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# *Committee Meeting*

of

## ASSEMBLY LABOR COMMITTEE

*“Testimony concerning efforts to implement the  
Carnival-Amusement Rides Safety Act”*

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**LOCATION:** Committee Room 9  
State House Annex  
Trenton, New Jersey

**DATE:** September 25, 2000  
11:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman George F. Geist, Chairman  
Assemblyman Nicholas R. Felice  
Assemblywoman Arline M. Friscia  
Assemblyman Gary L. Guear Sr.



### **ALSO PRESENT:**

Gregory L. Williams  
*Office of Legislative Services  
Committee Aide*

Leigh A. Maris  
*Assembly Majority  
Committee Aide*

Jennifer Sarnelli  
*Assembly Democratic  
Committee Aide*

*Hearing Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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Gregory L. Williams

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**ASSEMBLYMAN GEORGE F. GEIST (Chairman):** Good morning. It certainly became quiet. And I appreciate your attention as we begin this special hearing of the Assembly Labor Committee.

To those of you who are joining us for the first time, I welcome you. My door is always open, and so are our public hearings. We welcome your participation today.

At the outset, we will have a quorum call by Gregory Williams of the Office of Legislative Services.

MR. WILLIAMS (Committee Aide): Assemblyman Guear.

ASSEMBLYMAN GUEAR: Here.

MR. WILLIAMS: Assemblywoman Friscia.

ASSEMBLYWOMAN FRISCIA: Here.

MR. WILLIAMS: Assemblyman Felice. (no response)

Assemblyman Thompson. (no response)

Chairman Geist.

ASSEMBLYMAN GEIST: Here.

A quorum is present, and we shall proceed.

At the outset, I want to report, as a matter of courtesy to those in attendance, that pursuant to the request of the Commissioner of the Department of Community Affairs, the legislation before the Committee today will be scheduled for tomorrow. I say that in a futuristic term, evidencing the Chair's interest in some delay to enable further review by the administration. I believe that is a prudent course of action. So consequently, there will be no vote today on the bills subject to this agenda.

The Chair appreciates the friendship and sponsorship of my colleague, Assemblyman Asselta. Assemblyman Asselta is here. He and I will work together in a common-cause course. And we welcome the involvement of the members of this Committee.

A few moments ago, privately, I shared with the members of this Committee, my distinguished colleagues, that I would like to try to embark upon this in a bipartisan way. We share the goals. And I would like to share this legislation. I welcome their involvement. I've asked OLS to provide to them the proposed amendments coming forth from the administration.

We look forward to your input as we shall proceed.

So, as a matter of courtesy in consideration for your personal calendars, because I know some of you have traveled a distance, I just wanted to convey to you my interest in your continuing input. So A-2306 and A-2525 will be the subject of rescheduling. Nevertheless, the hearing on amusement ride safety shall proceed.

In preparation for today, let me emphasize, I prepared for today with anticipation that we would have a full forum. And as a result, out of respect for those of you who are interested in this issue, I decided to take another step and actually to prepare for today's proceedings with some prepared comments.

Some of you know of my interest in this. Some of you may not. I believe that you have a right to know why I am so fully focused on this particular policy objective.

In July of 1997, a young boy named Patrick McKeown of my hometown of Gloucester Township suffered serious injuries from a roller-

coaster accident. At that time, my sons, the Geist guys, Gregory and Justin, were ages 11 and 10. As their father, I was concerned. As an Assemblyman, I became focused. We knew, as in New Jersey, that what happened to Patrick McKeown could happen again.

As the summer of 1997 closed, I proceeded to research. And as Chairman of this Assembly Labor Committee, I decided to listen and learn. With oversight of the Department of Labor, I concluded that this Committee was ideal to take on the challenge to establish amusement ride safety.

Less than one year later, on April 29, 1998, at Great Adventure, our great Governor signed Chapter 10, my landmark legislation: legislation creating new safety standards, requiring ride inspections, establishing new permit procedures, approving monetary penalty provisions that matter, enabling suspension or revocation of permits when necessary to ensure public safety, holding reckless riders responsible, triggering the posting of signs emphasizing safety, and creating an advisory board on amusement ride safety.

Quoting the February 14, 2000 *Bergen Record*, along with the 1998 law, New Jersey nearly doubled its staff of amusement park inspectors, hired more full-time engineers to evaluate the amusement rides, and began a spot inspection program that resulted in the temporary closure of more than 100 rides last summer. Those safety efforts are credited with sharply reducing serious accidents at New Jersey amusement parks.

Now, today, through the new disclosure requirements, we know more about amusement ride safety than ever before. But our responsibility continues, and today we come together again. The roller-coaster accident of last summer, in which a woman and her eight-year-old daughter were killed,

captured our hearts and our attention again. According to the *Asbury Park Press* reports of such, after a five-month investigation, “State officials say the accident involved brake failure on our coaster that recently had been put into service. In an effort to reduce noise, a braking system unique to roller coasters in New Jersey was installed. State officials said the design caused the metal teeth on the brakes to wear quickly. They also said replacement teeth, not purchased from the manufacturer, were improperly installed. The manufacturer provided no maintenance schedule, the State found.”

Today, before you is continuing commitment by this Chairman to establish that the best laws in the nation will become even better. Make no mistake about it, delay today is to foster the objective. To quote the *Asbury Park Press* again, “To ensure the safety of people, State officials need to be able to review manufacturers’ design and safety specifications.”

Today, however, is a day in which we will first listen and learn. We will listen and learn about a recent summer season. We will listen and learn about enhanced disclosure of accidents, providing all of New Jersey with the better right to know. And we will listen and learn about, most importantly, a safer season with fewer serious injuries. We will conduct a season end of review.

Let us begin.

Ladies and gentlemen, I appreciate your attendance today. I appreciate your interest in this. I appreciate you walking the walk as we talk the talk today to ensure that the best laws can become even better.

And today I begin the proceedings with an end-of-season review. Our Department of Community Affairs has implemented this law. I welcome their testimony before this Committee today.

The Department of Community Affairs.

Since this is a public proceeding, your names and titles and responsibilities, for the record.

Welcome to this Committee.

**WILLIAM M. CONNOLLY:** Does red mean I'm on? (referring to PA microphone)

ASSEMBLYMAN FELICE: Yes.

MR. CONNOLLY: It seems a little backwards.

My name is--

Mr. Chairman, I want to thank you very much for giving us this opportunity to be here this morning.

My name is Bill Connolly. I'm the Director of the Division of Codes and Standards in the Department of Community Affairs. And with me this morning, I have Richard Osworth, who's Chief of our Bureau of Code Services. The amusement ride inspection program is a part of Richard's Bureau.

It's been almost 18 months since I've had an opportunity to address this Committee. We met last in this room, shortly before the 1999 season began. And we have now had two seasons, even though it's only been 18 months.

And when we met at that time, the question that we were getting -- the Department -- I was getting, Richard was getting, the Commissioner was



getting over and over and over again from the public and from the media was, are rides safe. And our response was always, yes, rides are safe -- and they are, in absolute terms, compared to lots of other things that we do -- but we thought they could be made safe and that we would work very hard to make them safer.

And I'm very pleased to be able to report to you this morning, and I will be sharing some statistics a little bit later, that rides are safer in New Jersey than they were three years ago, even though the trend nationally is slightly in the other direction. Rides are significantly safer in New Jersey than they were three years ago.

I'd like to open with just a moment on the ride safety system. We all know that we have to work hard to accomplish anything in this world, but we also have to work smart. There has to be some sort of an intelligence and a system behind all that hard work for it to be effective.

In America, the ride safety system relies very heavily on ride manufacturers. The ride manufacturer, first of all, is responsible to design a ride that's inherently safe. The ride manufacturer provides inspection requirements to the ride operator so that they know when and where to inspect the ride, what its key components are to make sure that it's always going to be operating in a safe manner. They provide maintenance requirements -- regular maintenance requirements to the ride operator so that they know what maintenance the ride is going to need in order to continue to be operated safely. And they provide detailed operating instructions and training requirements for the staff that will operate the individual rides, because even if the ride is mechanically safe, it has to be operated in a safe manner. There's

certain things that the person who is operating it really needs to do if it's going to be safe.

All of these things are set down by the manufacturer. They're all, essentially, a part of the design of a ride. The owner-operator of the ride is obliged to actually do all of those things that the manufacturer sets down in order to operate the ride safely.

All of this comes from national standards that are developed in our American voluntary consensus system. There are about six ride safety standards covering these different aspects that I've just described. It's set down in detail who's responsible for us.

Now, the State's role is to make sure all of that happens, make sure that everything that is necessary to be done to make sure that the rides operate safely, in fact, is being done.

Four years ago, we were carrying out that responsibility by inspecting the ride and by issuing a permit after it passed an inspection. If you think about it for a moment, with the things that are important that I just outlined, it takes more than an inspection to address them.

Since that time, we've implemented a great many changes. I won't repeat the ones that the Chairman described that came to us from the Legislature, but we have implemented all of those changes. And those changes have played a very important part in the progress the State has been making in terms of ride safety.

In addition to the things that were mentioned by the Chairman, we have gradually emphasized much more compliance with the manufacturers' manuals. All of the things that I described as a manufacturer's responsibility

are issued to the owner-operators in various manuals: inspections, maintenance, operating, and training information that come with the ride.

In effect, those manuals are the code. There are many different kinds and types and designs of rides. And what needs to be done for those rides to be safe is enumerated in those manuals. In effect, those manuals are the code.

We've engaged in a process of collecting, ourselves, all of the manuals for all of the rides in New Jersey -- analyzed them with our engineers. We continue to do that. And we're using that information to guide the activities of our inspectors. Those manuals identify the key things, in terms of safety, that the owner-operators have to do, at least in the opinion of the manufacturer. And our inspectors, armed with that information, can be far more effective.

In addition, our efforts to collect those manuals had some benefits, because not everybody had them. But because we insisted that they provide them to us, they had to get them. And they then had the opportunity to become familiar with them themselves.

The second thing we emphasized greatly is something called nondestructive testing. Most rides are metallic. Their major structural components are metallic. They're loaded over and over again, in a cyclical nature. That results, ultimately, in what's called metal fatigue, and the metal component fails. The best way to make sure that none of your key components are getting to that point is through nondestructive testing, various kinds of things like X rays and ultrasounds and things that are done on key components during the off-season to make sure that all of the metallic

components are still sound. They will discover faults that can't be discovered by the naked eye, either in our inspection or the manufacturer's -- or the owner-operator's inspection.

And we very much emphasize finding out what all the nondestructive testing requirements for the rides are. That's another thing that's specified by the manufacturer. And then in our inspection process -- making sure that the owner-operators have, in fact, all had that nondestructive testing done where it's called for during the off-season.

We've also begun a process of new ride design reviews -- entirely new kind of ride-- As we all know, in trying to meet the desire of the public for more and more interesting and exciting experiences, some of the rides are becoming somewhat more dramatic. Engineering becomes much more important in terms of whether they will function properly. And we've been undertaking design reviews of the new rides to try to make sure that they all have been properly engineered.

The Chairman mentioned that we added engineers to the program three years ago. It didn't have any. We started with three, and now we've gone up to five engineers to do all this review and digesting of all this technical information so that when our inspectors in the field -- they'll rather be working smart, as I said, not just hard.

Finally, we've undertaken to get our staff nationally certified by the National Associates of Ride Safety Officials. We've been sending them to national training and getting them to pass certification exams to make sure they're as competent as they possibly can be.

These efforts in the last year have, no doubt, created a little bit of stress and strain. We've been asking the owners and operators for things that they haven't been asked before. We took a lot of work on ourselves in terms of collecting and analyzing and reviewing all these things. And sometimes that has resulted in new rides being approved at the very last minute and things like that, just simply because there was a lot of work to do. That's one of the reasons we've increased the number of engineers.

In our design review process, we made a commitment that we would review and respond to any application within 30 days. We made that commitment last winter. There were 268 new design reviews that were required this year. And we failed to meet that commitment for six of them. We were uncomfortably close to the 30 days, more than we would have liked. We think that, to some degree, that's a transitional problem and a staffing problem. It's a transitional problem because when you begin to ask people for things they haven't been asked for before, they don't, necessarily -- not necessarily able to produce them rapidly, or they may not even be sure, exactly, what it is you're looking for.

And second, it's always difficult to anticipate the amount of staff that you will need. We came pretty darn close to our commitment, but I believe, based on what we've learned this year, we'll do better in the future.

Let me talk a little bit about the results of all this effort. In 1997, there were 24 serious ride incidents in New Jersey. A serious incident, in our classification system -- we get a report on every ride incident, and we classify them different ways. A serious incident is a broken bone or a hospitalization. Not every broken bone requires a hospitalization, but if someone is injured on

a ride to the extent that a bone is broken or they require hospitalization, that's a serious incident. Three years ago, there were 24 such incidents in New Jersey. This past summer, there were three.

Another one of the ways we look at the data we collect is we classify the incidents as to whether they involve the failure of the ride itself -- what we call a product failure; something on the ride broke or didn't function the way it's supposed to, and that created the incident. Also, operator error is another one we look at. Product failures across that same period of time have gone from 80 to 39. Operator errors have gone from 20 to 14. So, in every significant indicator, we're moving in the right direction. And as I said, this is against a background, nationally, where there are increases in incidents. The Federal government doesn't measure them the same way. They count an incident as being serious if it requires an emergency room visit. But their data is trending a little bit up, and ours is trending very significantly downward. So I think it's fair to say that riding rides in New Jersey is one of the safest places in America where you can ride a ride, at this point.

And I want to say one thing, which I think is very important, and that is nationally, my perspective is that as a Department, and as inspectors, we've worked very hard to try to create some improvements. But I don't want, for one moment, to leave the impression that the industry hasn't worked just as hard, because they have. There's a whole lot of things. And I'm sure you may even hear some of those things from the members of the industry, that they also have been doing to try to improve our ride safety situation in New Jersey. And it's a combination of all those efforts and teamwork amongst all of us that has really improved things.

We tried to collect some data on the rider responsibility portion of the law. And the courts, while they will be able to provide data on prosecutions under that law off of their database, won't be able to do that until the end of the year. But we did look in our data as to how many rides -- how many incidents involved rider misbehavior. And that is also down. It was 29 the year before the new law. It dropped to 14 the next year. It came back up to 21 this last summer. But still, overall, the progress is in the right direction. And we are having fewer ride incidents that can be attributed to rider misbehavior.

The vast number of the incidents that are reported to us are what we classify as an inadvertent mishap -- if someone trips going up the steps or something like that -- or a very minor complaint. We will receive reports when a rider complains of dizziness or upset stomach or things like that. The system doesn't really require that, but the ride operators in New Jersey are very cautious and conservative about reporting. And they report just about anything that comes to their attention.

The number of incidents of that kind reported has gone from 379 to 1168. That's a big increase, but clearly, when you realize that we've had that kind of increase in terms of the amount of reporting, then that makes the decline in serious incidents, product failures, and operator errors even more dramatic -- very much against the trend in terms of the total number of incidents being reported.

I'd like to talk just a little bit about the future as we see it. As I said, we've already added a couple more engineers so that we can be -- we can better keep to the commitment we made in terms of a 30-day or better review.

And I don't view those kinds of limits as -- "It's only the 28th day, what are you complaining about." We really try to do a lot better when we make those kinds of commitments.

We plan to add a few more inspectors next year. You mentioned we had doubled the number of inspectors. What we have found is that, as we've been able to refine the process, the inspections can take a little bit longer. And we would like to keep the numbers of inspections up. So we plan to add a few more inspectors.

One of the areas that we are looking at where we really haven't done a lot is operator training. We have established a committee, working with the Amusement Ride Safety Board, to analyze what sort of training requirements there can or should be for the people that operate the rides. As anyone knows who deals with summer employment, that can be a difficult issue, what with colleges starting earlier and earlier and earlier and all of those kinds of things that make it a little bit difficult for the industry to be adequately staffed throughout the whole summer.

We're bringing the NARSO, the National Association of Ride Safety Officials, training to New Jersey this year. It's the training that we've sent some of our inspectors to in other years. And we're going to make that available to members of the industry, as well, so that we can all participate in that training here in New Jersey shortly after the first of the year.

The big area that we feel still needs to be addressed is addressed by A-2525. If you recall the very beginning of my remarks, manufacturers are, obviously, very key to ride safety. Their responsibilities need to be carried out well and thoroughly if all the rest of us are going to be successful and effective.



And we believe that direct accountability of manufacturers to the Department is important, both so that we can hold them accountable for all these things that they are supposed to do.

And also, our efforts to assure ride safety working through the owner-operators has been, in part, responsible for some of the angst and the stress of this past year or so. What we're doing now is-- It's almost akin to -- if you think in terms of airline safety-- If the Federal Aviation Safety Administration said to United Airlines, "You bought a Boeing airliner. We want you to prove that the Boeing airliner is safe," that would be a little bit of a problem for United Airlines. They didn't design the airliner. The Federal Aviation Administration works directly with Boeing when they're trying to make sure an airliner is safe. And we think we need to do the same sort of thing with the ride manufacturers.

We also think that it would be very helpful to get incident reporting from manufacturers pertaining to serious incidents outside the state. An incident that might lead to the need to make some sort of a correction or an improvement usually will not come to our attention if the incident occurs outside the state. It will often come to the attention of the manufacturer. And when it does, we think they should tell us about it.

We think, as I said, these changes will simplify things for everyone and make our program that much more effective.

Mr. Chairman, since you introduced the bill in June, we have had the opportunity to have a number of discussions with representatives of the industry, both at the State and the national level. Some of those discussions through the summer surfaced some suggestions for potential amendments that

might make the legislation better that we've already shared with you. But those discussions have continued. And as you can appreciate, the summer is the worst possible time to have discussions of a theoretical nature with the amusement industry.

I think that we're working very well with the industry in terms of both clarifying some parts of the legislation and developing some possible amendments that will give everybody more certainty as to just exactly what the legislation will result in.

And so I'd like to request of you that we be given about 30 more days to come to some conclusions. I mean, I'm not certain that we will reach 100 percent agreement, but I am certain, based on the discussions that we've had thus far, that we will reach substantial agreement on a lot of things that will make the legislation better.

Like you, we don't want to take too long, because we're very anxious to continue the progress that we've been making. And we're confident that, with your help, we'll be able to fashion legislation that will yield even further gains in ride safety.

Rides are very safe, as I said earlier. They're very safe compared to a lot of other consumer products and things like automobiles and staircases and things like that.

But we think the bar should be very high for ride safety. Automobiles are very important to our economy. Electricity is very important to our economy. There are a lot of things where we accept some risk because of the countervailing value.

In the case of a ride, the purpose is amusement. So the risks of any sort of injury should be extraordinarily low. And we think we're moving in the right direction to make them extraordinarily low. And we think we can continue that.

And we want to, again, thank you very much for your support. And if there are any questions, I'd be happy to respond to them.

ASSEMBLYMAN GEIST: Thank you.

Are there any questions for Director Connolly from any of the members of the Committee before the Chair has?

Speaker Pro Tem Felice, always a pleasure.

ASSEMBLYMAN FELICE: Thank you very much.

Thank you for the ability to give a comment.

As an engineer-- It's actually 19 years ago that I put my first piece of legislation in. And it was a bill, because one of the residents in my own community was electrocuted on an amusement ride -- a water ride here in New Jersey. And as you so ably noted, it isn't always the engineered manufactured product, it's many times -- and I was in aviation for 25 years, and I know how strict the testing is for structure and all -- is the fact that the follow-up maintenance -- sometimes the inspections-- I'm very pleased to hear that you increased your inspectors, because unless the product, regardless of what it is -- your washing machine, an airplane, your car -- unless the procedure to maintain after so many hours of use -- in aviation it's 500 hours -- 1000 hours -- 5000 hours. There has to be the type of inspection that can check. And if that isn't done, as it was not done in 1982 -- and of course, the adult was electrocuted in a water ride here in New Jersey.

So I think since that time, I know that the increase in ridership -- and of course the higher sophisticated rides, which increased the technology needed to inspect and to maintain those rides -- that it's very important that that type of inspection continues.

Yes, is there, many times, a product in design, no question about it. Many times, the actual testing is only done after it's been in operation a certain amount of hours and years. But I think the main fault is that many of the rides -- if it's not given the proper maintenance and inspection-- And I'm glad to hear you're hiring more engineers. I may be looking for a job. No, seriously, it's very important that after all these years to see-- And I know that the incident rate has gone down because of the increase in inspection and the ability to make sure that the maintenance procedures recommended by the manufacturers for that particular ride or article are followed.

And it seems it came in a full circle, Mr. Chairman, after 19 years to again be on the Committee, to be a part of ensuring that that kind of safety for our residents is incurred. And my first bill still stands in my office signed by Tom Kean. And it was a -- amusement ride.

Thank you.

ASSEMBLYMAN GEIST: Thank you, Speaker Pro Tem. And you're absolutely right about full circle.

Do any of the other members want to make any comments or questions right now?

Arline -- Assemblywoman.

ASSEMBLYWOMAN FRISCIA: Clarification.

Were your comments directed at both stationary and mobile amusement rides?

MR. CONNOLLY: Yes, yes.

ASSEMBLYWOMAN FRISCIA: Thank you.

ASSEMBLYMAN GEIST: Any other questions? (no response)

The Chair has a couple.

First of all, thank you. I thank you for your emphasis. I thank you for your advocacy. I thank you for your regular advisories to the general public about how safe our rides really are in the State of New Jersey. I enjoy reading the press reviews about our supersafe summer. We've come along way since 1997. And I appreciate your reassurances to the general public that our private sector-public sector partnership has propelled safety. And I emphasize that private sector-public sector partnership, because as you emphasize in your comments, it doesn't just happen. And the owners and the operators and the riders have participated in the private sector propulsion of our public sector policy. And that's to have the safest rides in the nation.

A couple questions.

As I researched for this proceeding today, I learned of statistics compiled by the National Consumer Products Safety Commission. What's New Jersey's interaction with the national government? What's the role of the Consumer Products Safety Commission? Are we going to be seeing any new national trends that change the original national perspective that enable the states to govern themselves?

MR. CONNOLLY: It doesn't look like that in the short term. The Consumer Products Safety Commission data, which many of us, I think,

may have seen some newspaper articles based on it, which shows an increase in the number of accidents, that's based on a survey of hospital emergency rooms. And they collect that data for all kinds of injuries, but amusement rides are one of the categories they look for.

The nature of their collection system is such, they can't break that data down by the state. They just don't have enough of it. It's a small sample. And so they can talk about national trends. One of the first things we did was go down to Washington and meet with them to see if we could get some state-level data to help guide ourselves.

Also, as you may know, the Consumer Products Safety Commission itself has jurisdiction over mobile amusement rides, but not rides at fixed amusement parks. Sometimes they're the same kind of rides, but their jurisdiction of them is limited to the mobile rides. There has been some interest in the Congress in extending their jurisdiction aback to include the rides at the fixed amusement parks. They did have jurisdiction over that prior to 1982, but the Congress removed it.

But the CPSC system is a product recall system. And that is, they track data. And when there are -- there get to be too many injuries of a certain kind associated with a certain product, then they start to look into it and try to promulgate some corrective action.

And we have not seen any interest in the Congress in changing that basic approach. So, while we certainly support the idea that the CPSC should have jurisdiction over both fixed parks and mobile rides, even if they get that jurisdiction, it won't change the importance of the role of the state.

The last thing I want to mention on that is that we believe that design reviews are important, not just the structural and mechanical design, but, as Assemblyman Felice was pointing out, a proper inspection of maintenance instructions are part of that design.

That's a task that would be better carried out at the national level, because ride manufacturers are national and international. But we see no evidence of any movement in that direction on the part of the Federal government, and that's why we're advocating it for New Jersey, because it is-- We think it's an essential part of ride safety. And we don't see it happening at another level of government in America.

ASSEMBLYMAN GEIST: Next question.

To the best of your knowledge, do we have any ride manufacturers in our Garden State?

MR. CONNOLLY: We have one ride manufacturer, Zamperla, who's got a headquarters in New Jersey, but I don't believe we have any ride manufacturing facilities in New Jersey. Zamperla's rides, I think, for the most part, are manufactured overseas.

ASSEMBLYMAN GEIST: The references in the press to ASTM standards, American Society of Testing and Materials, reports that New Jersey's one of about 30 states that requires rides to meet those standards. Is that accurate?

MR. CONNOLLY: That's right. All of the-- At the beginning of my remarks, I talked about all of the manufacturers' responsibilities. Those responsibilities are established in those ASTM standards, which we adopt by reference.

The one serious shortcoming of the ASTM standards system in America is that it does not yet contain a ride design standard. They're working on that. Richard is going out to meet with their committee next week. I believe it's in California. We're encouraging them and are very anxious that they complete that work, because it makes the review of ride designs rather more difficult if there is no national ride design standard. Let's go back to the aviation example. The FAA has very detailed design standards for airliners, for example.

We think that can be done. They have a committee that's been working on it for some time. And hopefully, they'll conclude their work soon. And if they do, we will certainly adopt that as our -- as a design standard.

ASSEMBLYMAN GEIST: Director Connolly, your testimony to this Committee today is that there is no national ride design standard?

MR. CONNOLLY: That's right. What loads, what safety factors, things like that, that, at the present, time does not exist.

ASSEMBLYMAN GEIST: Director Connolly, to the best of your knowledge, as you've obviously researched this issue, does any state in the nation have a ride design standard?

MR. CONNOLLY: No, not that we've been able to find. The approach in ride safety all across America -- and we did a lot of work trying to find out what other states do -- about three years ago -- just to see if they had some good ideas that we could benefit by. And they did have some good ideas, but none of them have the sort of a detailed ride design standard that I think we should have. Now, what we did find is that European nations have them, but no other state does.



ASSEMBLYMAN GEIST: Director Connolly, would -- by incorporating a New Jersey ride design standard -- would we place New Jersey in a more competitive or uncompetitive state?

MR. CONNOLLY: I think that the sorts of things that would be in a good ride design standard are the sorts of things that a responsible manufacturer would be doing in any event. And for that reason, I think that we would improve our competitive position, because by having such a standard, the ride manufacturers would be better able to tell what's required, and reviews would be simpler.

ASSEMBLYMAN GEIST: While the bill is not before the Committee today, upon my introduction of the legislation there were some critical commentaries that the legislation might actually impact New Jersey by establishing such requirements that would, unfortunately, distract away from the goals of the marketplace and open competition.

Any initial impressions on your part?

MR. CONNOLLY: We really don't think that would be so. And very interestingly -- and I think it was one of the papers recently that wrote an article on the subject. They interviewed one of the major manufacturers. And what they said was, "No, we don't think so. We will continue to sell rides in New Jersey. We've built safe rides, so we have no concerns about standards."

ASSEMBLYMAN GEIST: Some have said that the fact that we're one of thirty that has the ASTM standard is, alone, sufficient in that we already have the national standard. Why do we need a New Jersey standard?

MR. CONNOLLY: We believe it's not sufficient for two reasons. The first is the fact that there is not yet a design standard. Someday it's our

hope that there will be one. But second, even if you have a good system of standards, we think that we need to be able to directly hold the manufacturers accountable for compliance with those standards. And that's an authority we presently don't have. As I pointed out earlier in my airplane example, we're trying to hold manufacturers accountable through their customers. It's very difficult on the customer.

ASSEMBLYMAN GEIST: And one last one, because I really want the forum to continue.

Obviously, the nation has experienced the Ford-Firestone recall phenomena. Are there recalls of rides? Are you aware of any? Are you notified of any? Do the manufacturers have that responsibility now?

MR. CONNOLLY: Manufacturers do, from time to time, for whatever reason, because of incident reports they're getting or just because of their own engineering analysis, will specify that certain changes are required in all rides of a particular kind that they have out there. And we don't have a direct way of getting that information. We certainly-- We sometimes become aware of it through a manufacturer -- I mean through an owner-operator, through another state. Sometimes the manufacturers will send us a notice of one of those bulletins that requires a change. But it's another one of the benefits we would get out of A-2525 -- is that because we would have a direct relationship with the manufacturers, they would be required to send us all that sort of stuff. And then we could use our inspection staff to make sure that it was actually done on all the rides in New Jersey.

ASSEMBLYMAN GEIST: As I reviewed my own legislation, I noted that while we would learn more about incidents in other states, there's

not an automatic triggering that we would, by statutory requirement, learn of a recall. And I'd like to learn more from everyone in this room about how we can incorporate that type of enhancement to my bill. And that's why the delay, I think, is a right step in making sure that the bill is even a better bill.

Any other questions following the Chair's questions from any of the members of the Committee? (no response)

You're certainly welcome to stay and listen and learn, as we shall.

MR. CONNOLLY: We certainly will.

And thank you very much.

ASSEMBLYMAN GEIST: I thank you.

Some of you have declared your interest in participating in this public proceeding; some of you have not. We have more in attendance than have declared their interest in participation. Some declared their interest in participation with their interest to wish to speak on the bill. Since there are technically no bills right now before the Committee, nevertheless, we will proceed with testimony. If any of you are desirous of participating, please let OLS know so that we can incorporate you on the witness list.

I note that there's even some members in attendance. If you desire to participate, you will be called upon immediately by this Chair.

Otherwise, we're going to proceed with those witnesses who have already declared their interest in testifying. And I will recognize now New Jersey State Bar Association.

New Jersey State Bar Association worked very closely with this Committee in the enactment of Chapter 10. We welcome your involvement again.

Good to see you. Your names, for the record.

**WALTER C. KOWALSKI, ESQ.:** My name is Walter Kowalski. I'm an associate legislative counsel for the New Jersey State Bar Association. I have with me today Anne McHugh, one of our members, who represents individuals who have been injured in amusement park accidents.

Mr. Chairman, most of our testimony really is with regard to the legislation and especially our recommendations for amendments, which would include some of the things we've talked about in the past in the bills. We prepared to speak about that, and we will do so, if that's all right with you.

ASSEMBLYMAN GEIST: Sure, with the understanding, obviously, that we'll probably want you to do an encore performance when we actually have the bills before the Committee.

MR. KOWALSKI: Sure.

ASSEMBLYMAN GEIST: I note that there's a topic that really does need some address, and that's the insurance component.

MR. KOWALSKI: That's correct.

ASSEMBLYMAN GEIST: The Chair's objective is, obviously, to respect our owners and operators by establishing some manufacturer responsibility. And I envision, by having a manufacturer responsibility provision, we'll deal with the question of liability and responsibility right up front. If you're going to sell a ride, it will be a safe ride. And every one of our owners and operators in the State of New Jersey can sleep well at night knowing they bought a ride that's safe. And oh, by the way, I would assume that their insurance companies that are providing their insurance will sleep

better at night knowing the owners and operators have safer rides. That's part of my spirit.

You've made some recommendations on the topic of insurance, and I think it's an appropriate time for the Committee to hear some of your initial thoughts as we work on this topic.

MR. KOWALSKI: Thank you, Mr. Chairman.

I'll let Anne address that issue.

First of all, off the legislation, of course, we would like to congratulate you and the Committee for what you've done with regard to this issue. We really believe that ride safety has been enhanced, penalties increased. And also, we appreciate the efforts of the Department, because we believe, through their efforts, inspections have strengthened and reporting--

Now, I'll let Anne talk about the insurance requirement.

ASSEMBLYMAN GEIST: And if I could reciprocate -- and the members of this Committee should know that our New Jersey State Bar Association did some remarkable advisories about amusement ride safety to our kids in our schools. I personally saw some of your publications that are distributed in the elementary schools, where I think it's just truly a remarkable advocacy on the part of our professional association that you've been so engaged in this process and helped inform our kids in our schools about the fact that we have great rides in the state and they're even safer and we've done this together, I think, is a real tribute to the Association.

And I thank you for that, as well.

MR. KOWALSKI: Thank you very much, Mr. Chairman.

ASSEMBLYMAN GEIST: Welcome to our Committee.

**A N N E P. M c H U G H, ESQ.:** Thank you, Assemblyman Geist. I appreciate the opportunity to speak on behalf of the State Bar.

Very briefly, because I don't have a lot to say other than what, I think, has already been said by Walter -- and that is the insurance issue is a big issue, and we'll speak to that.

But first, let me congratulate Chairman Geist and this Committee on its extraordinary work in bringing a safer environment to our children and to the citizens of this state and elsewhere, who use our parks and our recreational facilities. I think it's laudatory. You've stepped into the breach. You've done an extraordinary job. Mr. Connolly apparently confirms that there are fewer and fewer of these accidents, both serious and otherwise. You've made riders more accountable. We approve of that, as well as owners, operators, and manufacturers.

But let's move to the insurance issue, because I think that is something that troubles both the State Bar and this Committee. And what I'd like to suggest is that the Committee step back and look at the role that insurance plays in our society. We have, I believe, a threshold figure here of \$100,000, as I understand it -- is what was -- is being considered or proposed.

And what the State Bar Association is asking this Committee to consider is raising that threshold to \$1 million. I think that's what the State Bar has proposed. And we're asking that for a variety of reasons. The first is, again, to step back and look at the role that insurance plays in our society. What insurance does is two things. Most importantly, it spreads the risk so that the risk doesn't fall on a single family who incurs a catastrophic loss. The

risk doesn't fall on the citizens of this state who may have to pay, one way or another, through their tax dollars for that loss. It spreads it.

Insurance, also, makes the private sector more accountable. And I think we talked about, earlier -- I know you did, Chairman Geist -- the role of both the private sector and the public sector working together. And the insurance industry can become a participant in that endeavor of ensuring safety, because if the risk is high with a particular ride, and the coverage is, we'll say, \$1 million, as opposed to \$100,000, an insurance company is going to underwrite that policy, but they're going to underwrite that policy only if they're assured that that owner or that operator or that manufacturer, depending how the Committee goes, is making a safe ride and that ride is being operated in accordance with the Department of Community Affairs's regulations and requirements, and the premiums are going to go up if that ride is not being operated in the way in which this Committee insists it be operated.

So you're going to be bringing a third party into this venture, and an important party. It's not just important because that party is going to help spread the risk, but an important party because that party will, I think, work hand in hand with the owner and the operator and will add another level of inspection that is market-driven, because we know we only have so many engineers, we only have so many inspectors, we only have so many State dollars that we can devote to that task. But the industry, when it's out there looking at that ride and looking at that track record, whatever that track record is, is going to ensure that they're not underwriting that particular ride or that particular ride facility or whatever it is without being certain that they're in

compliance with your regulations and with providing a safe environment for our children, particularly, and any consumer who uses that ride.

So you add another dimension. The \$100,000 figure, let's face it, folks, doesn't cover a lot. And what we're really concerned about here, with respect to insurance, is not the person who, maybe, stubs their toe or even fractures a finger. We're concerned about the catastrophic injury and taking care of that loss and that injury, because society needs to spread that risk.

And we want to provide for that. So let's take a quadriplegic as an example, because we know there have been incidents of quadriplegia caused by these rides. One hundred thousand dollars is not going to cover very much. One million dollars will, at least, provide some basis upon which that person, with a well-managed fund, can take care of his or her basic, and I mean very basic, needs so that they're not on the public dole in the public sector.

When I was before this Committee a year-and-a-half ago, one of the members, and I don't recall who, and I apologize, had asked me, "Well, why not \$10 million?" Well, I think the State Bar has taken a modest position in this regard, recognizing that the cost of \$10 million might be too much of a burden to place on the industry. So what the \$1 million figure becomes, in essence, is a compromise, some way of reaching the need of the catastrophically injured, not taking care of every need, but the basic needs, and yet recognizing that the industry has its financial burdens and its expenses and its costs with which to deal.

So that's why the State Bar came up with what they considered to be a modest compromise in addition to which, and I think this was pointed out the last time that I appeared before this Committee -- and maybe there are



some new members that are unaware of it -- that figure was gleaned from the fact that out sister states, our neighboring states, have this requirement. In fact, New York has -- I think it's a \$2.5 million threshold requirement for liability coverage. So New York, Connecticut, Maryland, Delaware, and Pennsylvania all require at least \$1 million, if not more, in coverage. So, if they can afford to operate their rides and their facilities with that, certainly this state can, as well.

I don't know if you have any questions to ask of me on the insurance issue. I don't know whether you feel the need for me to address further the issues that were raised by the State Bar with respect to the board.

ASSEMBLYMAN GEIST: One other quick topic.

First of all, the Geist bill does not have an insurance recommendation.

MS. McHUGH: Okay.

ASSEMBLYMAN GEIST: Second of all, the current statutory provision was enacted of \$100,000, and it was not incorporated in Chapter 10. So this is an issue that does need revisiting, but it is not in the context of the Geist-Asselta bill.

MS. McHUGH: Understood.

ASSEMBLYMAN GEIST: *B*, the Department of Community Affairs has said to this Chairman that we need a better way of investigating accidents. Five-month investigation-- They have recommended subpoena power. Your association, in the correspondence that has been issued to me, says that there's a need to take some type of actions for the preservation of evidence at an accident scene. I would tend to think that owners and

operators might be interested in having such a preservation of standard, particularly when it's a manufacturer defect.

I'm interested in gauging sentiments from everyone as to how do we do the right thing in preserving evidence at an accident scene. It may not be able to be accomplished legislatively, but nevertheless, it's something that I would like to have everyone's involvement on.

You raised it. Walter incorporates it as his third issue in the letter. I'm not asking for testimony today, but I am interested in everyone's involvement on the issue, because if we're going to tackle issues that are not incorporated in the Geist bill, and everyone's interested in participating, everybody's at the table, maybe we can focus on insurance, preservation of evidence, subpoena powers for investigations. And we can really, in a remarkable way, lead the nation in so many ways, establishing the best laws even better.

So it's food for thought. I thank you for bringing it to my attention and look forward to your involvement.

On the issue of membership on the board, I understand you want to make another brief comment.

MS. McHUGH: Well, Walter, I believe, has suggested the State Bar -- through the State Bar that the board be expanded, both in terms of number and size and in terms of the component -- adding to the public sector's representation on the board. And he's identified a series of suggested recommendations with respect -- or the State Bar has, really -- with respect to who should be represented and their number. But I think the concept is to bring more of the public to the table so that they can have input and to have

persons who have some specific knowledge, with respect to the issues surrounding the industry, in order to make a safer -- both as to product and as to owner-operator -- ride system out there. I don't think that they're wed to any specific individuals or persons, in terms of categories, but I think the State Bar has identified a number of classes of persons: retired jurists, possibly a judge who has some understanding of some of the legal implications of the various issues, a physician who might have some understanding of the physical problems that are associated with a catastrophic injury, etc., etc., etc. So there are a number of classes of persons identified by the State Bar that you might consider.

ASSEMBLYMAN GEIST: Engineers, like -- out of respect for Assemblyman Felice?

MS. McHUGH: Engineers, absolutely.

MR. KOWALSKI: We do make that recommendation.

MS. McHUGH: Yes.

ASSEMBLYMAN GEIST: On this topic, I would like if the DCA could provide to OLS, for the Chairman and members of the Committee, an update on the administration's implementation of the legislation and the current makeup of the appointee list. In this instance, Assemblyman Asselta is very interested in this issue, and I want to make sure Assemblyman Asselta has that type of information. He has prime sponsored companion legislation. The Chair has it incorporated in his bill about the makeup of this board. Perhaps we should really open up the board and have more people participate in this common cause. It's an opening thought on this issue.

I understand your interest in this issue. And we look forward to working with you as we craft it.

Assemblyman Asselta is here.

I appreciate you staying, Nick, so you can be involved in this process.

But let's can an update on the appointments. So often we see legislation, and then we see inaction by the administration on the appointment issue. I am not making that suggestion today, but let's get an update so we all know.

Thank you.

MS. McHUGH: Thank you, Mr. Chairman.

MR. KOWALSKI: Thank you very much, Mr. Chairman.

ASSEMBLYMAN GEIST: Today we have some remarkable voices from the Amusement Association. It's my understanding of the witness declaration that a colleague in the Bar Association, Lary Zucker, is the witness today.

New Jersey Amusement Association, please come forth.

**L A R Y I. Z U C K E R, E S Q.:** Sure.

Assemblyman Geist--

ASSEMBLYMAN GEIST: Are you our only voice today from the Amusement Association?

MR. ZUCKER: I don't know. I'm going to have to find out if I am or not. I don't know yet.

ASSEMBLYMAN GEIST: Okay.

MR. ZUCKER: I'm not going to--

ASSEMBLYMAN GEIST: Your name, for the record.

MR. ZUCKER: My name, for the record, is Lary Zucker. I'm Counsel to the New Jersey Amusement Association.

ASSEMBLYMAN GEIST: And I appreciate your correspondence. You've been papering my walls this summer with your thoughts on my bill, the good, the bad, and the ugly provisions of it. I appreciate that.

MR. ZUCKER: With all due respect, they're not my thoughts, they're the thoughts of the New Jersey Amusement Association. And I think you're to be commended for allowing us to be as big a part of the discussions on this bill as we have been. Safety is of paramount importance to the industry. Confidence of the public in our industry and in the Department of Community Affairs is of paramount importance to the industry. And we're working very hard with you in coming up with legislation that will, once again, be maybe Geist landmark legislation No. 2. So we're working towards that with you and also with the Department of Community Affairs.

With your permission, Assemblyman, I don't want to address the merits of A-2525 at this time. I understand the bill will be held. I would like to briefly respond to what I've heard so far and just comment on it, because I think I can clarify some of the issues.

ASSEMBLYMAN GEIST: Do you have an end-of-the-year review report, as you see it, from the private sector, as you heard from the public sector, about our season?

MR. ZUCKER: I don't have that type of an end-of-the-year review. I really am not prepared to make that. We in the private sector often rely on the accurate statistical evidence that's produced by the Department of

Community Affairs. We have no way of knowing what the actual numbers are without hearing what Mr. Connolly and Mr. Osworth have to say.

It's our feeling-- It's our-- We have an impression, though, that it's been a terrific season from the point of view of safety. The crowds have been up. The confidence has been high in the way that the rides have been operated. And if the weather, maybe, was a little bit warmer, it would have been a little bit better, but that we can't control. But the areas of ride safety that we can control, we think we're working well with the DCA. We're not where -- exactly where we want to be, yet. We think we have some growth to go on the relationship, but we're -- I think I can speak for the Association in saying that we had an encouraging season, and we're looking forward to 2001.

Other than that, I don't have much to say about the actual hard numbers.

ASSEMBLYMAN GEIST: On that note, Assemblyman Asselta and I also serve on the Committee that includes tourism. And it's interesting in the Governor's fall promotion about New Jersey -- that it leads with Great Adventure, with a visual of an amusement ride. That is, obviously, symbolic of our Governor's interest in this issue, as well. If you're going to be contemplating any surveys of your members, as to the summer season, as to how we can make the summer of 2001 an even better summer-- I mean, the statistics are very encouraging. But if there's any private sector recommendations, please convey those.

And I want to compliment you, by the way, for -- your clients, as well. You are the best I've ever seen at actual proposed amendments with line

by line exact language. I mean, OLS could consider you a resource on this because you are meticulous in your detail. And I appreciate that.

MR. ZUCKER: Well, thank you. We work hard at it. And we will continue to give you that kind of input.

I'm not going to go too long. I just want to really briefly comment on a few of the issues that the State Bar raised.

When we first received the copy of this legislation back in May, right before the Memorial Day holiday, we immediately sat down and looked at it and realized that one of the areas that we have been discussing with the Department of Community Affairs, that is the insurance area, was not addressed in the bill. And what we would like to do is come up with a proposal, and we think we've arrived at a proposal that the DCA would be willing to go along with, that would address many of the concerns of the State Bar.

As a practical matter, I don't know of any insurance -- I don't know of any ride operator that has less than \$1 million in insurance. The \$100,000 figure was inserted in the bill back in 1975, when the carnival ride amusement legislation was first enacted in New Jersey, and it hasn't been changed since. It needs some updating. It's on a per-- The actual enabling legislation is on a per ride basis. And I don't think anybody can buy insurance on a per ride basis. And what we're going to be proposing, Assemblyman, is to raise the limit to \$1 million, which I think is consistent with most ride operators now, and also \$1 million on a per occurrence basis. We think that will give the members of the public, and also the State Bar, the assurance that they need.

As far as the subpoena power, we also believe that the State should have the subpoena power that they're seeking. So we're willing, and we're here to tell you right now, that our public position on the subpoena power is that we're more than willing to go along with it. And we don't oppose it at all. We believe that the basic -- that if there is an incident in New Jersey, it should be fully investigated.

And I'm also pleased to note that, in A-2525, you inserted a language requiring the Department of Community Affairs, when investigating an injury, they shall identify those measures which may be required to prevent the future occurrence of death or serious injury under similar circumstances.

We think that is a tremendous improvement and a tremendous step towards reducing the number of incidents that will occur in years to come. And we fully support giving the State that power and that responsibility when they investigate the accidents.

And the third point that I want to make, as far as preserving evidence-- Well, certainly, I'm an attorney. I have some feeling for preserving evidence. We'll work with the Bar Association, we'll work with the DCA, and we'll work with you to come up with an adequate proposal so that if that becomes an issue in any future case, it will be covered by legislation.

With regard to the makeup of the board, Assemblyman Asselta has his proposal. You have your proposal. I would just note, for the record, that these board meetings are all open to the public. I think I've attended every ride safety board meeting for the past three years. They're open to the public. There's always a time after the hearing for public comment. And I would invite all the members of the State Bar Association to join me in attending



these. They're very informative. There's a tremendous discussion going on. You can learn a lot about the amusement industry.

And with that, I really-- Unless you have some questions, or the Committee has some questions, I'll wait to discuss the merits of 2525 until later.

ASSEMBLYMAN GEIST: Could you clarify, for the Committee, what is incorporated in the definition of the New Jersey Amusement Association? Who, actually, is incorporated in that?

MR. ZUCKER: Well, I would feel better having a representative of the Amusement Association define that for you. And I'm going to take a stab at it. And if somebody from the Association wants to correct me, I'm sure they'll stand up and voice it.

But as I understand it, it's all the operators -- the owner-operators of rides and amusement parks in the State of New Jersey, plus the owner and operator of games -- of legalized games of chance. And those two groups have come together under the banner of the New Jersey Amusement Association.

In addition, there are supplier members, ride manufacturers, all of whom participate actively in the safety programs, the safety seminars, and the meetings of the New Jersey Amusement Association.

It is truly an umbrella group for everyone who has some part in the amusement industry.

Did I cover it?

UNIDENTIFIED SPEAKER FROM AUDIENCE: That's good.

ASSEMBLYMAN GEIST: Great.

Do you have any initial thoughts on the concept of establishing your client's right to know if there's an accident in another state, those provisions in 2525?

MR. ZUCKER: I know that we've had some discussions with Mr. Connolly and the Department of Community Affairs on that. And as a practical matter right now, it's difficult to acquire up-to-date information about incidents involved in other states. I know that there are plans and proposals on the Federal level that will enable each state to access information about a ride. I also understand that, in fact, there's a proposal out there to give each ride manufactured in the states, and operating in the United States, a serial number so that you can actually track it from state to state. That has not been implemented yet. Until it is, that type of information from a foreign -- from another jurisdiction is going to be difficult to acquire, except insofar as you can go on the Internet. And there are any number of Web sites now run by private organizations and private individuals who are intensely interested in amusement park safety. And you can get very good, up-to-date information on the Web right now. But in terms of a formal system, not yet.

ASSEMBLYMAN GEIST: Do you have any thoughts on the recall component?

MR. ZUCKER: On the--

ASSEMBLYMAN GEIST: Ride recall component.

MR. ZUCKER: If you mean the prototype approval--

ASSEMBLYMAN GEIST: Should the State receive notice if there's a manufacturer recall? Should owners and operators be notified if there is a manufacturer recall? How do we do better on that particular aspect?

MR. ZUCKER: Under current regulations and current rules that we operate under, every manufacturer must notify both the Department of Community Affairs and also the ride operator of any requirement to make any changes, any recall notices, any modifications of the ride.

Until March of this year, the regulations only required the manufacturers to notify the ride owners. But now they're required to notify the Department of Community Affairs, also. And we think that's good. We think that's a double check, because if, for any reason, we don't get that information, the DCA should have it.

So I don't think it would be difficult at all to amend the existing regulations to make it absolutely crystal clear that recalls must be reported.

ASSEMBLYMAN GEIST: Last, but not least, Mr. Connolly said that they did pretty well in their review of the ride. His statistics were pretty phenomenal.

Do you have an interest in seeing them with more staff support, inspectors, engineers, etc.?

MR. ZUCKER: Yes.

ASSEMBLYMAN GEIST: Is that something where the delays impacted your clients?

MR. ZUCKER: The delays have impacted our clients. And it's a combination of a number of factors. It's not just one thing. There was a-- In July 1998, when the Department of Community Affairs took over the ride safety program from the Department of Labor, they took a fresh look at the entire system. And over the next year and a half, we engaged in a really constructive process of revising the regulations. Those regulations went into

effect in March of 2000 and really changed the system to a large degree. They went from low testing, where they used to put a 150-pound bag of sand in the ride and run it through the ride, to a system of nondestructive testing that Mr. Connolly described.

And it's a very complex area, nondestructive testing. There are a lot more requirements for ride inspection, ride maintenance, and ride testing than there were. I believe that the increased responsibilities on the part of the amusement industry, and the DCA, does call for some more engineering talent.

We're very happy with the people that Mr. Connolly has on staff right now. I'm familiar with those individuals. I've met them. I've discussed rides with them. They are very responsive. But we do believe that there was, perhaps, an unusually high number of rides that didn't get inspected, perhaps because of either the complexity of the rules that were being administered or staffing difficulties.

And we also think, and I'm not quite sure-- We haven't discussed this completely yet with the Department of Community Affairs, but we may propose and discuss with them changing the order of inspection. Right now, they wait until the engineering review is complete before inspections are made. Perhaps we can work out a system where we can work out -- we can get the inspection, maybe, before or at the same time the engineering review is going on.

These are technical timing matters that we can discuss and are more than willing to discuss with the DCA.

ASSEMBLYMAN GEIST: Thank you.

MR. ZUCKER: You're welcome.

ASSEMBLYMAN GEIST: Any other questions or comments from the members? (no response)

Thank you very much.

MR. ZUCKER: You're welcome.

ASSEMBLYMAN GEIST: According to OLS, I only have one more witness. If anyone else desires to participate, please let OLS know.

Tom Sheehan.

If you could formally introduce yourself to the Committee as the organization which you're representing.

Good morning.

**THOMAS M. SHEEHAN, ESQ.:** Sure.

I'm Tom Sheehan, and I'm here on behalf of AIMS International, which stands for Amusement Industry Manufacturers and Suppliers. And I look forward to the opportunity to work with the DCA in order to make bill A-2525 something that does improve safety within the State of New Jersey.

ASSEMBLYMAN GEIST: Do you have any particular words of wisdom today?

MR. SHEEHAN: No, sir. That's it.

ASSEMBLYMAN GEIST: You came all the way from Illinois just to say hi?

MR. SHEEHAN: I was in the neighborhood. (laughter)

ASSEMBLYMAN GEIST: Well, as they say, "Y'all come back now."

MR. SHEEHAN: I will. Thank you for--

ASSEMBLYMAN GEIST: You're very welcome to be involved in this process. I appreciate your debut. And your brevity is remarkable, (laughter), particularly considering the duration of your trip.

Thank you very much.

MR. SHEEHAN: You're quite welcome.

ASSEMBLYMAN GEIST: Are there any others desirous to testify today who have not come forth? (affirmative response)

Please fill out a slip so that we can do that right now.

As you're filling it out, you can declare your name. And we can begin.

**R O N A L D C O O K:** My name is Ronald Cook. I'm President of Cook's Amusements, which is a mobile ride operator -- carnivals -- as most of the people here are from parks.

And I'm here to talk mostly about the differences between parks and carnivals and the effectiveness of how we feel about how the program has been going.

ASSEMBLYMAN GEIST: Okay.

Thanks for your attendance.

MR. COOK: Should I talk as I'm going--

ASSEMBLYMAN GEIST: Please proceed.

We will need it for the record. (referring to witness sign-in sheet)

MR. COOK: Okay.

The problem I have-- I can almost argue every point Mr. Connolly has said, as far as how we feel about safety.

Now, I represent a few other people, and we all seem to feel the same way. And I've talked with other owners of carnivals, and they have the same complaints.

We don't necessarily feel that it's been safer than it has been in the past. We've been bombarded with whimsical inspectors that focus more on trivial matters, which stops us from doing our regular maintenance. And when we feel something is safe, like -- rather than greasing a bearing, they may want a number on a car. And they will shut us down immediately. And we've had them say to us, "You don't eat unless this ride is open -- unless this ride is corrected today." And the trivial things--

You look at the tire recalls -- children -- everybody's riding around on these tires, including my daughter. I don't like it, but they gave them time to correct this.

There is the Boeing matter. They gave them, I believe, four or five years to correct the defects in the rudder system on the airplanes.

He had mentioned that-- Mr. Connolly had mentioned that it is an entertainment versus a need for the people, but still, the safety record is so good and complete that is it worth the tax dollars to go nowhere? We haven't seen this program go far, in spite of what everyone has said today. We haven't seen it get much further since 1975 when it started.

We do have-- There's no criteria to check the inspectors to see what their qualifications are. There's no criteria to check their background, because we've found things on some of these people that would scare you.

And it's-- We don't feel it's a very safe system at all. We do feel for the people that were hurt. And if everybody does their job 100 percent, including on this bill, people will still die. It's just a matter of fact.

ASSEMBLYMAN GEIST: First of all, thanks for coming today.

Second of all, you're welcome to stay involved in the process. You're welcome to participate in all of these hearings. You're welcome to write to the Chair and the members of the Committee with ideas. I appreciate your involvement today.

Today is, as you can tell, a beginning step, as we completed the end-of-the-season review. We will be proceeding with consideration on legislation.

MR. COOK: I have a lot more.

ASSEMBLYMAN GEIST: You're welcome to share some other thoughts now, if you'd like, or come back as we proceed in the future.

MR. COOK: Okay.

There was another question. We had met with Mr. Osworth, as to go forth in complaining about some of the problems we've contracted in this year. And we were supposed to get written answers. Some got answers, but some -- what they got were more inspectors visiting them on a daily basis and on a nightly basis.

When the parks all opened in the Memorial weekend, all the inspectors were still by us, day after day, night after night, which means -- who is down by the parks? There were rides that we shut down because they missed things, and they didn't give us an opportunity to fix them. They okayed them. We shut them down. And we shut many more rides down,



which would affect those statistics because we're shutting them down. They don't know this. And they put us in a corner where, sometimes, we have to go at night to repair rides. And we almost feel like criminals -- that we should have to do this.

There are also statistics on automobile accidents that these inspectors are having. I couldn't get hold of any statistics. And these people may be having more accidents driving all over the state than the carnival industry is having. And they're going to be more severe in nature. If that's the case, then what's the sense.

Also, I would like to see a two-tiered-- There should be one for the parks and certain regulations for the mobile carnivals, because they both can't do -- you can't do on a Great Adventure budget what a carnival is making. There's been people that came into the state from out of state to do big events in this year. They were, I don't want to say, waived, but it was pretty close to waived with any regulations. And they stood to make more money in the one location than the average carnival operator will make in a year.

So I feel for you. When you gave your opening speech, I kind of felt bad that you actually believe that this is -- your confidence. The reason why people are saying-- Mr. Connolly had said people are not asking if these rides are safe anymore. It's only because they're not releasing any bad press anymore. When it originally started, all the bad press-- And I didn't realize this. I'm a layman, and I really didn't get involved in any of this, except for the last few years, I guess. And the more involved I get, the more I see that it seems too manipulative for the public. I mean, they don't see reality. They're not being advised of the reality. It seems when you want something to go

through, and you're looking for a safety issue to come about, bad press is released on that industry. And then, all of a sudden, the State's involved somewhere. And it seemed like the ride industry almost turned into a regulate-and-fine program rather than a safety program.

I had mentioned at some of the hearings they had-- I said, "What is the purpose of the fine? If you take a bad operator who has bad rides, even if they're still safe, statistically, if the person can't conform to the compliance regulations, what good would the fine do for this person? At the end of the season, when all the smoke clears, we have X amount of dollars. We still have to eat. We still have to pay the bills. If they fine them, it's only taking less money that would go back into upgrading their equipment." And that seems to be a major problem.

The fines are 100 percent detrimental in this business. And I can't believe anybody is building rides with an uncaring -- if anybody gets hurt on them. I mean, that's hard to believe.

When you told me about Patrick McKeown-- You got to feel bad. How can you not feel for these people?

I had a chill when I read in the paper that the State did an investigation. And the more I looked into it, I realized the State of New Jersey released the article in the paper that-- It was basically a one-sided investigation. There should be an independent investigating group that -- that does this, not the State of New Jersey.

And it was all bad for the operator, and it was all bad for the manufacturer. But it didn't once say that the State didn't do their job -- they didn't inspect that ride often. So where do they get off at fining everybody

and keeping the money? Even the people that got hurt didn't get anything. The State takes the money and keeps it. It's chilling. It's almost like being hit by a car. And then the policeman comes over and empties your pockets.

ASSEMBLYMAN GEIST: As I had asked you to fill out a slip so we would know your name and your address--

MR. COOK: I'm almost afraid now.

But I could go on and on.

ASSEMBLYMAN GEIST: Can you tell us a little more about where you do where you do and why you are--

MR. COOK: We work mostly in North Jersey. The reason I was given why we get inspected more than other people is because we live nearer the inspectors. Well, we've had days where the inspectors will say, "I'll see you tomorrow at 9:00." I can't expect my employees to work from 9:00 to 2:00 in the morning day after day after day. And this is what's happening. And they're abusive. And they-- When you confront them -- "Why is this okay for this operator but not okay for me?" -- they get mad and they'll shut your equipment down. And it's more retaliation rather than a--

ASSEMBLYMAN GEIST: How safe was your season?

MR. COOK: It was safe, but it's not-- I don't feel it should have been safe. It was safer only because of the law of human nature -- it's self-preservation. People want to stay alive. But I had many operators that have been with me for years. When they had to sign a paper saying they were going to be responsible, they said goodbye. Myself and some other operators had to hire temporary -- these people that are temporary help, which is not good. I

didn't feel comfortable with that. We had to give them crash courses. And you have to eat.

ASSEMBLYMAN GEIST: How long have you been doing what you're doing?

MR. COOK: Since 1974.

ASSEMBLYMAN GEIST: So you're interested in staying involved in this process with this Committee?

MR. COOK: Well, some of the other people want me to voice their opinion because they're afraid of retaliation if they're all here.

ASSEMBLYMAN GEIST: Well, first of all, with this Committee, it's an open forum for anybody to participate. And you're very welcome to stay here with us. You can send representatives in the future. You can all take turns if you'd like. But we do welcome your involvement. We appreciate you coming today.

MR. COOK: Okay. I have a lot more, but I will fill this out.  
Thank you again.

ASSEMBLYMAN GEIST: Thank you.

As you can see, it is rather open.

Are there any others who desire to participate? (affirmative response)

Assemblyman Asselta.

**ASSEMBLYMAN NICHOLAS ASSELTA:** Mr. Chairman, thank you.

Briefly, for the record, Assemblyman Nicholas Asselta, 1st Legislative District, representing Cape May, Cumberland, and Atlantic counties.

Thank you for, in the spirit of cooperation, your Committee as Chairman and your Committee members, Department of Community Affairs, and the industry here today have spoken. And I think through this educational process, we'll begin to get to a final version of some type of meaningful legislation that will help improve safety for everyone that accesses amusement parks.

I think I just want to make quick issue with Committee members here. And just as if legislation that was proposed that would affect, say, the pharmaceutical industry that affects a Middlesex County, a Mercer County, a Bergen County, this particular legislation has an effect, and will have an effect, on counties in which I represent. And I will take a page out of a newspaper that is published in my area that simply puts a headline in front of an opinion and says, "Go slowly." And I think that's what, today, you have exhibited here. We're moving in a little slower mode to make sure that whatever legislation does pass is not intrusive to a market and an industry that is very good in our area of the state, that helps fuel the No. 2 industry in this State of New Jersey, the industry of tourism.

So, in the spirit of cooperation and the spirit of trying to get to the end result of better safety and ride safety for every constituent that we represent, once again, thank you, Mr. Chairman, for allowing this forum to happen.

ASSEMBLYMAN GEIST: Well, let me emphasize, first of all, evidenced by your attendance here today, you are a very strong advocate for your constituents and your district. And that is certainly respectable. And we welcome your involvement throughout the proceedings. You can be like a season ticket holder at all of our Committee hearings. You can be, as you are, a very strong voice.

But we share, in common, amusement ride safety. And I think, as we did together, working with your Senator, Senator Cafiero, on what is now Chapter 10, 1998 laws, we worked together to accomplish that. And we want to, obviously, make the best laws even better. And we can do that. And for your involvement and for your encouragement to this Chair to, in a sense, keep an open mind -- and let's work together and let's do it carefully and proceed-- We do enjoy the luxury of time. We can get ready for next year's season by working -- carefully crafting this legislation.

At the outset, I said tomorrow. I do have an interest in seeing this legislation move through our House so that we can have this legislation prepared for Senate consideration early next year so that we can have it on the Governor's desk so she can have a signing ceremony in a timely way. The 1998 Chapter 10 was signed in early April as the Governor celebrated another season.

I think that we, as legislators, have a responsibility to prepare this legislation in an expeditious and prudent way. And we look forward to your involvement every step of the way.

And thanks for staying for the full proceeding.

ASSEMBLYMAN ASSELTA: My pleasure.

ASSEMBLYMAN GEIST: Any others desirous of participating?

(no response)

Motion to adjourn will be entertained.

ASSEMBLYMAN FELICE: So moved.

ASSEMBLYMAN GEIST: And second?

ASSEMBLYWOMAN FRISCIA: Second.

ASSEMBLYMAN GEIST: All in favor? (affirmative responses)

Committee adjourned.

Thank you.

Thank you, everyone.

**(HEARING CONCLUDED)**