

CHAPTER 14A

CARNIVAL-AMUSEMENT RIDES

Authority

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

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

Subchapter 14, Climbing Wall Amusement Rides, was adopted as new rules by R.2008 d.44, effective March 3, 2008. See: 39 N.J.R. 2405(a), 40 N.J.R. 1079(a).

Chapter 14A, Carnival-Amusement Rides, was readopted as R.2008 d.158, effective May 19, 2008. See: Source and Effective Date.

Subchapter 12, Water Amusement Rides, was adopted as new rules by R.2008 d.172, effective June 16, 2008. See: 40 N.J.R. 1413(a), 40 N.J.R. 3620(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

5:14A-1.1 Title; scope; intent

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

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

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

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

(d) This chapter shall apply to:

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

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

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

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

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

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

and may be cited throughout the rules as N.J.A.C. 5:14A-2, and when referred to in this subchapter may be cited as “this subchapter.”

(b) This subchapter establishes general administrative provisions related to classification of rides, fees, and the provisions of the application for an annual permit, type certification, amended type certification, individual approval, and supplemental modification certification applications.

(c) Before being placed in operation in this State, all rides shall have a valid type certification/amended type certification or individual approval/supplemental modification certification, as applicable, and a current annual permit.

1. An applicant may submit a written request for a temporary type certification/amended type certification or a temporary individual approval/supplemental modification certification as applicable. The Department may grant such temporary certification/approval listed above, provided that it has determined that the documentation received is sufficient to satisfy the intent of the rules. Such temporary approval shall be valid for a reasonable period of time needed to submit the necessary outstanding items to the Department but not more than 21 calendar days. The temporary type certification/amended type certification or a temporary individual approval/supplemental modification certification may be renewed at the discretion of the Department.

(d) Information supplied in accordance with these rules shall be considered public information, except for information supplied by an applicant in support of a type certification, amended type certification, individual approval or supplemental modification certification application and designated by the applicant as proprietary. Documents that are submitted as proprietary shall be clearly stamped or marked as such. Documents not marked as such shall be considered public records.

1. For other than information supplied by the manufacturer for type certification applications, final determinations as to whether information contained in the Department’s files shall be considered a public record shall be made by the Department consistent with P.L. 1963, c.73 as amended by P.L. 2001, c.404 and N.J.A.C. 5:3.

(e) When an amusement ride is rebuilt or is modified to change its original action, the ride shall be subject to all provisions of these rules as if it were a new ride not previously in use.

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

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

Added (c)1.

5:14A-2.2 Classification of and height requirements for rides

(a) The Department shall classify all amusement rides as “super ride,” “major ride,” “kiddie ride,” or “inflatable ride.”

(b) The Department shall establish height requirements based on manufacturer’s recommendations, design criteria, and shall reference height restrictions from nationally recognized publications.

1. The Department shall maintain a list containing approved height restrictions for rides.

2. For cases where the manufacturer’s manuals do not include height restrictions, and for “major” or “super” rides, the default minimum height shall be 60 inches.

5:14A-2.3 Categories of certification and approval

(a) Each ride put into operation in this State shall be certified or approved in one of four categories, as follows:

1. Type certification: A type certification shall apply to all rides of the same type and design. The application shall be submitted by the manufacturer of the ride as provided in N.J.A.C. 5:14A-2.4.

2. Individual approval: An individual approval shall apply only to the specific ride reviewed and approved. The application shall be submitted by the owner of the ride as provided in N.J.A.C. 5:14A-2.5.

3. Amended type certification: An amended type certification shall be required when a ride that has a type certification is modified. The application shall be submitted by the manufacturer as provided in N.J.A.C. 5:14A-2.6.

4. Supplemental modification certification: A supplemental modification certification shall be required when a ride that has an individual approval is modified. The application shall be submitted by the owner of the ride as provided at N.J.A.C. 5:14A-2.7.

5:14A-2.4 Type certification

(a) A manufacturer may apply for type certification for any ride.

1. An application for type certification of a new ride shall comply with (b) below.

2. An application for type certification of a time tested ride shall comply with (c) below.

3. An application for type certification for an inflatable ride shall comply with N.J.A.C. 5:14A-13.3.

4. When a major modification is performed to a ride having a valid type certification, an application for an amended type certification shall be required, pursuant to N.J.A.C. 5:14A-2.6.

5. An application for a type certification shall be submitted a minimum of 60 days prior to the date that a ride is scheduled to be set up in this State.

6. An application for a type certification may be submitted by the manufacturer for a ride that has a valid individual approval.

i. Documentation shall be provided that demonstrates that the ride for which the individual approval has been issued is the same ride, without modification, as that for which the type certification is sought. In this case, an engineering review and, pursuant to N.J.A.C. 5:14A-2.8, an engineering review fee shall not be required.

7. When a ride with a valid type certification is sited in New Jersey, the fixed site and foundation requirements at N.J.A.C. 5:14A-2.13 shall apply.

(b) An application for a type certification for a new ride shall contain the following:

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

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

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

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

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

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

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

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

iv. When an application for a type certification is submitted for a specific site, calculations for the specific environmental conditions shall be used;

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

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

6. Certification of design of ride;

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

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

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

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

(c) An application for a type of certification for a time tested ride shall contain the following:

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

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

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

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

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

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

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

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

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

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

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

Rewrote (a)4; deleted former (b)7; recodified (b)8 and (b)9 as (b)7 and (b)8; in (b)7, deleted "and" from the end; in (b)8, substituted "; and" for a period at the end; added new (b)9; deleted (c)3; and in (e)3, substituted "for a ride type that has not undergone a major modification" for "where there are no modifications to the ride".

Amended by R.2008 d.370, effective December 15, 2008.
 See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

In the introductory paragraph of (d), inserted “, temporary type certification”.

5:14A-2.5 Individual approval

(a) An owner of a ride may apply for an individual approval for a ride.

1. An application for an individual approval for a new ride shall comply with (b) below.

2. An application for an individual approval for a ride with a valid New Jersey serial number, carnival rides, and a fixed ride that has not been moved, or a fixed ride that has been returned to the same foundation shall comply with (c) below.

3. An application for a fixed ride with a valid New Jersey serial number, a fixed ride that has been moved, or a fixed ride that has not been returned to the same foundation shall comply with (d) below.

4. For a ride that has a valid type certification that the manufacturer is not renewing and where the ride meets all the requirements for that certification, the owner may apply for an individual approval without undergoing an engineering review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Certification of design of ride;

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

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

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

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

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

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

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

3. Certification of fabrication of the ride.

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

1. If not already submitted, non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15; and
2. If not already submitted, a full set of manuals required at N.J.A.C. 5:14A-2.14.
 - i. Exception: Where there is a valid type certification, the manuals required at N.J.A.C. 5:14A-2.14 shall not be required.

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

1. Ride drawings that comply with N.J.A.C. 5:14A-2.12;
2. If not already submitted, a full set of manuals required at N.J.A.C. 5:14A-2.14.
 - i. Exception: Where there is a valid type certification, the manuals required at N.J.A.C. 5:14A-2.14 shall not be required;
3. If not already submitted, a non-destructive testing statement pursuant to N.J.A.C. 5:14A-2.15; and
4. One set of ride design calculations signed and sealed by a licensed professional engineer for local environmental conditions.

(f) When a major modification is performed to a ride having a valid type certification and the manufacturer does not apply for an amended type certification, the owner may apply for an individual approval.

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

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

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

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

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

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

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

In (b)9, substituted "official correspondence from the Department" for "service of process".

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

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

In the introductory paragraph of (g), inserted "; temporary individual approval".

5:14A-2.6 Amended type certification

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

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

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

3. When a ride with a valid a type certification is modified by the owner and the manufacturer does not apply for an amended type certification, the owner shall apply for an individual approval.

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

1. One copy of the original type certification issued by the Department;

2. All supplemental safety bulletins, safety alerts, or notifications issued following the issuance of the original type certification;

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

4. The name and the address of the New Jersey office or New Jersey residence of the ride's manufacturer or the manufacturer's representative; the manufacturer or the manufacturer's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

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

5. The differences between the information submitted in support of the original type certification and that pro-

vided with the application for an amended type certification shall be clearly shown.

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

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

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

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

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

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

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

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

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

Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

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

Amended by R.2008 d.370, effective December 15, 2008.
See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

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

5:14A-2.7 Supplemental modification certification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

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

Amended by R.2008 d.370, effective December 15, 2008.
See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

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

5:14A-2.8 Fees

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

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

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

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

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

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

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

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

1. An application by a manufacturer for a type certification for a ride with a valid individual approval; or
2. A review of the documentation for a foundation for or the siting of a ride at a fixed location pursuant to N.J.A.C. 5:14A-2.13.

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

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

(a) No person shall operate a ride without:

1. A policy of insurance written on a per occurrence basis in an amount not less than \$1,000,000 per occurrence insuring the owner against liability for injury suffered by persons riding the amusement ride; or
2. A bond in like amount; provided, however, that the appropriate liability of the surety under such bond shall not

exceed the face amount thereof. The bond shall be in such form and content as to be acceptable to the Department of Banking and Insurance.

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

1. Licensed to write insurance in the State of New Jersey; or
2. Approved as surplus lines insurers pursuant to section 11 of P.L. 1960, c.32, the "Surplus Lines Law."

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

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

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

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

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

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

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

1. A certificate of insurance, bond, or other security demonstrating compliance with N.J.A.C. 5:14A-2.9;
2. Payment of the appropriate fee, as provided in N.J.A.C. 5:14A-2.8. A check shall be made payable to "Treasurer, State of New Jersey"; and
3. The name and the address of the New Jersey office or New Jersey residence of the ride's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept official correspondence from the Department.

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

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

1. The required proof of insurance and fee;

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

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

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

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

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

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

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

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

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

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

v. Certification of training;

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

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

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

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

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

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

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

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

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

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

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

(k) A ride for which no foundation is required may be moved during the season without obtaining a new annual permit. In this case, the owner shall notify the Department of the move. The ride shall be required to be inspected prior to being put back into use. Rides that are to be located on

another structure shall comply with the siting requirements of N.J.A.C. 5:14A-2.13.

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

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

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

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

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

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

In (c)3, (d)4, and (e)1vi, substituted "official correspondence from the Department" for "service of process".

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

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

Added new (b); recodified former (b) through (k) as (c) through (l); and in (f)1i, substituted "(d)" for "(c)".

5:14A-2.11 Inspections

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

1. Where required, personnel shall be available to operate the ride at the scheduled inspection time.
2. Where required, power shall be provided to operate the ride.
3. If the ride is not ready at the time of the scheduled inspection, it shall be deemed to have failed the inspection. Another inspection shall be required to be scheduled.

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

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

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

1. A review of the maintenance records, including periodic check lists;
2. A review of operator training records;
3. A review of required non-destructive testing records if these records were not submitted with the application;
4. A complete mechanical inspection, which may require the ride to be partially disassembled;
5. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as it is during normal operation; and

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

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

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

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

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

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

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

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

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

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 395) adopted, which dismissed charges for failure to have inspections made of two inflatable rides and a zip line ride; although fliers advertised the rides, there was no observation that the rides were in operation. *Diamond Gymnastics v. Bureau of Code Services*, OAL Dkt. No. CAF 1634-05 and 1053-06, 2006 N.J. AGEN LEXIS 852, Final Decision (September 11, 2006).

5:14A-2.12 Engineering review

(a) The Department shall perform engineering reviews in support of type certifications/amended type certifications and individual approvals/supplemental modification certifications. The manufacturer or owner, as appropriate, shall ensure that

all documents submitted conform to accepted engineering practice and reflect sound engineering principals.

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

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

shall ensure that each operator has signed a ride-specific certification attesting that the operator:

1. Has read and understood the manufacturer's recommendations for the operation of the ride and, if applicable, any operations manual provided by the owner;
2. Knows the safety-based limitations, including height, weight or other rider requirements, on who may ride the ride;
3. Is well versed on what could be reasonably expected to go wrong, how to recognize it, and how to get the ride and riders into as safe a position as possible to minimize the risk of injury or damage;
4. Has had adequate training to operate the ride;
5. Knows how to do the pre-startup operational ride checks as required by the manufacturer or as established by the owner in compliance with this chapter;
6. Knows how to verify that the daily maintenance checklist has been done prior to operating the ride; and
7. Has knowledge of the use and function of all normal and emergency operating controls and the proper use of the ride.

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

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

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

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

5:14A-4.11 Rider accident reporting requirement

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

5:14A-4.12 Required notices of rider responsibility

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

(b) Each ride owner shall post warnings and directions for each ride which comply with manufacturer's requirements,

N.J.S.A. 5:3-31 et seq. and this chapter. Such warnings shall be clearly legible and shall be in a conspicuous location.

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

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

(a) Shut down and report: When any incident occurs involving a death or serious injury, ejection from the ride or failure of a critical structural or mechanical component, regardless of cause, the owner shall:

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

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

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

1. Report the incident to the Department within 24 hours of the incident by telephone or by telefacsimile at the numbers provided for this purpose;
2. Prepare a written incident report and send it to the Department by facsimile at a number provided for this purpose within five days of the incident or by mail at PO Box 808, Trenton, NJ 08625 postmarked within five days of the incident. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and
3. Repair the ride according to the manufacturer's instructions, if necessary, and submit a written report to the Department indicating the actions taken.
4. An evacuation due to an area-wide power failure or an evacuation at the normal discharge location of the ride shall not be considered an emergency evacuation for purposes of this subsection.

i. The removal of an individual rider or riders at other than the normal discharge location at the rider's request or due to rider behavior and having nothing to do

with the operation or functioning of the ride shall be recorded in accordance with (c) below.

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

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

5:14A-4.14 Transfer of ownership

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

SUBCHAPTER 5. MANUFACTURER RESPONSIBILITY

5:14A-5.1 Title; scope; intent

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

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

5:14A-5.2 General requirements

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

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

(c) The manufacturer of an amusement ride shall not state or imply in any advertising that ride as being approved for

use within the State without a valid type certification for that ride.

Amended by R.2007 d.75, effective March 19, 2007.
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).
In (b), updated N.J.A.C. reference.
Amended by R.2008 d.54, effective March 3, 2008.
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).
Added (c).

5:14A-5.3 Ride type certifications

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

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

5:14A-5.4 Amended type certification

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

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

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

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

5:14A-5.5 Quality assurance manual

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

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

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

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

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

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

1. All bulletins, and notifications on type certified rides;
2. Information as necessary for those rides that have individual approval or supplemental modification certification based on the manufacturer's documentation supplied by the owner or responsible person; and
3. Other documents requested by the Department as a result of an incident involving a ride supported by the manufacturer, either directly or indirectly.

SUBCHAPTER 6. VIOLATIONS, PENALTIES, REMEDIES AND INVESTIGATIONS**5:14A-6.1 Title; scope; intent**

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

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

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

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

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

1. Incompetence;

2. Negligence;

3. Continuing to operate an amusement ride without the Department's authorization when an incident as described in N.J.A.C. 5:14A-4.13 occurs;

4. Failure to notify the Department of any incident as required by N.J.A.C. 5:14A-4.13;

5. The discovery of false, invalid, incorrect or fraudulent information related to the design of the ride or its safe operation;

6. Continuing to operate an amusement ride after having been notified by the Department that the ride has been determined by the Department to be unsafe or hazardous, or potentially unsafe or hazardous;

7. Failure or refusal to comply with an order to provide to the Department any engineering data or report or other information concerning the ride that may be required by the Department;

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

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

10. Failure to comply with the Carnival-Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq., orders of the Commissioner, or this chapter.

(b) Any owner who has an amusement ride permit revoked pursuant to this section shall not operate the affected amusement ride until such permit is restored by the Department through the regular application process.

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

1. Failure to report incidents as required by N.J.A.C. 5:14A-5.7;

2. Failure or refusal to issue safety bulletins required by the Department;

3. Failure or refusal to supply requested engineering analyses;

4. The determination by the Department that the ride for which the type certification or amended type certification was issued is unsafe or hazardous, or potentially unsafe or hazardous;

5. The discovery of or knowingly submitting false, invalid, incorrect or fraudulent information related to the design or manufacture of a ride; or

6. Failure to comply with the Carnival-Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq., orders of the Commissioner, or this chapter.

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

Amended by R.2006 d.325, effective September 18, 2006.
See: 38 N.J.R. 1919(a), 38 N.J.R. 3776(a).

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

5:14A-6.3 Administrative penalties

(a) The Commissioner or the Commissioner's designee is authorized to assess and collect an administrative penalty in the amount of up to \$5,000 for each violation.

(b) In determining the amount of the penalty, the following factors shall be considered:

1. Whether there has been a good faith attempt at full compliance;
2. The seriousness of the violation;
3. The past history of violations or non-compliance with orders;
4. Whether the violation was willful;
5. Whether the violation did cause or could have caused injury or bodily harm;
6. Whether the violation poses an imminent hazard to public health and safety; and
7. Any other appropriate factors.

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

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

1. Operating a ride without a permit;
2. Modification of a ride without approval by the Department;
3. Operating a ride in a manner likely to cause injury;
4. Submission or maintenance of false, invalid or fraudulent information;
5. Failure to cease operation after a serious incident;

6. Failure to report an incident;

7. Failure to comply with an order of the Commissioner that is in the form of an express condition of a permit, individual approval, type certification, or amended type certification;

8. An owner offering or advertising a ride for use or rental within the State without a valid annual permit for that ride, pursuant to N.J.A.C. 5:14A-2.10; or

9. A manufacturer stating or implying in advertising that a ride is approved for use within the State without a valid type certification for that ride.

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

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

In (d)6, deleted "or" from the end; in (d)7, substituted a colon for the period at the end; and added (d)8 and (d)9.

5:14A-6.4 Appeals and hearings

(a) A request for an administrative hearing shall be submitted, in writing, within 10-calendar-days following the receipt of the notice or order. Hearing requests shall be addressed to: Hearing Coordinator, Department of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802. All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) When an aggrieved person fails to request a formal hearing within the 10-calendar-day period specified in (a) above, his or her right to a formal hearing shall be deemed waived and the agency action shall become final.

(c) Recipients of an administrative penalty assessment may request the initiation of a settlement conference at the time that a hearing request is made. If a party requests a settlement conference, or the Department determines that a settlement conference might be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the hearing request.

(d) If a settlement is not agreed upon or no settlement conference is scheduled and a hearing has been requested, the matter shall be transmitted to the Office of Administrative Law (OAL) for hearing.

(e) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(f) All payments shall be made payable to the "Treasurer, State of New Jersey" in the form of a certified check or money order, or such other form of payment as may be acceptable to the Department.

(g) Upon final order, the penalty imposed may be recovered with cost pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.