

CHAPTER 14

CARNIVAL-AMUSEMENT RIDES

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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 Chapter 14, Demonstration Rent Supplement Program, was repealed by R.1978 d.360, effective October 6, 1978.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

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

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

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

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 195, Carnival-Amusement Rides, was readopted as R.1993 d.343, effective June 14, 1993. See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a). Subchapter 7, Special Provisions for Bungee Jumping Operations, was adopted as Emergency New Rules, R.1993 d.244, effective May 3, 1993 (to expire July 2, 1993). See: 25 N.J.R. 2128(a). The provisions of R.1993 d.244 were readopted as R.1993 d.374, effective July 2, 1993. See: 25 N.J.R. 3500(a).

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

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

Law Review and Journal Commentaries

What Price Human Flight? Bungee Jumping Accidents Indicate Need for More Expeditions Regulation of Potentially Hazardous Activities. Thomas H. Ehrhardt, 25 Rutgers L.J. 853 (Spring 1994).

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SUBCHAPTER 1. GENERAL PROVISIONS

5:14-1.1 Title and citation

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

5:14-1.2 Purpose

The purpose of this Chapter is to provide reasonable standards for the design, construction and operation of amusement rides for the safety of the public.

5:14-1.3 Scope

(a) This chapter shall apply to:

1. An amusement ride subject to the Carnival-Amusement Rides Act, N.J.S.A. 5:3-31 et seq.;
2. An amusement ride as defined in N.J.A.C. 5:14-2.1;
3. Any mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement and including, among others:
 - i. A water slide exceeding 15 feet in height; and
 - ii. A water amusement ride as defined in N.J.A.C. 5:14-2.1; and
4. Any passenger or gravity propelled ride when located in an amusement area or park in which there are other rides covered by the Act.

(b) This chapter shall not apply to:

1. A locomotive weighing more than seven tons, operating on a track the length of which is one-half mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard;
2. Any single-passenger manually, mechanically or electrically operated, coin-operated ride, which is customarily placed, singly or in groups, in a public location and which does not normally require the supervision or services of an operator; or
3. A passenger or gravity propelled ride that is not a mechanical device and is not located in an amusement area or park.

(c) The height of a water slide as described in (a)3i above shall be the difference in elevation between the point of entry (top) and the point of discharge (bottom) of the slide.

(d) A locomotive falling within the scope of (b)1 above shall be under the jurisdiction of the New Jersey Department of Transportation for the purpose of safety inspection.

As amended, R.1979 d.168, eff. May 1, 1979.
 See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).
 New Rule R.1986 d.222, effective June 16, 1986.
 See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).
 Old text was deleted and new text substituted.

5:14-1.4 Documents referenced

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

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

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

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

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

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

5:14-7.6 Insurance, bond or other security

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

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

5:14-7.7 Engineering certification

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

1. Certification of hoisting equipment, tower or other methods of hoisting or suspension;
2. Plot plan of jump site within 200 feet of a bungee operation;
3. Schematic drawings of structure foundation and load bearing certification;
4. Elevation schematic and calculations of G forces, bungee height and safety zone between maximum bungee elongation and air bag;

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

6. Certification of operation, training and maintenance manuals;

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

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

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

5:14-7.8 Mechanical equipment

(a) Scales:

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

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

(b) Weights:

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

(c) Bungee cords:

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

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

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

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

(d) Bungee cord end connections:

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

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

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

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

(e) Jump harnesses:

1. A jump harness shall be either:

i. A full body harness; or

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

2. Neither harness shall cause bruising.

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

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

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

(f) Carabiners and locking devices:

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

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

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

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

(g) Anchors:

1. Specification: There shall be two anchors that attach the bungee cord to the structure. Each shall have a minimum strength of 8,000 pounds or shall be designed with a minimum factor of safety of five, whichever is more. There shall be a carabiner that attaches each

anchor to the bungee cord end. The two carabiners shall not be connected to each other.

2. Where wire rope is used, it shall have staged ends with a thimble eye or be continuous. Other connection systems are acceptable if they meet the aforementioned strength specifications.

3. Daily inspection of the anchors shall be carried out and any portion showing sign of excessive wear shall be removed from service immediately.

(h) Air bags:

1. An air bag shall be provided.
2. A minimum of a 10 foot safety zone shall be maintained above the air bag.

(i) Platforms:

1. Platforms shall be constructed so as to provide safety and security to the public by providing the following. Every platform shall:

- i. Be completely enclosed except for the jumping off area;
- ii. Have a nonskid floor surface;
- iii. Be provided with a gate equipped with locking devices to prevent accidental openings;
- iv. Be provided with anchor rails or points to secure the jumper prior to jump;
- v. Have no more than two persons on the platform during bungee jumping operations, the jumper and jump master. A third (employee only) may be added for training and instruction purposes only;
- vi. Be permanently attached to a structure; and
- vii. Be constructed so that the jump point shall not exceed 100 feet above the ground surface.

(j) Rescue procedures: All operations regardless of jump platform in use must have a secondary retrieval system. All appropriate staff must be trained on proper rescue procedures. Prior to bungee jumping operations, all appropriate staff must conduct a test rescue.

5:14-7.9 Communication

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

SUBCHAPTER 8. GO-KART OPERATIONS

Authority

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

Source and Effective Date

R.1997 d.166, effective April 7, 1997 (N.J.A.C. 5:14-8.3, 5:14-8.12 and 5:14-8.16 operative April 7, 1998).
See: 29 N.J.R. 305(a), 29 N.J.R. 1337(a).

5:14-8.1 Purpose

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

5:14-8.2 Scope

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

5:14-8.3 Vehicle design

(a) Go-karts shall be constructed in such a manner that the wheels from one cart cannot engage or override the wheels of another cart operating with it in any foreseeable circumstance. This protection may be accomplished by the installation of a continuous band around the perimeter of the cart or by the cart body design.

(b) Go-karts shall be equipped with a fuel storage tank system which shall not leak more than one ounce of fuel from the fuel storage or transfer system over a two minute period when the go-kart is turned on either side or upside down.

(c) Cart fuel tanks shall be installed in such a manner that they shall not be damaged or leak in the event of collision with another cart, track obstacle or rollover.

5:14-8.4 Maintenance

(a) Go-kart operators shall have one or more maintenance and repair manuals for go-karts available on site.

(b) Go-kart track personnel shall conduct a daily pre-opening inspection of carts, safety equipment, pit and track facilities in accordance with manufacturer's recommendations and industry practice.

(c) Go-kart track operators shall maintain written maintenance and repair records for each go-kart and make them available upon request to the Department.

5:14-8.5 Non-destructive testing

Go-kart operators shall provide for a schedule of periodic structural analysis, non-destructive testing or other special test procedures as deemed necessary by the manufacturer.

5:14-8.6 Manufacturer's information

Go-kart operators shall attach a plate to the chassis of each go-kart which includes, but is not restricted to, the ride serial number, ride name and manufacturer, ride model number, date of manufacture, and passenger capacity by weight and number.

5:14-8.7 Warning signs

(a) Signs stating "No bumping" shall be posted on the rear of all go-karts and shall be included in rules and instruction signs.

1. A conspicuous warning sign at least two feet square shall be posted at the entrance to the go-kart track in sharply contrasting colors advising the public of risks to drivers and passengers.

2. The sign also required by (a)1 above shall read as follows:

The following people should not ride this ride:

- i. Those with heart conditions;
- ii. Pregnant persons;
- iii. Those with head, back or neck ailments;
- iv. Those subject to motion sickness;
- v. Those with serious health problems or restrictive disabilities; and
- vi. Those under the influence of alcohol or drugs.

5:14-8.8 Driver control

(a) The go-kart operator shall clearly mark the throttle and brake locations of go-karts with signage by painting or otherwise coloring the fuel control green and the brake actuator red.

(b) Markings or signs indicating direction of cart travel and identifying pit lanes shall be provided in a manner that is clearly visible to cart drivers.

(c) The entry and pit area of a go-kart shall include signs placed in appropriate positions to enable all patrons to observe rules and procedures of safe track operation. The instructions shall include, but not be limited to, the following information:

1. Keep both hands on the steering wheel and both feet in the cart at all times, whether moving or stationary, unless otherwise instructed by the attendant;
2. Height and/or age restrictions for all drivers and riders;
3. All loose clothing and hair longer than shoulder length shall be secured;
4. No smoking in carts, on the track or in pit areas;

5. No food or drink permitted while driving or riding in carts;

6. Persons perceived by track attendants to be under the influence of intoxicants will not be allowed to operate carts;

7. Starting and stopping instructions;

8. Riders shall remain seated at all times unless otherwise instructed by attendant;

9. No bumping or pushing with carts; and

10. Failure to follow all written rules and verbal instructions may result in injury to yourself and others and will result in loss of privileges without refund.

5:14-8.9 Overload and overspeed

(a) The maximum speed allowed for go-karts shall be in compliance with the manufacturer's recommendations.

(b) Operators may determine maximum speed for carts operating on their track which do not exceed the cart manufacturer's recommendation in conjunction with the track designer's recommendation.

(c) Multiple riders shall not be permitted in carts not designed for multiple riders. At no time shall drivers and/or riders be permitted to occupy the same seat or to use a single set of passenger restraints. Infants or children that must be carried in the arms of an adult shall not be allowed in go-karts.

5:14-8.10 Operations manual

Operators shall comply with manufacturer's recommendations for height, weight, or age limitations for drivers and, where applicable, passengers of go-karts as part of the owner operations manual.

5:14-8.11 Padding and restraints

(a) All go-karts shall be equipped with passenger padding. Such padding shall be provided for the steering wheel rim and hub, headrest, and steering wheel support post.

(b) The ride operator shall equip all go-karts manufactured after December 31, 1996 with appropriate passenger padding for the steering wheel, headrest and steering wheel support post.

(c) Go-karts shall have protective covering for moving or heated components of the engine and drive-train system to help prevent driver or rider contact with these components while seated in the normal position in the cart.

(d) Go-karts shall have restraint and rollover protection to retain the driver and/or passenger in the cart in the event of collision or rollover.

(e) Go-karts shall have a safety restraint system adequate to maintain the driver's and passenger's location in the seat.

(f) The use of restraint, protective or safety devices provided for all go-karts shall comply with manufacturer's recommendations.

(g) The use of a seat belt, harness, or restraint system shall be limited to use by only one person per device.

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

5:14-8.12 Track design and maintenance

(a) The operator shall comply with manufacturer recommendations for the condition of the track surface for operation of their go-karts.

(b) The operator shall comply with manufacturer recommendations for guard rail systems to be used in the operation of their go-karts.

(c) Operators shall comply with manufacturer recommendations for track width and length dimensions.

(d) Go-kart tracks shall have a barrier/rail system which meets or exceeds the manufacturer's recommendations and confines the operations of the go-kart to a defined area.

(e) Go-kart track surfaces shall be maintained in good repair and be free of cracks, obstructions and/or pot holes which could damage the cart or cause the rider/driver to lose control of the vehicle.

(f) Tire barriers, if used, shall consist of automotive type tires which are securely fastened to each other and anchored to the track surface.

(g) Go-kart track surfaces shall be smooth and made of solid asphalt or concrete binding material.

(h) Go-kart track bridges shall have barrier systems behind the rail system and on either side of approach and egress of the bridge which are adequate to retain a cart on the track or perimeter surface without allowing cart rollover.

(i) Tires used for the barrier system on a go-kart track shall be free of rims or wheels. Tires used for other purposes, such as pit entry "safety spinners," shall be mounted on rims and/or inflated wheels. Where wheels are used, the wheels shall be installed on a rigidly mounted spindle.

(j) A fence, railing or other barrier at least 42 inches in height shall be provided to prevent guest access to maintenance buildings, driveways, pit areas and fuel storage areas which are not part of the normally traveled portion of the go-kart track.

(k) A fence or barrier with a minimum height of 42 inches shall enclose the entire go-kart track, driveways, pit and fuel storage areas in order to provide a separation between those areas and areas generally accessible to the public.

(l) There shall be no intersections of the cart track which allow or enable go-karts on a go-kart track to cross one another in opposite directions on the same track plain.

(m) Obstructions which could be struck by go-karts on a track shall be protected to divert vehicles and/or to absorb impact energy.

(n) Go-kart tracks operating at night shall have adequate illumination to allow for complete visual observation of the track by attendants and drivers.

(o) Go-kart track pit area shall be free of obstructions other than those protected by an impact safety system or device. Control devices, such as safety spinners, traffic guidance or remote control devices are not to be considered obstructions and shall be protected by an impact safety system device.

(p) The patrol entrance to and exit from go-kart track pit areas shall be fenced and controlled by gates equipped with a positive self closing and positive self latching mechanism.

(q) The go-kart track surface shall be clean and free of debris at all times the go-kart facility is in operation.

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

5:14-8.13 Brakes

(a) Go-karts shall have a braking system which, when fully applied shall cause the cart to slow or stop without causing the cart to change its direction of travel.

(b) The go-kart braking system shall have sufficient braking capacity to override the full power of the engine.

5:14-8.14 Fire prevention

(a) A minimum of a 10 pound B.C. rated fire extinguisher shall be accessible within a maximum of 70 feet of any point of the go-kart track.

(b) Fueling facilities at a go-kart track shall comply with all applicable local, State and Federal regulations regarding such facilities.

(c) A minimum of a 10 pound B.C. rated fire extinguisher shall be located in the go-kart track pit area and be readily accessible to pit and track attendants.

(d) Go-kart fueling shall not take place in areas or at times accessible to the public.

(e) Go-kart fueling operations shall be performed a minimum of 50 feet from any person not directly involved in the procedure. Adequate fire protection and personal fire protection equipment shall be available in the refueling area for persons engaged in refueling.

(f) Go-kart fueling practices shall be performed in a manner consistent with local, State, national fire codes and industry standards.

(g) Smoking shall not be permitted while operating a vehicle, while in the pit or fueling area of a go-kart track.

5:14-8.15 Operator training

(a) Go-kart track employees shall be trained in accordance with industry recognized safety, loss control, risk management and/or manufacturer's recommended training procedures.

(b) Go-kart track pit and track employees shall have a certificate of training issued by the owner which states on its face that eight hours of on-site training including formal orientation under the direction of a track manager have been provided. This certificate shall be available for inspection upon request by the Department.

(c) Go-kart track employees shall receive basic emergency handling and basic fire safety and/or equipment training from the owner in accordance with local, State or national fire codes.

(d) Go-kart track employees shall receive training in fueling operations from the owner in accordance with any manufacturer's recommendations and all local, State or national fire codes.

(e) Go-kart emergency, safety and fueling procedures shall be set out in written form and signed by each employee at the completion of their training in order to verify their understanding of such procedures kept on site and made available upon request of the Department.

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

5:14-8.16 Control of operations

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