

or pneumatic drive or control feature, or a restraint or other protective feature.

“Major ride” or “adult ride” means a ride not classified as a “kiddie ride” or a “super ride” by the Department.

“Manufacturer” means a person who obtains type certification for a carnival-amusement ride and who has responsibility for the design and manufacture of any carnival-amusement ride to be used or installed in this State, or sold for use in this State, and includes any entity controlled by the manufacturer.

“Mechanical malfunction” means any breakdown that constitutes a structural failure of a load bearing element, mechanical or electrical failure of a drive or control system component or failure of a restraint system which materially compromises ride safety. Mechanical malfunction does not include a foreseeable malfunction that actuates a safety system.

“Minor repair” means a repair, which does not involve a load-bearing structural member, requires minimal disassembly and assembly, and is accomplished using general or required hand tools of the trade. This may include, but is not limited to, replacement of electrical fuses and lamps operating at less than 150 volts to ground, patching of inflatable fabric, and patching of fiberglass.

“Mobile ride” or “portable amusement ride” means an amusement ride that is designed, constructed, and maintained to be readily disassembled and transported from one site to another and is intended to be relocated when environmental conditions exceed design criteria. The ride shall also have been designated by the manufacturer as a mobile or portable ride.

“Modify” means to make a modification.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the Department.

“NDT” or “non destructive testing” means to examine and evaluate parts, areas, or items for defects at or below the surface. The testing when required is done by a qualified individual and is done without harm or damage to the tested item.

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

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

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

“NFPA” means the National Fire Prevention Association.

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

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

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

“Operator” see “ride operator.”

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

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

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

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

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

“Patron” see “rider.”

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

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

“Qualified person” means an individual who performs work not reserved to a maintenance technician or RCMT and who has the degree of competence necessary to perform assigned work on an amusement ride.

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

“Recognized certified maintenance technician (RCMT)” means an individual qualified in accordance with the provisions of N.J.A.C. 5:14A-2.18.

“Record” means writings, drawings, graphs, charts, checklists, logs, electronically stored information and any other data or data compilations stored in any medium from which information can be obtained and translated into a reasonably useable form.

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

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

“Ride” see “carnival-amusement ride.”

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

“Ride perimeter” means the perimeter of the area recommended for safe operation of an amusement ride by the ride manufacturer.

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

“SAE” means Society of Automotive Engineers.

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

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

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

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

“Set-up” means to assemble and erect a portable amusement ride for use by patrons, as described in the set-up manual (N.J.A.C. 5:14A-2.14).

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

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

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

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

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

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

“Water amusement ride” means an amusement ride intended for use by riders in bathing attire where the action of the ride involves purposeful immersion of the rider’s body, in whole or in part, in water.

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

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

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

Amended by R.2008 d.172, effective June 16, 2008.

See: 40 N.J.R. 1413(a), 40 N.J.R. 3620(b).

Rewrote definition “Water amusement ride”.

Amended by R.2008 d.355, effective December 1, 2008.

See: 39 N.J.R. 4474(a), 40 N.J.R. 6767(a).

In definition “Fixed amusement ride”, substituted “is erected to remain a part of the premises and not intended to be relocated” for “is designed to resist all applicable environmental loads for its intended location and is located at a fixed location”; in definition “Fixed location”, substituted “an amusement area” for “a location where an amusement ride is” and “more than 60 days during a 90-day period” for “operation with permanent foundations, electrical, and plumbing, as required”; rewrote definition “Mobile ride”; and added definitions “Ride perimeter” and “Set-up”.

Amended by R.2009 d.99, effective April 6, 2009.

See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Rewrote definitions “Maintenance” and “Qualified person”; and added definitions “Maintenance technician (MT)”, “Minor repair”, “Recognized certified maintenance technician (RCMT)” and “Record”.

#### Case Notes

Initial Decision (2009 N.J. AGEN LEXIS 550) adopted, which found that, in the Bureau’s action against an individual and his company for alleged electrical code violations relating to a traveling carnival business, the amusement rides were in “use” for purposes of inspection because the term included empty and non-moving rides and the inspector was authorized to require the carnival operator to demonstrate that the

3. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
4. Repair, in accordance with N.J.A.C. 5:14A-9.11.

(d) A maintenance technician, under the supervision of an RCMT, shall be qualified to perform all work on amusement rides, including all:

1. Maintenance and inspections, in accordance with N.J.A.C. 5:14A-9.3(b);
2. Assembly and disassembly, in accordance with N.J.A.C. 5:14A-9.5;
3. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
4. Repair, in accordance with N.J.A.C. 5:14A-9.11.

(e) A qualified person, under the supervision of an RCMT, shall be qualified to perform only the following work on amusement rides, all:

1. Assembly and disassembly, in accordance with N.J.A.C. 5:14A-9.5;
2. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
3. Repair, in accordance with N.J.A.C. 5:14A-9.11.

New Rule, R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

#### **5:14A-2.18 Qualifications of recognized certified maintenance technicians (RCMTs)**

(a) An RCMT shall be qualified by one of the following means:

1. Holding a valid National Association of Amusement Ride Safety Officials (NAARSO) Level I, Level II, or Level III certification, or a valid Amusement Industry Manufacturers and Suppliers International (AIMS) Level I, Level II, or Level III maintenance certification, or certification from another professional organization that meets or exceeds the certification requirements as set forth by NAARSO for Level I Certification or AIMS for Level I Maintenance Certification;
2. Recognized by the Department in accordance with (b) below;
3. A licensed electrical contractor pursuant to N.J.A.C. 13:31, or equivalent license from a recognized authority that is acceptable to the Department, when working on electrical systems;
4. An employee, agent, subcontractor, or independent contractor designated by, or on behalf of, a ride manufacturer, when working on a ride manufactured by that company;
5. Holding a valid recognized certified maintenance technician card issued by the Department. Such certification shall be renewed biennially. An applicant is eligible

for certification by the Department if the following conditions are met:

- i. The applicant must apply for the certification and receive the certification by April 6, 2011;
- ii. The applicant must have five or more years of documented relevant supervisory experience prior to April 6, 2009;
- iii. Prior to applying, the applicant must have completed at least 40 hours of training sponsored by the Amusement Industry Manufacturers and Suppliers, National Association of Amusement Ride Safety Officials, International Association of Amusement Parks and Attractions, Responsible Operators of Amusement Rentals or an equivalent approved by the Department that is relevant to the maintenance of amusement rides and was completed within the five years prior to the date of application. For each two-year renewal period after the original issuance, the applicant must complete 32 hours of training relevant to amusement ride maintenance sponsored by a group as described in this subparagraph; and
- iv. An application fee of \$50.00 is required at the time of initial application and each renewal; or

6. For a maximum of 60 days within a 365-day period, in the event an RCMT employed by an amusement ride owner for more than 60 days leaves employment of said owner, the owner may appoint a maintenance technician, employed by owner, temporarily to the position of RCMT.

(b) Until April 6, 2011, a maintenance technician with three or more years of documented relevant experience is permitted to perform all functions for which RCMT is needed.

New Rule, R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

### SUBCHAPTER 3. RIDER RESPONSIBILITY

#### **5:14A-3.1 Title; scope; intent**

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Rider Responsibility," shall be known and may be cited throughout these rules as N.J.A.C. 5:14A-3, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes the rider responsibilities as covered by the Act and these rules.

#### **5:14A-3.2 Riders to comply with posted warnings and directions**

(a) Each individual who rides a carnival-amusement ride shall comply with written warnings and directions posted by

the operator of the carnival-amusement ride according to these rules. These include:

1. Height, weight, and size restrictions, if any, in accordance with N.J.A.C. 5:14A-9.34;
2. Rider warning signs in accordance with N.J.A.C. 5:14A-9.34;
3. Rider conduct signs in accordance with N.J.A.C. 5:14A-9.33; and
4. Any other signs or warning posted by the operator with the express intent to protect the safety and well being of riders, equipment and operators.

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

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

## SUBCHAPTER 4. OWNER RESPONSIBILITY

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

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

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

### 5:14A-4.2 Ride equipment

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

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

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

(d) The owner of an amusement ride shall not offer or advertise that 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. A ride brought to a site where another amusement ride is operating or advertised, or to a public event, is considered as being offered or advertised for use unless it has clear signage stating it cannot be operated in the State. This subsection shall not preclude promotional advertising for coming attractions as long as it is noted that they are coming attractions and are not yet available for use.

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

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

Rewrote (b).

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

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

Added (d).

### Case Notes

Initial Decision (2009 N.J. AGEN LEXIS 550) adopted, which found that, in the Bureau's action against an individual and his company for alleged electrical code violations relating to a traveling carnival business, the amusement rides were in "use" for purposes of inspection because the term included empty and non-moving rides and the inspector was authorized to require the carnival operator to demonstrate that the ride was powered and ready for the public; additionally, any ride on site was presumed to be operational unless there was proper signage to the contrary. Bureau of Code Services v. Cooke, OAL Dkt. No. CAF 01837-09, 2009 N.J. AGEN LEXIS 607, Final Decision (August 20, 2009).

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

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

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

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

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

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

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

(b) For rides not grandfathered under the provisions of (a) above, the owner shall make application for individual approval of the ride as a new ride. The application for an

- iii. Section 12.2.3 shall be deleted in its entirety.
  - iv. Section 12.2.4 shall be deleted in its entirety.
11. Section 13, Water supply, shall be amended as follows:
- i. Section 13.1: The words "article 15" shall be deleted and the words "N.J.A.C. 8:26" shall be inserted.
12. Section 15, Sanitizing equipment, chemical feeders, and chemical operational parameters, shall be amended as follows:
- i. Section 15.1 shall be deleted in its entirety and the words "Sanitizing and chemical feeder system(s) shall be designed and constructed to conform to the requirements of N.J.A.C. 8:26" shall be inserted.
  - ii. Section 15.2 shall be deleted in its entirety.
  - iii. Section 15.3 shall be deleted in its entirety.
  - iv. Section 15.4 shall be deleted in its entirety.
  - v. Section 15.5 shall be deleted in its entirety.
  - vi. Section 15.6 shall be deleted in its entirety.
  - vii. Section 15.7 shall be deleted in its entirety.
13. Section 17, Restroom and sanitary facilities, shall be deleted in its entirety.
14. Section 19, Food consumption, shall be deleted in its entirety.
15. Section 20, Operations, shall be deleted in its entirety.
16. Section 21, Entries/exits, stairs and ladders, swim-outs, and benches, shall be amended as follows:
- i. Add new section "21.9.8 Underwater seats and benches shall not be permitted in water depths of five feet or greater."
17. Section 22, Signs, shall be deleted in its entirety.
18. Section 23, Entry and exit requirements for persons with disabilities, shall be deleted in its entirety.
- (d) The ANSI standard ANSI/IAF-9 may be obtained from:

American National Standards Institute  
11 West 42nd Street  
New York, NY 10036

### SUBCHAPTER 13. INFLATABLE RIDES

#### 5:14A-13.1 Title; scope; intent

- (a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "In-

flatable Rides," shall be known and may be cited throughout the regulations as N.J.A.C. 5:14A-13, and when referred to in this subchapter may be cited as "this subchapter."

(b) The purpose of this subchapter is to provide reasonable standards for the design, construction, and operation of inflatable amusement rides as a separate class of rides. The requirements contained in this subchapter are intended to supplement the requirements found in the balance of this chapter.

(c) This subchapter shall apply to inflatable devices that are designed to allow riders to bounce, slide or be supported on them. The structures shall be fabricated from flexible material, kept inflated by one or more blowers, and rely on air pressure to maintain their shape.

(d) When an individual component may be used as a stand-alone ride, the review, registration, permitting, and inspection of attachable rides shall be based on the individual components of the ride.

#### 5:14A-13.2 Type classification

(a) Air-supported structures shall be classified as one of the following four types:

1. Type 1 shall be air-supported structures that are:
  - i. Either sealed or continuously or intermittently inflated; and
  - ii. Are intended to have no human inside or supported by it during operation.
  - iii. Examples shall include, but not be limited to, ball throws and golf simulators;
2. Type 2 shall be air-supported structures that are either:
  - i. Sealed or continuously or intermittently inflated; and
  - ii. That allow entry by the public, but where the public is not supported by the structure. Occupants stand on the ground.
  - iii. Examples shall include, but not be limited to, inflatable buildings and entrance gates;
3. Type 3 shall be air-supported structures that are sealed, and:
  - i. Are intended to be occupied or ridden by the public; and
  - ii. That the public enters or mounts.
  - iii. Examples shall include, but not be limited to, pillows and ball crawls; or
4. Type 4 shall be air-supported structures that are continuously or intermittently inflated by a mechanical device, and:

- i. Are intended to be occupied or ridden by the public; and
- ii. That the public enters or mounts.
- iii. Examples shall include, but not be limited to, moonwalks and inflatable slides.

(b) Air-supported structures, Type 4, as described in (a) above, shall be considered amusement rides, regardless of their location, and shall comply with this subchapter.

(c) Air-supported structures, Types 1 and 2, as described in (a) above, shall not be considered rides.

1. Tensioned membrane structures of more than 900 square feet or 30 feet in any dimension but less than 16,800 square feet or 140 feet in any dimension shall require a permit pursuant to the Uniform Fire Code, N.J.A.C. 5:70. Tensioned membrane structures of 16,800 square feet or greater or 140 feet or more in any dimension shall require a permit pursuant to the Uniform Construction Code N.J.A.C. 5:23.

(d) Air-supported structures, Type 3, as described in (a) above, shall be considered amusement rides only when located with other rides covered by the Carnival-Amusement Rides Safety Act.

1. Tensioned membrane structures of more than 900 square feet or 30 feet in any dimension but less than 16,800 square feet or 140 feet in any dimension shall require a permit pursuant to the Uniform Fire Code, N.J.A.C. 5:70. Tensioned membrane structures of 16,800 square feet or greater or 140 feet or more in any dimension shall require a permit pursuant to the Uniform Construction Code, N.J.A.C. 5:23.

Amended by R.2008 d.355, effective December 1, 2008.  
See: 39 N.J.R. 4474(a), 40 N.J.R. 6767(a).

In the introductory paragraph of (c), deleted "in listed" following "described"; rewrote (c)1 and (d)1; and deleted (c)2.

### 5:14A-13.3 Type certification

(a) Prior to selling the units to ride owners in the State, manufacturers shall obtain from the Department the applicable type certification for their inflatable rides.

(b) Registration of one inflatable ride design per application is required.

(c) Manufacturers shall submit the following documentation for each inflatable ride:

1. An illustration or picture of the ride;
2. A description of the ride (height, width, length, and, if applicable, slide length);
3. Calculations for tie-down requirements for both soft and hard surfaces with a list of the requirements;

4. Operation, maintenance, and set-up manuals as required by N.J.A.C. 5:14A-2.14 and 13.6;

5. Design calculations per inflatable ride, or class of ride if the wind load areas are comparable, indicating the number of anchorage points and anchor size based upon live and wind loads. The calculations shall be signed and sealed by a licensed professional engineer; and

6. Flame resistant standards to which all materials used in the fabrication of the ride were tested and which those fabrics passed. Fabric manufacturer test certifications shall be available from the ride manufacturer for each inflatable unit.

### 5:14A-13.4 Individual approval

An owner may apply for an individual approval of a ride that has not been type certified. Such application shall contain the same information required for type certification in N.J.A.C. 5:14A-13.3.

### 5:14A-13.5 Design and construction

(a) The inflatable ride shall be constructed to sustain appropriate design loads.

(b) The inflatable ride design shall ensure that no parts of the device or ancillary equipment, such as sharp edges or exterior angles, are accessible to users that may cause injury if contact is made with them.

(c) The inflatable ride design shall have no significant trapping points between adjacent surfaces.

(d) The outside walls shall be sufficient in height and strength, and shall be attached to the base, to prevent riders from bouncing over the wall and to prevent the wall from collapsing if run into by a rider.

1. When the inflatable ride design allows for jumps, obstacles, or other structures upon which a rider may climb, the ride shall provide an extended base or floor beyond the main area of the ride to ensure that the rider does not fall outside the ride.

(e) The number and maximum size or weight of riders that the structure can safely hold at any one time shall be specified in the operating manual.

(f) The design shall be such that no one can be injured or trapped by deflation, and deflation time shall be sufficient to allow the structure to be safely evacuated.

(g) Designs with open fronts that serve as both an entrance and an exit to a ride shall have a safety mat if the base of the inflatable ride is more than 7.5 inches above the ground. The minimum distance this "step" shall extend from the inflatable ride shall be 36 inches.