

5:3-31 et. seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:3-31 to 5:3-54 (Carnival Amusement Rides Safety Act)

Laws of 1975 Chapter 105

Bill No. S 1135

Sponsor(s) Merlino

Date Introduced April 25, 1974

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 1, 1975

Senate Jan. 27, 1975

Date of approval May 29, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings No

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SENATE, No. 1135

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1974

By Senator MERLINO

Referred to Committee on Labor, Industry and Professions

AN ACT to provide for the safety inspection, licensing and regulation of carnival and amusement rides, and supplementing Title 5 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Carnival-
2 Amusement Rides Safety Act."

1 2. As used in this act, except where a different meaning is clearly
2 implied by the context:

3 a. "Carnival" or "amusement ride" means any mechanical
4 device or devices which carry or convey passengers along, around,
5 or over a fixed or restricted route or course for the purpose of
6 giving its passengers amusement, pleasure, thrills or excitement;

7 b. "Owner" means a person who owns, leases, controls, or
8 manages the operations of a carnival or amusement ride, including
9 the State or any of its subdivisions;

10 c. "Ride operator" means any person or persons actually en-
11 gaged in or directly controlling the operations of a carnival or
12 amusement ride;

13 d. "Commissioner" means the Commissioner of Labor and
14 Industry;

15 e. "Department" means the State Department of Labor and
16 Industry; and

17 f. "Advisory board" means the Advisory Board on Carnival-
18 Amusement Ride Safety.

1 3. a. There is hereby established within the Department of Labor
2 and Industry an Advisory Board on Carnival-Amusement Ride

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

3 Safety to consist of ~~*[nine]*~~ **10** members, of whom one shall be a
 4 representative of the carnival-amusement ride manufacturers, one
 5 shall be a representative of the carnival-amusement owners, one
 6 shall be an owner or operator of a registered fair ~~*[or]*~~ **one shall*
 7 *be an owner or operator of an** amusement park **or enterprise**,
 8 one shall be a representative of the insurance underwriters, one
 9 shall be a licensed professional engineer, three shall be public mem-
 10 bers, and one shall be a representative of the Department of Labor
 11 and Industry who shall be appointed by the commissioner. The
 12 ~~*[eight]*~~ **nine** citizen members shall be appointed by the Gov-
 13 ernor, with the advice and consent of the Senate. The Governor
 13A shall designate the chairman and vice-chairman of the advisory
 13B board.

14 b. Of the eight members first to be appointed by the Governor,
 15 ~~*[two]*~~ **three** shall be appointed for terms of 2 years, three for
 16 terms of 3 years, and three for terms of 4 years. All appointments
 17 thereafter shall be made for terms of 4 years. All members so ap-
 18 pointed shall serve until their respective successors are appointed
 19 and shall qualify, and any vacancy occurring in the appointed mem-
 20 bers of the board, by expiration of term or otherwise, shall be filled
 21 in the same manner as the original appointment for the unexpired
 22 term and the appointee shall serve until a successor is appointed
 23 and shall qualify.

1 4. The members of the board shall serve without compensation
 2 but shall be reimbursed for any expenses incurred in attending
 3 meetings of the board and in performance of their duties as
 4 members thereof.

1 5. The advisory board is empowered to:

2 a. Study and request information from the commissioner on any
 3 aspect of the carnival-amusement ride safety program, or on any
 4 matter relating to the proper conduct and improvement of said
 5 program, including its administrative, engineering and technical
 6 aspects, and to make its findings and recommendations on the afore-
 7 said and other related matters to the commissioner;

8 b. Study the rules and regulations promulgated by the depart-
 9 ment in regard to carnival-amusement ride safety and report its
 10 findings or recommendations thereon to the commissioner;

11 c. Hold public hearings prior to the promulgation of any rules
 12 and regulations, as well as on any of its other responsibilities, as
 13 defined in this section, and to report its findings and recommenda-
 14 tions thereon to the commissioner.

1 6. The Department of Labor and Industry, pursuant to the pro-
 2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410

3 (C. 52:14B-1 et seq.), shall adopt and promulgate rules and regu-
4 lations for the safe installation, repair, maintenance, use, operation
5 and inspection of all carnival-amusement rides as the department
6 may find necessary for the protection of the general public.

1 7. Any rules and regulations adopted and promulgated by the
2 department shall be of a reasonable nature, and based upon
3 generally accepted engineering standards, formulas and practices,
4 and, insofar as is practicable and consistent with the provisions of
5 this act, shall be uniform with the rules and regulations of other
6 states.

1 8. The department shall administer and enforce all provisions of
2 this act and all rules and regulations adopted and promulgated in
3 accordance with section 6 of this act, and shall cause the text of such
4 rules and regulations, and any changes therein, to be published in
5 pamphlet form and a copy thereof to be furnished without charge
6 to each registered owner.

1 9. The department shall determine a schedule of inspection and
2 permit fees***[**, which fees shall not exceed \$25.00 per hour of actual
3 inspection time**]***. The department shall, from time to time, make
4 such further recommendations to the Legislature as would allow
5 fee requirements to be, as nearly as practicable and within the
6 limits of reasonableness, brought into line with the costs of imple-
7 menting the provisions of this act.

1 10. The department, in accordance with the provisions of Title
2 11 of the Revised Statutes of New Jersey, shall employ a chief in-
3 spector and such additional inspectors and other employees as may
4 be necessary to administer and enforce this act.

1 11. No carnival-amusement ride may be operated without a
2 permit issued by the department. Before commencing operations
3 **and in** each **[calendar]** **year thereafter**, an owner shall apply
4 for a permit to the department on a form furnished by the depart-
5 ment and containing such information as the department may
6 require. All carnival-amusement rides shall be inspected before
7 they are originally put into operation for the public's use and
8 thereafter at least once every year, unless authorized to operate
9 on a temporary permit. **Annual permits shall be issued for a*
10 *period commencing July 1 and expiring the following June 30.**
11 Carnival-amusement rides may also be required to be inspected
12 by the owner, in accordance with standards promulgated by the
13 department, each time they are disassembled and reassembled.

1 12. If, after inspection, a carnival-amusement ride is found to
2 comply with the rules and regulations of the department, the
3 department shall authorize the ride for use by the public.

1 13. Before a new carnival-amusement ride is erected, or when-
2 ever any additions or alterations are made which change the struc-
3 ture, mechanism, classification or capacity of any carnival-amuse-
4 ment ride or the physical spacing between rides, the owner shall
5 file with the department a notice of his intentions and any plans or
6 diagrams requested by the department. Such plans and specifica-
7 tions for new carnival-amusement rides, or for additions or altera-
8 tions thereon, shall be reviewed and approved by an engineer
9 retained or employed by the department and licensed in this State
10 as a professional engineer. Upon approval of the plans and
11 specifications the department shall authorize the ride or device for
12 use by the public.

1 14. The department may order, in writing, a temporary cessa-
2 tion of operation of a carnival-amusement ride if it has been
3 determined after inspection, in accordance with standards promul-
4 gated by the department, to be hazardous or unsafe. Operation
5 shall not resume until such conditions are corrected to the satis-
6 faction of the department.

1 15. This act shall not be construed as to prevent the use of any
2 existing carnival-amusement ride found to be in a safe condition
3 and in conformance with the rules and regulations of the
4 department.

1 16. The owner shall retain at all times up-to-date maintenance
2 and inspection records for each carnival-amusement ride in
3 accordance with such rules and regulations as the department may
4 prescribe. Among other things, such records shall contain in-
5 formation of the date and nature of all inspections, whether by a
6 departmental inspector or a person in the employment of the owner,
7 as well as of any violations and the types of actions taken to rectify
8 the violations. All breakdowns or repairs of any major mechanical
9 part shall be duly noted. ****[No ride which has had a breakdown or**
10 **malfunction of a mechanical part that directly or indirectly has**
11 **resulted in an injury to or death of any person, shall be permitted**
12 **to resume operation until said ride has passed a full mechanical and**
13 **safety inspection by a departmental inspector.]** The department**
14 **may also require, by rules and regulations, a full safety inspection**
15 **of any ride whose operation results in any injury or death before**
16 **operation of said ride can be resumed.**

1 17. The department shall require the immediate reporting, on a
2 form to be provided by the department, of any accidents and result-
3 ing injuries or fatalities incurred during the operation of any
4 carnival-amusement ride* ***and may provide for the cessation of*
5 *operation of any ride whose breakdown or malfunction directly*

6 *causes serious injury to a rider***, subject to rules and regulations
7 *promulgated by the department**.

1 18. If there are practical difficulties or unnecessary hardships for
2 an owner to comply with any rules and regulations adopted pur-
3 suant to this act, or if an owner is aggrieved by any order issued
4 thereto, the department may modify the application of such rules,
5 regulations or order in the spirit of the provisions of this act with
6 regard to public safety. Any owner may, within 10 days after the
7 promulgation of such rules or regulations or the service of such
8 order, apply to the department for a modification of said rules,
9 regulations or order. The request shall be in writing and shall
10 state the grounds for applying for such modification. It shall be
11 the duty of the department to provide such hearing at the earliest
12 convenient opportunity, at which time the owner shall have the
13 right to be heard personally or by counsel, to cross-examine witnes-
14 ses appearing against him and to produce evidence in his own behalf.
15 After such hearing the department shall report in writing its
16 findings and recommendations, which shall include a description of
17 the conditions under which the modifications, if any, are permitted.
18 Such hearing and decision shall conform to the applicable pro-
19 visions of the "Administrative Procedure Act," and a record of
20 all authorized modifications shall be kept by the department and
21 open to the public.

1 19. The department shall adopt and promulgate rules and regula-
2 tions on safe operating procedures which, inter alia, shall include
3 the requirement that a ride operator be at least ***[18]* **[*17]*****
4 ****16**** years of age, that he operate no more than one ride at any
5 given time, and that he be in attendance at all times that said ride
6 is in operation.

1 20. No persons shall operate a carnival-amusement ride unless
2 at the time there is in existence (a) a policy of insurance in an
3 amount of not less than \$100,000.00 insuring the owner or operator
4 against liability for injury suffered by persons riding the carnival-
5 amusement ride, or (b) a bond in a like amount; provided, however,
6 that the aggregate liability of the surety under such bond shall not
7 exceed the face amount thereof, or (c) cash or other security
8 acceptable to the board. The policy shall be procured from one or
9 more insurers acceptable to the State Commissioner of Insurance
10 and either (a) licensed to transact insurance in the State of New
11 Jersey, or (b) approved as surplus line insurers pursuant to section
12 11 of P. L. 1960, c. 32 (C. 17:22-6.45).

1 21. This act shall not apply to any single-passenger coin-
2 operated ride, manually, mechanically or electrically operated,
3 which customarily is placed, singly or in groups, in a public loca-
4 tion and which does not normally require the supervision or services
5 of an operator.

1 22. Nothing contained in this act shall prevent municipalities
2 from enacting requirements more restrictive than those provided
3 for by, or adopted pursuant to the provisions of this act. Any
4 municipality desiring to impose more restrictive requirements shall
5 make a written application for exemption from any State standards
6 adopted hereunder to the department which shall act upon said
7 application in accordance with the procedures set forth in section
8 18 of this act.

1 23. The department shall have the power to bring injunctive
2 proceedings in any court of competent jurisdiction to compel com-
3 pliance with any lawful order made by the department pursuant to
4 the provisions of this act.

1 24. Any person who interferes in any manner with the imple-
2 mentation of or otherwise fails to comply with the provisions of
3 this act, shall be liable to a fine of not more than \$500.00 to be
4 adjudged, collected and enforced, in suit filed by the department,
5 pursuant to the provisions of "the penalty enforcement law",
6 (N. J. S. 2A:58-1 et seq.).

1 25. This act shall take effect immediately and shall apply to the
2 operations of all carnival-amusement rides in this State *~~after~~
3 January 1, 1975]*; except that it shall apply to those rides *~~before~~
4 January 1, 1975]* **in place and in operation as of the date of*
4A *enactment** at the time they shall have been first inspected in
5 accordance with the terms of this act. Any carnival-amusement
6 rides actually operated prior to the aforesaid date may continue in
7 operation without a departmental permit until final action is taken
8 by the department upon application for such permit filed pursuant
9 to section 11 (C.) of this act.

SENATE, No. 1135

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1974

By Senator MERLINO

Referred to Committee on Labor, Industry and Professions

AN ACT to provide for the safety inspection, licensing and regulation of carnival and amusement rides, and supplementing Title 5 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Carnival-
2 Amusement Rides Safety Act."

1 2. As used in this act, except where a different meaning is clearly
2 implied by the context:

3 a. "Carnival" or "amusement ride" means any mechanical
4 device or devices which carry or convey passengers along, around,
5 or over a fixed or restricted route or course for the purpose of
6 giving its passengers amusement, pleasure, thrills or excitement;

7 b. "Owner" means a person who owns, leases, controls, or
8 manages the operations of a carnival or amusement ride, including
9 the State or any of its subdivisions;

10 c. "Ride operator" means any person or persons actually en-
11 gaged in or directly controlling the operations of a carnival or
12 amusement ride;

13 d. "Commissioner" means the Commissioner of Labor and
14 Industry;

15 e. "Department" means the State Department of Labor and
16 Industry; and

17 f. "Advisory board" means the Advisory Board on Carnival-
18 Amusement Ride Safety.

1 3. a. There is hereby established within the Department of Labor
2 and Industry an Advisory Board on Carnival-Amusement Ride
3 Safety to consist of nine members, of whom one shall be a repre-
4 sentative of the carnival-amusement ride manufacturers, one shall
5 be a representative of the carnival-amusement owners, one shall be

6 an owner or operator of a registered fair or amusement park, one
7 shall be a representative of the insurance underwriters, one shall be
8 a licensed professional engineer, three shall be public members, and
9 one shall be a representative of the Department of Labor and In-
10 dustry who shall be appointed by the commissioner. The eight
11 citizen members shall be appointed by the Governor, with the
12 advice and consent of the Senate. The Governor shall designate
13 the chairman and vice-chairman of the advisory board.

14 b. Of the eight members first to be appointed by the Governor,
15 two shall be appointed for terms of 2 years, three for terms of 3
16 years, and three for terms of 4 years. All appointments thereafter
17 shall be made for terms of 4 years. All members so appointed shall
18 serve until their respective successors are appointed and shall
19 qualify, and any vacancy occurring in the appointed members of
20 the board, by expiration of term or otherwise, shall be filled in the
21 same manner as the original appointment for the unexpired term
22 and the appointee shall serve until a successor is appointed and
23 shall qualify.

1 4. The members of the board shall serve without compensation
2 but shall be reimbursed for any expenses incurred in attending
3 meetings of the board and in performance of their duties as
4 members thereof.

1 5. The advisory board is empowered to:

2 a. Study and request information from the commissioner on any
3 aspect of the carnival-amusement ride safety program, or on any
4 matter relating to the proper conduct and improvement of said
5 program, including its administrative, engineering and technical
6 aspects, and to make its findings and recommendations on the afore-
7 said and other related matters to the commissioner;

8 b. Study the rules and regulations promulgated by the depart-
9 ment in regard to carnival-amusement ride safety and report its
10 findings or recommendations thereon to the commissioner;

11 c. Hold public hearings prior to the promulgation of any rules
12 and regulations, as well as on any of its other responsibilities, as
13 defined in this section, and to report its findings and recommenda-
14 tions thereon to the commissioner.

1 6. The Department of Labor and Industry, pursuant to the pro-
2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410
3 (C. 52:14B-1 et seq.), shall adopt and promulgate rules and regu-
4 lations for the safe installation, repair, maintenance, use, operation
5 and inspection of all carnival-amusement rides as the department
6 may find necessary for the protection of the general public.

1 7. Any rules and regulations adopted and promulgated by the
2 department shall be of a reasonable nature, and based upon
3 generally accepted engineering standards, formulas and practices,
4 and, insofar as is practicable and consistent with the provisions of
5 this act, shall be uniform with the rules and regulations of other
6 states.

1 8. The department shall administer and enforce all provisions of
2 this act and all rules and regulations adopted and promulgated in
3 accordance with section 6 of this act, and shall cause the text of such
4 rules and regulations, and any changes therein, to be published in
5 pamphlet form and a copy thereof to be furnished without charge
6 to each registered owner.

1 9. The department shall determine a schedule of inspection and
2 permit fees, which fees shall not exceed \$25.00 per hour of actual
3 inspection time. The department shall, from time to time, make
4 such further recommendations to the Legislature as would allow
5 fee requirements to be, as nearly as practicable and within the
6 limits of reasonableness, brought into line with the costs of imple-
7 menting the provisions of this act.

1 10. The department, in accordance with the provisions of Title
2 11 of the Revised Statutes of New Jersey, shall employ a chief in-
3 spector and such additional inspectors and other employees as may
4 be necessary to administer and enforce this act.

1 11. No carnival-amusement ride may be operated without a
2 permit issued by the department. Before commencing operations
3 each calendar year, an owner shall apply for a permit to the de-
4 partment on a form furnished by the department and containing
5 such information as the department may require. All carnival-
6 amusement rides shall be inspected before they are originally put
7 into operation for the public's use and thereafter at least once
8 every year, unless authorized to operate on a temporary permit.
9 Carnival-amusement rides may also be required to be inspected
10 by the owner, in accordance with standards promulgated by the
11 department, each time they are disassembled and reassembled.

1 12. If, after inspection, a carnival-amusement ride is found to
2 comply with the rules and regulations of the department, the
3 department shall authorize the ride for use by the public.

1 13. Before a new carnival-amusement ride is erected, or when-
2 ever any additions or alterations are made which change the struc-
3 ture, mechanism, classification or capacity of any carnival-amuse-
4 ment ride or the physical spacing between rides, the owner shall
5 file with the department a notice of his intentions and any plans or
6 diagrams requested by the department. Such plans and specifica-

7 tions for new carnival-amusement rides, or for additions or altera-
8 tions thereon, shall be reviewed and approved by an engineer
9 retained or employed by the department and licensed in this State
10 as a professional engineer. Upon approval of the plans and
11 specifications the department shall authorize the ride or device for
12 use by the public.

1 14. The department may order, in writing, a temporary cessa-
2 tion of operation of a carnival-amusement ride if it has been
3 determined after inspection, in accordance with standards promul-
4 gated by the department, to be hazardous or unsafe. Operation
5 shall not resume until such conditions are corrected to the satis-
6 faction of the department.

1 15. This act shall not be construed as to prevent the use of any
2 existing carnival-amusement ride found to be in a safe condition
3 and in conformance with the rules and regulations of the
4 department.

1 16. The owner shall retain at all times up-to-date maintenance
2 and inspection records for each carnival-amusement ride in
3 accordance with such rules and regulations as the department may
4 prescribe. Among other things, such records shall contain in-
5 formation of the date and nature of all inspections, whether by a
6 departmental inspector or a person in the employment of the owner,
7 as well as of any violations and the types of actions taken to rectify
8 the violations. All breakdowns or repairs of any major mechanical
9 part shall be duly noted. No ride which has had a breakdown or
10 malfunction of a mechanical part that directly or indirectly has
11 resulted in an injury to or death of any person, shall be permitted
12 to resume operation until said ride has passed a full mechanical and
13 safety inspection by a departmental inspector. The department
14 may also require, by rules and regulations, a full safety inspection
15 of any ride whose operation results in any injury or death before
16 operation of said ride can be resumed.

1 17. The department shall require the immediate reporting, on a
2 form to be provided by the department, of any accidents and result-
3 ing injuries or fatalities incurred during the operation of any
4 carnival-amusement ride.

1 18. If there are practical difficulties or unnecessary hardships for
2 an owner to comply with any rules and regulations adopted pur-
3 suant to this act, or if an owner is aggrieved by any order issued
4 thereto, the department may modify the application of such rules,
5 regulations or order in the spirit of the provisions of this act with
6 regard to public safety. Any owner may, within 10 days after the

7 promulgation of such rules or regulations or the service of such
8 order, apply to the department for a modification of said rules,
9 regulations or order. The request shall be in writing and shall
10 state the grounds for applying for such modification. It shall be
11 the duty of the department to provide such hearing at the earliest
12 convenient opportunity, at which time the owner shall have the
13 right to be heard personally or by counsel, to cross-examine witnes-
14 ses appearing against him and to produce evidence in his own behalf.
15 After such hearing the department shall report in writing its
16 findings and recommendations, which shall include a description of
17 the conditions under which the modifications, if any, are permitted.
18 Such hearing and decision shall conform to the applicable pro-
19 visions of the "Administrative Procedure Act," and a record of
20 all authorized modifications shall be kept by the department and
21 open to the public.

1 19. The department shall adopt and promulgate rules and regula-
2 tions on safe operating procedures which, inter alia, shall include
3 the requirement that a ride operator be at least 18 years of age,
4 that he operate no more than one ride at any given time, and that
5 he be in attendance at all times that said ride is in operation.

1 20. No persons shall operate a carnival-amusement ride unless
2 at the time there is in existence (a) a policy of insurance in an
3 amount of not less than \$100,000.00 insuring the owner or operator
4 against liability for injury suffered by persons riding the carnival-
5 amusement ride, or (b) a bond in a like amount; provided, however,
6 that the aggregate liability of the surety under such bond shall not
7 exceed the face amount thereof, or (c) cash or other security
8 acceptable to the board. The policy shall be procured from one or
9 more insurers acceptable to the State Commissioner of Insurance
10 and either (a) licensed to transact insurance in the State of New
11 Jersey, or (b) approved as surplus line insurers pursuant to section
12 11 of P. L. 1960, c. 32 (C. 17:22-6.45).

1 21. This act shall not apply to any single-passenger coin-
2 operated ride, manually, mechanically or electrically operated,
3 which customarily is placed, singly or in groups, in a public loca-
4 tion and which does not normally require the supervision or services
5 of an operator.

1 22. Nothing contained in this act shall prevent municipalities
2 from enacting requirements more restrictive than those provided
3 for by, or adopted pursuant to the provisions of this act. Any
4 municipality desiring to impose more restrictive requirements shall
5 make a written application for exemption from any State standards

6 adopted hereunder to the department which shall act upon said
7 application in accordance with the procedures set forth in section
8 18 of this act.

1 23. The department shall have the power to bring injunctive
2 proceedings in any court of competent jurisdiction to compel com-
3 pliance with any lawful order made by the department pursuant to
4 the provisions of this act.

1 24. Any person who interferes in any manner with the imple-
2 mentation of or otherwise fails to comply with the provisions of
3 this act, shall be liable to a fine of not more than \$500.00 to be
4 adjudged, collected and enforced, in suit filed by the department,
5 pursuant to the provisions of "the penalty enforcement law",
6 (N. J. S. 2A :58-1 et seq.).

1 25. This act shall take effect immediately and shall apply to the
2 operations of all carnival- amusement rides in this State after Janu-
3 ary 1, 1975; except that it shall apply to those rides before Janu-
4 ary 1, 1975 at the time they shall have been first inspected in
5 accordance with the terms of this act. Any carnival-amusement
6 rides actually operated prior to the aforesaid date may continue in
7 operation without a departmental permit until final action is taken
8 by the department upon application for such permit filed pursuant
9 to section 11 (C.) of this act.

STATEMENT

In the summer of 1972 one child was killed and another seriously injured when they fell from a ferris wheel seat at a parish carnival in Trenton. A subsequent inquiry discovered that there is no State regulation or oversight of amusement rides to insure their safety.

This bill would establish an unpaid advisory board in the Department of Labor and Industry to recommend safety regulations to the commissioner, who shall promulgate the rules.

Inspections in administration and enforcement of this legislation will be financed by fees charged to the inspected ride's owner. No ride could be operated without a permit, issued by the department if it conformed to the safety regulations. Ride owners would have to keep maintenance and inspection records and would be prohibited from allowing rides to be operated by minors or by someone operating simultaneously another ride.

ASSEMBLY COMMITTEE AMENDMENTS TO
SENATE, No. 1135

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1975

Amend page 1, section 3, line 3, omit "nine", insert "10".

Amend page 2, section 3, line 6, after "fair", omit "or", insert " , one shall be an owner or operator of an"; after "park", insert "or enterprise".

Amend page 2, section 3, line 10, omit "eight", insert "nine".

Amend page 2, section 3, line 15, omit "two", insert "three".

Amend page 3, section 9, line 2, after "permit fees", omit " , which fees shall not exceed \$25.00 per hour of actual".

Amend page 3, section 9, line 3, omit "inspection time".

Amend page 3, section 11, line 2, after "operations", insert "and in".

Amend page 3, section 11, line 3, after "each", omit "calendar"; after "year", insert "thereafter".

Amend page 3, section 11, line 8, after "permit.", insert "Annual permits shall be issued for a period commencing July 1 and expiring the following June 30.".

Amend page 4, section 17, line 4, after "ride", insert " , subject to rules and regulations promulgated by the department".

Amend page 5, section 19, line 3, omit "18", insert "17".

Amend page 6, section 25, line 2, after "in", omit "after Janu-".

Amend page 6, section 25 , line 3, omit "ary 1, 1975", after "rides", omit "before Janu-".

Amend page 6, section 25, line 4, omit "ary 1, 1975", insert "in place and in operation as of the date of enactment".

[ASSEMBLY REPRINT]

SENATE, No. 1135

with Assembly committee amendments adopted April 10, 1975

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1974

By Senator MERLINO

Referred to Committee on Labor, Industry and Professions

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2 Amusement Rides Safety Act."

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5 or over a fixed or restricted route or course for the purpose of
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8 manages the operations of a carnival or amusement ride, including
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10 c. "Ride operator" means any person or persons actually en-
11 gaged in or directly controlling the operations of a carnival or
12 amusement ride;

13 d. "Commissioner" means the Commissioner of Labor and
14 Industry;

15 e. "Department" means the State Department of Labor and
16 Industry; and

17 f. "Advisory board" means the Advisory Board on Carnival-
18 Amusement Ride Safety.

1 3. a. There is hereby established within the Department of Labor
2 and Industry an Advisory Board on Carnival-Amusement Ride
3 Safety to consist of ***[nine]*** **10** members, of whom one shall be a
4 representative of the carnival-amusement ride manufacturers, one
5 shall be a representative of the carnival-amusement owners, one

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

6 shall be an owner or operator of a registered fair ~~*[or]*~~ **one shall*
7 *be an owner or operator of an* amusement park **or enterprise**,
8 one shall be a representative of the insurance underwriters, one
9 shall be a licensed professional engineer, three shall be public mem-
10 bers, and one shall be a representative of the Department of Labor
11 and Industry who shall be appointed by the commissioner. The
12 ~~*[eight]*~~ **nine** citizen members shall be appointed by the Gov-
13 ernor, with the advice and consent of the Senate. The Governor
13a shall designate the chairman and vice-chairman of the advisory
13b board.

14 b. Of the eight members first to be appointed by the Governor,
15 ~~*[two]*~~ **three** shall be appointed for terms of 2 years, three for
16 terms of 3 years, and three for terms of 4 years. All appointments
17 thereafter shall be made for terms of 4 years. All members so ap-
18 pointed shall serve until their respective successors are appointed
19 and shall qualify, and any vacancy occurring in the appointed mem-
20 bers of the board, by expiration of term or otherwise, shall be filled
21 in the same manner as the original appointment for the unexpired
22 term and the appointee shall serve until a successor is appointed
23 and shall qualify.

1 4. The members of the board shall serve without compensation
2 but shall be reimbursed for any expenses incurred in attending
3 meetings of the board and in performance of their duties as
4 members thereof.

1 5. The advisory board is empowered to:

2 a. Study and request information from the commissioner on any
3 aspect of the carnival-amusement ride safety program, or on any
4 matter relating to the proper conduct and improvement of said
5 program, including its administrative, engineering and technical
6 aspects, and to make its findings and recommendations on the afore-
7 said and other related matters to the commissioner;

8 b. Study the rules and regulations promulgated by the depart-
9 ment in regard to carnival-amusement ride safety and report its
10 findings or recommendations thereon to the commissioner;

11 c. Hold public hearings prior to the promulgation of any rules
12 and regulations, as well as on any of its other responsibilities, as
13 defined in this section, and to report its findings and recommenda-
14 tions thereon to the commissioner.

1 6. The Department of Labor and Industry, pursuant to the pro-
2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410
3 (C. 52:14B-1 et seq.), shall adopt and promulgate rules and regu-
4 lations for the safe installation, repair, maintenance, use, operation

5 and inspection of all carnival-amusement rides as the department
6 may find necessary for the protection of the general public.

1 7. Any rules and regulations adopted and promulgated by the
2 department shall be of a reasonable nature, and based upon
3 generally accepted engineering standards, formulas and practices,
4 and, insofar as is practicable and consistent with the provisions of
5 this act, shall be uniform with the rules and regulations of other
6 states.

1 8. The department shall administer and enforce all provisions of
2 this act and all rules and regulations adopted and promulgated in
3 accordance with section 6 of this act, and shall cause the text of such
4 rules and regulations, and any changes therein, to be published in
5 pamphlet form and a copy thereof to be furnished without charge
6 to each registered owner.

1 9. The department shall determine a schedule of inspection and
2 permit fees***]**, which fees shall not exceed \$25.00 per hour of actual
3 inspection time**]***. The department shall, from time to time, make
4 such further recommendations to the Legislature as would allow
5 fee requirements to be, as nearly as practicable and within the
6 limits of reasonableness, brought into line with the costs of imple-
7 menting the provisions of this act.

1 10. The department, in accordance with the provisions of Title
2 11 of the Revised Statutes of New Jersey, shall employ a chief in-
3 spector and such additional inspectors and other employees as may
4 be necessary to administer and enforce this act.

1 11. No carnival-amusement ride may be operated without a
2 permit issued by the department. Before commencing operations
3 **and in** each **]****calendar]* **year thereafter**, an owner shall apply
4 for a permit to the department on a form furnished by the depart-
5 ment and containing such information as the department may
6 require. All carnival-amusement rides shall be inspected before
7 they are originally put into operation for the public's use and
8 thereafter at least once every year, unless authorized to operate
9 on a temporary permit. **Annual permits shall be issued for a*
10 *period commencing July 1 and expiring the following June 30.**
11 Carnival-amusement rides may also be required to be inspected
12 by the owner, in accordance with standards promulgated by the
13 department, each time they are disassembled and reassembled.

1 12. If, after inspection, a carnival-amusement ride is found to
2 comply with the rules and regulations of the department, the
3 department shall authorize the ride for use by the public.

1 13. Before a new carnival-amusement ride is erected, or when-
2 ever any additions or alterations are made which change the struc-
3 ture, mechanism, classification or capacity of any carnival-amuse-
4 ment ride or the physical spacing between rides, the owner shall
5 file with the department a notice of his intentions and any plans or
6 diagrams requested by the department. Such plans and specifica-
7 tions for new carnival-amusement rides, or for additions or altera-
8 tions thereon, shall be reviewed and approved by an engineer
9 retained or employed by the department and licensed in this State
10 as a professional engineer. Upon approval of the plans and
11 specifications the department shall authorize the ride or device for
12 use by the public.

1 14. The department may order, in writing, a temporary cessa-
2 tion of operation of a carnival-amusement ride if it has been
3 determined after inspection, in accordance with standards promul-
4 gated by the department, to be hazardous or unsafe. Operation
5 shall not resume until such conditions are corrected to the satis-
6 faction of the department.

1 15. This act shall not be construed as to prevent the use of any
2 existing carnival-amusement ride found to be in a safe condition
3 and in conformance with the rules and regulations of the
4 department.

1 16. The owner shall retain at all times up-to-date maintenance
2 and inspection records for each carnival-amusement ride in
3 accordance with such rules and regulations as the department may
4 prescribe. Among other things, such records shall contain in-
5 formation of the date and nature of all inspections, whether by a
6 departmental inspector or a person in the employment of the owner,
7 as well as of any violations and the types of actions taken to rectify
8 the violations. All breakdowns or repairs of any major mechanical
9 part shall be duly noted. No ride which has had a breakdown or
10 malfunction of a mechanical part that directly or indirectly has
11 resulted in an injury to or death of any person, shall be permitted
12 to resume operation until said ride has passed a full mechanical and
13 safety inspection by a departmental inspector. The department
14 may also require, by rules and regulations, a full safety inspection
15 of any ride whose operation results in any injury or death before
16 operation of said ride can be resumed.

1 17. The department shall require the immediate reporting, on a
2 form to be provided by the department, of any accidents and result-
3 ing injuries or fatalities incurred during the operation of any
4 carnival-amusement ride*, *subject to rules and regulations promul-*
5 *gated by the department*.*

1 18. If there are practical difficulties or unnecessary hardships for
2 an owner to comply with any rules and regulations adopted pur-
3 suant to this act, or if an owner is aggrieved by any order issued
4 thereto, the department may modify the application of such rules,
5 regulations or order in the spirit of the provisions of this act with
6 regard to public safety. Any owner may, within 10 days after the
7 promulgation of such rules or regulations or the service of such
8 order, apply to the department for a modification of said rules,
9 regulations or order. The request shall be in writing and shall
10 state the grounds for applying for such modification. It shall be
11 the duty of the department to provide such hearing at the earliest
12 convenient opportunity, at which time the owner shall have the
13 right to be heard personally or by counsel, to cross-examine witnes-
14 ses appearing against him and to produce evidence in his own behalf.
15 After such hearing the department shall report in writing its
16 findings and recommendations, which shall include a description of
17 the conditions under which the modifications, if any, are permitted.
18 Such hearing and decision shall conform to the applicable pro-
19 visions of the "Administrative Procedure Act," and a record of
20 all authorized modifications shall be kept by the department and
21 open to the public.

1 19. The department shall adopt and promulgate rules and regula-
2 tions on safe operating procedures which, inter alia, shall include
3 the requirement that a ride operator be at least ***[18]*** *17* years
4 of age, that he operate no more than one ride at any given time,
5 and that he be in attendance at all times that said ride is in
6 operation.

1 20. No persons shall operate a carnival-amusement ride unless
2 at the time there is in existence (a) a policy of insurance in an
3 amount of not less than \$100,000.00 insuring the owner or operator
4 against liability for injury suffered by persons riding the carnival-
5 amusement ride, or (b) a bond in a like amount; provided, however,
6 that the aggregate liability of the surety under such bond shall not
7 exceed the face amount thereof, or (c) cash or other security
8 acceptable to the board. The policy shall be procured from one or
9 more insurers acceptable to the State Commissioner of Insurance
10 and either (a) licensed to transact insurance in the State of New
11 Jersey, or (b) approved as surplus line insurers pursuant to section
12 11 of P. L. 1960, c. 32 (C. 17:22-6.45).

1 21. This act shall not apply to any single-passenger coin-
2 operated ride, manually, mechanically or electrically operated,
3 which customarily is placed, singly or in groups, in a public loca-
4 tion and which does not normally require the supervision or services
5 of an operator.

1 22. Nothing contained in this act shall prevent municipalities
2 from enacting requirements more restrictive than those provided
3 for by, or adopted pursuant to the provisions of this act. Any
4 municipality desiring to impose more restrictive requirements shall
5 make a written application for exemption from any State standards
6 adopted hereunder to the department which shall act upon said
7 application in accordance with the procedures set forth in section
8 18 of this act.

1 23. The department shall have the power to bring injunctive
2 proceedings in any court of competent jurisdiction to compel com-
3 pliance with any lawful order made by the department pursuant to
4 the provisions of this act.

1 24. Any person who interferes in any manner with the imple-
2 mentation of or otherwise fails to comply with the provisions of
3 this act, shall be liable to a fine of not more than \$500.00 to be
4 adjudged, collected and enforced, in suit filed by the department,
5 pursuant to the provisions of "the penalty enforcement law",
6 (N. J. S. 2A:58-1 et seq.).

1 25. This act shall take effect immediately and shall apply to the
2 operations of all carnival-amusement rides in this State ***[after**
3 **January 1, 1975]*** ; except that it shall apply to those rides ***[before**
4 **January 1, 1975]*** **in place and in operation as of the date of*
4A *enactment** at the time they shall have been first inspected in
5 accordance with the terms of this act. Any carnival-amusement
6 rides actually operated prior to the aforesaid date may continue in
7 operation without a departmental permit until final action is taken
8 by the department upon application for such permit filed pursuant
9 to section 11 (C.) of this act.

ASSEMBLY AMENDMENTS TO
SENATE, No. 1135
[ASSEMBLY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 1, 1975

Amend page 4, section 16, line 9, after "noted", omit "No ride which has had a breakdown or".

Amend page 4, section 16, lines 10-12, omit in its entirety.

Amend page 4, section 16, line 13, omit "safety inspection by a departmental inspector."

Amend page 4, section 17, line 4, after "ride*", insert "and may provide for the cessation of operation of any ride whose breakdown or malfunction directly causes serious injury to a rider".

Amend page 5, section 19, line 3, omit "*17*", insert "16".

[SECOND ASSEMBLY REPRINT]

SENATE, No. 1135

with Assembly committee amendments adopted April 10, 1975
and Assembly amendments adopted May 1, 1975

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1974

By Senator MERLINO

Referred to Committee on Labor, Industry and Professions

AN ACT to provide for the safety inspection, licensing and regulation of carnival and amusement rides, and supplementing Title 5 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Carnival-
2 Amusement Rides Safety Act."

1 2. As used in this act, except where a different meaning is clearly
2 implied by the context:

3 a. "Carnival" or "amusement ride" means any mechanical
4 device or devices which carry or convey passengers along, around,
5 or over a fixed or restricted route or course for the purpose of
6 giving its passengers amusement, pleasure, thrills or excitement;

7 b. "Owner" means a person who owns, leases, controls, or
8 manages the operations of a carnival or amusement ride, including
9 the State or any of its subdivisions;

10 c. "Ride operator" means any person or persons actually en-
11 gaged in or directly controlling the operations of a carnival or
12 amusement ride;

13 d. "Commissioner" means the Commissioner of Labor and
14 Industry;

15 e. "Department" means the State Department of Labor and
16 Industry; and

17 f. "Advisory board" means the Advisory Board on Carnival-
18 Amusement Ride Safety.

1 3. a. There is hereby established within the Department of Labor
2 and Industry an Advisory Board on Carnival-Amusement Ride

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

3 Safety to consist of ~~*[nine]*~~ **10** members, of whom one shall be a
4 representative of the carnival-amusement ride manufacturers, one
5 shall be a representative of the carnival-amusement owners, one
6 shall be an owner or operator of a registered fair ~~*[or]*~~ **one shall*
7 *be an owner or operator of an* amusement park **or enterprise**,
8 one shall be a representative of the insurance underwriters, one
9 shall be a licensed professional engineer, three shall be public mem-
10 bers, and one shall be a representative of the Department of Labor
11 and Industry who shall be appointed by the commissioner. The
12 ~~*[eight]*~~ **nine** citizen members shall be appointed by the Gov-
13 ernor, with the advice and consent of the Senate. The Governor
13A shall designate the chairman and vice-chairman of the advisory
13B board.

14 b. Of the eight members first to be appointed by the Governor,
15 ~~*[two]*~~ **three** shall be appointed for terms of 2 years, three for
16 terms of 3 years, and three for terms of 4 years. All appointments
17 thereafter shall be made for terms of 4 years. All members so ap-
18 pointed shall serve until their respective successors are appointed
19 and shall qualify, and any vacancy occurring in the appointed mem-
20 bers of the board, by expiration of term or otherwise, shall be filled
21 in the same manner as the original appointment for the unexpired
22 term and the appointee shall serve until a successor is appointed
23 and shall qualify.

1 4. The members of the board shall serve without compensation
2 but shall be reimbursed for any expenses incurred in attending
3 meetings of the board and in performance of their duties as
4 members thereof.

1 5. The advisory board is empowered to:

2 a. Study and request information from the commissioner on any
3 aspect of the carnival-amusement ride safety program, or on any
4 matter relating to the proper conduct and improvement of said
5 program, including its administrative, engineering and technical
6 aspects, and to make its findings and recommendations on the afore-
7 said and other related matters to the commissioner;

8 b. Study the rules and regulations promulgated by the depart-
9 ment in regard to carnival-amusement ride safety and report its
10 findings or recommendations thereon to the commissioner;

11 c. Hold public hearings prior to the promulgation of any rules
12 and regulations, as well as on any of its other responsibilities, as
13 defined in this section, and to report its findings and recommenda-
14 tions thereon to the commissioner.

1 6. The Department of Labor and Industry, pursuant to the pro-
2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410

3 (C. 52:14B-1 et seq.), shall adopt and promulgate rules and regu-
4 lations for the safe installation, repair, maintenance, use, operation
5 and inspection of all carnival-amusement rides as the department
6 may find necessary for the protection of the general public.

1 7. Any rules and regulations adopted and promulgated by the
2 department shall be of a reasonable nature, and based upon
3 generally accepted engineering standards, formulas and practices,
4 and, insofar as is practicable and consistent with the provisions of
5 this act, shall be uniform with the rules and regulations of other
6 states.

1 8. The department shall administer and enforce all provisions of
2 this act and all rules and regulations adopted and promulgated in
3 accordance with section 6 of this act, and shall cause the text of such
4 rules and regulations, and any changes therein, to be published in
5 pamphlet form and a copy thereof to be furnished without charge
6 to each registered owner.

1 9. The department shall determine a schedule of inspection and
2 permit fees***]**, which fees shall not exceed \$25.00 per hour of actual
3 inspection time]*. The department shall, from time to time, make
4 such further recommendations to the Legislature as would allow
5 fee requirements to be, as nearly as practicable and within the
6 limits of reasonableness, brought into line with the costs of imple-
7 menting the provisions of this act.

1 10. The department, in accordance with the provisions of Title
2 11 of the Revised Statutes of New Jersey, shall employ a chief in-
3 spector and such additional inspectors and other employees as may
4 be necessary to administer and enforce this act.

1 11. No carnival-amusement ride may be operated without a
2 permit issued by the department. Before commencing operations
3 **and in** each **]****calendar]* year **thereafter**, an owner shall apply
4 for a permit to the department on a form furnished by the depart-
5 ment and containing such information as the department may
6 require. All carnival-amusement rides shall be inspected before
7 they are originally put into operation for the public's use and
8 thereafter at least once every year, unless authorized to operate
9 on a temporary permit. **Annual permits shall be issued for a*
10 *period commencing July 1 and expiring the following June 30.**
11 Carnival-amusement rides may also be required to be inspected
12 by the owner, in accordance with standards promulgated by the
13 department, each time they are disassembled and reassembled.

1 12. If, after inspection, a carnival-amusement ride is found to
2 comply with the rules and regulations of the department, the
3 department shall authorize the ride for use by the public.

1 13. Before a new carnival-amusement ride is erected, or when-
2 ever any additions or alterations are made which change the struc-
3 ture, mechanism, classification or capacity of any carnival-amuse-
4 ment ride or the physical spacing between rides, the owner shall
5 file with the department a notice of his intentions and any plans or
6 diagrams requested by the department. Such plans and specifica-
7 tions for new carnival-amusement rides, or for additions or altera-
8 tions thereon, shall be reviewed and approved by an engineer
9 retained or employed by the department and licensed in this State
10 as a professional engineer. Upon approval of the plans and
11 specifications the department shall authorize the ride or device for
12 use by the public.

1 14. The department may order, in writing, a temporary cessa-
2 tion of operation of a carnival-amusement ride if it has been
3 determined after inspection, in accordance with standards promul-
4 gated by the department, to be hazardous or unsafe. Operation
5 shall not resume until such conditions are corrected to the satis-
6 faction of the department.

1 15. This act shall not be construed as to prevent the use of any
2 existing carnival-amusement ride found to be in a safe condition
3 and in conformance with the rules and regulations of the
4 department.

1 16. The owner shall retain at all times up-to-date maintenance
2 and inspection records for each carnival-amusement ride in
3 accordance with such rules and regulations as the department may
4 prescribe. Among other things, such records shall contain in-
5 formation of the date and nature of all inspections, whether by a
6 departmental inspector or a person in the employment of the owner,
7 as well as of any violations and the types of actions taken to rectify
8 the violations. All breakdowns or repairs of any major mechanical
9 part shall be duly noted. ****[No ride which has had a breakdown or**
10 **malfunction of a mechanical part that directly or indirectly has**
11 **resulted in an injury to or death of any person, shall be permitted**
12 **to resume operation until said ride has passed a full mechanical and**
13 **safety inspection by a departmental inspector.]**** The department
14 may also require, by rules and regulations, a full safety inspection
15 of any ride whose operation results in any injury or death before
16 operation of said ride can be resumed.

1 17. The department shall require the immediate reporting, on a
2 form to be provided by the department, of any accidents and result-
3 ing injuries or fatalities incurred during the operation of any
4 carnival-amusement ride* ***and may provide for the cessation of*
5 *operation of any ride whose breakdown or malfunction directly*

6 *causes serious injury to a rider***, subject to rules and regulations
7 *promulgated by the department**.

1 18. If there are practical difficulties or unnecessary hardships for
2 an owner to comply with any rules and regulations adopted pur-
3 suant to this act, or if an owner is aggrieved by any order issued
4 thereto, the department may modify the application of such rules,
5 regulations or order in the spirit of the provisions of this act with
6 regard to public safety. Any owner may, within 10 days after the
7 promulgation of such rules or regulations or the service of such
8 order, apply to the department for a modification of said rules,
9 regulations or order. The request shall be in writing and shall
10 state the grounds for applying for such modification. It shall be
11 the duty of the department to provide such hearing at the earliest
12 convenient opportunity, at which time the owner shall have the
13 right to be heard personally or by counsel, to cross-examine witnes-
14 ses appearing against him and to produce evidence in his own behalf.
15 After such hearing the department shall report in writing its
16 findings and recommendations, which shall include a description of
17 the conditions under which the modifications, if any, are permitted.
18 Such hearing and decision shall conform to the applicable pro-
19 visions of the "Administrative Procedure Act," and a record of
20 all authorized modifications shall be kept by the department and
21 open to the public.

1 19. The department shall adopt and promulgate rules and regula-
2 tions on safe operating procedures which, inter alia, shall include
3 the requirement that a ride operator be at least ***[18]*** ****[*17*]****
4 ****16**** years of age, that he operate no more than one ride at any
5 given time, and that he be in attendance at all times that said ride
6 is in operation.

1 20. No persons shall operate a carnival-amusement ride unless
2 at the time there is in existence (a) a policy of insurance in an
3 amount of not less than \$100,000.00 insuring the owner or operator
4 against liability for injury suffered by persons riding the carnival-
5 amusement ride, or (b) a bond in a like amount; provided, however,
6 that the aggregate liability of the surety under such bond shall not
7 exceed the face amount thereof, or (c) cash or other security
8 acceptable to the board. The policy shall be procured from one or
9 more insurers acceptable to the State Commissioner of Insurance
10 and either (a) licensed to transact insurance in the State of New
11 Jersey, or (b) approved as surplus line insurers pursuant to section
12 11 of P. L. 1960, c. 32 (C. 17:22-6.45).

1 21. This act shall not apply to any single-passenger coin-
2 operated ride, manually, mechanically or electrically operated,
3 which customarily is placed, singly or in groups, in a public loca-
4 tion and which does not normally require the supervision or services
5 of an operator.

1 22. Nothing contained in this act shall prevent municipalities
2 from enacting requirements more restrictive than those provided
3 for by, or adopted pursuant to the provisions of this act. Any
4 municipality desiring to impose more restrictive requirements shall
5 make a written application for exemption from any State standards
6 adopted hereunder to the department which shall act upon said
7 application in accordance with the procedures set forth in section
8 18 of this act.

1 23. The department shall have the power to bring injunctive
2 proceedings in any court of competent jurisdiction to compel com-
3 pliance with any lawful order made by the department pursuant to
4 the provisions of this act.

1 24. Any person who interferes in any manner with the imple-
2 mentation of or otherwise fails to comply with the provisions of
3 this act, shall be liable to a fine of not more than \$500.00 to be
4 adjudged, collected and enforced, in suit filed by the department,
5 pursuant to the provisions of "the penalty enforcement law",
6 (N. J. S. 2A:58-1 et seq.).

1 25. This act shall take effect immediately and shall apply to the
2 operations of all carnival-amusement rides in this State ***[after**
3 **January 1, 1975]*** ; except that it shall apply to those rides ***[before**
4 **January 1, 1975]*** **in place and in operation as of the date of*
4A *enactment** at the time they shall have been first inspected in
5 accordance with the terms of this act. Any carnival-amusement
6 rides actually operated prior to the aforesaid date may continue in
7 operation without a departmental permit until final action is taken
8 by the department upon application for such permit filed pursuant
9 to section 11 (C.) of this act.

FROM THE OFFICE OF THE GOVERNOR

MAY 29, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Thursday a bill designed to provide greater safety at carnivals and amusement rides.

The measure, S-1135, sponsored by Senator Joseph P. Merlino, D-Mercer, was signed at a public ceremony in the Governor's office.

The bill, designated the "Carnival-Amusement Rides Safety Act", provides for annual permits to be issued by the State Department of Labor and Industry in accordance with rules and regulations to be established by the department.

The permits would be issued after an inspection of each ride by the department. The measure would apply to each existing ride after its first inspection.

The measure empowers the department to shut down any ride which causes serious injury to a rider.

The department may order a temporary cessation of operation of a ride if, after an inspection, it has been determined to be hazardous or unsafe. Such a ride cannot be resumed until the hazardous conditions are corrected to the satisfaction of the department.

The bill also establishes a 10-member Advisory Board on Carnival-Amusement Ride Safety which would review the rules and regulations established by the department.

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