

CHAPTER 195

CARNIVAL-AMUSEMENT RIDES

Authority

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

Source and Effective Date

R.1993 d.343, effective June 14, 1993.
See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a).

Executive Order No. 66(1978) Expiration Date

Chapter 195, Carnival-Amusement Rides, expires on June 14, 1998.

Chapter Historical Note

This chapter was adopted pursuant to authority of N.J.S.A 5:3-31 et seq. and were filed and became effective on June 26, 1975, as R.1975 d.189. See: 7 N.J.R. 370(c).

1978 Revisions: Amendments to this chapter became effective August 1, 1978 as R.1978 d.239. See: 10 N.J.R. 257(b), 10 N.J.R. 347(a).

1979 Revisions: Amendments became effective May 1, 1979 as R.1979 d.168. See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

1983 Revisions: This chapter was readopted in accordance with the "sunset" provisions of the Executive Order 66(1978) effective August 17, 1983. See: 15 N.J.R. 1002(a), 15 N.J.R. 1447(b).

1986 Revisions: Amendments to the chapter and new subchapter 6 became effective June 16, 1986 as R.1986 d.222. See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective June 24, 1988 and with amendments effective July 18, 1988 as R.1988 d.333. See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).

Pursuant to Executive Order No. 66(1978), Chapter 195 was readopted as R.1993 d.343. See: Source and Effective Date. 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). See, also, section annotations for specific rulemaking activity.

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

12:195-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 195, Carnival-Amusement Rides of Title 12, N.J.A.C.

12:195-1.2 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.

12:195-1.3 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. 12:195-2.1;
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. 12:195-2.1; 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.

12:195-1.4 Documents referred to by reference

(a) The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:195-6.

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

1. ASTM F 698—1988, Physical Information to be provided for Amusement Rides and Devices;
2. ASTM F 747—1989, Definitions of Terms Relating to Amusement Rides and Devices;
3. ASTM F 770—1988, Practice for Operation Procedures for Amusement Rides and Devices;
4. ASTM F 846—1992, Guide for Testing Performance of Amusement Rides and Devices;
5. ASTM F 853—1991, Practice for Maintenance Procedures for Amusement Rides and Devices; and
6. ASTM F 893—1987, Guide for Inspection of Amusement Rides and Devices.

New Rule R.1986 d.222, effective June 16, 1986.
 See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).
 Amended by R.1988 d.333, effective July 18, 1988.
 See: 20 N.J.R. 1072(a), 20 N.J.R. 1721(a).
 Dates for the standards in (b) have been changed.
 Amended by R.1993 d.334, effective July 6, 1993.
 See: 25 N.J.R. 1832(a), 25 N.J.R. 2896(a).

12:195-1.5 (Reserved)

12:195-1.6 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

12:195-1.7 Existing equipment

Maintenance of existing equipment shall be in accordance with this chapter. Any replacements of existing equipment shall also be in conformity with this chapter.

Amended by R.1986 d.222, effective June 16, 1986.
 See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).
 Added text "of existing equipment".

12:195-1.8 Compliance

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

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

(c) Where only individual units of a ride, such as cars, seats or other carriers are defective and not in compliance with this Chapter, such units shall be taken out of service and clearly marked with a sign reading "Out of Service"; provided, however, such defects do not jeopardize the safety of the entire ride.

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

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

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

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

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

1. The approved height restriction specifically listed for the ride is less than 60 inches and the passenger meets it; or
2. The passenger, being a child not meeting the approved height restriction, is accompanied, elbow to elbow or front to back, on the ride by a guardian; or
3. The passenger, other than a child, not meeting the approved height restriction is accompanied, elbow to elbow or front to back, on the ride by a guardian.

Amended by R.1979 d.168, effective May 1, 1979.
See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

12:195-1.9 Inspection fee and permit

(a) Thirty days before commencing operations and in each year thereafter, an owner shall apply for a permit with an application form furnished by the Division and containing such information as the Division may require. The application shall be accompanied by a certificate of insurance, bond, or other security indicating that the owner has complied with N.J.A.C. 12:195-1.14.

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

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

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

(e) Once an application for a permit has been approved, the appropriate officials of the Division of Workplace Standards shall inspect the amusement ride for which an annual fee shall be charged at the rate of \$300.00 for each super ride, \$200.00 for each major ride and \$100.00 for each kiddie ride.

(f) After inspection, if the amusement ride is found to comply with this Chapter, the Division shall authorize the ride for use by the public provided the inspection fee has been paid. The permit to operate shall not be issued until the inspection fee has been paid.

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

(h) A copy of the permit issued by the Division shall be continuously displayed in the vicinity of the entrance to the ride when the ride is in use. The permit shall be encased in such a manner as to be protected from weather conditions. Duplicates of such permits shall be issued by the Division at a cost of \$10.00 for each permit.

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

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

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

(h) substantially amended.
Amended by R.1991 d.610, effective December 16, 1991.
See: 23 N.J.R. 2950(a), 23 N.J.R. 3816(a).

Revised (d).
Amended by 1994 d.581, effective November 21, 1994.
See: 26 N.J.R. 3594(a), 26 N.J.R. 4630(a).

12:195-1.10 Filing of notice of intent to operate

The owner of a new amusement ride or the owner of an amusement ride who makes any additions or alterations that affect the safety of the ride shall file with the Division a notice of his intentions.

As amended, R.1979 d.168, effective May 1, 1979.
See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).

12:195-1.11 Maintenance and inspection records

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

(b) These records shall contain the following information:

1. Date and nature of all inspections, whether by the Division or the owner.
2. Any violation of the rules and types of action taken to rectify the violation.
3. All break-downs or repairs of any major mechanical part.

12:195-1.12 Reporting

(a) All accidents resulting in injuries or fatalities incurred during the operation of any amusement ride shall be reported to the Division by the owner within 48 hours of occurrence on a form provided by the Division.

(b) Any major breakdown or malfunction of a ride shall be reported immediately by the owner to the Division by telephone or other means.

(c) All accidents resulting in serious injury or death shall be reported to the Division immediately by telephone or other means.

As amended, R.1979 d.168, effective May 1, 1979.
See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).
Amended by R.1986 d.222, effective June 16, 1986.
See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).

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

12:195-1.13 Serious injury or death to a member of the public

(a) When any accident occurs at an amusement ride which results directly or indirectly in a serious injury or death to a member of the public, the amusement ride shall be:

1. Shut down;
2. Not operated or test run until the Division arrives at the scene of the accident to conduct an investigation; and
3. Secured to prevent operation until the Division has conducted a full investigation and permits operation with passengers.

As amended, R.1979 d.168, effective May 1, 1979.
See: 11 N.J.R. 197(b), 11 N.J.R. 285(a).
Amended by R.1986 d.222, effective June 16, 1986.
See: 18 N.J.R. 609(a), 18 N.J.R. 1303(a).
Deleted "with passengers" from (a)3.

12:195-1.14 Insurance, bond or other security

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

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

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

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

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

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

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

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

SUBCHAPTER 2. DEFINITIONS

12:195-2.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Accepted engineering practice" means that which conforms to accepted principles, tests, or standards of accredited authorized agencies, and to standards or generic principles and practices of safety engineering.

"Act" means the Carnival-Amusement Rides Safety Act, N.J.S.A. 5:3-31 et seq.

"Air bag" means a device which cradles the body using a multi-cell release breather system to dissipate the energy due to a fall, thereby allowing the jumper to land without an abrupt stop or bounce.