that automobile manufacturers in recent years have been under criticism about the safety of their products, and we are familiar with news media announcements of recalls of certain models in order to remedy defects, one might raise a question as to the responsibility of the firms building amusement rides. Mr. William Estes is here today. He is the Safety Consultant for the American Recreational Equipment Association (AREA), the national trade association for ride manufacturers. Mr. Estes is an engineer and a former official of the State of Michigan department that was responsible for developing and implementing that state's ride safety inspection code. I believe he can testify that amusement rides are not mass produced, as are automobiles, but instead are more or less custom built.

Despite all such proven safeguards, the carnival industry nevertheless welcomes a well conceived and realistically administered ride safety code for the State of New Jersey. Not that such regulation will in any way absolve the carnival industry from its traditional responsibilities for the safety of its patrons, but instead will provide additional safeguards for ride patrons.

Our only real concern is that such regulation places no undue burdens upon the carnival industry. Ours is a highly specialized industry that constantly is involved with deadlines (when a fair or civic celebration ends, several hundred tons of rides and other equipment must be loaded on trucks and

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transported several hundred miles, then set up anew and must be ready for operation on the day the next fair or civic celebration opens). Failure to be at a certain place and ready to operate at a certain time could lead to breach of contract proceedings. Consequently, ride inspections must be conducted in such manner that does not interfere with the carnival's timetable. Too, even a structural engineer if he is unfamiliar with rides, may tend to be over zealous in his inspection and close down a ride that represents no danger to its riders, or his inspection may take so long a time that a particular ride is unable to be in operation when the fair or celebration commences.

A lesser but nevertheless real concern lies with the type of legislation to be enacted. It has been our experience that enabling legislation is greatly preferable. We have learned in Wisconsin that ride safety legislation that spells out the details of ride inspection and licensing can lead to future problems. Somehow, the final Wisconsin statute includes an extremely unrealistic load testing provision that some rides cannot meet. While I do not profess to be an authority on amusement rides, I understand that certain rides have a built in safety factor so that when overloaded, they will not operate. In Wisconsin, the load test overloads the rides so that they cannot operate and, thus, they fail to pass inspection. Had Wisconsin enacted enabling legislation and left the development of safety regulations to the appropriate state department, the matter could be easily resolved administratively. As it is, action by the legislature will be required to amend that provision of the law. One must consider also that even the most precise and detailed ride safety legislation written to include each type of ride operating today could become outdated as

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new, larger and differently constructed and operated rides are invented and produced.

Amusement rides are highly specialized and unique equipment with which few persons outside the field are completely familiar. Were enabling legislation to be enacted in New Jersey, imagine the challenge facing whatever state department is assigned the responsibility for developing ride safety regulation and inspection. Consequently, the OABA suggests consideration be given to formation of a ride safety board, to be more or less advisory, in order to assure effective development and implementation of amusement ride safety regulations. Precedent for such a board has been established in Michigan whose ride safety law has been in operation for five years. Such a board might include a representative of the carnival industry, a representative of the amusement park industry, a representative of the agricultural fair field, a registered structural engineer and perhaps a representative of the public.

The OABA has written what we like to designate as a model ride safety bill. We can assume no pride of authorship for the bill for it is patterned closely on the Michigan law. Copies of the suggested bill have been submitted to members of this committee for your consideration. Again, I wish to recommend Mr. Estes, who, as a state official, had much to do with the writing of that legislation and was the state official directly responsible for developing the state's ride code and implementing it.

We can promise that realistic ride safety legislation and regulation, such as that being done in Michigan, will merit the full cooperation of the carnival industry. We welcome such regulation, because we know that responsible

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carnival owners already are operating under self-imposed standards equal to or beyond any realistic inspection and regulation that a state government might impose. Unfortunately, we have marginal operators in our business who are not meeting their responsibilities to the public -- and we consider that state amusement ride safety regulation will force them either to improve their equipment or to depart from the carnival industry. Fortunately, such marginal operators represent only a minute percentage of the carnivals operating throughout North America today.

Finally, there may be no known way to prevent an occasional ride mishap -- because the human element is involved. The carnival owner can control carelessness on his part and the carelessness of his employes. Rides can be inspected, tested and licensed. But no law, no human responsibility can assure that each of the hundreds of millions of amusement device riders will be responsible. More often than not -- in fact, in almost all instances -- a ride accident is directly caused by rider carelessness. The incident that prompted enactment of the 1972 Iowa ride safety enabling legislation was a fatality at one of that state's amusement parks caused when a teen-ager stood up while in an operating ride.

SUMMARY: The OABA supports ride safety legislation. Carnivals, their insurance carriers and ride manufacturers are following programs to assure patron safety of the highest standards. State ride safety laws provide an additional safeguard. The OABA suggests enabling legislation with the ride

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code and inspection mechanics to be formulated by the appropriate state department assisted by the advice of members of a ride safety board who are familiar with amusement rides; such board to include, among others, representatives of the carnival and amusement park fields. The OABA has furnished committee members with copies of a suggested ride safety bill patterned on the Michigan law that has been in effect for five years.

The Showmen's Guild of Great Britain

RECOMMENDED SAFETY CODE FOR OPERATORS

The Showmen's Guild are concerned that avoidable accidents to the Public should not occur. This must be considered a matter of urgency in the interests of the Public, the business, and each individual member. This Safety Code will assist to achieve this, and it is the duty of every member and his employees to comply.

1. Notices should be displayed prominently with wording such as "Patrons must keep their seats"; "Do not stand up in the car"; "The ride is fun but you must hold on". You are unlikely to avoid responsibility by stating "Patrons ride at their own risk", and such notices are bad publicity and should be removed.
2. The person in charge of the Ride must be constantly watchful, and he must have a clear view.
3. He must slow the Ride at once if he sees patrons standing up or behaving rashly, and if necessary, stop it. They must be warned and the Ride only speeded up or re-started when they behave.
4. The Ride must be stopped for sufficient time to allow the changeover of patrons.
5. Cars must not be loaded beyond their capacity at any time, and Rides must never be run above the designed speed.
6. There is a special responsibility for the safety of children on your Rides.
7. Employees should be warned of foolhardy actions on the Rides.
8. If lights on the Rides are arranged to flash, the flash must be practically instantaneous. The Ride must never be in darkness for even a quarter of a revolution.

The Royal Society for the Prevention of Accidents has been glad to collaborate with The Showmen's Guild of Great Britain in the Production of this Safety Code for fairgrounds operators, and to note this further development of safety precautions designed to assist members of the public to enjoy themselves without unnecessary risk.

Byelaws as to Pleasure Fairs
Revised Home Office Memorandum

1. The attached forms of byelaws have been prepared for the guidance of local authorities who may wish to make byelaws under section 75 of the Public Health Act 1936 for the securing of safe and adequate means of ingress to and egress from pleasure fairs; the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at pleasure fairs. Bodies representative of the interests of those who carry on pleasure fairs have been consulted on the matters dealt with by the byelaws.
2. These models are issued to enable a local authority which considers it necessary to make byelaws as to pleasure fairs to make its proposals in a model form and it should rarely be necessary or desirable to depart from the models. Furthermore, local authorities will appreciate the strong objection to making unnecessary byelaws and byelaws should only be made if there is an actual and substantial need for them locally in the public interest.
3. The procedure for making the byelaws is that laid down in section 250 of the Local Government Act 1935, and it is requested that any proposed byelaws should be submitted to the Home Office in draft (two copies) for provisional approval before any steps are taken for their formal adoption and publication.
4. It should be noted that in section 75 of the Public Health Act 1936 the expression "pleasure fair" is defined as follows:

The expression "pleasure fair" means any place

- (i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any of the following entertainments:-

- (a) circuses;
- (b) exhibitions of human beings or of performing animals;
- (c) merry-go-rounds, roundabouts, swings, switchback railways;
- (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
- (e) dodgems or other mechanical riding or driving contrivances;
- (f) automatic or other machines intended for entertainment or amusement;
- (g) anything similar to any of the foregoing

and

- (ii) for admission to which or for the use of the contrivances in which, a charge is made.

5. This memorandum and model byelaws supersede those issued in 1957.

BYELAWS: PLEASURE FAIRS

Byelaws for the regulation of the hours during which pleasure fairs may be open to the public; for the securing of safe and adequate means of ingress to and egress from pleasure fairs; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at pleasure fairs; made by the in pursuance of section 75 of the Public Health Act 1954.

1. These byelaws shall not apply to -

- (a) a fair held by statute, royal charter, royal licence, letters patent or ancient custom, or
- (b) a place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place.
- (c) a pleasure fair at which the only entertainment to which section 75 of the Public Health Act, 1954, applies consists of temporary long alleys or of teapin bowling alleys together with automatic machines intended for entertainment or amusement not exceeding in number one third of the number of bowling alleys provided or
- (d) any part of a pleasure fair in respect of which a licence is for the time being in force for public music or dancing or other entertainment of the like kind.

2. Throughout these byelaws the expression "manager" means the person having control of a pleasure fair, whether being the owner or lessee or some other person.

3. The manager shall not keep the pleasure fair open to the public between the hours of _____ and _____

Provided that on Saturdays and Bank Holidays the hour of _____ shall be substituted for the hour of _____

Provided also that the Council may, by resolution, fix a later hour in substitution for the hour of _____ in this byelaw for the closing of pleasure fairs or specified classes of pleasure fairs on specified dates or during specified periods.

4. The manager shall take any necessary steps to provide a sufficient number of adequate entrances to and exits from a pleasure fair and he shall while the public are at the pleasure fair, keep every exit open and free from obstruction.

Provided that the exits from a pleasure fair need not be kept open

- (a) in any case where the doors are secured only by suitable panic bolts or other safety devices of a similar nature which enable them to be opened in an emergency.
- (b) in any case where an attendant is on duty at the exit.

Provided also that this byelaw shall not be deemed to require that any exits from a pleasure fair which are not provided for public use shall remain open while the public are at the pleasure fair.

5. The manager shall, in the distribution of booths, stalls and other erections at a pleasure fair, secure that a sufficient number of gangways of adequate width are provided; and shall while the public are at the pleasure fair keep such gangways free from obstruction.

6. Every person having control of any booth, tent or other enclosed structure at a pleasure fair in which more than thirty persons can be accommodated shall provide adequate exits therefrom; and, if there are stalls or other erections or seating accommodation within the structure, he shall secure that a sufficient number of gangways of adequate width are provided. He shall while the public are within the structure keep such exits and gangways free from obstruction.

7. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with the three foregoing byelaws, while the public are at the pleasure fair or within the structure, as the case may be.

8. Every person having control of any part of the pleasure fair or of any booth, tent or enclosure established on the premises in which seating is provided for more than 200 persons shall cause all the chairs or seats provided for the use of the public to be battened together in lengths of not less than four nor more than twelve chairs or seats, except where the chairs are placed in boxes or separate enclosures for the accommodation of not more than twelve persons.

Provided that this byelaw shall not apply to any part of a pleasure fair that is sited in a building and is used as a restaurant, cafe or similar establishment.

9. Every person having control of any booth, tent, stall, merry-go-round, round-about, switchback, swing or other similar structure established on the premises shall take all reasonable steps to secure that the structure and any platform, seating accommodation or other erection used in connection therewith is of such material and design and so constructed and maintained that it is not liable, when used for the purpose and in the manner for which it is intended, to cause injury to any person attending the pleasure fair.

10. Every person having control of a shooting gallery shall provide and maintain such backstops and screening as may be reasonably necessary to protect any person attending the pleasure fair from shots fired by persons using the shooting gallery.

11. The manager shall provide and maintain in good working order a sufficient number of adequate portable fire fighting appliances; and shall while the public are at the pleasure fair keep such appliances conspicuously placed and readily available for use.

12. Every person having control of any part of the pleasure fair or of any booth, tent or erection shall take any necessary steps to secure that any scenery, drapery, artificial flowers, properties, hangings, curtains or other materials of a similar kind used therein are rendered flame resisting and are effectively so maintained.

Provided that nothing in this byelaw shall require softwood of one inch or more in thickness, or drapery, hangings or curtains made of heavy woollen material to be rendered flame resisting.

13. The manager shall take such steps as may be reasonable and necessary to prevent risk of electric shock or fire caused by electricity at a pleasure fair.

14. To avoid the risk of fire the manager shall secure that any hay, straw or other like substance kept at the pleasure fair is stored either in a fire-resisting receptacle or in some place at a reasonable distance from any part of the pleasure fair to which the public have access.

Provided that this byelaw shall not apply to such quantity of hay, straw or other substance as may be required for immediate use.

15. The manager shall cause every merry-go-round, roundabout, swing, switchback railway or other mechanical riding or driving contrivance at a pleasure fair -

(a) to be securely erected, and

(b) to be so placed that between every moving part of the contrivance which is not effectively fenced or secured from any area to which members of the public not using the contrivance are permitted to have access and

(i) any moving part of any other such contrivance there shall be a space of at least twenty feet;

(ii) any other structure there shall be a space of at least ten feet:

Provided that nothing in this byelaw shall prevent the placing of a stationary platform at the side of any such contrivance against any wall or partition of a building or against any boundary wall or boundary fence not adjoining a highway.

In this byelaw "moving part", in relation to a contrivance, means any part of the contrivance, including any vehicle or device and essential parts thereof used for the carriage of passengers, which moves or is capable of moving during the operation of the contrivance.

16. The manager shall take all reasonable steps to ensure that any animal which, if at large, would be likely to cause danger to the public attending the pleasure fair, is effectively secured or caged in such manner as not to be a cause of danger while the public are at the pleasure fair.

17. The manager of a pleasure fair not being a pleasure fair the whole of which is comprised within a building or buildings shall, where adequate public sanitary accommodation is not already available within reasonable distance of all parts of such pleasure fair, take any necessary steps -

(a) to provide in suitable situations sufficient and suitable sanitary conveniences for persons employed in or about the pleasure fair and for the public attending the pleasure fair;

(b) to label separate conveniences for men and for women respectively in such proportions as may be appropriate;

(c) to maintain the conveniences in good repair and in a reasonably clean and wholesome condition; and

(d) cause the conveniences and the labels provided in accordance with this byelaw to be adequately illuminated during the hours of darkness while the public are at the pleasure fair.

18. The manager shall take any necessary steps to provide -

(a) a sufficient supply of wholesome water for the use of persons employed in or about the pleasure fair; and

(b) where the circumstances so require, means for the disposal of any impure or waste liquid.

19. Every person occupying any part of a pleasure fair shall, as respects that part, and the manager shall, as respects any part of the premises not occupied by some other person -

(a) so far as practicable, cause that part to be kept in a clean condition;

(b) as often as is necessary and practicable, cause any refuse or litter within that part to be collected and deposited in a suitable receptacle.

20. The manager shall cause all refuse and litter to be collected at suitable intervals from all such receptacles as are mentioned in the foregoing byelaw and to be removed from the pleasure fair.

21. On the vacation of the site on which a pleasure fair has been held or any part thereof the manager shall remove or cause to be removed any refuse or litter remaining thereon, so as to leave it in a clean and tidy condition.

22. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding five pounds.

**AMUSEMENT PARK CHECK LIST
FOR LOSS CONTROL TECHNICIANS**

- DEVICE:** Give name by which device is known locally, corresponding name as listed in underwriting supplement and name of manufacturer. If device is unfamiliar, give brief description of operation and pictures.
- STRUCTURE:** Describe briefly. Where applicable, check main shafts (excessive welding, signs of deterioration, alignment) supports and outrigger. Comment on composition of soil, footings or area where structure is erected.
- MECHANISM:** If electrically powered, motor frames, control switch boxes, conduits and transformer casings should be grounded. Carefully examine drive mechanism and moving parts.
- If gasoline driven, all safeguards should be provided. No patrons should be permitted on device while gasoline refueling takes place. Proper extinguishers should be available.
- CARS:** Examine seats for strength and condition of upholstery. Look for sharp projections. Check car fastenings and closing latches. Be sure maintenance department checks cars regularly.
- ELECTRICAL:** Installation should comply with all applicable codes. Fusing or circuit breakers should be adequate. Fluorescent tubes should be placed in safety sockets to prevent dislodging. As an extra safeguard, the tube may be taped to support members.
- CRITICAL CONNECTIONS:** Where there are joints or connections, cotter keys or safety pins should be used. To prevent loosening of nuts at critical joints, bolts should be drilled at outer end and safety key inserted.
- BRAKES:** Almost every device is equipped with brakes. Regardless of type, they should be checked for excessive wear, condition and effectiveness. Maintenance personnel should check them on scheduled basis.

**CATASTROPHE
POTENTIAL:**

Report crowd or group exposures - comment on exits, plans for crowd control and emergency handling.

PERSONNEL:

Operating personnel is the single most important consideration in amusement park operations. They must be mature, responsible, attentive to duty and properly trained. They should be given operational rules and instructed on procedures in emergencies.

Good supervision of operators is essential. Operators should check devices daily before operating and report deficiencies in writing to maintenance department.

MAINTENANCE:

Another key to good operations. Comment on maintenance force and give your opinion as to its competence. Maintenance of rides should be properly scheduled and records kept. Upon receipt of deficiency reports, they should be acted upon, reports signed and permanently maintained.

If it is observed that maintenance department is poor, we can expect constant problems.

ACCIDENT REPORTING:

Satisfy yourself that accident reporting procedures are proper. When the public reports an incident, written records must be maintained (names and addresses of witnesses, operators, supervisory personnel on duty, and a description of alleged incident).

PARK GROUNDS:

Numerous claims are reported which originate because of park grounds. Survey entrance, exit fences, poles, wires, parking lots, midway, etc., for hazards. Carefully examine picnic grounds, walkways, tables, benches, playgrounds and free devices. If bathing is permitted, examine and report conditions. Simple public liability survey techniques should be used.

FIRE PROTECTION:

Report fire protection, its adequacy and availability.

FIRST AID:

Report on first aid facilities, medical attention available and procedures followed.

POLICE PROTECTION: Give information on availability and competence of Park Police, Community Police and watchman services.

RECOMMENDATIONS: Prospective Business

Handle as we handle any recommendations. Before leaving premises, discuss recommendations with owner and give comment on his reaction. If compliance with obvious recommendations will not make prospective risk "good", contact underwriting department before progressing with complete survey.

Written Business

Leave copy of recommendations with insured and discuss before leaving park. In report, comment on intention toward compliance. Advise if written confirmation of recommendations is advisable.

REMARKS: Detailed checking of an amusement park and individual devices is necessary to properly underwrite business and determine competence of maintenance department. Numerous obvious defects reflect on maintenance. We cannot police this type of coverage but we can highlight the capability of the maintenance department.

AMUSEMENT DEVICES

(General Rules)

1. Operating instructions and rules should be posted at each major device for the operator's use and guidance. Devices such as ferris wheels, roller coasters, cable rides, monorails and fun houses require written plans for emergency removal of riders.
2. Operator should have specific instructions to follow in case of injury, illness or unusual fright involving a patron.
3. Electrically powered devices must be grounded in accordance with local and National Electrical Code.
4. Lighting must be adequate for entire device.
5. Loading and unloading ramps must have handrails, secure footings, slip-proof walking surface and unobstructed exit ways.
6. All power equipment must be guarded, enclosed and be inaccessible to the public.
7. Fences should be provided with sufficient clearance to prevent persons from contacting the moving device or riders from touching the fence.
8. Operating controls should be so situated that operators have clear view of all passengers at all times.
9. Operators must be mature and dependable; newly employed operators must have adequate training and instruction.
10. Seat belts, lap bars or other restraining devices must be in good condition, adequate for purpose and fastened (if possible) at a point out of the reach of the passenger.
11. Overhead and side clearances should be out of reach of passenger when standing up or reaching in any direction.
12. Brakes must be capable of stopping and holding device in any emergency.
13. Operators should not be permitted to attend more than one device. (This rule may cautiously be relaxed in extreme situations including very small kiddie rides provided controls are centrally located at one point from which operator can see all riders.)

AMUSEMENT DEVICES

(General Rules)

14. Establish (and enforce minimum age and size for children at each adult ride. (Use of minimum height markers at gate will eliminate misunderstandings.)
15. Intoxicated persons should be refused a ride.
16. In case of "horse-play" or dangerous rowdyism, the ride should be immediately stopped and the offending rider properly removed. (Caution should be used by operator if rider resists--management or park police should be called.)
17. In case of riot, ride should be shut down, power cut off or ride otherwise locked in a fixed position to prevent unauthorized use.
18. Gasoline or other flammable fuels should be stored and handled, especially at refueling, in accordance with N.F.P.A. standards and safe practice.
19. Only qualified maintenance men should make inspections, adjustments or repairs.
20. Aerial swing devices and flat rides which develop considerable centrifugal force on passenger carrying seats, gondolas, cages, etc., should have careful attention. Condition of cables, clamps, clevises, pins, universal joints, ball and socket arrangements should be examined for excessive wear, poor lubrication and stresses which might cause metal fatigue.
21. X-ray examination of critical parts is now being done at progressive parks and wide use is being made of Magnaflux Corporation magnetic particle and dye penetrant testing for detection of stress cracks. Either or both are desirable.
22. On couplings, clevises and other type connections where pins are used, the pin should be of safety-type design. That is, the design should prevent pin dropping out due to vibration, motion or strain.

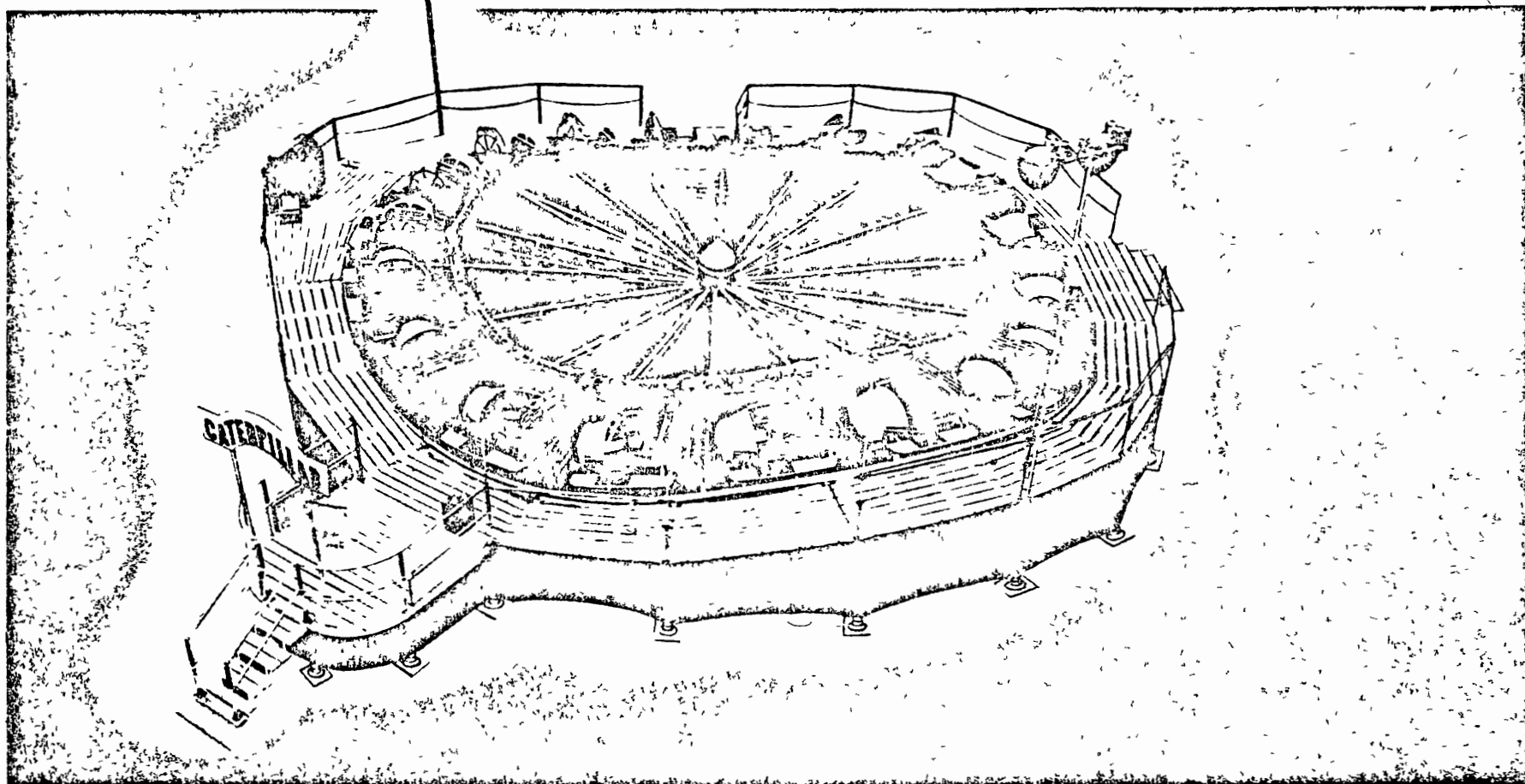
GROUNDS AND PREMISES

1. All areas accessible to the public should be well lighted.
2. Adequate fences are essential.
3. Mid-ways, walk-ways and parking lots should be free of all tripping hazards such as broken pavement, tree roots, depressions, rocks, etc.
4. Electrical wiring should be out of reach of patrons and should conform to local and National Electrical Codes.
5. Awnings, electrical wiring, tree limbs and other overhead items should be high enough to clear the head of extremely tall persons.
6. Trees should be well pruned and dead wood removed. They should be clear of all moving devices.
7. Areas restricted and off limits to patrons should be posted, barricaded and in some cases securely locked.
8. Picnic tables and benches should be stable and in good state of repair.
9. Adequate security (local police or park guards) should be provided.
10. Trucks, automobiles and motor scooters should be prohibited from mid-way when park is open.
11. Daily or continuous grounds clean-up should be provided. Trash cans and cigaret receptacles should be provided. Only paper cups and plates should be used for food and drink.
12. Fencing, rails and cages should keep caged animals and patrons well separated.
13. Fireworks, special exhibitions, trapeze acts and other crowd attractions should be safely located.
14. Automatic emergency lighting for main crowded areas inside and outside of buildings should be provided.
15. Adequate exits should be provided for all enclosures housing crowds. N.F.P.A. Building Exits Code for Life Safety #101 should be the standard.
16. First aid facilities attended by a Registered Nurse or qualified attendant should be provided.

GROUNDS AND PREMISES

17. There should be standing provision for medical attention and ambulance service at all times when park is open.
18. First aid fire fighting equipment and a well organized plan for use should be available.
19. Walkie-Talkies are a distinct advantage to security men, supervisors, maintenance people, office and management. This equipment is relatively inexpensive and would serve well in an emergency.
20. Appropriate warning signs, directional signs and marking should be provided.
21. Regular safety meetings of all operators, supervisors, maintenance and management personnel is desirable (especially pre-season) and prior to major holiday weekends such as Memorial Day, July Fourth and Labor Day.

Allan Herschell **CATERPILLAR** with Fluid Drive



73 A

ONLY Allan Herschell builds the Caterpillar. *And what a ride it is!* Rates with the carrousel in popularity and is a record-breaker when it comes to earning capacity. Many owners have grossed over \$5000 in a single week with this flashy ride. New streamlining and illumination make the "Cat" a focal point at any park or carnival.

The Caterpillar has 18 gleaming aluminum cars, each of which is equipped with new type resilient cushions built to give long service. The Caterpillar will accommodate 36 adult passengers or 54 children. Peak loading time approximately 60 seconds!

F. E. Gooding, President of the Gooding Amusement Co., has this to say about the Caterpillar: "The ride is attractive, has tremendous capacity, packs a great thrill, and is easy to erect and dismantle. In the amusement industry it is thoroughly agreed that the Caterpillar Ride is here to stay!" A. C. Rosenzweig of Eastwood Coaster Co., says: "A 'must' ride for a park or carnival . . . terrific attraction and a real flash especially when properly lit up at night."

For a steady, top-bracket gross, year in and year out, the Caterpillar is unsurpassed.

CATERPILLAR

This is a circular ride powered from a center drive. Cars run on a peripheral track but are attached to arm from center drive. Track has peaks and valleys and as ride starts a canvas canopy suddenly folds over cars and ride is continued in darkness.

STRUCTURE: Framework properly installed and maintained. Check sweep arms to be sure they are straight and not bowed due to turnbuckles being too tight. Check car supports for excessive wear and play. Check condition of track.

FENCING: Entire outer edge enclosed.

BRAKES: Check condition.

LOADING: Check steps, ramp and loading areas. Ramp and steps should have railings. A chain should be used to control public at loading and unloading areas. No unaccompanied young riders.

CARS: Equipped with safety belts.

BLOWERS: Protected by substantial screening in each car.

TUNNEL: Check condition of bracings and struts. Canvas should be flame proofed.

DARK RIDE - FUN HOUSE

Dark rides are of many types and varieties; they are usually a ride-through type device. Cars travel on tracks and lights are off except for desired weird effects. There are some where patrons walk through encountering certain sudden obstacles. There often are trick floor sections, winding stairs, noises and strong gusts of forced air.

Many are two-story frame buildings. The greatest hazard is fire, the second, foreign objects brought into the ride by patrons. Thrown rocks and stones destroy the acts and sometimes strike other patrons.

LIGHTING: Must have emergency lights throughout.

EXITS: Must be adequate. Make certain clearly visible directional signals point way to exits.

OPERATORS: Quiz on his procedure in case of fire. Should go through the ride hourly with a light on busy days.

DODGEM AND SCOOTER

Sometimes referred to as bumper cars because driver steers and thrill comes from bumping and steering car into others on metal decked floor. Power is electric, energized through wheels to metal ceiling via vertical pole and ceiling contact arm. Master control cuts off all energy. Each driver moves his car by activating a foot switch.

BUILDING: Minimum height 8 feet from floor to energized ceiling--preferably 9 feet. Energized ceiling of either steel plate or wire mesh well secured. All steel floor plate sections, level and secured to a substantial sub-floor. No accumulation of grease or debris. Continuous perimeter bumper spring loaded with wood rails in good condition.

EXITS AND ENTRANCES: Adequate including ramps.

CARS: Maximum of 25 ampere fuses and electrical wiring and motor connections in good condition. The dodgem car can operate on 110 or 220 volts, single phase, alternating current. Most are of the 110 volt design. All overhead trolley pole contact arms adequately secured against falling. Rubber or foam rubber bumpers over the steering wheel nuts and around the trolley pole to at least 3 feet above the back of the car. These two items eliminate many accidents from chipped teeth on the steering wheel or bumped heads on the rear trolley pole during collisions. Continuous rubber bumpers around all cars, properly secured and in good condition.

OPERATORS: Maintain one-way traffic with a center island. Discourage head-on collisions and small children riding alone. In any case, small children should be secured with the canvas shoulder strap provided.

FLYING COMET

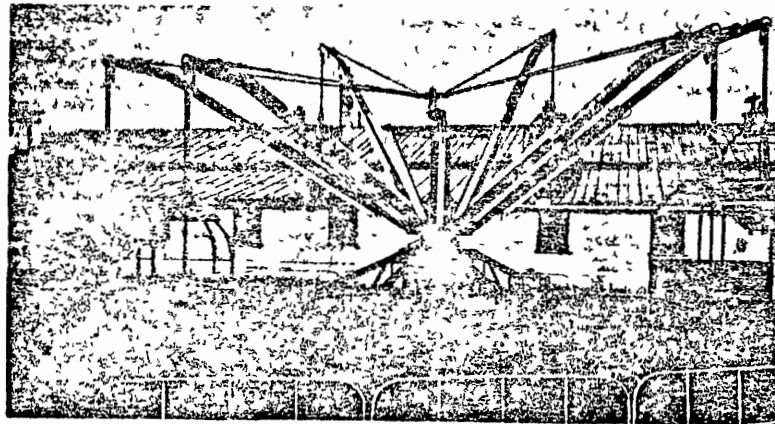
This is an aerial swing device. Six radial arms extend from a center pole power source. At end of each boom or radial arm hangs a basket-type cage which can seat four persons each. Considerable centrifugal force is developed and seats swing out and form almost a horizontal, circular plane as ride revolves. Seats can be whirled or rotated by passengers on universal joints during ride.

CARS: Must have gates with operator-controlled safety latches out of reach of passengers. Auxiliary safety cables required in addition to seat suspension arms.

FENCE: Since ride increases in circumference as it speeds up, fence must be erected to enclose a broad area. Cars should not swing out over fence.

FOOTINGS: Firm, level and no movement.

OPERATION: Operator must remain at controls during course of ride--each seat checked by attendant before ride starts--load must be balanced or equalized.



FLYING COMET

FLY-O-PLANE

This ride is a center pole, power driven, rotating drive having radial arms supporting simulated airplanes or rockets. Even though the ride is a captive airplane unit, the passenger controls its performance as to stability. The device travels in a controlled peak and valley circular motion. Planes are equipped with seat belts automatically fastened when door is closed. Doors have outside safety latches.

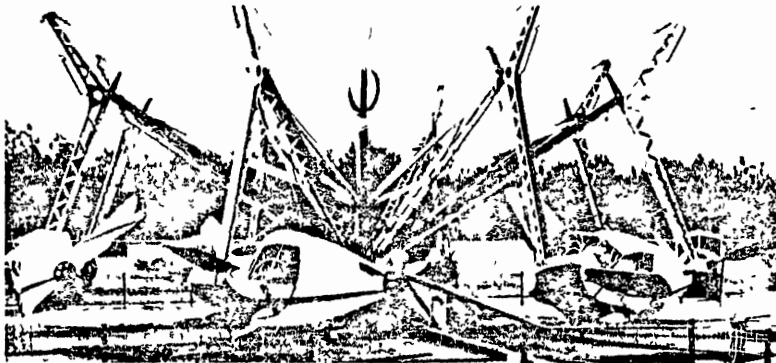
STRUCTURE: Daily check and test run. Check main shaft and bearings for excessive play, vibration and lubrication. Check outrigger pins, stakes and level, sweep arm pins, cable breaks, lubrication and rust.

CARS: Check seat belts, car arms, doors, safe latches--open from outside only.

SPEED: Maximum 11 RPM.

FENCING: Good condition and clearance adequate to keep public away from hazardous area.

PATRON CONTROL: Gate to keep patrons out until ride stops. No very young, unaccompanied riders.



FLY-O-PLANE

FLYING COASTER

Device rotates at a rather rapid rate from a center power source. Cars are on hydraulically controlled sweep arms and as they rotate repeatedly climb an inclined plane which abruptly ends allowing cars to drop approximately 6 feet to original surface. Drop is cushioned by hydraulic mechanism on sweep arms and by rubber tires on cars.

OPERATORS: Two experienced men--no other duties. Should assist riders on and off ride. No unaccompanied young riders. Must watch riders at all times.

STRUCTURE: Check installation and maintenance, sweep arms for excessive wear or welding, connections, condition of track.

HYDRAULIC SYSTEM: Check for excessive leakage. Single hydraulic tank now used instead of individual tanks for each arm. Check glide of each car after drop to be sure hydraulic system operates properly.

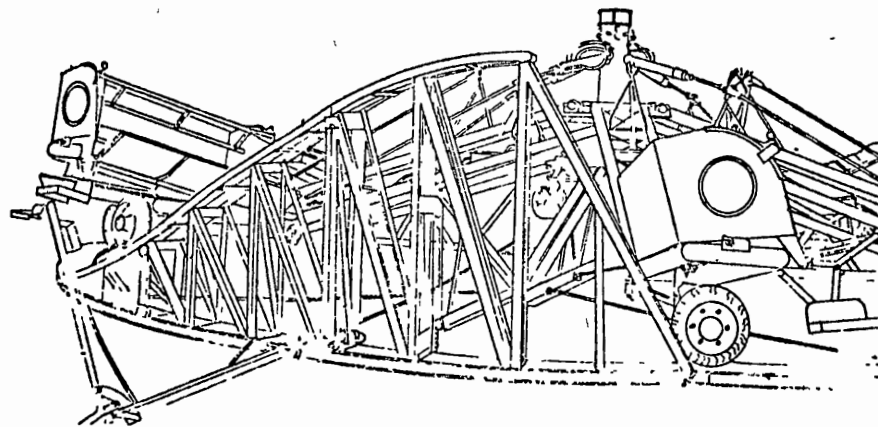
CARS: Check safety bar with safety retainer pin lock for each car, padding of upper bar of safety bar, condition of car shock absorbers, inflation and condition of rubber tires, car connections for four boltings plus safety-type pin connection.

BRAKES: Check condition.

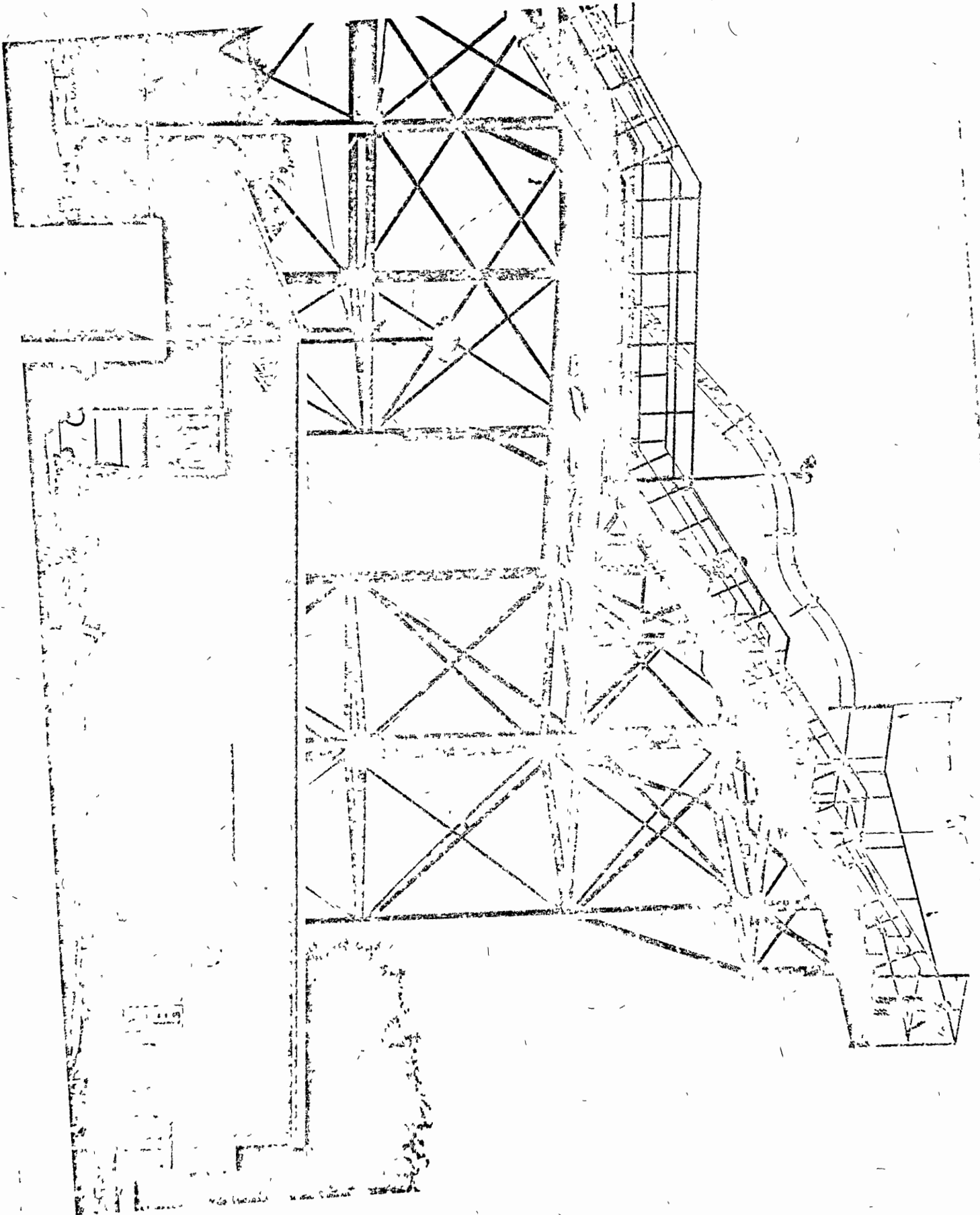
FENCING: Entire ride should be enclosed.

LOADING AND UNLOADING: Steps to car should be checked. Loading area should be protected by chain or gate.

SPEED: Check for excessive speed by observing let-down point of cars. If cars are dropping and obviously striking lower portion of track with force sufficient to cause patrons to be severely jolted, the speed may be too great.



FLYING COASTER



GIANT SLIDE

Slides are approximately 35' high, 165' long and in width are comprised of nine to fifteen divided sliding lanes. Each lane is about 17" to 24" wide. One or two sets of steps lead to the top or starting platform. Sliding surface is constructed of fibre glass or highly polished metal. Supporting structure is usually steel but could be made of wood. Slide produces a wave-type ride created by peaks and valleys on the surface.

This device is popular at shopping centers as well as Amusement Parks and other public places. Slides require regular Engineering service.

1. Device must be installed in accordance with local building, fire, electrical and other applicable codes.
2. Installation must be permanent, footings for structure must be sunk into the ground or pavement.
3. Device must be entirely enclosed with 6' high permanent fencing to prevent entry when closed. Gates must have secure locks.
4. Each sliding lane must be separated by a raised divider sufficiently high to prevent cross-overs. Dividers must be smooth and free of splinters.
5. Outside edge of outside lanes must be high enough to prevent the slider from falling off edge.
6. At least two supervisors should be in charge when device is operating. One at the top of the ride and one at the top of the steps. Sliders must be supervised and cautioned when starting slide.
7. The entire fenced area should be adequately flood-lighted.
8. All steps, platforms and ramps must be protected by railings at least 4' high. Space underneath should be sufficiently closed to prevent a small child from falling through.
9. All platforms and stair treads must have non-slip surface covering.
10. Sliding pads should be in good condition and large enough to protect slider. They should be at least as wide as the lanes and long enough for the rider to sit on one end and pull the other end over his feet. Pad dimensions should be about 72" long and 27" wide. Fast pads such as wool and nylon should not be permitted if speed attained is sufficient to cause rider to be airborne when passing over peaks. Prohibit the use of waxed paper.

GIANT SLIDE

11. Riders wearing rubber-soled shoes should be discouraged. If such are worn, supervisors must make sure pad is folded back over shoes.
12. Slide should extend far enough at the base to insure that slider will come to a stop before reaching a drop-off point. The lower end of the slide should terminate at ground level.
13. Splinters, cracks or other rough edges should be eliminated from the sliding surface, stairs and railings.
14. Sliders should be observed to see if any have a tendency to become airborne. If this is the case, the device should be modified to correct this unsafe condition.
15. Make sure supervisors are mature and adequate in numbers. Provisions should be made to add more supervision when traffic increases.
16. Premises should be kept clean and sliders should not be permitted to smoke or eat on the device.
17. Operating rules should be appropriately posted covering age limitations, instructions for using pads and protecting feet; horseplay, crossing lanes and prohibiting starting to slide before lane is clear.
18. Management (not starters or ticket sellers) must be contacted. Rules governing operation must be explained and recommendations discussed. Evaluate management's interest in safety and actual involvement in the operation.
19. Protection must be afforded which will prevent persons on stairs interfering with or striking sliders.
20. Adults sliding with small children, sliders doubling up, persons with infirmities, belly sliding, backward sliding and other trick or horseplay actions should be prohibited.
21. Management should inspect entire ride daily before being put into operation.
22. Voice amplifying system should be used to control overall operation.
23. Spraying slide with water will help slow sliders if surface becomes too fast.

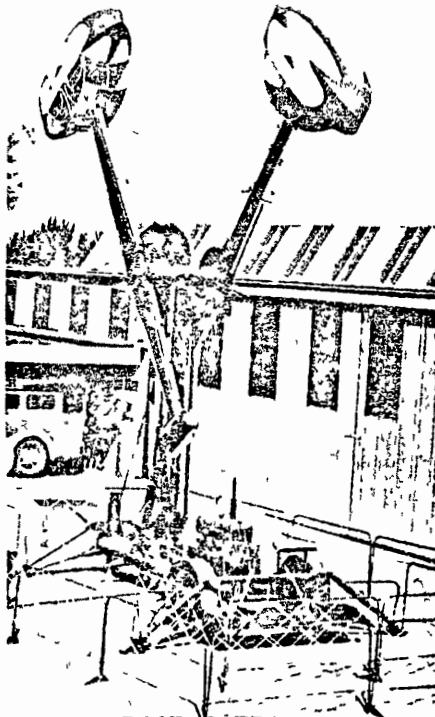
LOOP-O-PLANE

Different from Roll-O-Plane in that cars are secured to two booms rotating independently and in opposite directions. Actually the motions are the same as Roll-O-Plane. The same type enclosed cars with safety features are also used.

STRUCTURE AND FOOTINGS: Should have good center post footing, preferably concrete with outrigger braces secured and shimmed. Check bolts securing counterweight to boom ends, also, cars to the boom. These should have double lock nuts or safety clips. Check for signs of wear or cracking on main center post and booms.

CARS: Should have good quality seat belts, always adjusted, secured and locked on outside of car inaccessible to riders, fastened by operator. Seats and car enclosures should be in good condition.

OPERATION: Bring both cars down together for loading and unloading. Not necessary to leave one car hanging upside down at top of ride.



LOOP-O-PLANE



METEOR

Ride is composed of 3 separate revolving circular platforms. Each has 6 double seats. Platforms are mounted at the end of a boom which hydraulically rises about 30° as entire ride revolves. Each of the 3 platforms tilts as it revolves. Centers of platforms turn counterclockwise and the outside (seat section) turns clockwise. Ride has capacity of 36 passengers, 12 to each of the 3 platforms. There is no great centrifugal force, twist or jerk.

OPERATORS: Two operators--experienced--no other duties. No unaccompanied young riders. Check seating of riders. Lap bars should always be closed. Watch riders during ride operation.

STRUCTURE: Framework should be substantial. Each platform should be completely enclosed by fence with door set to close when ride starts. Check mechanism and platforms for excessive wear. Check seat anchorage.

PINS: Safety-type pins used. All bracing pinned.

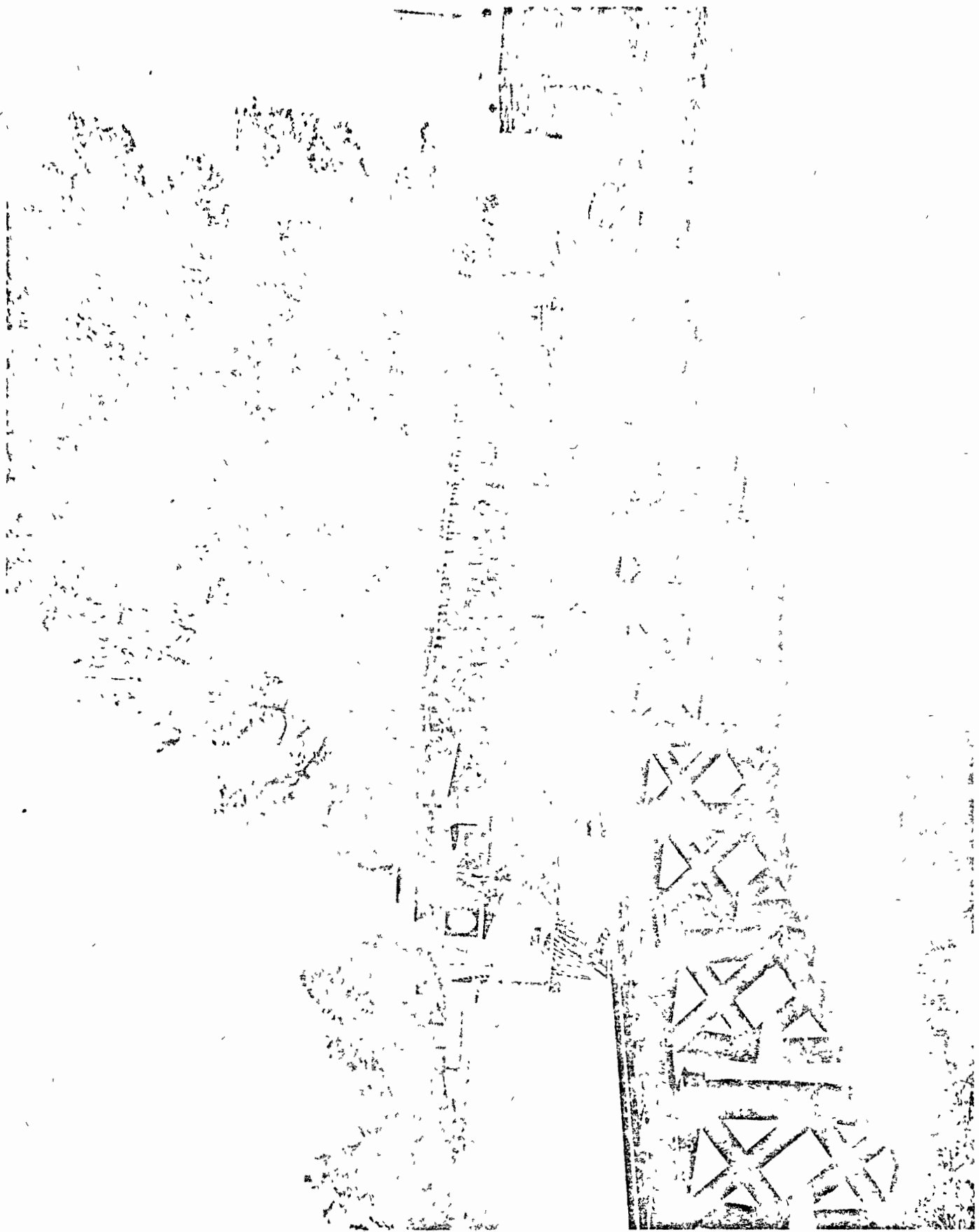
SEATS: Lap bars with safety devices in good condition for each seat.

SPEED: Manufacturer's recommended speed 21.2 RPM in a clockwise direction for the seat platform and 12.5 RPM in counterclockwise direction for center unit.

BRAKE: Check condition.

FENCING: Entire ride should be fenced. This in addition to continuous fencing for each platform which should include a gate.

LOADING: Check steps at loading areas. Entrances and exits should have positive protection such as a chain or gate. Check condition of platform flooring and loading ramps.



MINIATURE TRAIN

OPERATORS: Mature, adequate in number and experience. Ticket seller and loader can be the same man. Two men on train preferred, one operating and one at rear to watch patrons. In some cases, rear-view mirrors on locomotive will suffice.

RIGHT-OF-WAY: Roadbed well ballasted. Adequate rails periodically gauged and secured to ties. Curves banked. Safety rails on sharp curves. Fenced where needed. Crossing (pedestrian and vehicle) protection, gates, signal lights, bells, etc. Warning signs, brush, trees and close clearances along track.

TUNNELS: Maintenance of structure. Clearance (overhead and side) sufficient to keep patrons from touching. Signs if needed. Lighting safely arranged.

TRESTLES: Check maintenance. Railed walkways on sides with solid floor. Check timber condition--no rotted, split or cracked timbers. Preferably, timbers should be bolted.

LOCOMOTIVE: If electric, check third rail or trolley for protection. If steam, is boiler inspected? When and by whom? Check safety valve setting. Is engineer licensed? Is fuel storage satisfactory? If gasoline is used, check gas storage, refueling practices and location. Check general maintenance. Also, check brakes, lights, horn bell and rear-view mirror--speed regulated to safe operating speed, especially at curves.

CARS: Upholstery condition. Daily check of brakes, wheels and suspension. Safety plates between cars.

LOADING PLATFORM: Tripping and falling hazards. Seats for patrons separated from track. Check gates, loading practices.

LOADING: Never permit overloading and standing. Prohibit hanging on side of cars. Move train only when all patrons are properly seated.

OCTOPUS

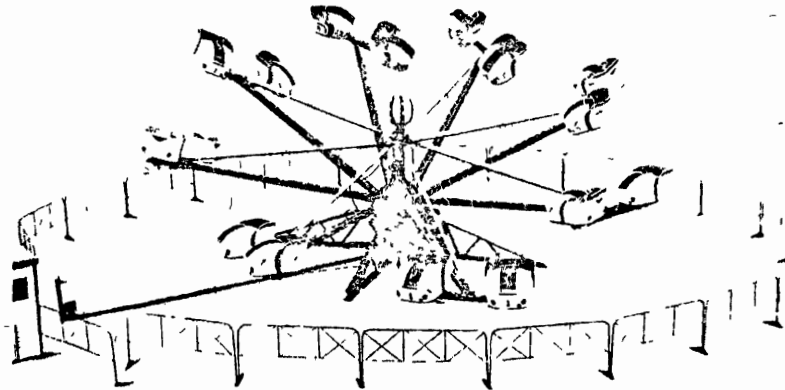
This ride is built in two models, the 8 car and 16 car models. The 16 car model is the same as 8 car model except two cars are mounted on a cross beam at end of each supporting or main boom. This is a center pole powered unit with roller chain drives from countershaft to reduction gears. The ride rotates and each supporting arm or boom seems to independently lift and lower. There are two independent drive mechanisms with independent control devices.

FOOTINGS: Good, solid footing for center post, preferably concrete. Blocking secured under outrigger supports if on uneven surface. Proper tension on bracing between center post and outriggers. The Spider Octopus can be trailer mounted. Screw jacks should be adjusted to keep weight off the trailer wheels.

CARS: Front section of car drops down for loading and unloading. Check for positive locking of spring-loaded safety catch which secures hinged front section in raised position during operation of ride. This raised front section also incorporates the lap bar. Check the main pin and lock nuts or safety clips securing cars to sweep arms.

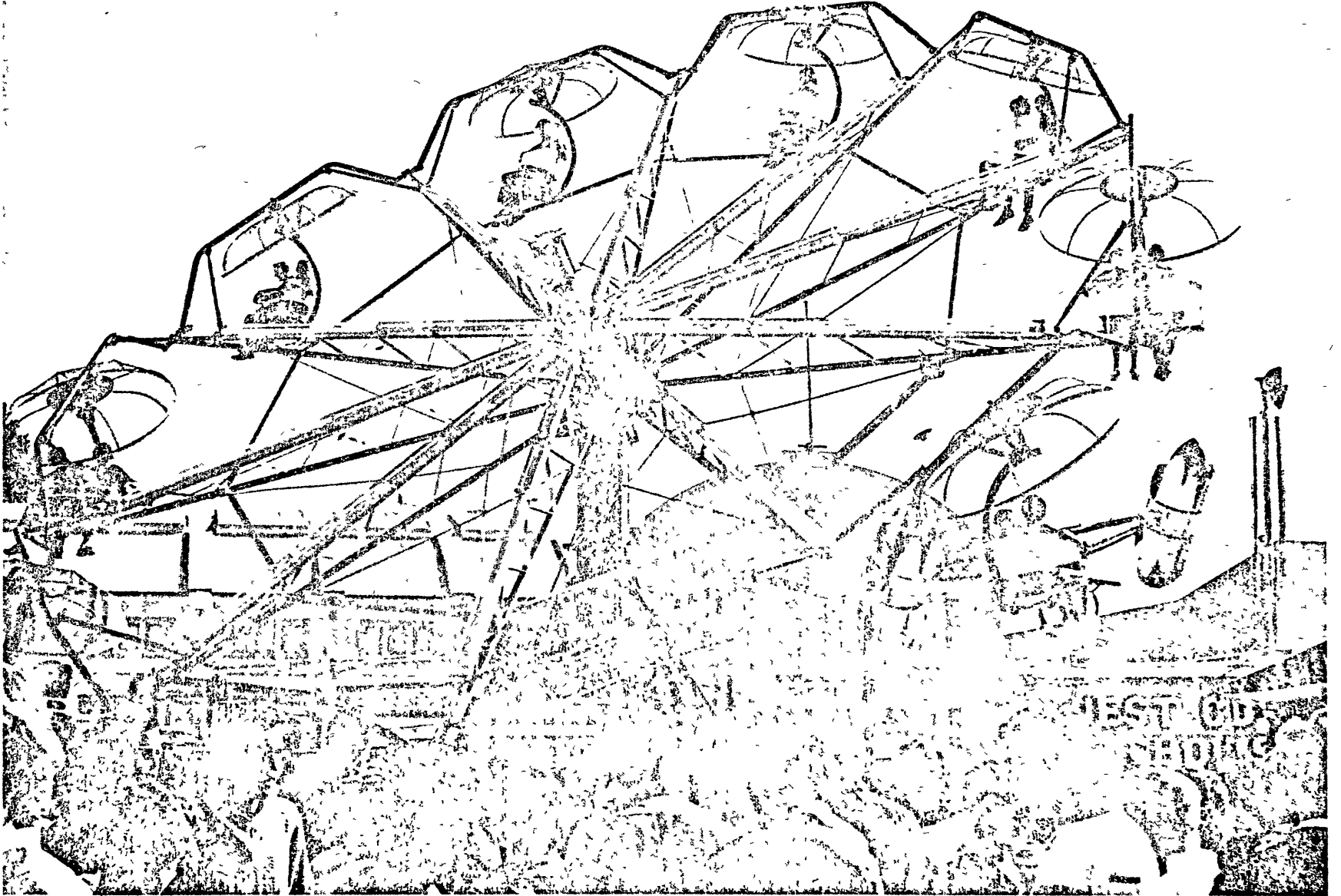
FENCE: An adequate fence is required, installed with sufficient clearance from rotating cars. Chain to protect the loading area opening in fence with operator stationed at this position.

OPERATION: Newer units have "V" belt drives. Older units may have a chain drive for up and down motion. Check this chain as sudden breakage might entangle chain in rotating shaft, causing abrupt stop.



OCTOPUS

89 A



PARATROOPER

There are two types of units. New portable type using hydraulic system raises center spindle after patrons are loaded. Ride can be loaded faster since all tubs can be loaded at the same time. After ride is loaded, (capacity---10 double seats--20 people) seats, which are affixed to outer extremity of sweep arms, are hydraulically raised to about 20 feet above base, then entire ride is tilted at about 42° or 43° angle as it revolves. Seats are covered with a parachute canopy. Seats are also mounted in a pivot arm which allows them to swing in and out as ride revolves, rises and falls.

LOADING: Circular, wooden-step type platform is used with two or three steps. All should be same height. Should have non-skid material on a sloping surface under tubs. Watch for uneven surface at places where separate boards meet. Angle iron support sometimes extends beyond steps. This should be cut off, preferably beveled down and back.

HYDRAULIC SYSTEM: Check all hose, clamps, pumps, valves and electrical controls.

CENTER SPINDLE: Check for proper rise of spindle. At angle of 45° and greater, cars have a tendency to swing in toward loading steps with possibility of rider's foot hitting boards. Manufacturer, when contacted, stated about 42° or 43° is proper angle. This worked satisfactorily on one device. Stop-welded on device.

CONTROLS: Control rods, cables, etc., from device to operating position should be buried or covered with brightly colored beveled cover to reduce tripping hazard.

GENERAL: All normal checks in regard to safety-type pins, sweep arms, brackets should also be made. Seat latches should close tightly.

FENCING: An adequate fence should be provided to keep spectators away from path of cars--at least 10 feet from device at low sweep of cars.

SIGNS: Adequate in regard to loose objects, hats, shoes, etc.

POOLS AND BEACHES

STANDARDS: When no code or standard is applicable, refer to AIA Special Hazards Bulletins #Z-126 and #Z-127, Straight Talk (Casualty Section) #21 and Report Guide, Page #31. If code exists, installation should always conform.

IMPORTANT CONSIDERATIONS:

1. Pool and beach area should be fenced to prevent unauthorized use.
2. Positive grounding and bonding of all underwater electrical systems-- fixtures and system Underwriters' Laboratory approved--installation in compliance with National Electrical Code--no wires passing over pool.
3. Positive security for handling and storage of chlorine gas or crystals.
4. Adequate number of qualified life guards on duty at all times.
5. Program of regular cleaning of entire premises to remove trash.
6. Depths should be clearly marked and deep areas designated.
7. Food concessions and parking of automobiles should be well removed from swimming area. Propane gas used for lunch counters should be properly stored and handled.

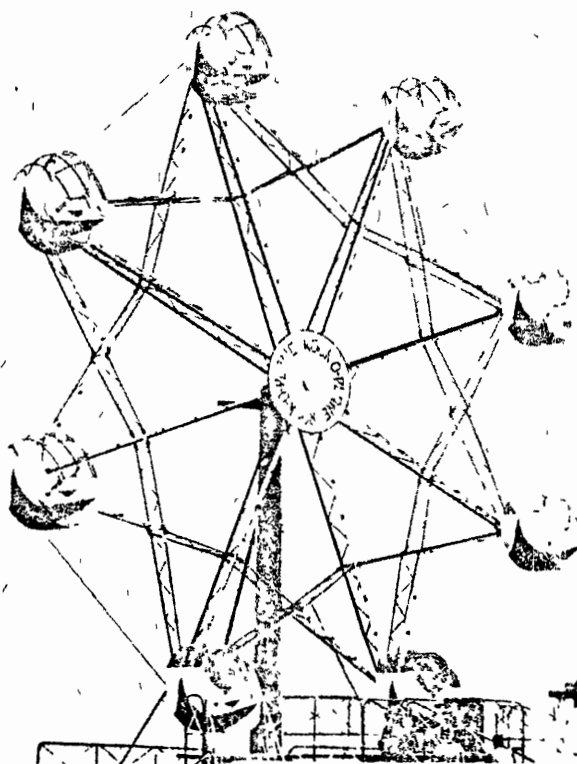
ROCK-O-PLANE

This is a Ferris wheel type ride, but is operated from a single supporting pole and cable driven mechanism. Instead of open seats these are fully enclosed, stainless steel screened cars. Cars have automatically activated seat belts. Cars perform a rocking motion, controlled by the passenger as the device revolves vertically. This is a portable device which can be dismantled and loaded on a 28 foot semi-trailer.

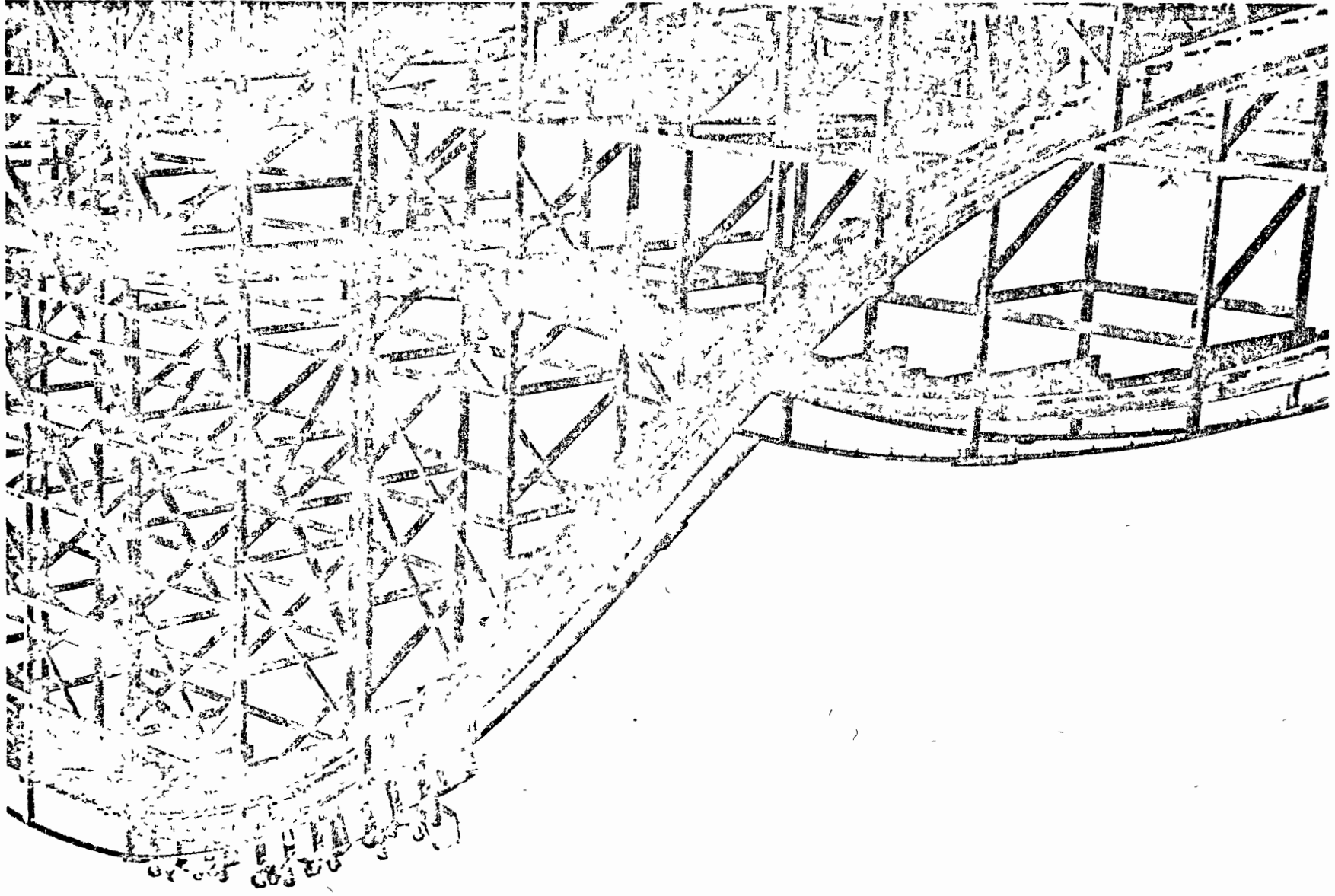
CARS: Check door latches, lap bars and/or belts--check constantly for foreign objects left or lost in cars.

FOOTINGS: Check tower base and outriggers.

STRUCTURE: Check radial arms for rust and looseness. Inspect cable in same manner as an elevator cable.



ROCK-O-PLANE



ROLLER COASTER

INSPECTION EQUIPMENT: Note pad, pen or pencil, marking crayon, can of spray paint, hammer, cork-soled shoes, tightly fitting clothing.

DEFECTS: Wood rotted, broken, cracked, split or improperly repaired. Steel broken, cracked, loose, spalling or excessively worn.

Prior to survey, ask maintenance man about any important changes or repairs made since previous season. Recommended method is to start observation at the home station, walking the track in opposite direction of train travel. After completing structural inspection, walk the entire ride on the ground checking footings and structural members. Defects noted are crayon marked, numbered and noted being afterwards viewed with maintenance man with whom a written recommendation list is left.

There are two basic types of coasters--the straightaway and the figure eight. The straightaway consists of a high drag chain rise followed by several dips and rises of varying heights, a return curve and lesser dips and rises coming into home station. The figure eight coaster usually is in confined areas and has crossovers and short curves. In both, the train is mechanically pulled up by the drag chain rise then completely released from the drive mechanism and continues by gravity action. All trains have emergency brake on the track usually one-third of the distance from the drag chain to home station.

Using an inspector's hammer, sound the lumber at ten-foot intervals or less. Often, dry rot will only be detected by sounding. Note cracks, blisters and discoloration of paint which are the usual signs of rotting. Sagging of level bends is usually an indication that the bend post is defective. Sunken steel track usually indicates rotted lamination. Loose members may indicate excessive vibration or pressure and should be observed as the ride is operated. The coaster should be ridden several times after the walk inspection is completed. A small can of spray paint can be used to mark sections for recheck.

POSTS: Upright posts, bent posts are usually 4" x 6". Look for cracks, checks, loose knots as well as deformities. Posts should be plumb. Deviation should be checked from a distance using other posts for reference. Pay particular attention to places where other members are secured to the posts. The members are smaller and will usually show defects first. Be especially critical of splices. Splices on posts should be made as follows: The splice plate, usually a 2" x 6", should be five feet long, top edge cut at a 45 degree angle and secured to the post by at least 3½" bolts above and below the cut. All new lumber should be treated (wood life) and painted with white lead and linseed oil.

ROLLER COASTER

LEDGERS: Ledgers support the track and are usually 3" x 12" of clear, dense, flat-grained lumber free of defects. The wood tracks should only be secured to the ledger with 30 penny spikes. Ledgers should be thoroughly inspected. Check for dry rot around bolts which secure ledgers to posts making ledgers loose and non-functional and causing ledgers on either side to have additional stress. Never accept spliced ledgers.

LAMINATED WOOD TRACK: Laminated wood track is made of numerous pieces of lumber from 2" x 2" to 2" x 12" nailed together. Sharp curves require that 2" x 2" or 2" x 3" be bent around the radius of the curve. The heavier lumber is used on straight stretches and pressure points. The number of layers is determined by the stress and pressure at specific locations. The second layer from the top extends approximately 2" toward the inside of the track and supports the side and under friction of the track. This also provides train side and under friction.

Track lumber should be sounded on top, both sides and underneath. Be alert for loose screws which secure the steel track to the laminated wood track. Ends of the steel track should be secured by bolts through the entire laminated wood track and have nuts and lock washers. Bolt heads must be countersunk and flush with track surface. A steel under friction rail should be provided at lift points coming off top of rises. Inspect for looseness, excessive wear, cracks and spalling. Track gauge should be determined and checked against track wheels, under friction wheels and bars.

INTERMEDIATES: Usually 4" x 4" but should never be smaller than 3" x 4" and in large coasters on high stress points should be 4" x 6". They are located underneath the wood track and secured by no less than one 5/8" bolt through the laminated track. The main function of the intermediate is to maintain the proper gauge of the track. There should be three intermediates between bents. Intermediates should be equal distance from each other and ledgers. A second function of the intermediate is to support walk boards. Check intermediates for rot and make sure they are secured tightly to the wood track. Most coasters are constructed with bents on 8' centers although some are on 9' centers.

BENTS: A bent consists of two posts plus horizontal bracing usually on 5' centers. The braces are secured by nailing. The usual size is 2" x 6". Check braces for level; if out of level this is usually good indication of post or footer failure.

LEVEL BANDS: Sometimes known as ribbons, are usually 2" x 6" on 5' intervals. Take long range looks and check any deviation from level. Determine that level bands are firmly secured to the posts. As with horizontal braces, split ends are the greatest cause of trouble.

ROLLER COASTER

ANGLE BRACING: Usually 2" x 6" and no smaller than 3" x 4". Angle braces should be at 45° angle from grade to the top of the bent post. Connection should be made below the ledger. These braces are placed inside the level bands and against the side of the post. Bracing is cut at 45 degrees to fit flush against the post and secured by nailing. Check for looseness and rot.

BATTER BRACING: Usually 4" x 6" material attached to bent posts and secured at ground. Angle dictated by the terrain, usually 15 degrees. Batter braces support straight track at rises against wind and sway and on curves and act as direct compression bracing. Check for dry rot and adequate footers. Braces are mitered so that top ends fit flush against posts and are bolted. Batter braces should be tied together with horizontal bracing usually 2" x 6" on 5' centers.

SPIDER BRACING: Either of cables or of wood and are an important part of curve construction. The height of the ride and dynamic stress are determining factors in their use. When of steel, the cables are secured to the bent posts and to a dead man located in the center of the curve. All cables should be secured by at least three clips and equipped with buckles for adjustment. When the spider bracing is of lumber, it is essential that the center post be level with the point at which members are attached to the bent posts so that members are level. Size of lumber will be determined by design. All members of spider brace must be secure to make the brace function properly. Check each member for soundness and make additional observation when ride is in operation, checking for vibration or shifting.

WALK BOARD & HANDRAILS: Walk boards, with cleats are a must on all drag chain rises and should be constructed over the entire ride. Handrail is also mandatory on all drag chain rises. The walk boards are essential to coaster inspection and must be available on drag chain rise in the event of power failure as a means of egress for patrons. Their construction and maintenance is of top importance.

SAFETY RATCHETS & DRAG CHAINS: The drag chain pulls the coaster to the top of the rise. Chain should be observed for wear and cracks. Safety ratchet is mounted with bolts and wooden wedges. The purpose of the safety ratchet is to hold the train in the event of mechanical failure which would prevent the train from being carried to the top of the rise. This rack must be securely bolted to the coaster to hold the maximum train load.

BRAKING SYSTEM: There are two braking types. That found on most coasters is the sled brake. The other is the squeeze brake. The sled brake consists of two parallel members with steel bands secured to the top. The brake is

ROLLER COASTER

activated by a mechanical lever which causes contact with flat parallel brake shoes under the car. The coaster cars can actually be lifted off the steel running track thus providing a sledding action and causing smooth and constant de-acceleration. To function properly it must be kept dry and thus should be protected by a roof.

There are usually three brake systems at the home station. The load brake is always in "on" position so that the operator must apply pressure to the brake lever to release the train. The lever should be well out of reach of patrons. There is also an unloading brake controlled in same manner as load brake. The third brake is the slow down which is a much longer brake than the other two. The slow down brake reduces speed of the train so that it can be brought to a smooth stop. Each brake must have its own control. Check brake shoes making certain they are not cracked or badly worn. Make sure all brakes operate freely.

The squeeze brake consists of two parallel metal bars. On the underside of the train there is a vertical steel plate brake shoe. The metal bands are moved together applying pressure on the vertical steel plates of the car. The more pressure applied, the more rapid the de-acceleration. This can result in a sudden, jerking stop. Observe this brake in operation and make certain the park has an experienced man assigned.

TRAIN: A coaster train is usually of 4 cars, each car having 2 seats with capacity of 2 per seat. Cars are secured by steel universal joints. Each car will also be connected by a safety chain or cable which would hold the cars together should the universal connector break. Construction will vary with manufacturer but all will have safety strap or lap bars. Lap bars which are locked in place are the most desirable because the patron cannot disengage this type as he can with the old leather lap strap with a spring latch. Check to make certain they operate properly. Ascertain that upholstery is in good repair.

Most coasters have an inspection station for train maintenance and inspection. All coaster cars have 4 steel running wheels, 4 side friction wheels and, on most coasters, 4 under friction wheels. However, some coasters have a metal under friction bar which rides under the side friction structure. These assemblies are of heavy castings and should be inspected for cracks and to make certain all bolts and nuts are secure.

Under each car are 2 dogs, one for engaging the drag chain, and the other the safety rack. Inspect for excessive wear and cracks and observe in operation.

RECORDS AND REPORTS: Adequate records should be kept. A daily report should be made by person walking the ride. They should record any deficiency, subsequent corrective action and preventive maintenance work done.

ROLLER COASTER

It is desirable that Engineers walk the track of coasters. This is not mandatory provided there is positive evidence the insured walks track daily and maintains a log. If state or municipal inspectors walk and inspect the track at regular intervals it should be noted.

ROLL-O-PLANE

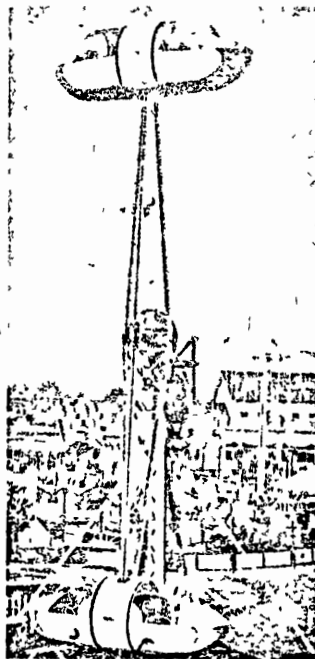
Ride has 4 (2 seat) cars--two cars are mounted on opposite ends of supporting boom. Boom revolves in both a horizontal and vertical plane while double cars at each end of boom roll in opposite directions. Cars are completely closed, gondola type units with automatic safety belts which cannot be released until door is open. Doors have double safety locks.

STRUCTURE AND FOOTINGS: Check main center post for signs of fatigue or cracking. Lock nuts should be tight on bolts securing cars to boom ends. Good condition and proper tension of cables between boom ends is essential. Should have good center post footing, preferably concrete. Outrigger braces should be secured and shimmed.

CARS: Should have good quality seat belts, always adjusted, secured and locked on outside of car by operator and should not be accessible to riders. Seats and car enclosure should be in good condition.

OPERATION: Ride should be brought to complete stop before reversing or raising boom. Boom should be in up and down position before reversing to eliminate violent motion. Should not stop lift motor until ride is in this position or boom may swing down and hit the center post.

FENCE: Should be substantial and with sufficient clearance from ride.



ROLL-O-PLANE



ROUND-UP

This is a revolving circular ride which develops a considerable amount of centrifugal force. Passengers stand in cages located on the perimeter of revolving platform which is hydraulically raised then tilted to about a 40° angle as it continues to turn.

FOOTINGS AND SUPPORTS: Often a trailer-mounted ride, even for permanent parks. Weight should be taken off trailer tires during use. Screw jacks provided are for support only and should not be used to lift the weight of the ride. Use hydraulic jack provided to both lift and level device. Screw jacks should then be tightened and outrigger bracing secured. Ride should be on a firm level footing.

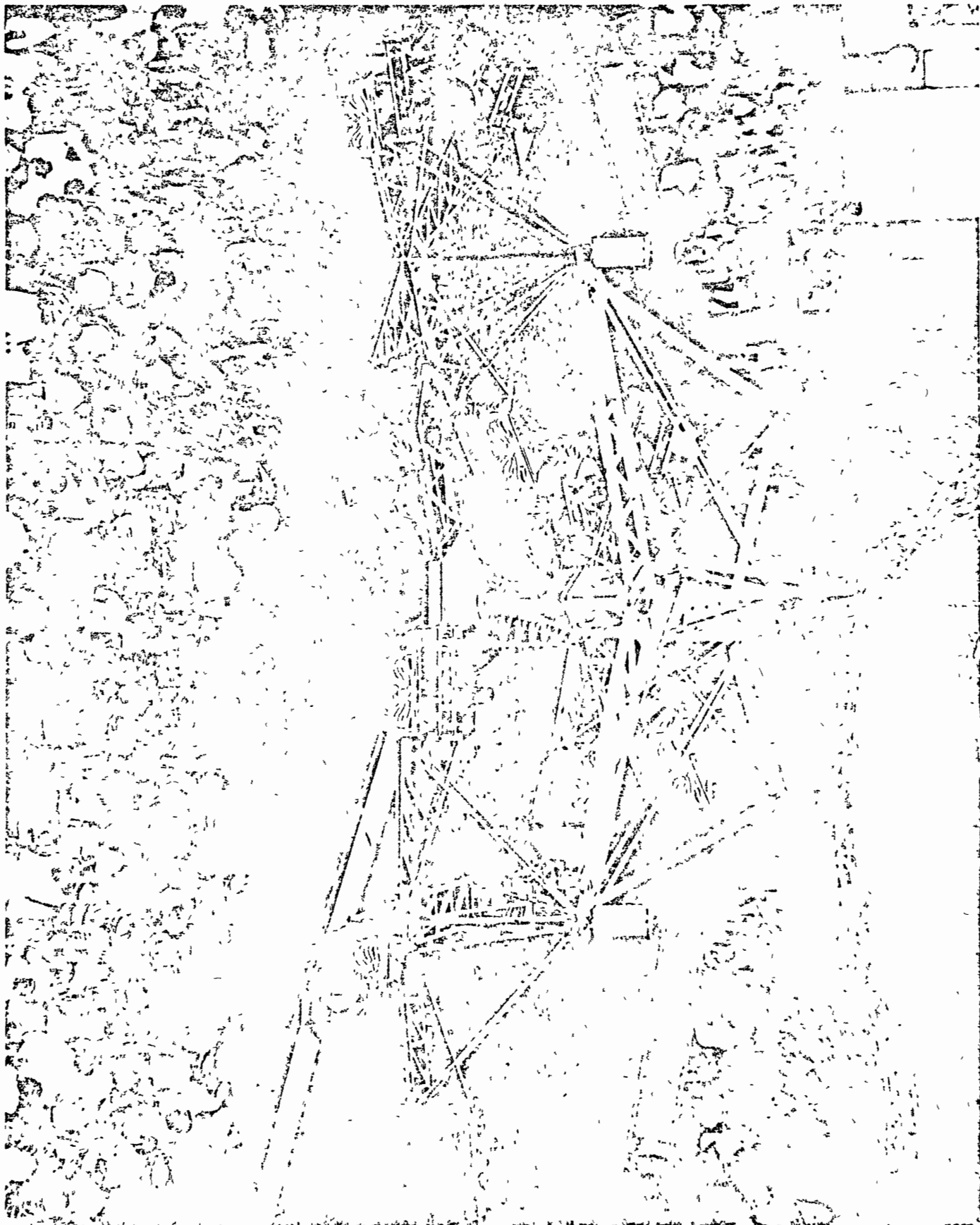
LOADING: Always balance passenger load around wheel. Fasten all passenger safety chains before operating.

OPERATING: Bring up to full speed before elevating wheel. Do not stop rotation when in fully elevated position. Cut the rotation motors when ride is two-thirds down. Always apply brakes gradually.

MAINTENANCE: Grease all fittings weekly on main spindle, hydraulic ram ends, rocker shaft bearings and counter shaft bearings. A howling noise in the hydraulic system normally indicates excess pressure caused by fluid overheating. Slack off slightly on the packing gland nuts, and then reset when cool.

FENCING: A continuous fence should be provided around the device.

MAJOR CHANGES: Original Model #30 had a rocker shaft which tended to fail. This shaft is the main pivot for boom and the main wheel assembly during elevation. Manufacturer has, in later models, increased the size of this shaft to 4½" diameter. These larger diameter shafts and bushings are readily available from the manufacturer.



SCRAMBLER

This is an aerial swing ride which can be described as a fixed-motion device. Three steel fabricated arms extend from a center power driven pole. At end of each radial arm there are 4 (2 passenger) rotating seat arrangements. As center pole rotates, assembly for seats also rotates in a synchronized pattern giving a "gear meshing" effect to seats.

OPERATORS: Experienced, mature and no other duties. Watch riders at all times. Should not permit riders to attempt to grab arm of patron in another tub. Minimum age and height for unaccompanied young riders should be established. Assist in loading and unloading patrons.

STRUCTURE: Frame work well maintained. Bearings in center post and on sweeps should have no excess play and adequate lubrication. Good foundation is necessary.

PINS: Safety-type pins with braces properly pinned (nails not permitted).

LEVEL: Device must level. Noises during operation indicate improper level or misalignment of drive mechanism.

DRIVE: Prevent tripping by covering or recessing drive shaft. Bright paint on cover helps.

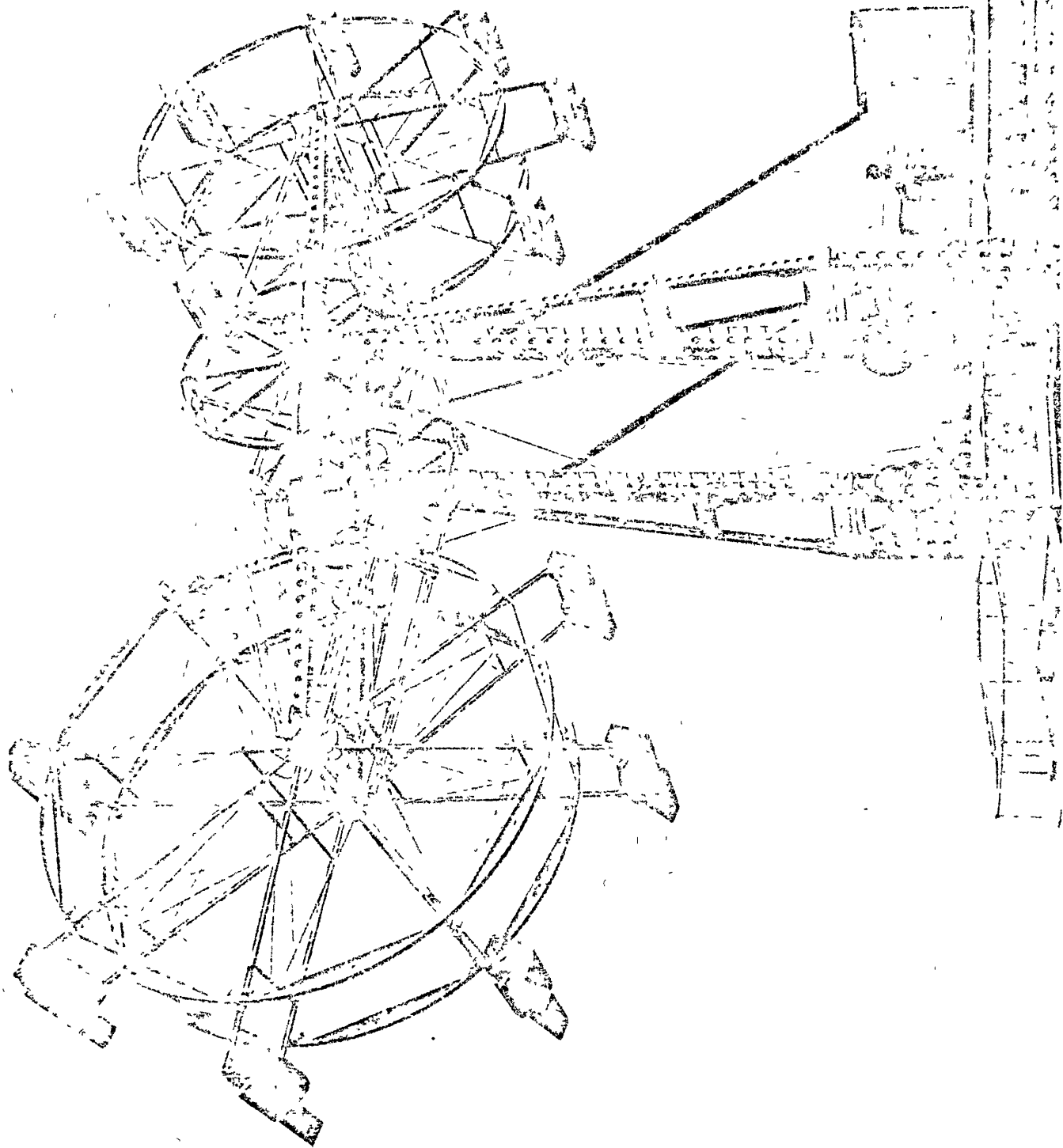
SPEED: Not more than 11 RPM of center spindle.

BRAKES: Frequent inspection and daily checks for condition of brake blocks and proper operation.

FENCE: Substantial construction, ample distance from moving parts and with access control gate.

TUBS: Upholstery, padding, lap bars and belts in good condition. Tubs should be clean. Warning signs posted. Door latches should operate from outside only--no excess play in latch.

LOADING: Operator should load cars with heaviest or largest person on outer side so that centrifugal force will not throw larger persons against smaller.



SKYWHEEL

Device resembles a Ferris Wheel but instead of being one large wheel it has two revolving wheels at opposite ends of a revolving steel structure. As the total mechanism revolves in a vertical fashion each of the two wheels (8 seats--16 passengers) continues a vertical revolving motion. This ride is usually portable but when in operation, truck must have outrigger braces and leveling devices.

OPERATORS: Two, experienced men. Assist riders on and off ride. Make sure lap bars are in position. Young riders not permitted to ride alone. Distribute riders to prevent overloading one side.

STRUCTURE: Framework well maintained. Good foundation on stable soil. Check proper alignment visually, connections, pinning and bolting. Should have adequate cross blocking. The collar on leveling jacks should be screwed up to allow release of hydraulic pressure.

PINS: Use safety-type pins. All bracing should be pinned.

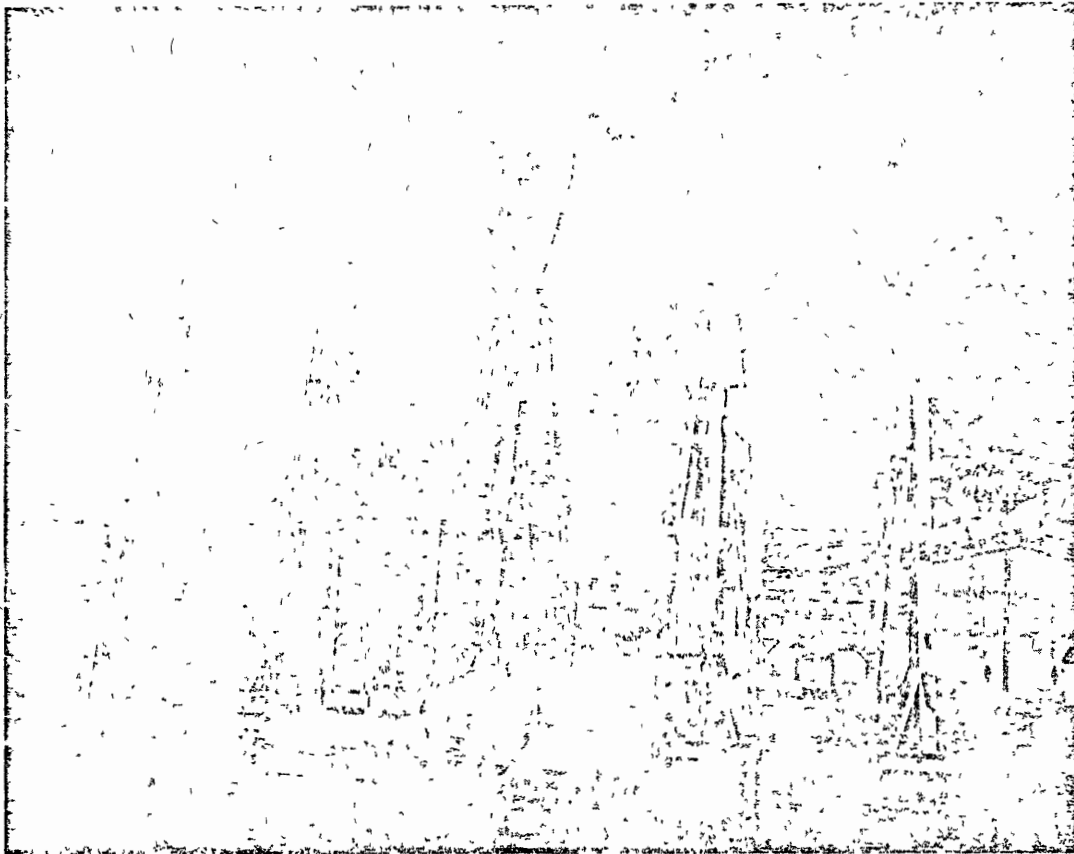
CABLES: Check tension and cable clamps.

FENCING: Area should be fenced.

LOADING: Control at front. Walk and ramp should be checked for condition.

BRAKES: Check condition and operation.

CARS: Should be equipped with lap bars and safety locking device.



SWINGING GYM

This ride is also known as "Flying Cages." There are usually four cages in a standard unit. Cages are not connected or interrelated except they are installed in the same framework. Each cage operates on its own axis and power is provided by patron. After entering cage patron begins to "pump" or swing in a pendulum motion until he is able to propel cage "over-the-top" thus making a complete 360° cycle. This continues for specified time or until momentum is lost.

OPERATOR: Mature and experienced; should watch patrons only--no other duties.

CARS: Support arms should be aligned and car fastenings and latches in good condition. Wire mesh enclosure can rust under paint. Metal plate on all sides from floor to about 12" high can be used instead of mesh.

BRAKES: Operation and condition should be checked at least daily. Hand holds and other interior projections should be padded.

LOADING PLATFORM: Check for tripping or falling hazards, loading practices and patron controls.

SIGNS: Patron instructions should be posted including policy regarding young children. Small children cannot successfully operate this manually operated device.

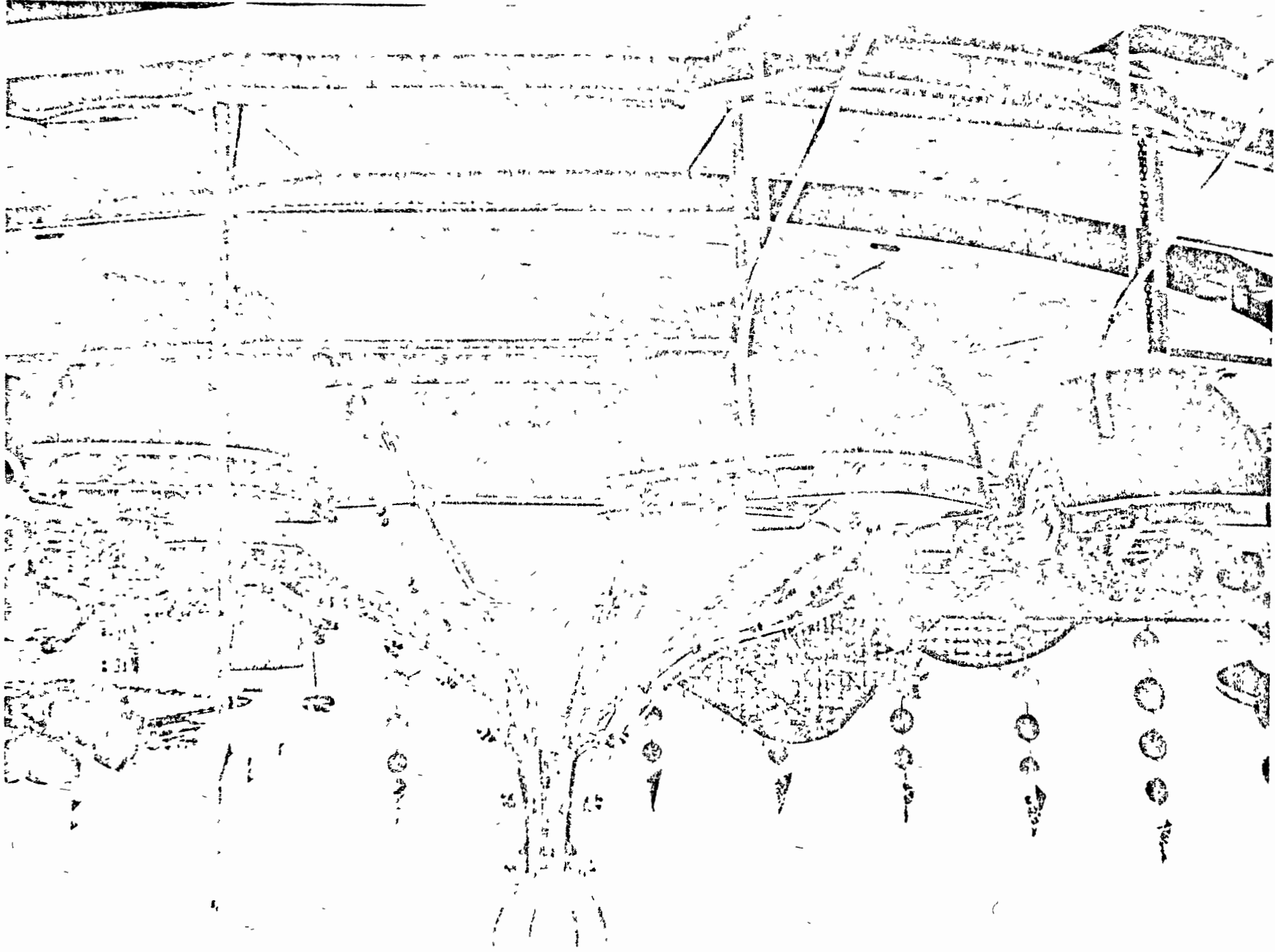
RIDE TIME: Fatigue is greatest cause of accidents. Operator should comply strictly with time limit of three minutes.

FILT-A-WHIRL

This is a center pole, cable driven flat ride. Cars travel in circle on a concealed track under platform which has slight peaks and valleys. Cars also whirl or pivot as they rotate. Cars accommodate two passengers each restrained by self-locking lap bar.

In addition to general inspection procedures, the following applies only to devices which have had the wood circular car platforms replaced with the metal safety walk platform.

1. Stacking legs provided on outer edge of platform really serve no useful purpose when device is permanently set up. In at least one case, drive cable became wedged behind leg, causing device to stop suddenly. Stacking legs were cut off. Unexpected bonus was less wear on cable. Apparently, cable rubbed stacking legs at some places.
2. There has been a tendency for outer hinge bolts to pull through metal platform. Small cracks in channels (outer edge) often result. Difficult to check nuts on bolts due to location. Insured cut off end section of this channel, replacing with heavier channel, reversed bolts so that nuts can be easily checked from underneath and used shakeproof washers.
3. Electrically operated brakes should hold car in any position.



TIP TOP RIDE

This ride consists of a circular platform with ten cars (tubs--four persons) which are supported on a single shaft or pin which permits cars to revolve while platform is raised, lowered and tilted.

CARS: Check car gate latches--check brakes. Condition of car support pins, critical.

OPERATION: Operating air pressure should not exceed 100 p.s.i. Check safety valve setting. Ride should not be operated with air pressure lower than 80 p.s.i. Observe ride in operation, should never be held in raised position.

FENCE: A fence on the outside of stationary platform is part of factory equipment--this should always be erected.

111 A



THE CHANCE TRABANT RIDE
MANUFACTURED BY
CHANCE MANUFACTURING COMPANY, INC. WICHITA, KANSAS
SALES OFFICE: 1103 ROSS AVENUE, DALLAS, TEXAS 214-742-3802

TRABANT

This is a center-pole powered, circular ride which starts in a flat position and is then raised and tilted to about a 40° angle as it continues to turn, tilt, rise and fall. It turns on two axes and at times moves backwards. Capacity 40 adults or 60 children.

OPERATORS: Mature, experienced--no other duties. Children under 8 years should not be allowed to ride alone. Children with adults should ride on inside edge.

STRUCTURE: Check rim, rim pins and sweep pins holding rim iron for excessive wear or cracking. Device should be level and properly aligned.

PINS: All bracing should be pinned by safety-type pins.

SAFETY SEAT BARS: Should be lock-type lap bars.

HYDRAULIC SYSTEM: Check for excessive hydraulic leaks. All trabants manufactured before July, 1965 should be equipped with new Ward hydraulic telescopic cylinders.

FENCING: Entire ride should be enclosed with chain or gate at openings.

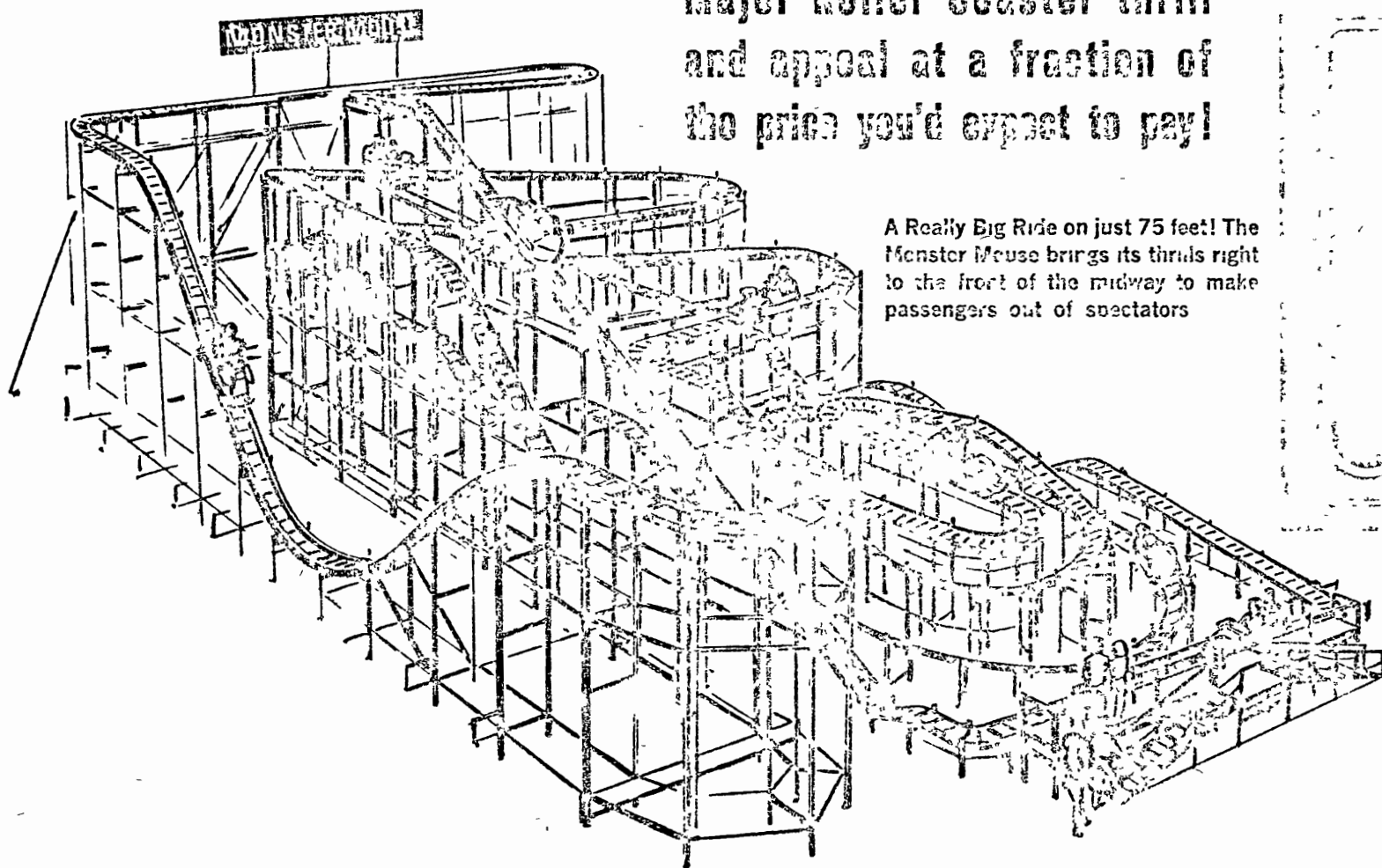
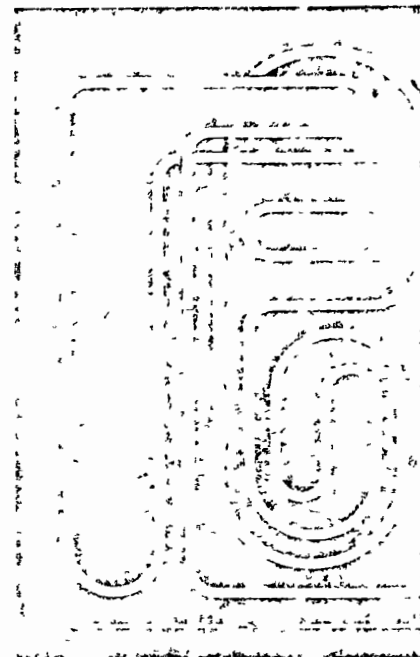
LOADING: Check stairway loadings, platforms and railing and rider control.

BRAKE: Check condition.

New! MONSTER Mouse Ride!

Major Roller Coaster thrill
and appeal at a fraction of
the price you'd expect to pay!

A Really Big Ride on just 75 feet! The
Monster Mouse brings its thrills right
to the front of the midway to make
passengers out of spectators



"It's a TREMENDOUS ride!"

"It's a tremendous ride." These few words from Chris Hines of Western Playland, El Paso, Texas completely sum up his satisfaction with the new Herschell Monster Mouse Ride.

"The customers get all the thrills they want with the 30 ft. high hill and the sharp whipping

turns, which are so uniquely characteristic of a Mouse Ride"

Chris goes on, "Our gross was up too. The Monster Mouse is a profitable investment. The maintenance is easy to handle, the all steel construction means we simply have to paint it to keep it looking spanking new"

If you're considering a new major ride for your park, here's a way to combine big profits for you and big appeal for your customers! You owe it to yourself to investigate the initial cost savings and the subsequent maintenance savings that can be yours with an Allan Herschell Monster Mouse Ride

WILD MOUSE - MAD MOUSE - MONSTER MOUSE

Operates on the same principle as the roller coaster. The car is mechanically pulled to the top of the drag chain rise and continues by gravity on progressively lower rises and a series of sharp curves. This ride is usually constructed of tubular steel or wood with all pieces numbered and held together with cotter key pins. However, there are some of welded tubular steel. Guy rods and/or guy cables are integral.

Brakes are of primary importance and require constant service and maintenance. There are usually two and sometimes three brakes located along the ride, in addition to the two brakes located at home station. The brakes at home station are the loading brake and the unloading brake. All brakes are usually operated by compressed air, thus hoses must be checked. Home station brakes are always in the "on" position and actuated by handle or pedal to "off" position.

If wood construction, follow same procedure as for roller coaster inspection. In addition, the following applies to both types of construction:

1. Check all cotter key pins.
2. Inspect brake lines.
3. Check drag chain and safety dogs.
4. Posts must rest on solid footings.
5. Horizontal bracing must be level.
6. Guy rods and guy lines must be tensioned properly (too tight will snap, too loose will cause excessive sway).
7. Loading and unloading platform must be protected with substantial roof to protect from any falling objects from cars.

GIBSON, PREVITI & TODD

Counsellors at Law

NEW ROAD & SHEPHERD DRIVE

NORTHFIELD, NEW JERSEY 08225

L ANTHONY GIBSON
CHARLES R PREVITI
DARYL F TODD

September 18, 1972

TELEPHONE 646-4395
AREA CODE 609

Legislative Services Agency
State House
Trenton, New Jersey 08610

Attention: William E. Schluter

Re: Senate, County and Municipal
Government Committee

Dear Mr. Schluter:

Kindly be advised that I represent the City of Sea Isle City, New Jersey, and I have been directed by the Board of Commissioners to communicate with you relative to the pending legislation dealing with safety standards for rides at amusement parks and carnivals. I understand that a hearing is scheduled in this matter for September 19, 1972 and that written communications will be accepted.

The Board of Commissioners merely wanted to communicate to you their strong endorsement for the much needed legislation in the area regarding the establishment of safety standards for these rides. The Board is confident that you will receive the backing which you need in connection with this legislation and it looks forward to receiving a copy of the Bill when it is ready for presentment to the legislature. Thank you for your kind attention to this matter.

Very truly yours,



L. Anthony Gibson

LAG:glb

cc: Margaret Mazurie, Clerk

TOWNSHIP of WILLINGBORO

MUNICIPAL COMPLEX

Salem Road

Willingboro, New Jersey 08046

August 28, 1972

(609) 877-2200

The Honorable William E. Schluter
Senator, District 6A
The State House
Trenton, New Jersey 08625

Dear Senator Schluter:

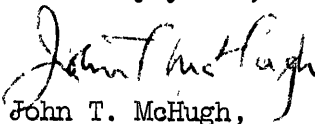
I am in receipt of a copy of a statement prepared for release on August 30th calling for legislation to establish safety standards for mechanical rides at amusement parks and carnivals. I wish to go on record as strongly in favor of such legislation.

Our Police Athletic League sponsors a carnival here in Willingboro each year. Several years ago an accident occurred involving these mechanical rides, though fortunately, no personal injuries were sustained. This occurred despite the fact that the Township's Building Inspector, Fire Marshall and other technically qualified people inspected the equipment, both prior to and after installation. It has always been my position therefore that the inspection of this equipment requires specialized personnel and a sufficient period of time for them in which to conduct the inspections. It would seem desirable to establish State standards and to require the amusement operators to pay a fee which would cover such costs. This inspection could presumably be done several times a year and would entitle the operator to use that equipment anywhere within the State. I think it would be advisable however to still permit local officials, such as the building inspector, to once again inspect the equipment as it is being installed. If he would have any questions, the equipment should not be used until a State Inspector could be contacted for an on the spot inspection.

These standards should include qualification for operators as well as standards for the equipment itself.

I would appreciate your bringing these comments to the attention of the public hearing on this matter, which I understand will be held on September 19th in Trenton.

Sincerely yours,



John T. McHugh,
Township Manager

JTM:md

116 A

A PLANNED COMMUNITY

*received
my office
9/25/72*



DEPARTMENT OF PUBLIC SAFETY

BUILDING INSPECTOR'S OFFICE

MUNICIPAL BUILDING

WEST NEW YORK, N J 07093

COMM HENRY LYNCH
DIRECTOR

861-7000
861-7855

FRANK ZURBURG
BUILDING INSPECTOR



September 5, 1972

The Honorable William E. Schluter
New Jersey Senate
State Capital, New Jersey

Dear Sir:

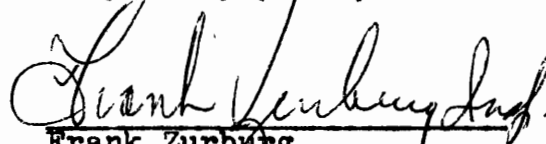
This letter is in reference to an article published in the Hudson Dispatch, August 30, 1972, concerning a hearing to be held to establish safety standards for amusement parks.

Our community has been aware of this problem since May when an accident occurred on one of the rides at a local carnival. I have sent a letter to our Mayor and Commissioners urging passage of laws to insure safety measures on these rides. I am enclosing a copy of this letter.

I would like to speak before this hearing on Sept. 19, 1972 to voice my views on this important matter.

Please notify my office of the time and place of this hearing.

Very truly yours,


Frank Zurburg
Building Inspector

FZ/vg
Encl.

*rec'd
9/25/72*



DEPARTMENT OF PUBLIC SAFETY

BUILDING INSPECTOR'S OFFICE

MUNICIPAL BUILDING

WEST NEW YORK, N J 07093

COMM HENRY LYNCH
DIRECTOR

861-7000
861-7855

FRANK ZURBURG
BUILDING INSPECTOR



May 9, 1972

To: Mayor DeFino, Commissioners Lynch, Erbach,
Langan, Olivetti, and John Tomasin, Town Attorney,
R. Gabriel, Town Clerk.

From: Frank Zurburg, Building Inspector

Subject: Code Enforcement of Local Carnivals

Gentlemen:

A recent accident on one of the rides at a local carnival has prompted me to take the following measures necessary to insure the safety of the people using these amusement devices.

Reference is made to these sections of the Basic
Boca Code:

Section 420.0 Amusement Parks

420.11 - Amusement Devices: The maximum height of any amusement device in which passengers are transported shall not exceed forty (40) feet in frame (type 4) construction; one hundred (100) feet in unprotected noncombustible (type 2-C) and heavy timber mill (type 3-A) construction; and shall not be limited in fireproof (type 1) construction;

420.3 - Elevating and Conveying Equipment:
The equipment and operation of all devices and mechanisms for transporting persons shall comply with the requirements of article 16.

420.4 - Tests: All amusement devices used by the public which involve hazardous features shall be installed and operated as directed by the building official and shall not be placed in service until acceptance tests have been made and the installation has been approved by him.



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WEST NEW YORK, N. J. 07093

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861-7855

FRANK ZURBURG
BUILDING INSPECTOR



-2-

Section 1600.0 Scope

Except as may be otherwise provided by statute, the provisions of this article shall control the design, construction, installation, maintenance and operation of all elevators, dumbwaiters, moving stairways, moving walks and special hoisting and conveying equipment hereafter operated, installed, relocated or altered in all buildings and structures. The design, construction, installation, maintenance and operation of all miscellaneous hoisting and elevating equipment and amusement devices shall be subject to such special requirements as are deemed necessary by the building official to secure their safe operation. The provisions of this article shall not apply to portable elevating devices used to handle materials only and located and operated entirely within one story. All such equipment shall be constructed, operated and maintained in compliance with accepted engineering practice.

The construction, alteration, maintenance, operation inspection and tests of manlifts shall be in conformity to the Safety Code for Manlifts listed in appendix B.

1600.2 - Purpose and Exceptions: The purpose of the Basic Code is to provide reasonable safety for life and limb. In case of practical difficulty or unnecessary hardship the building official may grant exceptions from the literal requirements or permit the use of other methods but only when it is clearly evident that reasonable safety is thereby secured.

Section 1601.0 Definition of an Amusement Device

A device or structure open to the public by which persons are conveyed or moved in unusual manner for diversion.

Section 1602.0 Plans, Specifications and Permits

The person, firm or corporation responsible for the installation, relocation, or alteration of any equipment covered by this article shall file an application for permit with the building official accompanied by governing specifications and accurately scaled and fully dimensioned plans showing the installation in relation to the plans and elevation of the



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MUNICIPAL BUILDING

WEST NEW YORK, N. J. 07093

COMM HENRY LYNCH
DIRECTOR

861-7000
861-7855

FRANK ZURBURG
BUILDING INSPECTOR



-3-

building; the location of the machinery room and equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations; and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

1602.1 - Permits: No equipment or device subject to the provisions of the Basic Code shall be constructed, installed, relocated or altered unless a permit has been received from the building official before the work is commenced. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

1603.1 - Acceptance Tests: Acceptance tests and inspections shall be required on all new, relocated and altered equipment subject to the provisions of this article. The tests and inspection shall be of such nature as to determine whether the entire installation is designed, constructed and installed in compliance with the Basic Code and the accepted standards, and shall include all parts of the equipment and machinery. All such tests shall be made in conformity to the requirements of section 1603-4, in the presence of the building official, by the person, firm or corporation installing such equipment.

1603.4 - Minimum Requirements for Tests and Inspections: The minimum requirements for the inspection and test of the devices subject to this article shall conform to this section.

1603.42 - Material Lifts, Conveyors and Amusement Devices: Material lifts, conveyors and amusement devices shall be inspected and subjected to tests to insure the load capacity and safety of operation. The tests shall cover all operating protectives and safety devices, structural adequacy of the supports and anchorage to floors, walls, ceilings and foundations.

1604.1 - Final Certificate of Compliance: The building official shall issue a final certificate of compliance for each unit of equipment which has satisfactorily met all the inspections and tests required by this article. Such



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WEST NEW YORK, N J 07093

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FRANK ZURBURG
BUILDING INSPECTOR



-4-

final certificate shall bear the signature of the person who made the inspection and tests and shall designate the rated load and speed, the date of the acceptance tests and inspections, and the name of the building official who made or witnessed such test and inspection. The final certificate shall also include the necessary space for inserting:

- 1) The name of the person who made the periodic inspection and who witnessed the periodic and maintenance tests.
- 2) The date of the periodic inspection and test and of the maintenance test.

1605.1 - Owner Responsibility: The owner or his legal agent of the building in which the equipment is located shall be responsible for the care, maintenance and safe operation of all equipment covered by this article after the installation thereof and its acceptance by him. He shall make or cause to be made all maintenance tests and service inspections and shall maintain all equipment in a safe operating condition.

Also N. J. Building Code N. J. A. C. 12:115 Sections:

734.7 - Tests: All amusement devices used by the public which embrace hazardous features shall be installed and operated as directed by the Bureau and shall not be placed in service until acceptance tests have proven satisfactory.

734.6 - Elevating and Conveying Equipment: All devices and equipment for transporting persons shall comply with Article 14.

My interpretation of this code will now cause all of the above sections to be complied with before a carnival is allowed to open and operate amusement Rides. Although the code speaks mainly of permanent devices, my interpretation is based on conversations with Building Inspectors in communities that have Amusement Parks. Advice was given to me that we should have even more stringent regulations governing mobile and temporary rides. Also, the passing of resolutions granting permission to run carnivals should be discontinued in favor of a license system. Whereby when all mechanical devices have been inspected and the basic code complied with the carnival is granted a license to operate.



DEPARTMENT OF PUBLIC SAFETY

BUILDING INSPECTOR'S OFFICE

MUNICIPAL BUILDING

WEST NEW YORK, N. J. 07093

COMM HENRY LYNCH
DIRECTOR

861-7000
861-7855

FRANK ZURBURG
BUILDING INSPECTOR



-5-

I intend to take all the steps necessary to comply with both codes mentioned and expect your cooperation in this very important matter. Please advise me as to what course you intend to take to help me implement the above laws.

Your urgent action in this matter would be appreciated, as the first carnival is due in town on May 25, 1972.

Very truly yours,

Frank Zurburg
Building Inspector

FZ/vg



Office of the Mayor
Municipal Building
West New York, N.J.

ANTHONY M. DEFINO
MAYOR

July 26, 1972

Senator William E. Schluter
205 South Main Street
Pennington, NJ

My Dear Senator:

With reference to yours of July 25, 1972, please be advised that the Town of West New York was also involved in a near tragic situation when a female infant, approximately seven years of age, was almost electrocuted as result of a defected ride.

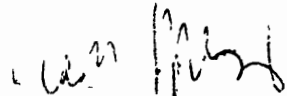
West New York has approximately four carnivals a year, conducted by churches and other charitable organizations.

I am definetly in favor of legislation in this area. My suggestion is as follows.

- ✓ 1. I would have a cash surity to cover damages, etc.
2. I would require a minium amount of liability insurance of \$50,000
3. A model ordinance should be adopted for all municipalities to pass. It should include a certificate of clearance by all inspectors involved.

I hope this letter will be of some aid and if there is any way I can be of help, please advise.

Very truly yours,


Anthony M. DeFino
Mayor

ADF/pm

123 A

THE TOWNSHIP OF BRIDGEWATER

P. O BOX 400 505 RT. 202-206 NORTH

SOMERVILLE, N. J. 08876

TELEPHONE
725-6300



September 5, 1972

The Honorable William E. Schluter
Chairman, Senate County and Municipal
Government Committee
c/o Legislative Services
State House
Trenton, New Jersey 08610

Dear Senator Schluter:

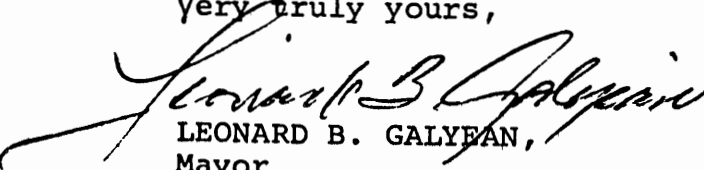
SUBJECT: State Certification
Re: Safety for rides at
amusement parks and carnivals

The purpose of this note is to render support from this governing body regarding the concern over the dangers connected with the subject matter.

In essence, we feel that the state should set design prerequisites and certain specification standards which must be conformed with prior to receiving written certification by the state. It would then follow that such certification would be presented to local municipal building inspectors upon application for a building permit.

It is thought that this program would be practical to safeguard the public through state, as well as local action.

Very truly yours,


LEONARD B. GALYEAN,
Mayor

LBG:rr

CITY OF BRIGANTINE

BRIGANTINE



NEW JERSEY

08208

JOHN A. ROGGE, Mayor
Director of Public Safety

JOSEPH F. STAINIS
Director of Revenue and Finance

JOHN WALLER DANIELS
Director of Public Works

J. EDWARD BRIDGEMAN
City Clerk

August 3, 1972

Department of Community Affairs
Trenton, N.J.

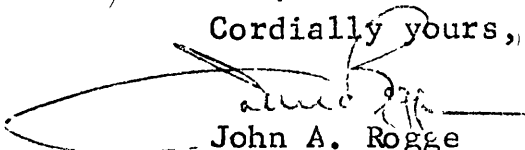
Gentlemen:

Senate Resolution No. 22, a copy of which is enclosed, states in par. 6 that local communities should consider the enactment of local ordinances requiring operators of amusement and recreational devices to carry liability insurance and to establish adequate safety standards so as to assure proper protection for the general public.

It seems to me that, rather than have each community such as Brigantine go out and research this subject, your department could suggest some standards on behalf of all the resort communities in New Jersey that are faced with this same problem and save each of us a lot of duplicate effort.

Please advise me what you have on this subject to suggest, or what procedure you can take to supply us with this information and guidance.

Cordially yours,


John A. Rogge

j
Cc. to H. Megargee, Solicitor.

CITY of VINELAND

LT COL JOSEPH H D'IPPOLITO RET
MAYOR

VINELAND, NEW JERSEY
08360

TELEPHONE ARFA CODE 609
691 3000

August 10, 1972

Hon. William E. Schluter
205 South Main Street
Pennington, New Jersey 08534

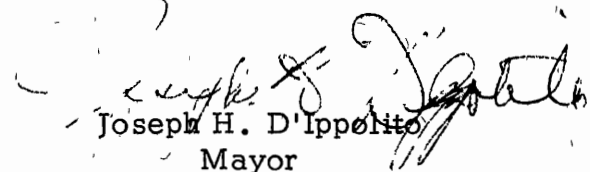
Dear Senator Schluter:

In response to your form letter dated July 25, relative to SR 22, I want you to know that we heartily concur with the contents and the intent and purpose of the Bill. The responsibility of each municipality, in our opinion, should be enjoined in firm commitment by law and regulations established in order to provide complete and adequate facilities to all people in the use of such amusement equipment. There is no ordinance providing for this in the City of Vineland to our knowledge at present. It is certainly something I am concerned about and would offer all token of cooperation possible to see such law put into effect statewide as well as all municipalities.

It has been policy of the City for benefit of all City sponsored programs to insure the safety of all peoples by securing Certificate of Insurance from anyone who may use such equipment at any public affair locale. This would involve any which is directly city controlled, particularly in the Recreation Commission Program.

Kindest personal regards.

Yours very truly,


Joseph H. D'ippolito
Mayor

JHD/lc

LAW OFFICES
NORMAN A DOYLE, JR.

328 KEARNY AVENUE
KEARNY, NEW JERSEY 07032
(201) 997-0030

August 25, 1972

Hon. William E. Schluter
205 South Main Street
Pennington, New Jersey 08534

RE: SENATE RESOLUTION
SR 22
MUNICIPAL REGULATION OF
AMUSEMENT RIDES

Dear Senator Schluter:

Your letter of July 25, 1972 addressed to Mayor Cavalier has been referred to me for reply.

The Governing Body of the Town of Kearny is in favor of the granting of police powers to Municipalities to pass Ordinances requiring the maintenance of certain safety standards governing amusement rides.

One problem I see is the difficulty of subjecting such businesses to 567 varying requirements of different Municipal Ordinances.

A suggestion may be to set the amount of any surety bond by state legislation similar to that required for taxicabs under N.J.S.A. 48:16-3.

I am enclosing samples of 3 existing Ordinances from my files which cover this subject matter.

With thanks for your interest, I am

Very truly yours,


NORMAN A. DOYLE JR.
Town Attorney

NAD:hg
Encl.

Amusements (Hillside)

Handwritten notes: "include copy" and "P 346-62"

Township Clerk

AN ORDINANCE CONCERNING ELECTRICALLY OPERATED CHILDRENS AMUSEMENT DEVICES, WITHIN THE TOWNSHIP OF HILLSIDE, PROVIDING FOR THE LICENSING AND REGULATION OF SUCH DEVICES, PROVIDING METHODS OF REGULATIONS THEREOF AND PRESCRIBING PENALTIES FOR ANY VIOLATION THEREOF.

BE IT ORDNANIFD BY THE TOWNSHIP COMMITTEE OF HILLSIDE, IN THE COUNTY OF UNION AND STATE OF NEW JERSEY

Section 1. The word "person" as used in this ordinance shall mean any individual, any partnership or partner, any corporation or officer, director or stockholder thereof.

Section 2 On and after the effective date of this ordinance electrically operated devices for the amusement of children of the type commonly known and designated as "Kiddie Rides" or similar machines or devices shall not be placed, operated, maintained or used within the municipal limits of the Township of Hillside without first obtaining a license for each machine or device.

Section 3. The application for a license shall be filed on a form to be furnished by the Township Clerk which form shall show the name of the applicant, his residence address, his business address, the address at which the machine or device shall be operated, a brief description of the machine or device to be operated, a statement as to whether the applicant has been convicted of a crime or of a violation of a municipal ordinance setting forth the nature of the offense and the punishment or penalty assessed therefor and such other information as the Township Committee of the Township of Hillside shall deem necessary and proper from time to time. The fee for each license as hereinafter provided shall be payable with the filing of the application and if the application is rejected the fee shall be returned to the applicant. The application shall also be accompanied by an insurance policy of a company duly licensed under the laws of this State for the period of the permit in the sum of \$100,000.00 - \$300,000.00 against loss by reason of liability imposed by law upon the owner thereof for damages on account of bodily injuries suffered by any rider on such machine or device as a result of an accident occurring thereon. The said policy shall be for the benefit of every person suffering loss, damage or injury arising as aforesaid. The insurance policy may cover more than one machine or device but must specifically identify each machine or device covered. The license shall not be issued if the application is not filed according to the terms of this ordinance or if the applicant has been convicted of a crime or of a violation of a municipal ordinance.

Section 4. - In order to warrant the issuance of said license the machine or device must carry the approval seal of Underwriters Laboratory (U.L.) and each machine or device shall be inspected once during each year by the Hillside Combustible Bureau, or oftener if deemed necessary by the said Bureau. Each machine or device must comply with the following requirements which are hereby deemed to be necessary for the protection of the public

- a. Branch circuit wiring to receptacle shall be 3-#12 gauge conductors, one of which shall be connected to a cold water pipe.
- b. The receptacle and plug shall be polarized.
- c. The flexible cord shall be 3-conductor, #14 gauge of heavy duty type, equipped with cord grip fittings, and must not be of undue length.

- d. The flexible cord shall be connected to ride by means of a cord connector.
- e. Grounding conductor, grounding all metal parts of ride shall be #14 gauge.
- f. Internal wiring shall be #16 gauge.
- g. Wiring for lights shall be installed in metallic raceway.
- h. Provide bushings for coin box feed.
- i. Wiring to be protected from mechanical injury
- j. Cord connectors shall be used on all boxes
- k. On and off switches shall have approved metal base
- l. Open type cleat sockets not permitted
- m. Install fiber plates on lights.
- n. Amplifier equipment shall be installed in metal box.
- o. All controls contactors transformers and connection blocks shall be installed in metal boxes.
- p. Motors exceeding 6 amperes shall be installed on separate circuits.
- q. Micro switch shall be installed in metal box.
- r. Remove all exposed dead and unused wires and fittings.
- s. Each unit shall be numbered on the outside in a conspicuous location.

Section 5. - A machine or device may be placed, operated, maintained and used within a building but not in the open.

Section 6. - Prior to the issuance of a license the application shall be referred to the Chief of Police who shall cause an investigation of the applicant's business and moral character to be made for the protection of the public good and of the machine or device to be used. Endorsement by the Police Chief of his approval of the application, or his disapproval of the same with his reasons therefor, shall be placed on or attached to the application

Section 7. - The license for the placing, operation, maintenance or use of each machine or device shall be issued for the calendar year or any portion thereof and shall not be transferrable.

Section 8. - The fee for the issuance of a license for each machine or device shall be \$50.00 for each year.

Section 9. - Any person who shall place, operate, use or maintain any machine or device or cause or allow the same to be placed, operated, used or maintained without complying with the provisions of this ordinance shall be deemed guilty of a violation of this ordinance and punished accordingly.

Section 10. - This ordinance is enacted for the purpose of raising revenue and the regulation and control of the above mentioned devices or machines and for the protection of the public

Section 11. - Any person guilty of violating any of the provisions of this ordinance shall upon conviction thereof, be punishable by a fine of any sum not exceeding \$200.00 or imprisoned in the county jail for a period not exceeding 90 days, or both.

Section 12. - If for any reason any section or provision of this ordinance shall be held to be unconstitutional or invalid the same shall not be held to affect any other sections or provisions of this ordinance.

Section 13. - This ordinance shall take effect immediately upon final passage and publication, according to law.

ADOPTED December 18, 1962
Sidney Birnbaum
Chairman of the Township Committee of the Township of Hillside

ATTEST
Louis A. Dierhler
Township Clerk
Fees \$29.24

Amusements (mobile)
**NOTICE OF PUBLIC HEARING
ON ORDINANCE**

Notice is hereby given that the following ordinance was introduced at a meeting of the Council of the Borough of Sayreville on the 2nd day of July, 1958 and passed on first reading, and the same was then ordered to be published according to law, and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Borough Hall, in said Borough on the 16th day of July, 1958 at seven-thirty o'clock P.M. prevailing time at which time and place or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

By order of the Council
MARY C. GUILFOYLE,
Borough Clerk

ORDINANCE NO 721

**ORDINANCE REGULATING MOBILE
AMUSEMENT DEVICES**

**BE IT ORDAINED BY THE MAYOR
AND BOROUGH COUNCIL OF THE
BOROUGH OF SAYREVILLE** as follows

1 On and after the adoption of this Ordinance, it shall be unlawful to maintain and operate any form of mobile amusement device commonly called Merry-Go-Round Whip or by whatever name the same may be called without having first obtained a permit from the Borough Clerk so to do. The permit shall cost \$50.00 and shall be valid for 1 year from date of issue.

2 Application for permits shall be in letter form addressed to the Clerk and shall give complete and detailed information regarding the vehicle, the amusement device proposed to be maintained and operated and shall have attached thereto the original or photostatic copy of Public Liability Policy with limits of at least \$25,000 — \$50,000 physical injury and \$5,000 property damage.

3 No such device shall be operated or maintained on weekdays before 9 A.M. or after 9 P.M. nor at any time on Sunday.

4 No such device shall have any loudspeaking apparatus connected to it or used in conjunction with it which is used either while the device is in transit or is being operated.

5 No such vehicle shall be equipped with any musical device unless the same is muted so as not to be audible for a greater distance than 100 feet from the said device to the end that any such music will be used solely in conjunction with the operation of the device and not for the purpose of attracting customers.

6 Any person, firm, partnership or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine not exceeding \$200.00 or confinement in the County Jail or Workhouse not exceeding 30 days or both in the discretion of the Magistrate who is expressly vested with jurisdiction over the enforcement of this Ordinance.

7 All ordinances or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

EDWARD F. FIELEK

MARY C. GUILFOYLE,
Borough Clerk
Approved as to form
JOSEPH T. KARCHER,
Borough Attorney

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Amusement
1952

**PUBLIC NOTICE
ORDINANCE K-1374
AN ORDINANCE PROVIDING FOR
THE LICENSING, REGULATION AND
OPERATION OF MOBILE CAROUSELS,
WHIPS AND OTHER MOBILE AMUSE-
MENT DEVICES**

**THE BOARD OF COMMISSIONERS OF
THE CITY OF JERSEY CITY DOES OR-
DAIN**

Section 1 DEFINITION OF TERMS.

As used in this ordinance, unless the context otherwise indicates

(a) The term "PERSON" shall include the singular and plural and shall mean and include any person, firm, partnership, corporation, association, club, society or any other form of association or organization.

(b) The terms "CAROUSELS", "WHIPS", and other mobile amusement devices shall mean and include any and all forms of amusement, whether or not same is accompanied by music, mechanical or otherwise, or by entertainment of any kind, and whether or not providing rides or other amusement for patrons, where the amusement device may be moved from place to place with the purpose of soliciting patrons or attracting audiences.

(c) The term "DIRECTOR" shall mean the Director of Public Safety of the City of Jersey City.

(d) The term "COMMISSIONER" shall mean the License Commissioner of the City of Jersey City.

Section 2 LICENSE REQUIRED

From and after the passage of this ordinance it shall be unlawful for any person to operate or conduct a mobile carousel, whip or any other mobile amusement device unless such person shall first obtain a license. Application for such license shall be made to the License Commissioner upon a form to be supplied by the Commissioner for that purpose.

Section 3 APPLICATION.

The application for such license shall contain the following information:

(1) Name and address of the applicant.

(a) If a natural person, the age, date and place of birth.

(b) If a corporation the state under which incorporated and the date of incorporation, the address of principal office, the names and addresses of officers.

(c) If any other type of organization, the name of same, and if recorded, in what office and when, and names and addresses of the principal officers and directors.

(2) Prior convictions of applicant if any, giving the crime for which convicted, the date of conviction, name of the court where convicted.

(3) Place or places where the device or devices are to be operated.

(4) Description of device to be covered by the license.

No license shall be issued to any applicant unless he shall be over 21 years of age and a citizen of the United States.

Section 4 INVESTIGATION

Application for license shall be made out in duplicate, one copy being referred to the Director of Public Safety, and the other copy being retained by the License Commissioner.

(a) The Director shall cause an investigation to be made to ascertain if the applicant is a person of good moral character and to determine whether the amusement device is in such a condition as to cause it to be operated in a safe manner.

(b) No license shall be issued by the Commissioner to any applicant unless same is approved by the Director.

Section 5 LICENSE FEE

The fee for the issuance of any license under this ordinance shall be Ten Dollars (\$10.00) and said license shall be good for one (1) year from the date of its issuance.

Section 6 DISPLAY OF LICENSE AND TRANSFER OF LICENSE

(a) The license herein provided for shall be posted permanently and conspicuously on the amusement device so licensed.

(b) Such license shall not be transferred from one person to another nor from one amusement device to another amusement device.

Section 7 REGULATIONS

(a) No person holding a license under this ordinance shall permit any person under 21 years of age to play or operate the licensed amusement device.

(b) No person holding a license under this ordinance shall permit the operation of the licensed amusement device before eleven o'clock in the forenoon, nor after six o'clock in the afternoon, nor shall such device be operated on Sundays, nor shall such device be operated within six hundred (600) feet of any church during religious services, nor within six hundred (600) feet of any school during school hours nor within six hundred (600) feet of any hospital at any time.

(c) No person shall be granted a license under this ordinance unless he first furnishes evidence to the Commissioner that he has secured a public liability insurance policy in amounts of not less than \$10,000 for one person and \$20,000 for any one accident.

(d) At the time of making application for a license under this ordinance the applicant shall deposit with the License Commissioner a bond in the sum of \$1,000, conditioned upon saving harmless the City of Jersey City from any and all liabilities or damages which may be incurred by virtue of the grant of a license to the applicant and condition 1 further that no damage will be done to the streets, sewers, trees or adjoining property, and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property, by such applicant. Such bond shall be cancelled upon certification by the Commissioner that all conditions of this ordinance have been complied with.

(e) Every applicant under this ordinance shall before a license is issued file with the License Commissioner a power of attorney constituting and appointing the City Clerk of Jersey City his agent for the acceptance of service of process of any court of competent jurisdiction.

(f) Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine not exceeding One Hundred Dollars (\$100) or imprisonment in the County Jail for a period not exceeding thirty (30) days or both.

Section 8 INCONSISTENT ORDINANCES

All ordinances and parts of ordinances heretofore adopted and providing for the licensing, regulation and operation of mobile carousels, whips and other mobile amusement devices be and the same are hereby repealed.

Section 9 SEVERABILITY

Each of the provisions of this ordinance are separable and if any provision is held invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Section 10 This ordinance shall become effective upon final passage and publication according to law.

Introduced MAY 20 1952

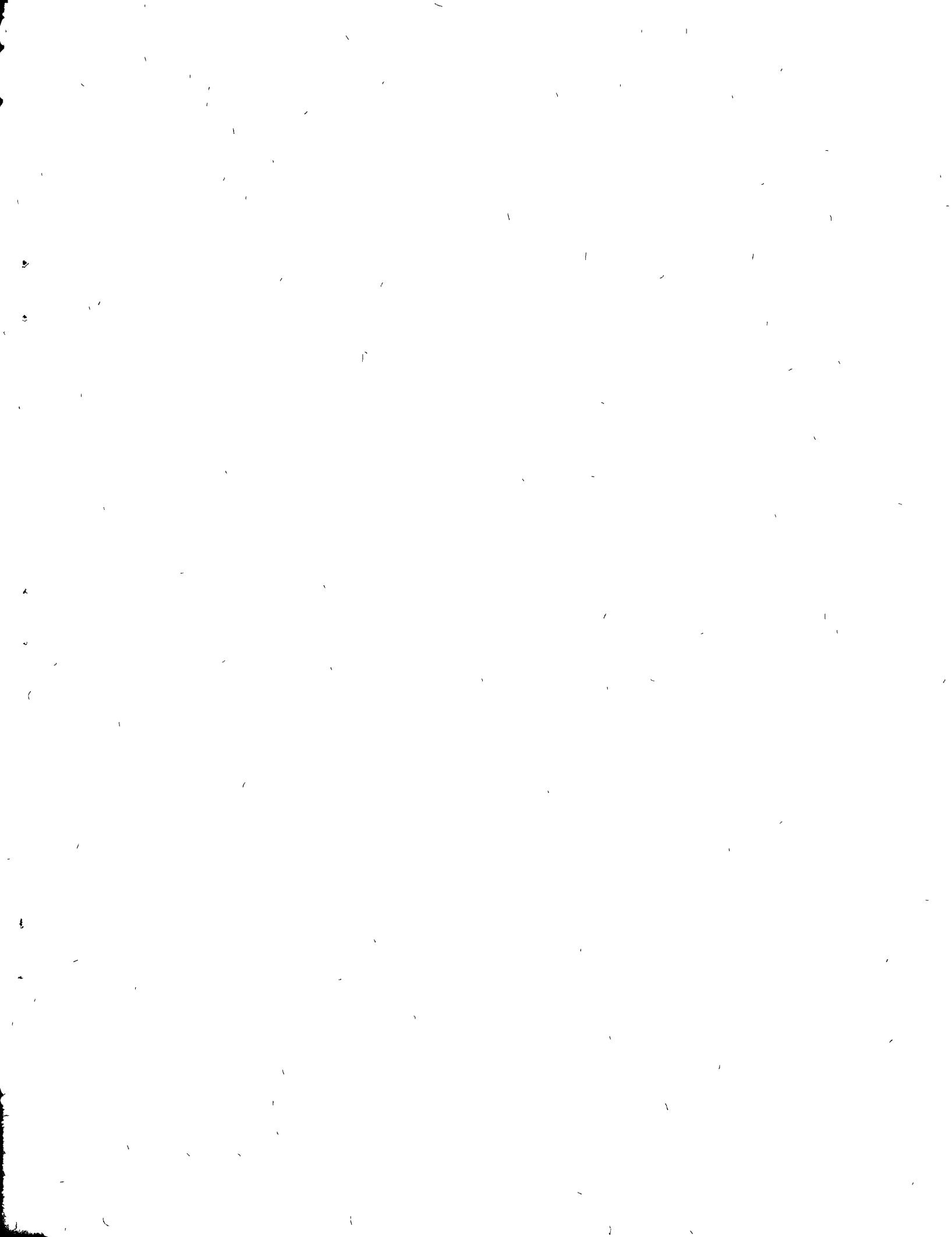
Adopted JUNE 3 1952

LOUIS J. MESSANO,
JAMES F. MURRAY,
DONALD SPENCE,
CHARLES WITKOWSKI,
JOHN V. KENNY,
Commissioners

Dated City Clerk's Office,
Jersey City June 4 1952,
JAMES A. FUMULTY JR.,
City Clerk
J-6

Submitted by Mr. Estes, whether or not they had a Safety Code for Amusement Park Devices:

<u>STATE</u>	<u>CODE</u>	<u>DEPARTMENT</u>
ARKANSAS	None	None
CALIFORNIA	Yes	Human Relations Agency Dept. of Industrial Relations Div. of Industrial Safety - Assembly Bill #808 added to Section 7900, Part 8, Div. 5 of the Labor Code, known as AMUSEMENT RIDES SAFETY LAW
CONNECTICUT	Code for Carnivals & Circuses	Secretary of State for Liability
GEORGIA	None	Secretary of State, as Agent, processes Liability Claims
HAWAII	Yes	Div. of Industrial Safety Dept. of Labor and Industrial Relations
ILLINOIS	None	Except Carnivals, mostly for Licenses
IOWA	None	Bureau of Labor uses State of Wisconsin Codes when making Surveys or Inspections
KANSAS	None	None
MAINE	Yes	Insurance Dept. - Div. of Fire Prevention
MARYLAND	None	None
MICHIGAN	Yes	Dept. of Labor
MINNESOTA	None	None
MISSISSIPPI	None	Secretary of State, as Agent, processes Liability Claims
MONTANA	None	None
NEVADA	None	United States Forest Service - inspects Ski-Lifts
NEW JERSEY	None	Regulations of Games
NEW YORK	Yes	Dept. of Labor
OHIO	None	Dept. of Agriculture - regulates Fairs and Concessions, particularly Games
OKLAHOMA	None	Oklahoma Tax Comm. - Coin Operated Amusement Device Law - Use Tax Law
PENNSYLVANIA	None (Bill in Legislation)	Bureau of Occupational & Industrial Safety
SOUTH CAROLINA	None	Secretary of State - for Liability
SOUTH DAKOTA	None	" " "
TEXAS	None	None
WISCONSIN	Yes	Industrial Safety & Bldgs. Div., Dept. of Industry, Labor & Human Relations
WYOMING	None	None



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