

# 5:3-32

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                   **CHAPTER:** 166  
**NJSA:** 5:3-32               (Carnival amusement ride safety)  
**BILL NO:** A2525             (Substituted for S2362)

**SPONSOR(S):** Geist and Asselta

**DATE INTRODUCED:** May 25, 2000

**COMMITTEE:**               **ASSEMBLY:** Labor  
**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**           **ASSEMBLY:** March 29, 2001  
**SENATE:** June 28, 2001

**DATE OF APPROVAL:** July 20, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Assembly Committee Substitute (1<sup>st</sup> reprint) enacted)  
(Amendments during passage denoted by superscript numbers)

#### **A2525**

**SPONSORS STATEMENT:** (Begins on page 8 of original bill)               Yes

**COMMITTEE STATEMENT:**                               **ASSEMBLY:**               Yes

**SENATE:**   Yes

**FLOOR AMENDMENT STATEMENTS:**                               No

**LEGISLATIVE FISCAL ESTIMATE:**                               No

#### **S2362**

**SPONSORS STATEMENT:** (Begins on page 12 of original bill)               Yes

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A2525

**FLOOR AMENDMENT STATEMENTS:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

Yes

974.90 New Jersey. Legislature Assembly. Labor Committee.

S128 Public hearing held 3-25-1999, Trenton, New Jersey, 1999.

1999c (See especially "Recommendations pp14X-)

974.90 New Jersey. Legislature. Assembly. Labor Committee.

S128 Committee meeting held 9-25-2000. Trenton, New Jersey, 2000.

2000c

**NEWSPAPER CLIPPINGS**

"Amusement park fun begins with safe rides," 7-21-2001 Star Ledger, p. 9

"In NJ stricter rules for park rides," 7-21-2001 Philadelphia Inquirer, p. A1

"Bill toughens rider safety..." 7-21-2001 Home News, p. A3

"Law stresses amusement ride safety," 7-21-2001 The Record, p. 3

# ASSEMBLY, No. 2525

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 25, 2000

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblyman Felice**

**SYNOPSIS**

Concerns carnival-amusement ride safety.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/26/2000)**

1 AN ACT concerning carnival-amusement ride safety, amending  
2 P.L.1998, c.10, amending and supplementing P.L.1975, c.105 and  
3 repealing section 13 of P.L.1975, c.105.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 2 of P.L.1975, c.105 (C.5:3-32) is amended to read as  
9 follows:

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

12 a. ["Carnival" or "amusement ride"] "Carnival-amusement ride"  
13 means any mechanical device or devices including water slides  
14 exceeding 15 feet in height which carry or convey passengers along,  
15 around, or over a fixed or restricted route or course for the purpose  
16 of giving its passengers amusement, pleasure, thrills or excitement;  
17 and any passenger or gravity propelled ride when located in an  
18 amusement area or park in which there are other rides covered by  
19 P.L.1975, c.105 (C.5:3-31 et seq.); provided, however, that this shall  
20 not include locomotives weighing more than seven tons, operating on  
21 a track the length of which is one-half mile or greater, the gauge of  
22 which is three feet or greater, and the weight of which is at least 60  
23 pounds per yard. Any facility exempted pursuant to this subsection  
24 shall be under the jurisdiction of the Department of Transportation for  
25 the purpose of safety inspection;

26 b. "Owner" means a person who owns, leases, controls, or  
27 manages the operations of a [carnival or amusement] carnival-  
28 amusement ride, including the State or any of its subdivisions;

29 c. "Ride operator" means any person or persons actually engaged  
30 in or directly controlling the operations of a [carnival or amusement]  
31 carnival-amusement ride;

32 d. "Commissioner" means the Commissioner of [Labor]  
33 Community Affairs; [and]

34 e. "Department" means the [State] Department of [Labor]  
35 Community Affairs; and

36 f. "Advisory board" means the Advisory Board on  
37 Carnival-Amusement Ride Safety.

38 (cf: P.L.1983, c.274, s.1)

39

40 2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as  
41 follows:

42 3. a. There is hereby established within the Department of

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

**Matter underlined thus is new matter.**

1 ~~【Labor】~~ Community Affairs an Advisory Board on  
2 Carnival-Amusement Ride Safety to consist of ~~【10】~~ 12 members, of  
3 whom one shall be a representative of the carnival-amusement ride  
4 manufacturers, one shall be a representative of the owners and  
5 operators of mobile carnival-amusement rides, one shall be a  
6 representative of the owners and operators of carnival-amusement  
7 ~~【owners】~~ rides that are at a fixed location, one shall be an owner or  
8 operator of a registered fair, one shall be an owner or operator of an  
9 amusement park or enterprise, one shall be a representative of the  
10 insurance underwriters, one shall be a licensed professional engineer,  
11 one shall be an attorney-at-law with experience in representing patrons  
12 of carnival-amusement rides, three shall be public members, and one  
13 shall be a representative of the Department of ~~【Labor】~~ Community  
14 Affairs who shall be appointed by the commissioner. The nine citizen  
15 members shall be appointed by the Governor, with the advice and  
16 consent of the Senate. The Governor shall designate the chairman and  
17 vice-chairman of the advisory board.

18 b. Of the ~~【eight】~~ nine members first to be appointed by the  
19 Governor, three shall be appointed for terms of two years, three for  
20 terms of three years, and three for terms of four years. All  
21 appointments thereafter, including but not limited to the two members  
22 added by P.L. . . . , c. . . ., shall be made for terms of four years. All  
23 members so appointed shall serve until their respective successors are  
24 appointed and shall qualify, and any vacancy occurring ~~【in】~~ among the  
25 appointed members of the board~~【, by expiration of term or~~  
26 ~~otherwise,】~~ shall be filled in the same manner as the original  
27 appointment for the unexpired term and the appointee shall serve until  
28 a successor is appointed and shall qualify.

29 (cf: P.L.1998, c.10, s.1)

30

31 3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as  
32 follows:

33 6. The ~~【Department】~~ Commissioner of ~~【Labor】~~ Community  
34 Affairs, pursuant to the provisions of the "Administrative Procedure  
35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and  
36 promulgate rules and regulations for the safe installation, repair,  
37 maintenance, use, operation and inspection of all carnival-amusement  
38 rides as the department may find necessary for the protection of the  
39 general public, including regulations concerning written warnings and  
40 directions regarding the use of carnival-amusement rides.

41 (cf: P.L.1998, c.10, s.2)

42

43 4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as  
44 follows:

45 6. Each person who operates a carnival-amusement ride shall post

1 a written notice which complies with the provisions of this section.  
2 The notice shall be posted in a conspicuous public place on or near the  
3 ride in a manner consistent with standards set by the Department of  
4 **[Labor]** Community Affairs and shall include:

5 a. The prominently displayed statement: "State law requires that  
6 each rider must obey all written warnings and directions regarding this  
7 ride and refrain from behaving in a reckless manner which may cause  
8 or contribute to injury of the rider or others. Failure to comply is a  
9 violation of law and subject to a penalty under the New Jersey Code  
10 of Criminal Justice."; and

11 b. All applicable written warnings and directions regarding the use  
12 of the ride which are consistent with regulations adopted by the  
13 department based upon standards of nationally recognized technical or  
14 scientific authorities that research the proper use of the ride and the  
15 potential injuries in connection with improper use of the ride.

16 (cf: P.L.1998, c.10, s.6)

17

18 5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as  
19 follows:

20 9. The department shall determine a schedule of inspection,  
21 prototype carnival-amusement ride registration, manufacturer  
22 registration and carnival-amusement ride permit fees. The department  
23 shall, from time to time, make further adjustments in the schedule to  
24 bring it, as nearly as practicable and within the limits of  
25 reasonableness, into line with the costs of implementing the provisions  
26 of this act. The fees shall be applied toward enforcement and  
27 administration costs of the Division of **[Workplace]** Codes and  
28 Standards in the Department of **[Labor]** Community Affairs.

29 (cf: P.L.1991, c.205, s.26)

30

31 6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read as  
32 follows:

33 11. a. No carnival-amusement ride may be operated without a  
34 permit issued by the department. Before commencing operations and  
35 in each calendar year thereafter, an owner shall apply for a permit to  
36 the department on a form furnished by the department and containing  
37 such information as the department may require. All  
38 carnival-amusement rides shall be inspected before they are originally  
39 put into operation for the public's use and thereafter at least once  
40 every year, unless authorized to operate on a temporary permit.  
41 Annual permits shall be issued for a period commencing January 1 and  
42 expiring the following December 31, unless suspended or revoked in  
43 accordance with section 7 of P.L.1998, c.10 (C.5:3-41.1).  
44 Carnival-amusement rides shall be tested, maintained and inspected  
45 periodically by the owner, in accordance with standards promulgated  
46 by the department[, each time they are disassembled and

1 reassembled].

2 b. The permit application for any new or modified carnival-  
3 amusement ride shall refer to the prototype carnival-amusement ride  
4 registration issued to the registered manufacturer by the department  
5 for that new or modified carnival-amusement ride.

6 c. The permit application for any other carnival-amusement ride  
7 shall refer to the information provided by the registered manufacturer  
8 pursuant to subsection d. of section 10 of P.L. , c. (C. )(pending  
9 before the legislature as this bill). When a carnival-amusement ride has  
10 been manufactured by a manufacturer that no longer exists or is, for  
11 any reason, not registered, then the permit applicant shall furnish the  
12 information required by subsection d. of section 10 of P.L. , c.  
13 (C. )(pending before the legislature as this bill).

14 d. No person shall modify a carnival-amusement ride unless the  
15 modification is pursuant to an amended prototype carnival-amusement  
16 ride registration issued to the registered manufacturer or, if the  
17 manufacturer no longer exists, the permit holder or applicant has  
18 submitted to the department the information required under subsection  
19 c. of section 10 of P.L. , c. (C. )(pending before the legislature  
20 as this bill).

21 (cf: P.L.1998, c.10, s.3)

22

23 7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read as  
24 follows:

25 12. If, after inspection, a carnival-amusement ride is found to  
26 comply with the rules and regulations of the department, the  
27 department shall [authorize] issue a permit authorizing the ride for  
28 use by the public.

29 (cf: P.L.1975, c.105, s.12)

30

31 8. Section 16 of P.L.1975, c.16 (C.5:3-46) is amended to read as  
32 follows:

33 16. a. The owner shall retain at all times up-to-date maintenance  
34 and inspection records for each carnival-amusement ride in accordance  
35 with such rules and regulations as the department may prescribe.  
36 Among other things, such records shall contain information of the date  
37 and nature of all inspections, whether by a departmental inspector or  
38 a person in the employment of the owner or of any insurer of the  
39 carnival-amusement ride, as well as of any violations and the types of  
40 actions taken to rectify the violations. All breakdowns or repairs of  
41 any [major] mechanical part shall be duly noted. The department may  
42 also require [, by rules and regulations,] a full safety inspection of  
43 any ride whose operation results in any injury or death before  
44 operation of [said] that ride can be resumed.

45 b. The department shall conduct an investigation of each carnival-  
46 amusement ride incident in which one or more persons suffer death or

1 serious injury and shall identify those measures which may be required  
2 to prevent the future occurrence of death or serious injury under  
3 similar circumstances and, in furtherance of any investigation pursuant  
4 to this subsection, the department may issue and enforce subpoenas to  
5 compel the testimony of any person who may have knowledge of any  
6 relevant matters and the production of any relevant documents. If an  
7 investigation results in the discovery of a violation of the provisions of  
8 the "Carnival-Amusement Rides Safety Act," P.L.1975, c.105 (C.5:3-  
9 31 et seq.), or rules or regulations adopted pursuant thereto, the  
10 department shall issue and enforce any appropriate notices and orders  
11 pursuant to sections 14, 23 and 24 of P.L.1975, c.105 (C.5:3-44, 5:3-  
12 53 and 5:3-54) as it may deem appropriate.

13 (cf: P.L.1975, c.105, s.16)

14

15 9. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read as  
16 follows:

17 17. **【The department shall require the immediate reporting】** It shall  
18 be the duty of every owner and ride operator to report immediately, on  
19 a form to be provided by the department, 【of】 any accidents and  
20 resulting injuries or fatalities incurred during the operation of any  
21 carnival-amusement ride, or any malfunction of any ride or other  
22 condition which might cause serious injury to any person, and 【may  
23 provide for the cessation of】 to cease operation of any ride whose  
24 breakdown or malfunction 【directly】 causes or might cause serious  
25 injury to 【a rider】 any person, subject to rules and regulations  
26 promulgated by the department.

27 (cf: P.L.1975, c.105, s.17)

28

29 10. (New section) a. All persons manufacturing carnival-  
30 amusement rides to be erected, used or installed in this State shall  
31 register with the department within 90 days of the effective date of  
32 P.L. , c. (C. )(pending before the legislature as this bill).  
33 Thereafter, no permit shall be issued for any new or existing carnival-  
34 amusement ride under section 11 of P.L.1975, c.105 (C.5:3-41) unless  
35 the manufacturer is registered in accordance with the provisions of this  
36 section. The registration application shall be on a form provided by  
37 the department and shall include that information, as the commissioner  
38 may by rule prescribe, which is reasonably necessary to ensure the  
39 safety of all rides manufactured or to be manufactured by the  
40 applicant.

41 b. No registration shall be issued by the department except upon  
42 a finding that the manufacturer's carnival-amusement rides have  
43 operated safely in the past or that adequate corrective measures have  
44 been taken when made necessary because of the safety record of the  
45 equipment or a competent analysis of the equipment suggests the  
46 necessity for corrective measures.



1 c. No new or modified carnival-amusement ride shall be operated,  
2 installed or used in this State unless the registered manufacturer shall  
3 have obtained a prototype carnival-amusement ride registration from  
4 the department. For the purposes of this section, a new ride shall be  
5 one of a type that had not previously been operated in this State under  
6 a permit issued by the department prior to the effective date of  
7 P.L. , c. (C. )(pending before the legislature as this bill). No ride  
8 shall be modified in its structure, manner of operation, mechanism or  
9 safety devices unless the manufacturer shall have obtained a prototype  
10 carnival-amusement ride registration for the ride as modified. The  
11 following information, prepared by a licensed professional engineer or  
12 other qualified person acceptable to the department, together with  
13 such additional documentation as the department may require, shall be  
14 provided to the department for review:

15 (1) A risk analysis of the ride or ride equipment, identifying all  
16 reasonably foreseeable hazards and documenting redundant safety  
17 systems appropriate to the level of risk and designed to ensure that  
18 component failures will not lead to catastrophic failure or  
19 unreasonable risk of serious injury or death;

20 (2) A detailed load and stress analysis, including fatigue life  
21 protections where appropriate, and recommendations for such non-  
22 destructive tests as may be reasonably necessary to prevent failure  
23 under load;

24 (3) Detailed installation and erection instructions indicating loads  
25 to be carried by site-built foundation or support structures;

26 (4) Periodic maintenance and inspection schedule required to be  
27 carried out by owners and operators and necessary to ensure continued  
28 safety; and

29 (5) Operation procedures and training requirements for ride  
30 operators and attendants, including any safety-based limitations on  
31 who may ride.

32 d. No other carnival-amusement ride shall be installed, used or  
33 operated in this State unless the manufacturer shall have provided to  
34 the owner and operator, and to the department, the following  
35 information, which shall have been prepared by a licensed professional  
36 engineer or other qualified person acceptable to the department:

37 (1) Periodic maintenance and inspection schedule required to be  
38 carried out by owners and operators and necessary to ensure continued  
39 safety;

40 (2) A schedule of any non-destructive testing that is necessary to  
41 ensure the continuing safety and soundness of the carnival-amusement  
42 ride; and

43 (3) Operation procedures and training requirements for ride  
44 operators and attendants, including any safety-based limitations on  
45 who may ride.

46 e. Each registered manufacturer shall report, in a manner

1 prescribed by the department, any recommendations for maintenance,  
2 testing, modification or operation of any carnival-amusement ride  
3 installed, used or operated in this State which arises out of any  
4 incident, injury or safety analysis known to or undertaken by the  
5 manufacturer. Each manufacturer shall also report any death or  
6 serious injury known to it which occurs outside this State in  
7 connection with any carnival-amusement ride of its manufacture, or  
8 the manufacture of any person to which it is a successor, within 24  
9 hours of having become aware of the death or serious injury, and shall  
10 provide previous reports of death or serious injury that occurred on  
11 that ride in such form as the department may require. The report shall  
12 identify all similar carnival-amusement rides that are known to the  
13 manufacturer to be in this State and shall provide such additional  
14 information as the department may require. A report shall be required  
15 only if a similar carnival-amusement ride is installed, used or operated  
16 in this State.

17 f. The department shall have the authority to revoke the prototype  
18 carnival-amusement ride registration of any carnival-amusement ride  
19 upon a finding that that ride has been found to be unsafe and, the  
20 maximum penalty provisions of section 24 of P.L.1975, c.105 (C.5:3-  
21 54) notwithstanding, to assess a penalty in an amount not exceeding  
22 \$50,000 per violation against the manufacturer of that ride. The  
23 department shall also have the authority to revoke the registration of  
24 a manufacturer upon a finding that the manufacturer has failed to  
25 comply with an order requiring a safety analysis or a safety  
26 modification to an individual carnival-amusement ride or a class of  
27 carnival-amusement rides or upon a finding that the manufacturer has,  
28 in this State or in any other jurisdiction, failed to carry out the duties  
29 and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

30

31 11. Section 13 of P.L.1975, c.105 (C.5:3-43) is repealed.

32

33 12. This act shall take effect immediately.

34

35

36

#### STATEMENT

37

38 This bill amends the "Carnival-Amusement Rides Safety Act" to  
39 enable the Department of Community Affairs to assess and enforce  
40 penalties against manufacturers of defective carnival-amusement rides  
41 or ride equipment, and raises the limit of available penalties to \$50,000  
42 per violation. The bill creates a registration system for manufacturers  
43 and a permit requirement for carnival-amusement rides, and requires  
44 submission of detailed engineering documentation concerning these  
45 rides.

46 Additionally, the bill requires that owners and operators of carnival-

1 amusement rides located in New Jersey immediately report any  
2 accidents resulting in serious injury or death and any malfunctions that  
3 pose a threat of serious injury or death, and that carnival-amusement  
4 ride manufacturers report any malfunctions or conditions found in  
5 rides or ride equipment outside the State that may be dangerous and  
6 are similar to rides or ride equipment used or to be used in the State.  
7 Finally, the bill authorizes the department to investigate any serious  
8 accidents, and gives the department the power to subpoena relevant  
9 witnesses and documents.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2525**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

ADOPTED MARCH 22, 2001

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblyman Felice, Assemblywoman Heck and Assemblyman Pennachio**

**SYNOPSIS**

Concerns carnival-amusement ride safety.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Labor Committee.



**(Sponsorship Updated As Of: 3/30/2001)**

1 AN ACT concerning carnival-amusement ride safety and amending and  
2 supplementing P.L.1975, c.105.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1975, c.105 (C.5:3-32 is amended to read as  
8 follows:

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

11 a. ["Carnival" or "amusement ride"] "Carnival-amusement ride"  
12 or "ride" means any mechanical device or devices, including but not  
13 limited to water slides exceeding 15 feet in height, which carry or  
14 convey passengers along, around, or over a fixed or restricted route  
15 or course for the purpose of giving its passengers amusement,  
16 pleasure, thrills or excitement; and any passenger or gravity propelled  
17 ride when located in an amusement area or park in which there are  
18 other rides covered by P.L.1975, c. 105 (C. 5:3-31 et seq.); provided,  
19 however, that this shall not include locomotives weighing more than  
20 seven tons, operating on a track the length of which is one-half mile  
21 or greater, the gauge of which is three feet or greater, and the weight  
22 of which is at least 60 pounds per yard. Any facility exempted  
23 pursuant to this subsection shall be under the jurisdiction of the  
24 Department of Transportation for the purpose of safety inspection;

25 b. "Owner" means a person who owns, leases, controls, or  
26 manages the operations of a [carnival or amusement] carnival-  
27 amusement ride, including the State or any of its subdivisions;

28 c. "Ride operator" means any person or persons actually engaged  
29 in or directly controlling the operations of a [carnival or amusement]  
30 carnival-amusement ride;

31 d. "Commissioner" means the Commissioner of [Labor]  
32 Community Affairs; [and]

33 e. "Department" means the [State] Department of [Labor]  
34 Community Affairs; [and]

35 f. "Advisory board" means the Advisory Board on  
36 Carnival-Amusement Ride Safety;

37 g. "Modification" means any material change to a load-bearing  
38 structural member, a mechanical, electrical or hydraulic drive or  
39 control feature, or a restraint or other protective feature. "Modify"  
40 means to make a modification, as defined in this subsection g.

41 h. "Amusement ride manufacturer" or "manufacturer" means a  
42 person who obtains type certification for a carnival-amusement ride

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

Matter underlined thus is new matter.

1 and who has responsibility for the design and manufacture of any  
2 carnival-amusement ride to be used or installed in this State, or sold  
3 for use in the State, and includes any entity controlled by the  
4 manufacturer.

5 i. "New ride" means a ride of a type that has not previously been  
6 assigned a type certification by the department.

7 j. "Type certification" means a certification that is granted to a  
8 manufacturer by the department after review of a new ride application  
9 and that is applicable to all rides of essentially the same design and  
10 manufacture with regard to structural, mechanical, electrical, hydraulic  
11 drive and control features, and restraint and other protective features.

12 k. "Individual approval" means an approval that is granted to an  
13 owner or operator of an individual ride that is not type certified, which  
14 is granted by the department after review of a ride application and is  
15 applicable only to that individual ride.

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

19 m. "Supplemental modification certification" means a certification  
20 that is granted to a person other than the manufacturer by the  
21 department after review of an application for modification.

22 n. "Safety bulletin" means a supplemental notification delivered by  
23 the manufacturer or the holder of a supplemental modification  
24 certification to the owner or operator that contains new information  
25 or new recommendations for inspections, testing, operation or  
26 training.

27 o. "Time tested" means a type of amusement ride which is found  
28 by the department to be simple in operation and impose insignificant  
29 forces on riders, or which is found by the department to have a long  
30 history of safe operation.

31 (cf: P.L.1983, c.274, s.1)

32  
33 2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as  
34 follows:

35 3. a. There is hereby established within the Department of  
36 **[Labor]** Community Affairs an Advisory Board on  
37 Carnival-Amusement Ride Safety to consist of **[10]** 13 members, of  
38 whom **[one]** two shall be **[a representative]** representatives of the  
39 carnival-amusement ride manufacturers, one shall be a representative  
40 of the owners and operators of mobile carnival-amusement rides, one  
41 shall be a representative of the owners and operators of  
42 carnival-amusement [owners] rides that are at a fixed location, one  
43 shall be [an owner or operator of a registered fair,] a representative  
44 of the owners and operators of water parks, one shall be an owner or  
45 operator of an amusement park or enterprise, one shall be a  
46 representative of the insurance underwriters, one shall be a licensed

1 professional engineer, ~~[three]~~ four shall be public members, and one  
2 shall be a representative of the Department of ~~[Labor]~~ Community  
3 Affairs who shall be appointed by the commissioner. The ~~[nine]~~ 12  
4 citizen members shall be appointed by the Governor, with the advice  
5 and consent of the Senate. The Governor shall designate the chairman  
6 and vice-chairman of the advisory board.

7 b. Of the ~~[eight]~~ nine members first to be appointed by the  
8 Governor, three shall be appointed for terms of two years, three for  
9 terms of three years, and three for terms of four years. All  
10 appointments thereafter, including but not limited to the members  
11 added by P.L. , c. ,(now pending before the Legislature as this bill)  
12 shall be made for terms of four years. All members so appointed shall  
13 serve until their respective successors are appointed and shall qualify,  
14 and any vacancy occurring [in] among the appointed members of the  
15 board~~[, by expiration of term or otherwise,]~~ shall be filled in the same  
16 manner as the original appointment for the unexpired term and the  
17 appointee shall serve until a successor is appointed and shall qualify.  
18 For the purposes of this section, the member representing owners and  
19 operators of water parks shall be the successor to the member who is  
20 the owner or operator of a registered fair and shall be appointed only  
21 upon the expiration of the term of that member, unless a vacancy in  
22 that seat occurs sooner, in which case a representative of the owners  
23 and operators of water parks shall be appointed to fill the vacancy.  
24 (cf: P.L.1998, c.10, s.1)

25  
26 3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as  
27 follows:

28 6. a. The ~~[Department]~~ Commissioner of ~~[Labor]~~ Community  
29 Affairs, pursuant to the provisions of the "Administrative Procedure  
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and  
31 promulgate rules and regulations for the safe design, manufacture,  
32 installation, repair, maintenance, use, operation and inspection of all  
33 carnival-amusement rides as the department may find necessary for the  
34 protection of the general public, including, but not limited to,  
35 regulations concerning written warnings and directions regarding the  
36 use of carnival-amusement rides. The commissioner is authorized to  
37 adopt by reference, with or without amendment, any code or standard  
38 issued by a nationally recognized organization, upon a finding that  
39 adoption of the code or standard would promote the purposes of  
40 P.L.1975, c.105 (C.5:3-31 et seq.); and is further authorized to  
41 recognize any code or standard issued by an internationally recognized  
42 organization upon a finding that its provisions are equivalent to codes  
43 or standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

44 b. The commissioner shall prepare, and make available, a plain  
45 language summary of the requirements of P.L.1975, c.105 (C.5:3-31  
46 et seq.) and the rules and regulations adopted pursuant to P.L.1975,

1 c.105 (C.5:3-31 et seq.) which shall delineate the responsibilities of all  
2 parties for rides which are type certified, rides which have a  
3 supplemental modification certification, rides which have individual  
4 approvals, and rides which have been accepted pursuant to a  
5 previously issued New Jersey serial number.

6 (cf: P.L.1998, c.10, s.2)

7

8 4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as  
9 follows:

10 6. Each person who operates a carnival-amusement ride shall post  
11 a written notice which complies with the provisions of this section.  
12 The notice shall be posted in a conspicuous public place on or near the  
13 ride in a manner consistent with standards set by the [Department]  
14 Commissioner of [Labor] Community Affairs and shall include:

15 a. The prominently displayed statement: "State law requires that  
16 each rider must obey all written warnings and directions regarding this  
17 ride and refrain from behaving in a reckless manner which may cause  
18 or contribute to injury of the rider or others. Failure to comply is a  
19 violation of law and subject to a penalty under the New Jersey Code  
20 of Criminal Justice."; and

21 b. All applicable written warnings and directions regarding the use  
22 of the ride which are consistent with regulations adopted by the  
23 department based upon standards of nationally recognized technical or  
24 scientific authorities that research the proper use of the ride and the  
25 potential injuries in connection with improper use of the ride.

26 (cf: P.L.1998, c.10, s.6)

27

28 5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as  
29 follows:

30 9. The department shall determine a schedule of inspection,  
31 carnival-amusement ride type certification, individual approval and  
32 carnival-amusement ride permit fees. The department shall, from time  
33 to time, make further adjustments in the schedule to bring it, as nearly  
34 as practicable and within the limits of reasonableness, into line with the  
35 costs of implementing the provisions of this act. The fees shall be  
36 applied toward enforcement and administration costs of the Division  
37 of [Workplace] Codes and Standards in the Department of [Labor]  
38 Community Affairs.

39 (cf: P.L.1991, c.205, s.26)

40

41 6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read  
42 as follows:

43 11. a. No carnival-amusement ride may be operated without a  
44 permit issued by the department. Before commencing operations and  
45 [in each calendar year] annually thereafter, an owner shall apply for  
46 a permit to the department on a form furnished by the department and



1 containing such information as the department may require. All  
2 carnival-amusement rides shall be inspected before they are  
3 [originally] put into operation for the public's use and thereafter at  
4 least once every year[, unless authorized to operate on a temporary  
5 permit. Annual permits]. If, after inspection, a carnival-amusement  
6 ride is found to comply with the rules and regulations of the  
7 department, the department shall issue a permit authorizing the ride for  
8 use by the public. Permits shall be issued for a period [commencing  
9 January and expiring the following December 31,] of one year unless  
10 extended by the commissioner or suspended or revoked in accordance  
11 with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement  
12 rides shall be tested, maintained and inspected periodically by the  
13 owner, in accordance with standards promulgated by the department[,  
14 each time they are disassembled and reassembled].

15 b. The permit application for any carnival-amusement ride for  
16 which type certification has been approved shall refer to the carnival-  
17 amusement ride type certification number issued to the manufacturer  
18 by the department.

19 c. The permit application for any carnival-amusement ride not  
20 having a type certification shall include the information required to be  
21 provided pursuant to section 15 of P.L.1975, c.105 (C.5:3-45).

22 d. No person shall modify a carnival-amusement ride which has a  
23 type certification unless the modification is pursuant to an amended  
24 type certification issued to the manufacturer or is pursuant to a  
25 supplemental modification certification.

26 e. No person shall modify a carnival-amusement ride for which no  
27 type certification exists unless the modification is pursuant to a  
28 supplemental modification certification or the permit holder or  
29 applicant has submitted to the department the information required  
30 under section 12 of P.L.1975, c.105 (C.5:3-42).

31 (cf: P.L.1998, c.10, s.3)

32

33 7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read  
34 as follows:

35 12. [If, after inspection, a carnival-amusement ride is found to  
36 comply with the rules and regulations of the department, the  
37 department shall authorize the ride for use by the public.]

38 a. Except as permitted by this section and sections 13 and 15 of  
39 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no carnival-amusement ride,  
40 including a modified carnival-amusement ride, shall be operated,  
41 installed or used in the State unless the manufacturer has obtained a  
42 carnival-amusement ride type certification from the department.  
43 Except as permitted by this section and sections 13 and 15 of  
44 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no ride shall be modified  
45 unless the manufacturer has provided the information required by this

1 section and the manufacturer has obtained type certification for the  
2 ride as modified. The following information, prepared by a licensed  
3 professional engineer or other qualified person acceptable to the  
4 department, together with such additional information as the  
5 department may require, shall be provided to the department for  
6 review:

7 (1) A safety analysis of the ride and ride equipment, which  
8 identifies, recognizes and mitigates any reasonably foreseeable safety  
9 hazards in the ride, identifies its accommodation of riders and users,  
10 and identifies its operation and maintenance. The analysis shall be a  
11 comprehensive, thorough review and assessment of the ride that  
12 utilizes an organized, step-by-step, feature-by-feature process. The  
13 analysis shall be documented in detail, listing those reasonably  
14 foreseeable safety hazards that are identified and describing the means  
15 used to mitigate each hazard;

16 (2) A detailed load and stress analysis, including fatigue life  
17 protections where appropriate, and recommendations for those  
18 nondestructive tests as may be reasonably necessary to prevent failure  
19 under load;

20 (3) A detailed set of installation and erection instructions  
21 indicating loads to be carried by site-built foundation or support  
22 structures;

23 (4) A periodic maintenance and inspection schedule required to be  
24 carried out by owners and operators and necessary to ensure continued  
25 safety; and

26 (5) Operation procedures and training requirements for ride  
27 operators and attendants, including training regarding any safety-based  
28 limitations on who may ride.

29 The department may waive the requirements of paragraphs (1) and  
30 (2) of this subsection a. for a ride which has previously received a New  
31 Jersey serial number or is determined to be time-tested.

32 b. Each manufacturer of a new carnival-amusement ride, including,  
33 without limitation, a modified ride, to be erected, used or installed in  
34 this State, shall have a written quality assurance program used or to be  
35 used in conjunction with the design, manufacture, construction,  
36 modification or reconditioning of the ride. Quality assurance  
37 documents, including material certifications, test reports and  
38 inspection reports, shall be provided to the department upon request  
39 by the department and shall be retained by the manufacturer for such  
40 periods of times as the department may by rule require.

41 c. A type certification shall continue to be valid only so long as the  
42 manufacturer continues to provide technical support for the ride and  
43 shall, in any event, be valid for a period of three years or whatever  
44 shorter period the commissioner approves and shall thereafter be  
45 subject to renewal.

46 d. No information submitted in support of a type certification

1 application that is designated by the manufacturer as being of a  
2 proprietary nature shall be considered a public record. All type  
3 certification applications shall be reviewed in accordance with rules in  
4 effect as of the date that the design for the ride was first contracted  
5 for; except that any safety bulletin that is applicable to rides of that  
6 type shall govern, regardless of the date of the contract.

7 e. A person, other than the manufacturer, may obtain a  
8 supplemental modification certification from the department upon  
9 submission of all of the information required of a manufacturer and  
10 upon review by the department for conformity with the codes and  
11 standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

12 f. A complete application for type certification or supplemental  
13 modification certification shall be either approved or denied within 30  
14 days of the date of filing. In the event of a denial, a written statement  
15 of the reasons for the denial shall be provided to the applicant.

16 (cf: P.L.1975, c.105, s.12)

17

18 8. Section 13 of P.L.1975, c.105 (C.5:3-43) is amended to read  
19 as follows:

20 13. [Before a new carnival-amusement ride is erected, or  
21 whenever any additions or alterations are made which change the  
22 structure, mechanism, classification or capacity of any  
23 carnival-amusement ride or the physical spacing between rides, the  
24 owner shall file with the department a notice of his intentions and any  
25 plans or diagrams requested by the department. Such plans and  
26 specifications for new carnival-amusement rides, or for additions or  
27 alterations thereon, shall be reviewed and approved by an engineer  
28 retained or employed by the department and licensed in this State as  
29 a professional engineer. Upon approval of the plans and specifications  
30 the department shall authorize the ride or device for use by the  
31 public.] If a carnival-amusement ride was manufactured prior to the  
32 effective date of P.L. , c. (now pending before the Legislature as  
33 this bill) or the type certification for the ride is not renewed by the  
34 manufacturer or is revoked by the department, then the ride shall not  
35 be operated, installed or used in this State unless the owner or  
36 operator has obtained a carnival-amusement ride individual approval  
37 from the department. No ride not having a type certification or  
38 supplemental modification certification shall be modified unless the  
39 owner or operator has provided the information required by section 12  
40 of P.L.1975, c.105 (C.5:3-42) and the owner or operator of the ride  
41 has obtained an individual approval for the ride as modified.  
42 Information required by the department regarding any ride shall be  
43 provided by a licensed professional engineer or other qualified person  
44 acceptable to the department.

45 (cf: P.L.1975, c.105, s.13).

1       9. Section 14 of P.L.1975, c.105 (C.5:3-44) is amended to read  
2 as follows:

3       14. a. The department may order, in writing, a temporary  
4 cessation of operation of a carnival-amusement ride or suspend the  
5 permit issued for that ride if it has been determined after inspection, in  
6 accordance with standards promulgated by the department, to be  
7 hazardous or unsafe or that there has been a violation of P.L.1975,  
8 c.105 (C.5:3-31 et seq.) or any rule or regulation promulgated  
9 pursuant to that act. Operation shall not resume until such conditions  
10 are corrected to the satisfaction of the department.

11       b. The commissioner shall reinspect a carnival-amusement ride for  
12 which a permit has been suspended within 48 hours of receiving  
13 written notice from the owner of the ride stating that the condition or  
14 violation for which the permit was suspended has been corrected. If,  
15 upon reinspection, the commissioner determines that the condition or  
16 violation has been corrected, the commissioner shall reinstate the  
17 permit immediately.

18       c. If a person whose permit has been suspended or revoked, or  
19 whose application for a permit has been denied, believes that the  
20 violation or condition justifying suspension, revocation or denial of the  
21 permit does not exist, the person may apply to the commissioner for  
22 a reconsideration hearing in accordance with the "Administrative  
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The  
24 reconsideration hearing shall be conducted, and a final decision issued  
25 by the commissioner, within 48 hours of the receipt of the request,  
26 except as extended with the consent of both parties. Failure to issue  
27 a decision shall constitute denial of the requester's appeal. The  
28 decision of the commissioner shall be final, subject to the right of the  
29 parties to appeal to the Superior Court of New Jersey, Appellate  
30 Division.

31 (cf: P.L.1975, c.105, s.14)

32

33       10. Section 15 of P.L.1975, c.105 (C.5:3-45) is amended to read  
34 as follows:

35       15. a. This act shall not be construed as to prevent the use of any  
36 **[existing]** carnival-amusement ride **[found to be]** if the ride has a  
37 New Jersey serial number and is maintained in a safe condition and in  
38 conformance with the rules and regulations of the department, and the  
39 owner or operator of the ride provides to the department a manual  
40 prepared by a licensed professional engineer or other qualified person  
41 acceptable to the department which contains the following  
42 information:

43       (1) A schedule of periodic inspections and maintenance required  
44 to be carried out by owners and operators as needed to ensure  
45 continued safety;

46       (2) A schedule of nondestructive testing that is necessary to

1 ensure the continuing safety and soundness of the ride;

2 (3) Operation procedures and training requirements for ride  
 3 operators and attendants, including training regarding safety-based  
 4 limitations on who may ride;

5 (4) For mobile rides, a detailed set of erection instructions  
 6 including any necessary support requirements; and

7 (5) Any other information as the commissioner may prescribe by  
 8 regulation.

9 b. No carnival amusement ride which has a New Jersey serial  
 10 number shall be modified unless:

11 (1) All of the requirements of subsection a. of this section are met;  
 12 and

13 (2) The modification is pursuant to a supplemental modification  
 14 certification or the owner or operator of the ride obtains individual  
 15 approval of the modification in accordance with the provisions of  
 16 section 12 of P.L.1975, c.105 (C.5:3-42).

17 (cf: P.L.1975, c.105, s.15)

18

19 11. Section 16 of P.L.1975, c.105 (C.5:3-46) is amended to read  
 20 as follows:

21 16. a. The owner and ride operator shall retain at all times  
 22 up-to-date maintenance and inspection records for each  
 23 carnival-amusement ride in accordance with such rules and regulations  
 24 as the department may prescribe. Among other things, such records  
 25 shall contain information of the date and nature of all inspections,  
 26 whether by a departmental inspector or a person in the employment  
 27 of the owner or of any insurer of the carnival-amusement ride, as well  
 28 as of any violations and the types of actions taken to rectify the  
 29 violations. All breakdowns or repairs of any [major] mechanical part  
 30 shall be duly noted. The department may also require [, by rules and  
 31 regulations,] a full safety inspection of any ride whose operation  
 32 results in any injury or death before operation of [said] that ride can  
 33 be resumed.

34 b. The department shall conduct an investigation of each carnival-  
 35 amusement ride incident in which one or more persons suffer death or  
 36 serious injury and shall identify those measures which may be required  
 37 to prevent the future occurrence of death or serious injury under  
 38 similar circumstances and, in furtherance of any investigation pursuant  
 39 to this subsection, the department may issue and enforce subpoenas to  
 40 compel the testimony of any person who may have knowledge of any  
 41 relevant matters and the production of any relevant documents.

42 (cf: P.L.1975, c.105, s.16)

43

44 12. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read  
 45 as follows:

46 17. **[The department shall require the immediate reporting] It**

1 shall be the duty of every owner and ride operator to report  
2 immediately, on a form to be provided by the department, [of] any  
3 accidents and resulting injuries or fatalities incurred during the  
4 operation of any carnival-amusement ride, other than minor incidents,  
5 as defined by rule, or any mechanical malfunction of any ride while in  
6 use necessitating suspension of operation for diagnostic or corrective  
7 work, and [may provide for the cessation of] to cease operation of  
8 any ride whose breakdown or malfunction [directly] causes a fatality  
9 or serious injury to [a rider] any person, subject to rules and  
10 regulations promulgated by the department.

11 Each owner and operator shall maintain, and make available for  
12 inspection by the commissioner, records of all minor incidents incurred  
13 in the operation of a carnival-amusement ride. As used in this section,  
14 "minor incidents" means those incidents designated by rule of the  
15 commissioner to be minor in nature.

16 As used in this section, "mechanical malfunction" means and  
17 includes structural failure of a load-bearing element, mechanical or  
18 electrical failure of a drive or control system component, or failure of  
19 a restraint system, which materially compromises ride safety.

20 (cf: P.L.1975, c.105, s.17)

21

22 13. Section 20 of P.L.1975, c.105 (C.5:3-50) is amended to read  
23 as follows:

24 20. No persons shall operate a carnival-amusement ride unless at  
25 the time there is in existence (a) a policy of insurance written on a per  
26 occurrence, per person basis in an amount of not less than  
27 [\$100,000.00] \$1,000,000 per occurrence, per person insuring the  
28 owner or operator against liability for injury suffered by [persons] any  
29 person riding the carnival-amusement ride, or (b) a bond in a like  
30 amount; provided, however, that the aggregate liability of the surety  
31 under such bond shall not exceed the face amount thereof [, or (c)  
32 cash or other security acceptable to the board]. The policy shall be  
33 procured from one or more insurers acceptable to the State  
34 Commissioner of Banking and Insurance and either (a) licensed to  
35 transact insurance in the State of New Jersey, or (b) approved as  
36 surplus line insurers pursuant to section 11 of P.L.1960, c.32  
37 (C.17:22-6.45).

38 (cf: P.L.1975, c.105, s.20)

39

40 14. (New section) a. All persons manufacturing carnival-  
41 amusement rides to be erected, used or installed in this State shall  
42 provide to the department, on a form provided by the department, the  
43 information that the commissioner shall prescribe by rule.

44 b. Upon notification from an owner or operator of an incident,  
45 whether in this State or elsewhere, involving a critical component of  
46 a ride, the manufacturer of the ride shall promptly evaluate the

1 information in the notification and, if necessary, provide, in the form  
2 of a safety bulletin, the results of that evaluation, together with any  
3 recommendations, to the department and to all known owners and  
4 operators of the ride in this State.

5 c. The department shall also have the authority to prohibit the  
6 sale, erection, use or installation of any carnival-amusement ride in this  
7 State upon a final determination, following exhaustion of all available  
8 remedies at law, that the manufacturer of the ride has repeatedly failed  
9 to comply with orders requiring engineering analyses to be prepared  
10 and submitted to the department or safety bulletins to be issued for  
11 individual carnival-amusement rides or classes of carnival-amusement  
12 rides or upon a final determination, following exhaustion of all  
13 available remedies at law, that the manufacturer has refused, on a  
14 repeated and egregious basis, to comply with orders to carry out the  
15 duties and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

16 d. The requirements imposed by this section on a manufacturer  
17 shall apply equally to any person who obtains a supplemental  
18 modification certification.

19

20 15. This act shall take effect on the October 1 next occurring after  
21 the 150th day after enactment, but the Commissioner of Community  
22 Affairs may take any anticipatory administrative action in advance of  
23 that date as necessary for implementation of the act.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2525

# STATE OF NEW JERSEY

DATED: MARCH 22, 2001

The Assembly Labor Committee reports favorably this Assembly committee substitute for Assembly Bill No. 2525.

The substitute amends the "Carnival-Amusement Rides Safety Act" to enable the Department of Community Affairs to assess and enforce penalties against manufacturers of defective carnival-amusement rides or ride equipment. The substitute creates a permit requirement for carnival-amusement rides and requires submission of detailed engineering documentation concerning these rides.

The substitute requires that owners and operators of carnival-amusement rides located in New Jersey immediately report any accidents resulting in serious injury or death and any malfunctions that pose a threat of serious injury or death. The substitute authorizes the department to investigate any serious accidents, and gives the department the power to subpoena relevant witnesses and documents.

Manufacturers are required to evaluate the malfunction and, if needed, provide the results of that evaluation in the form of a safety bulletin to the department and to all known owners and operators of the ride in the State.

Upon a final determination that a manufacturer has refused, on an egregious and repeated basis, to comply with orders of the department to make safety analyses or modifications, the department may prohibit the sale or construction of any ride of that manufacturer.

Liability insurance requirements for operators of amusement rides are increased from a minimum of \$100,000 per operator to \$1 million per occurrence per injured individual.

If an operator whose permit is suspended or revoked, or whose application for a permit is denied, believes that the alleged condition cited as the reason for the suspension, revocation or denial does not exist, the operator is entitled to request a hearing and obtain a final decision within 48 hours of the request.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2525**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2525 (ACS).

This bill amends the "Carnival-Amusement Rides Safety Act" to enable the Department of Community Affairs to assess and enforce penalties against manufacturers of defective carnival-amusement rides or ride equipment. The bill creates a permit requirement for carnival-amusement rides and requires submission of detailed engineering documentation concerning these rides.

The bill requires that owners and operators of carnival-amusement rides located in New Jersey immediately report any accidents resulting in serious injury or death and any malfunctions that pose a threat of serious injury or death. The bill authorizes the department to investigate any serious accidents, and gives the department the power to subpoena relevant witnesses and documents.

Manufacturers are required to evaluate the malfunction and, if needed, provide the results of that evaluation in the form of a safety bulletin to the department and to all known owners and operators of the ride in the State.

Upon a final determination that a manufacturer has refused, on an egregious and repeated basis, to comply with orders of the department to make safety analyses or modifications, the department may prohibit the sale or construction of any ride of that manufacturer.

Liability insurance requirements for operators of amusement rides are increased from a minimum of \$100,000 per operator to \$1 million per occurrence. The committee amendments delete language requiring the liability insurance requirements to also be written on a per person basis.

If an operator whose permit is suspended or revoked, or whose application for a permit is denied, believes that the alleged condition cited as the reason for the suspension, revocation or denial does not exist, the operator is entitled to request a hearing and obtain a final decision within 48 hours of the request.

As amended and released by the committee, this bill is identical to Senate Bill No. 2362, which also was released by the committee on this date.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2525**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

ADOPTED MARCH 22, 2001

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

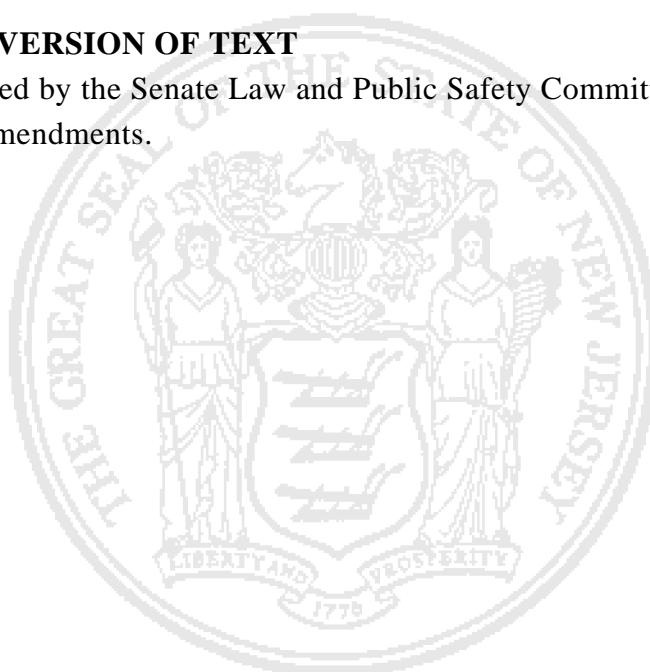
**Assemblyman Felice, Assemblywoman Heck, Assemblyman Pennacchio,  
Senators Cafiero and Bark**

**SYNOPSIS**

Concerns carnival-amusement ride safety.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on May 31, 2001, with amendments.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning carnival-amusement ride safety and amending and  
2 supplementing P.L.1975, c.105.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1975, c.105 (C.5:3-32 is amended to read as  
8 follows:

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

11 a. ["Carnival" or "amusement ride"] "Carnival-amusement ride"  
12 or "ride" means any mechanical device or devices, including but not  
13 limited to water slides exceeding 15 feet in height, which carry or  
14 convey passengers along, around, or over a fixed or restricted route  
15 or course for the purpose of giving its passengers amusement,  
16 pleasure, thrills or excitement; and any passenger or gravity propelled  
17 ride when located in an amusement area or park in which there are  
18 other rides covered by P.L.1975, c. 105 (C. 5:3-31 et seq.); provided,  
19 however, that this shall not include locomotives weighing more than  
20 seven tons, operating on a track the length of which is one-half mile  
21 or greater, the gauge of which is three feet or greater, and the weight  
22 of which is at least 60 pounds per yard. Any facility exempted  
23 pursuant to this subsection shall be under the jurisdiction of the  
24 Department of Transportation for the purpose of safety inspection;

25 b. "Owner" means a person who owns, leases, controls, or  
26 manages the operations of a [carnival or amusement] carnival-  
27 amusement ride, including the State or any of its subdivisions;

28 c. "Ride operator" means any person or persons actually engaged  
29 in or directly controlling the operations of a [carnival or amusement]  
30 carnival-amusement ride;

31 d. "Commissioner" means the Commissioner of [Labor]  
32 Community Affairs; [and]

33 e. "Department" means the [State] Department of [Labor]  
34 Community Affairs; [and]

35 f. "Advisory board" means the Advisory Board on  
36 Carnival-Amusement Ride Safety;

37 g. "Modification" means any material change to a load-bearing  
38 structural member, a mechanical, electrical or hydraulic drive or  
39 control feature, or a restraint or other protective feature. "Modify"  
40 means to make a modification, as defined in this subsection g.

41 h. "Amusement ride manufacturer" or "manufacturer" means a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SLP committee amendments adopted May 31, 2001.

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

6 i. "New ride" means a ride of a type that has not previously been  
7 assigned a type certification by the department.

8 j. "Type certification" means a certification that is granted to a  
9 manufacturer by the department after review of a new ride application  
10 and that is applicable to all rides of essentially the same design and  
11 manufacture with regard to structural, mechanical, electrical, hydraulic  
12 drive and control features, and restraint and other protective features.

13 k. "Individual approval" means an approval that is granted to an  
14 owner or operator of an individual ride that is not type certified, which  
15 is granted by the department after review of a ride application and is  
16 applicable only to that individual ride.

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

20 m. "Supplemental modification certification" means a certification  
21 that is granted to a person other than the manufacturer by the  
22 department after review of an application for modification.

23 n. "Safety bulletin" means a supplemental notification delivered by  
24 the manufacturer or the holder of a supplemental modification  
25 certification to the owner or operator that contains new information  
26 or new recommendations for inspections, testing, operation or  
27 training.

28 o. "Time tested" means a type of amusement ride which is found  
29 by the department to be simple in operation and impose insignificant  
30 forces on riders, or which is found by the department to have a long  
31 history of safe operation.

32 (cf: P.L.1983, c.274, s.1)

33

34 2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as  
35 follows:

36 3. a. There is hereby established within the Department of  
37 **[Labor]** Community Affairs an Advisory Board on  
38 Carnival-Amusement Ride Safety to consist of **[10]** 13 members, of  
39 whom **[one]** two shall be **[a representative]** representatives of the  
40 carnival-amusement ride manufacturers, one shall be a representative  
41 of the owners and operators of mobile carnival-amusement rides, one  
42 shall be a representative of the owners and operators of  
43 carnival-amusement [owners] rides that are at a fixed location, one  
44 shall be [an owner or operator of a registered fair,] a representative  
45 of the owners and operators of water parks, one shall be an owner or  
46 operator of an amusement park or enterprise, one shall be a

1 representative of the insurance underwriters, one shall be a licensed  
2 professional engineer, [three] four shall be public members, and one  
3 shall be a representative of the Department of [Labor] Community  
4 Affairs who shall be appointed by the commissioner. The [nine] 12  
5 citizen members shall be appointed by the Governor, with the advice  
6 and consent of the Senate. The Governor shall designate the chairman  
7 and vice-chairman of the advisory board.

8 b. Of the [eight] nine members first to be appointed by the  
9 Governor, three shall be appointed for terms of two years, three for  
10 terms of three years, and three for terms of four years. All  
11 appointments thereafter, including but not limited to the members  
12 added by P.L. , c. ,(now pending before the Legislature as this bill)  
13 shall be made for terms of four years. All members so appointed shall  
14 serve until their respective successors are appointed and shall qualify,  
15 and any vacancy occurring [in] among the appointed members of the  
16 board[, by expiration of term or otherwise,] shall be filled in the same  
17 manner as the original appointment for the unexpired term and the  
18 appointee shall serve until a successor is appointed and shall qualify.  
19 For the purposes of this section, the member representing owners and  
20 operators of water parks shall be the successor to the member who is  
21 the owner or operator of a registered fair and shall be appointed only  
22 upon the expiration of the term of that member, unless a vacancy in  
23 that seat occurs sooner, in which case a representative of the owners  
24 and operators of water parks shall be appointed to fill the vacancy.  
25 (cf: P.L.1998, c.10, s.1)

26  
27 3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as  
28 follows:

29 6. a. The [Department] Commissioner of [Labor] Community  
30 Affairs, pursuant to the provisions of the "Administrative Procedure  
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and  
32 promulgate rules and regulations for the safe design, manufacture,  
33 installation, repair, maintenance, use, operation and inspection of all  
34 carnival-amusement rides as the department may find necessary for the  
35 protection of the general public, including, but not limited to,  
36 regulations concerning written warnings and directions regarding the  
37 use of carnival-amusement rides. The commissioner is authorized to  
38 adopt by reference, with or without amendment, any code or standard  
39 issued by a nationally recognized organization, upon a finding that  
40 adoption of the code or standard would promote the purposes of  
41 P.L.1975, c.105 (C.5:3-31 et seq.); and is further authorized to  
42 recognize any code or standard issued by an internationally recognized  
43 organization upon a finding that its provisions are equivalent to codes  
44 or standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

45 b. The commissioner shall prepare, and make available, a plain  
46 language summary of the requirements of P.L.1975, c.105 (C.5:3-31

1 et seq.) and the rules and regulations adopted pursuant to P.L.1975,  
2 c.105 (C.5:3-31 et seq.) which shall delineate the responsibilities of all  
3 parties for rides which are type certified, rides which have a  
4 supplemental modification certification, rides which have individual  
5 approvals, and rides which have been accepted pursuant to a  
6 previously issued New Jersey serial number.

7 (cf: P.L.1998, c.10, s.2)

8  
9 4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as  
10 follows:

11 6. Each person who operates a carnival-amusement ride shall post  
12 a written notice which complies with the provisions of this section.  
13 The notice shall be posted in a conspicuous public place on or near the  
14 ride in a manner consistent with standards set by the [Department]  
15 Commissioner of [Labor] Community Affairs and shall include:

16 a. The prominently displayed statement: "State law requires that  
17 each rider must obey all written warnings and directions regarding this  
18 ride and refrain from behaving in a reckless manner which may cause  
19 or contribute to injury of the rider or others. Failure to comply is a  
20 violation of law and subject to a penalty under the New Jersey Code  
21 of Criminal Justice."; and

22 b. All applicable written warnings and directions regarding the use  
23 of the ride which are consistent with regulations adopted by the  
24 department based upon standards of nationally recognized technical or  
25 scientific authorities that research the proper use of the ride and the  
26 potential injuries in connection with improper use of the ride.

27 (cf: P.L.1998, c.10, s.6)

28  
29 5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as  
30 follows:

31 9. The department shall determine a schedule of inspection,  
32 carnival-amusement ride type certification, individual approval and  
33 carnival-amusement ride permit fees. The department shall, from time  
34 to time, make further adjustments in the schedule to bring it, as nearly  
35 as practicable and within the limits of reasonableness, into line with the  
36 costs of implementing the provisions of this act. The fees shall be  
37 applied toward enforcement and administration costs of the Division  
38 of [Workplace] Codes and Standards in the Department of [Labor]  
39 Community Affairs.

40 (cf: P.L.1991, c.205, s.26)

41  
42 6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read  
43 as follows:

44 11. a. No carnival-amusement ride may be operated without a  
45 permit issued by the department. Before commencing operations and  
46 [in each calendar year] annually thereafter, an owner shall apply for

1 a permit to the department on a form furnished by the department and  
2 containing such information as the department may require. All  
3 carnival-amusement rides shall be inspected before they are  
4 ~~[originally]~~ put into operation for the public's use and thereafter at  
5 least once every year[, unless authorized to operate on a temporary  
6 permit. Annual permits]. If, after inspection, a carnival-amusement  
7 ride is found to comply with the rules and regulations of the  
8 department, the department shall issue a permit authorizing the ride for  
9 use by the public. Permits shall be issued for a period [commencing  
10 January and expiring the following December 31,] of one year unless  
11 extended by the commissioner or suspended or revoked in accordance  
12 with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement  
13 rides shall be tested, maintained and inspected periodically by the  
14 owner, in accordance with standards promulgated by the department[,  
15 each time they are disassembled and reassembled].

16 b. The permit application for any carnival-amusement ride for  
17 which type certification has been approved shall refer to the carnival-  
18 amusement ride type certification number issued to the manufacturer  
19 by the department.

20 c. The permit application for any carnival-amusement ride not  
21 having a type certification shall include the information required to be  
22 provided pursuant to section 15 of P.L.1975, c.105 (C.5:3-45).

23 d. No person shall modify a carnival-amusement ride which has a  
24 type certification unless the modification is pursuant to an amended  
25 type certification issued to the manufacturer or is pursuant to a  
26 supplemental modification certification.

27 e. No person shall modify a carnival-amusement ride for which no  
28 type certification exists unless the modification is pursuant to a  
29 supplemental modification certification or the permit holder or  
30 applicant has submitted to the department the information required  
31 under section 12 of P.L.1975, c.105 (C.5:3-42).

32 (cf: P.L.1998, c.10, s.3)

33

34 7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read  
35 as follows:

36 12. [If, after inspection, a carnival-amusement ride is found to  
37 comply with the rules and regulations of the department, the  
38 department shall authorize the ride for use by the public.]

39 a. Except as permitted by this section and sections 13 and 15 of  
40 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no carnival-amusement ride,  
41 including a modified carnival-amusement ride, shall be operated,  
42 installed or used in the State unless the manufacturer has obtained a  
43 carnival-amusement ride type certification from the department.  
44 Except as permitted by this section and sections 13 and 15 of  
45 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no ride shall be modified



1 unless the manufacturer has provided the information required by this  
2 section and the manufacturer has obtained type certification for the  
3 ride as modified. The following information, prepared by a licensed  
4 professional engineer or other qualified person acceptable to the  
5 department, together with such additional information as the  
6 department may require, shall be provided to the department for  
7 review:

8 (1) A safety analysis of the ride and ride equipment, which  
9 identifies, recognizes and mitigates any reasonably foreseeable safety  
10 hazards in the ride, identifies its accommodation of riders and users,  
11 and identifies its operation and maintenance. The analysis shall be a  
12 comprehensive, thorough review and assessment of the ride that  
13 utilizes an organized, step-by-step, feature-by-feature process. The  
14 analysis shall be documented in detail, listing those reasonably  
15 foreseeable safety hazards that are identified and describing the means  
16 used to mitigate each hazard;

17 (2) A detailed load and stress analysis, including fatigue life  
18 protections where appropriate, and recommendations for those  
19 nondestructive tests as may be reasonably necessary to prevent failure  
20 under load;

21 (3) A detailed set of installation and erection instructions  
22 indicating loads to be carried by site-built foundation or support  
23 structures;

24 (4) A periodic maintenance and inspection schedule required to be  
25 carried out by owners and operators and necessary to ensure continued  
26 safety; and

27 (5) Operation procedures and training requirements for ride  
28 operators and attendants, including training regarding any safety-based  
29 limitations on who may ride.

30 The department may waive the requirements of paragraphs (1) and  
31 (2) of this subsection a. for a ride which has previously received a New  
32 Jersey serial number or is determined to be time-tested.

33 b. Each manufacturer of a new carnival-amusement ride, including,  
34 without limitation, a modified ride, to be erected, used or installed in  
35 this State, shall have a written quality assurance program used or to be  
36 used in conjunction with the design, manufacture, construction,  
37 modification or reconditioning of the ride. Quality assurance  
38 documents, including material certifications, test reports and  
39 inspection reports, shall be provided to the department upon request  
40 by the department and shall be retained by the manufacturer for such  
41 periods of times as the department may by rule require.

42 c. A type certification shall continue to be valid only so long as the  
43 manufacturer continues to provide technical support for the ride and  
44 shall, in any event, be valid for a period of three years or whatever  
45 shorter period the commissioner approves and shall thereafter be  
46 subject to renewal.

1 d. No information submitted in support of a type certification  
2 application that is designated by the manufacturer as being of a  
3 proprietary nature shall be considered a public record. All type  
4 certification applications shall be reviewed in accordance with rules in  
5 effect as of the date that the design for the ride was first contracted  
6 for; except that any safety bulletin that is applicable to rides of that  
7 type shall govern, regardless of the date of the contract.

8 e. A person, other than the manufacturer, may obtain a  
9 supplemental modification certification from the department upon  
10 submission of all of the information required of a manufacturer and  
11 upon review by the department for conformity with the codes and  
12 standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

13 f. A complete application for type certification or supplemental  
14 modification certification shall be either approved or denied within 30  
15 days of the date of filing. In the event of a denial, a written statement  
16 of the reasons for the denial shall be provided to the applicant.

17 (cf: P.L.1975, c.105, s.12)

18  
19 8. Section 13 of P.L.1975, c.105 (C.5:3-43) is amended to read  
20 as follows:

21 13. [Before a new carnival-amusement ride is erected, or  
22 whenever any additions or alterations are made which change the  
23 structure, mechanism, classification or capacity of any  
24 carnival-amusement ride or the physical spacing between rides, the  
25 owner shall file with the department a notice of his intentions and any  
26 plans or diagrams requested by the department. Such plans and  
27 specifications for new carnival-amusement rides, or for additions or  
28 alterations thereon, shall be reviewed and approved by an engineer  
29 retained or employed by the department and licensed in this State as  
30 a professional engineer. Upon approval of the plans and specifications  
31 the department shall authorize the ride or device for use by the  
32 public.] If a carnival-amusement ride was manufactured prior to the  
33 effective date of P.L. , c. (now pending before the Legislature as  
34 this bill) or the type certification for the ride is not renewed by the  
35 manufacturer or is revoked by the department, then the ride shall not  
36 be operated, installed or used in this State unless the owner or  
37 operator has obtained a carnival-amusement ride individual approval  
38 from the department. No ride not having a type certification or  
39 supplemental modification certification shall be modified unless the  
40 owner or operator has provided the information required by section 12  
41 of P.L.1975, c.105 (C.5:3-42) and the owner or operator of the ride  
42 has obtained an individual approval for the ride as modified.  
43 Information required by the department regarding any ride shall be  
44 provided by a licensed professional engineer or other qualified person  
45 acceptable to the department.

46 (cf: P.L.1975, c.105, s.13).

1       9. Section 14 of P.L.1975, c.105 (C.5:3-44) is amended to read  
2 as follows:

3       14. a. The department may order, in writing, a temporary  
4 cessation of operation of a carnival-amusement ride or suspend the  
5 permit issued for that ride if it has been determined after inspection, in  
6 accordance with standards promulgated by the department, to be  
7 hazardous or unsafe or that there has been a violation of P.L.1975,  
8 c.105 (C.5:3-31 et seq.) or any rule or regulation promulgated  
9 pursuant to that act. Operation shall not resume until such conditions  
10 are corrected to the satisfaction of the department.

11       b. The commissioner shall reinspect a carnival-amusement ride for  
12 which a permit has been suspended within 48 hours of receiving  
13 written notice from the owner of the ride stating that the condition or  
14 violation for which the permit was suspended has been corrected. If,  
15 upon reinspection, the commissioner determines that the condition or  
16 violation has been corrected, the commissioner shall reinstate the  
17 permit immediately.

18       c. If a person whose permit has been suspended or revoked, or  
19 whose application for a permit has been denied, believes that the  
20 violation or condition justifying suspension, revocation or denial of the  
21 permit does not exist, the person may apply to the commissioner for  
22 a reconsideration hearing in accordance with the "Administrative  
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The  
24 reconsideration hearing shall be conducted, and a final decision issued  
25 by the commissioner, within 48 hours of the receipt of the request,  
26 except as extended with the consent of both parties. Failure to issue  
27 a decision shall constitute denial of the requester's appeal. The  
28 decision of the commissioner shall be final, subject to the right of the  
29 parties to appeal to the Superior Court of New Jersey, Appellate  
30 Division.

31 (cf: P.L.1975, c.105, s.14)

32  
33       10. Section 15 of P.L.1975, c.105 (C.5:3-45) is amended to read  
34 as follows:

35       15. a. This act shall not be construed as to prevent the use of any  
36 **[existing]** carnival-amusement ride **[found to be]** if the ride has a  
37 New Jersey serial number and is maintained in a safe condition and in  
38 conformance with the rules and regulations of the department, and the  
39 owner or operator of the ride provides to the department a manual  
40 prepared by a licensed professional engineer or other qualified person  
41 acceptable to the department which contains the following  
42 information:

43       (1) A schedule of periodic inspections and maintenance required  
44 to be carried out by owners and operators as needed to ensure  
45 continued safety;

46       (2) A schedule of nondestructive testing that is necessary to

1 ensure the continuing safety and soundness of the ride;

2 (3) Operation procedures and training requirements for ride  
3 operators and attendants, including training regarding safety-based  
4 limitations on who may ride;

5 (4) For mobile rides, a detailed set of erection instructions  
6 including any necessary support requirements; and

7 (5) Any other information as the commissioner may prescribe by  
8 regulation.

9 b. No carnival amusement ride which has a New Jersey serial  
10 number shall be modified unless:

11 (1) All of the requirements of subsection a. of this section are met;  
12 and

13 (2) The modification is pursuant to a supplemental modification  
14 certification or the owner or operator of the ride obtains individual  
15 approval of the modification in accordance with the provisions of  
16 section 12 of P.L.1975, c.105 (C.5:3-42).

17 (cf: P.L.1975, c.105, s.15)

18

19 11. Section 16 of P.L.1975, c.105 (C.5:3-46) is amended to read  
20 as follows:

21 16. a. The owner and ride operator shall retain at all times  
22 up-to-date maintenance and inspection records for each  
23 carnival-amusement ride in accordance with such rules and regulations  
24 as the department may prescribe. Among other things, such records  
25 shall contain information of the date and nature of all inspections,  
26 whether by a departmental inspector or a person in the employment  
27 of the owner or of any insurer of the carnival-amusement ride, as well  
28 as of any violations and the types of actions taken to rectify the  
29 violations. All breakdowns or repairs of any [major] mechanical part  
30 shall be duly noted. The department may also require [, by rules and  
31 regulations,] a full safety inspection of any ride whose operation  
32 results in any injury or death before operation of [said] that ride can  
33 be resumed.

34 b. The department shall conduct an investigation of each carnival-  
35 amusement ride incident in which one or more persons suffer death or  
36 serious injury and shall identify those measures which may be required  
37 to prevent the future occurrence of death or serious injury under  
38 similar circumstances and, in furtherance of any investigation pursuant  
39 to this subsection, the department may issue and enforce subpoenas to  
40 compel the testimony of any person who may have knowledge of any  
41 relevant matters and the production of any relevant documents.

42 (cf: P.L.1975, c.105, s.16)

43

44 12. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read  
45 as follows:

46 17. **[The department shall require the immediate reporting] It**

1 shall be the duty of every owner and ride operator to report  
2 immediately, on a form to be provided by the department, [of] any  
3 accidents and resulting injuries or fatalities incurred during the  
4 operation of any carnival-amusement ride, other than minor incidents,  
5 as defined by rule, or any mechanical malfunction of any ride while in  
6 use necessitating suspension of operation for diagnostic or corrective  
7 work, and [may provide for the cessation of] to cease operation of  
8 any ride whose breakdown or malfunction [directly] causes a fatality  
9 or serious injury to [a rider] any person, subject to rules and  
10 regulations promulgated by the department.

11 Each owner and operator shall maintain, and make available for  
12 inspection by the commissioner, records of all minor incidents incurred  
13 in the operation of a carnival-amusement ride. As used in this section,  
14 "minor incidents" means those incidents designated by rule of the  
15 commissioner to be minor in nature.

16 As used in this section, "mechanical malfunction" means and  
17 includes structural failure of a load-bearing element, mechanical or  
18 electrical failure of a drive or control system component, or failure of  
19 a restraint system, which materially compromises ride safety.

20 (cf: P.L.1975, c.105, s.17)

21

22 13. Section 20 of P.L.1975, c.105 (C.5:3-50) is amended to read  
23 as follows:

24 20. No persons shall operate a carnival-amusement ride unless at  
25 the time there is in existence (a) a policy of insurance written on a per  
26 occurrence <sup>1</sup>[. per person] <sup>1</sup>basis in an amount of not less than  
27 [\$100,000.00] \$1,000,000 per occurrence <sup>1</sup>[. per person] <sup>1</sup> insuring  
28 the owner or operator against liability for injury suffered by [persons]  
29 any person riding the carnival-amusement ride, or (b) a bond in a like  
30 amount; provided, however, that the aggregate liability of the surety  
31 under such bond shall not exceed the face amount thereof [, or (c)  
32 cash or other security acceptable to the board]. The policy shall be  
33 procured from one or more insurers acceptable to the State  
34 Commissioner of Banking and Insurance and either (a) licensed to  
35 transact insurance in the State of New Jersey, or (b) approved as  
36 surplus line insurers pursuant to section 11 of P.L.1960, c.32  
37 (C.17:22-6.45).

38 (cf: P.L.1975, c.105, s.20)

39

40 14. (New section) a. All persons manufacturing carnival-  
41 amusement rides to be erected, used or installed in this State shall  
42 provide to the department, on a form provided by the department, the  
43 information that the commissioner shall prescribe by rule.

44 b. Upon notification from an owner or operator of an incident,  
45 whether in this State or elsewhere, involving a critical component of

1 a ride, the manufacturer of the ride shall promptly evaluate the  
2 information in the notification and, if necessary, provide, in the form  
3 of a safety bulletin, the results of that evaluation, together with any  
4 recommendations, to the department and to all known owners and  
5 operators of the ride in this State.

6 c. The department shall also have the authority to prohibit the  
7 sale, erection, use or installation of any carnival-amusement ride in this  
8 State upon a final determination, following exhaustion of all available  
9 remedies at law, that the manufacturer of the ride has repeatedly failed  
10 to comply with orders requiring engineering analyses to be prepared  
11 and submitted to the department or safety bulletins to be issued for  
12 individual carnival-amusement rides or classes of carnival-amusement  
13 rides or upon a final determination, following exhaustion of all  
14 available remedies at law, that the manufacturer has refused, on a  
15 repeated and egregious basis, to comply with orders to carry out the  
16 duties and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

17 d. The requirements imposed by this section on a manufacturer  
18 shall apply equally to any person who obtains a supplemental  
19 modification certification.

20

21 15. This act shall take effect on the October 1 next occurring after  
22 the 150th day after enactment, but the Commissioner of Community  
23 Affairs may take any anticipatory administrative action in advance of  
24 that date as necessary for implementation of the act.

**SENATE, No. 2362**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 14, 2001

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator MARTHA W. BARK**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Concerns carnival-amusement ride safety.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning carnival-amusement ride safety, amending  
2 P.L.1998, c.10, and amending and supplementing P.L.1975, c.105.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1975, c.105 (C.5:3-32) is amended to read as  
8 follows:

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

11 a. **["Carnival" or "amusement ride"]** "Carnival-amusement ride"  
12 or "ride" means any mechanical device or devices, including but not  
13 limited to water slides exceeding 15 feet in height, which carry or  
14 convey passengers along, around, or over a fixed or restricted route  
15 or course for the purpose of giving its passengers amusement,  
16 pleasure, thrills or excitement; and any passenger or gravity propelled  
17 ride when located in an amusement area or park in which there are  
18 other rides covered by P.L.1975, c.105 (C.5:3-31 et seq.); provided,  
19 however, that this shall not include locomotives weighing more than  
20 seven tons, operating on a track the length of which is one-half mile  
21 or greater, the gauge of which is three feet or greater, and the weight  
22 of which is at least 60 pounds per yard. Any facility exempted  
23 pursuant to this subsection shall be under the jurisdiction of the  
24 Department of Transportation for the purpose of safety inspection;

25 b. "Owner" means a person who owns, leases, controls, or  
26 manages the operations of a **[carnival or amusement]** carnival-  
27 amusement ride, including the State or any of its subdivisions;

28 c. "Ride operator" means any person or persons actually engaged  
29 in or directly controlling the operations of a **[carnival or amusement]**  
30 carnival-amusement ride;

31 d. "Commissioner" means the Commissioner of **[Labor]**  
32 Community Affairs; **[and]**

33 e. "Department" means the **[State]** Department of **[Labor]**  
34 Community Affairs; **[and]**

35 f. "Advisory board" means the Advisory Board on  
36 Carnival-Amusement Ride Safety;

37 g. "Modification" means any material change to a load-bearing  
38 structural member, a mechanical, electrical or hydraulic drive or  
39 control feature, or a restraint or other protective feature. "Modify"  
40 means to make a modification, as defined in this subsection g.

41 h. "Amusement ride manufacturer" or "manufacturer" means a  
42 person who obtains type certification for a 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.**

**Matter underlined thus is new matter.**



1 and who has responsibility for the design and manufacture of any  
2 carnival-amusement ride to be used or installed in this State, or sold  
3 for use in the State, and includes any entity controlled by the  
4 manufacturer.

5 i. "New ride" means a ride of a type that has not previously been  
6 assigned a type certification by the department.

7 j. "Type certification" means a certification that is granted to a  
8 manufacturer by the department after review of a new ride application  
9 and that is applicable to all rides of essentially the same design and  
10 manufacture with regard to structural, mechanical, electrical, hydraulic  
11 drive and control features, and restraint and other protective features.

12 k. "Individual approval" means an approval that is granted to an  
13 owner or operator of an individual ride that is not type certified, which  
14 is granted by the department after review of a ride application and is  
15 applicable only to that individual ride.

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

19 m. "Supplemental modification certification" means a certification  
20 that is granted to a person other than the manufacturer by the  
21 department after review of an application for modification.

22 n. "Safety bulletin" means a supplemental notification delivered by  
23 the manufacturer or the holder of a supplemental modification  
24 certification to the owner or operator that contains new information  
25 or new recommendations for inspections, testing, operation or  
26 training.

27 o. "Time tested" means a type of amusement ride which is found  
28 by the department to be simple in operation and impose insignificant  
29 forces on riders, or which is found by the department to have a long  
30 history of safe operation.

31 (cf: P.L.1983, c.274, s.1)

32  
33 2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as  
34 follows:

35 3. a. There is hereby established within the Department of  
36 **[Labor]** Community Affairs an Advisory Board on  
37 Carnival-Amusement Ride Safety to consist of **[10]** 13 members, of  
38 whom **[one]** two shall be **[a representative]** representatives of the  
39 carnival-amusement ride manufacturers, one shall be a representative  
40 of the owners and operators of mobile carnival-amusement rides, one  
41 shall be a representative of the owners and operators of  
42 carnival-amusement [owners] rides that are at a fixed location, one  
43 shall be [an owner or operator of a registered fair,] a representative  
44 of the owners and operators of water parks, one shall be an owner or  
45 operator of an amusement park or enterprise, one shall be a  
46 representative of the insurance underwriters, one shall be a licensed

1 professional engineer, [~~three~~] four shall be public members, and one  
2 shall be a representative of the Department of [~~Labor~~] Community  
3 Affairs who shall be appointed by the commissioner. The [~~nine~~] 12  
4 citizen members shall be appointed by the Governor, with the advice  
5 and consent of the Senate. The Governor shall designate the chairman  
6 and vice-chairman of the advisory board.

7 b. Of the [~~eight~~] nine members first to be appointed by the  
8 Governor, three shall be appointed for terms of two years, three for  
9 terms of three years, and three for terms of four years. All  
10 appointments thereafter, including but not limited to the members  
11 added by P.L. , c. ,(now pending before the Legislature as this bill)  
12 shall be made for terms of four years. All members so appointed shall  
13 serve until their respective successors are appointed and shall qualify,  
14 and any vacancy occurring [~~in~~] among the appointed members of the  
15 board[, by expiration of term or otherwise,] shall be filled in the same  
16 manner as the original appointment for the unexpired term and the  
17 appointee shall serve until a successor is appointed and shall qualify.  
18 For the purposes of this section, the member representing owners and  
19 operators of water parks shall be the successor to the member who is  
20 the owner or operator of a registered fair and shall be appointed only  
21 upon the expiration of the term of that member, unless a vacancy in  
22 that seat occurs sooner, in which case a representative of the owners  
23 and operators of water parks shall be appointed to fill the vacancy.  
24 (cf: P.L.1998, c.10, s.1)

25  
26 3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as  
27 follows:

28 6. a. The [~~Department~~] Commissioner of [~~Labor~~] Community  
29 Affairs, pursuant to the provisions of the "Administrative Procedure  
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and  
31 promulgate rules and regulations for the safe design, manufacture,  
32 installation, repair, maintenance, use, operation and inspection of all  
33 carnival-amusement rides as the department may find necessary for the  
34 protection of the general public, including, but not limited to,  
35 regulations concerning written warnings and directions regarding the  
36 use of carnival-amusement rides. The commissioner is authorized to  
37 adopt by reference, with or without amendment, any code or standard  
38 issued by a nationally recognized organization, upon a finding that  
39 adoption of the code or standard would promote the purposes of  
40 P.L.1975, c.105 (C.5:3-31 et seq.); and is further authorized to  
41 recognize any code or standard issued by an internationally recognized  
42 organization upon a finding that its provisions are equivalent to codes  
43 or standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

44 b. The commissioner shall prepare, and make available, a plain  
45 language summary of the requirements of P.L.1975, c.105 (C.5:3-31  
46 et seq.) and the rules and regulations adopted pursuant to P.L.1975,

1 c.105 (C.5:3-31 et seq.) which shall delineate the responsibilities of all  
2 parties for rides which are type certified, rides which have a  
3 supplemental modification certification, rides which have individual  
4 approvals, and rides which have been accepted pursuant to a  
5 previously issued New Jersey serial number.

6 (cf: P.L.1998, c.10, s.2)

7

8 4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as  
9 follows:

10 6. Each person who operates a carnival-amusement ride shall post  
11 a written notice which complies with the provisions of this section.  
12 The notice shall be posted in a conspicuous public place on or near the  
13 ride in a manner consistent with standards set by the [Department]  
14 Commissioner of [Labor] Community Affairs and shall include:

15 a. The prominently displayed statement: "State law requires that  
16 each rider must obey all written warnings and directions regarding this  
17 ride and refrain from behaving in a reckless manner which may cause  
18 or contribute to injury of the rider or others. Failure to comply is a  
19 violation of law and subject to a penalty under the New Jersey Code  
20 of Criminal Justice."; and

21 b. All applicable written warnings and directions regarding the use  
22 of the ride which are consistent with regulations adopted by the  
23 department based upon standards of nationally recognized technical or  
24 scientific authorities that research the proper use of the ride and the  
25 potential injuries in connection with improper use of the ride.

26 (cf: P.L.1998, c.10, s.6)

27

28 5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as  
29 follows:

30 9. The department shall determine a schedule of inspection,  
31 carnival-amusement ride type certification, individual approval and  
32 carnival-amusement ride permit fees. The department shall, from time  
33 to time, make further adjustments in the schedule to bring it, as nearly  
34 as practicable and within the limits of reasonableness, into line with the  
35 costs of implementing the provisions of this act. The fees shall be  
36 applied toward enforcement and administration costs of the Division  
37 of [Workplace] Codes and Standards in the Department of [Labor]  
38 Community Affairs.

39 (cf: P.L.1991, c.205, s.26)

40

41 6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read as  
42 follows:

43 11. a. No carnival-amusement ride may be operated without a  
44 permit issued by the department. Before commencing operations and  
45 [in each calendar year] annually thereafter, an owner shall apply for  
46 a permit to the department on a form furnished by the department and

1 containing such information as the department may require. All  
2 carnival-amusement rides shall be inspected before they are  
3 ~~[originally]~~ put into operation for the public's use and thereafter at  
4 least once every year[, unless authorized to operate on a temporary  
5 permit. Annual permits]. If, after inspection, a carnival-amusement  
6 ride is found to comply with the rules and regulations of the  
7 department, the department shall issue a permit authorizing the ride for  
8 use by the public. Permits shall be issued for a period [commencing  
9 January and expiring the following December 31,] of one year unless  
10 extended by the commissioner or suspended or revoked in accordance  
11 with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement  
12 rides shall be tested, maintained and inspected periodically by the  
13 owner, in accordance with standards promulgated by the department[,  
14 each time they are disassembled and reassembled].

15 b. The permit application for any carnival-amusement ride for  
16 which type certification has been approved shall refer to the carnival-  
17 amusement ride type certification number issued to the manufacturer  
18 by the department.

19 c. The permit application for any carnival-amusement ride not  
20 having a type certification shall include the information required to be  
21 provided pursuant to section 15 of P.L.1975, c.105 (C.5:3-45).

22 d. No person shall modify a carnival-amusement ride which has a  
23 type certification unless the modification is pursuant to an amended  
24 type certification issued to the manufacturer or is pursuant to a  
25 supplemental modification certification.

26 e. No person shall modify a carnival-amusement ride for which no  
27 type certification exists unless the modification is pursuant to a  
28 supplemental modification certification or the permit holder or  
29 applicant has submitted to the department the information required  
30 under section 12 of P.L.1975, c.105 (C.5:3-42).

31 (cf: P.L.1998, c.10, s.3)

32

33 7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read as  
34 follows:

35 12. [If, after inspection, a carnival-amusement ride is found to  
36 comply with the rules and regulations of the department, the  
37 department shall authorize the ride for use by the public.]

38 a. Except as permitted by this section and sections 13 and 15 of  
39 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no carnival-amusement ride,  
40 including a modified carnival-amusement ride, shall be operated,  
41 installed or used in the State unless the manufacturer has obtained a  
42 carnival-amusement ride type certification from the department.  
43 Except as permitted by this section and sections 13 and 15 of  
44 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no ride shall be modified  
45 unless the manufacturer has provided the information required by this

1 section and the manufacturer has obtained type certification for the  
2 ride as modified. The following information, prepared by a licensed  
3 professional engineer or other qualified person acceptable to the  
4 department, together with such additional information as the  
5 department may require, shall be provided to the department for  
6 review:

7 (1) A safety analysis of the ride and ride equipment, which  
8 identifies, recognizes and mitigates any reasonably foreseeable safety  
9 hazards in the ride, identifies its accommodation of riders and users,  
10 and identifies its operation and maintenance. The analysis shall be a  
11 comprehensive, thorough review and assessment of the ride that  
12 utilizes an organized, step-by-step, feature-by-feature process. The  
13 analysis shall be documented in detail, listing those reasonably  
14 foreseeable safety hazards that are identified and describing the means  
15 used to mitigate each hazard;

16 (2) A detailed load and stress analysis, including fatigue life  
17 protections where appropriate, and recommendations for those  
18 nondestructive tests as may be reasonably necessary to prevent failure  
19 under load;

20 (3) A detailed set of installation and erection instructions indicating  
21 loads to be carried by site-built foundation or support structures;

22 (4) A periodic maintenance and inspection schedule required to be  
23 carried out by owners and operators and necessary to ensure continued  
24 safety; and

25 (5) Operation procedures and training requirements for ride  
26 operators and attendants, including training regarding any safety-based  
27 limitations on who may ride.

28 The department may waive the requirements of paragraphs (1) and  
29 (2) of this subsection a. for a ride which has previously received a New  
30 Jersey serial number or is determined to be time-tested.

31 b. Each manufacturer of a new carnival-amusement ride, including,  
32 without limitation, a modified ride, to be erected, used or installed in  
33 this State, shall have a written quality assurance program used or to be  
34 used in conjunction with the design, manufacture, construction,  
35 modification or reconditioning of the ride. Quality assurance  
36 documents, including material certifications, test reports and  
37 inspection reports, shall be provided to the department upon request  
38 by the department and shall be retained by the manufacturer for such  
39 periods of times as the department may by rule require.

40 c. A type certification shall continue to be valid only so long as the  
41 manufacturer continues to provide technical support for the ride and  
42 shall, in any event, be valid for a period of three years or whatever  
43 shorter period the commissioner approves and shall thereafter be  
44 subject to renewal.

45 d. No information submitted in support of a type certification  
46 application that is designated by the manufacturer as being of a

1 proprietary nature shall be considered a public record. All type  
2 certification applications shall be reviewed in accordance with rules in  
3 effect as of the date that the design for the ride was first contracted  
4 for; except that any safety bulletin that is applicable to rides of that  
5 type shall govern, regardless of the date of the contract.

6 e. A person, other than the manufacturer, may obtain a  
7 supplemental modification certification from the department upon  
8 submission of all of the information required of a manufacturer and  
9 upon review by the department for conformity with the codes and  
10 standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

11 f. A complete application for type certification or supplemental  
12 modification certification shall be either approved or denied within 30  
13 days of the date of filing. In the event of a denial, a written statement  
14 of the reasons for the denial shall be provided to the applicant.

15 (cf: P.L.1975, c.105, s.12)

16  
17 8. Section 13 of P.L.1975, c.105 (C.5:3-43) is amended to read as  
18 follows:

19 13. [Before a new carnival-amusement ride is erected, or whenever  
20 any additions or alterations are made which change the structure,  
21 mechanism, classification or capacity of any carnival-amusement ride  
22 or the physical spacing between rides, the owner shall file with the  
23 department a notice of his intentions and any plans or diagrams  
24 requested by the department. Such plans and specifications for new  
25 carnival-amusement rides, or for additions or alterations thereon, shall  
26 be reviewed and approved by an engineer retained or employed by the  
27 department and licensed in this State as a professional engineer. Upon  
28 approval of the plans and specifications the department shall authorize  
29 the ride or device for use by the public.] If a carnival-amusement ride  
30 was manufactured prior to the effective date of P.L. \_\_\_\_\_, c. (now  
31 pending before the Legislature as this bill) or the type certification for  
32 the ride is not renewed by the manufacturer or is revoked by the  
33 department, then the ride shall not be operated, installed or used in this  
34 State unless the owner or operator has obtained a carnival-amusement  
35 ride individual approval from the department. No ride not having a  
36 type certification or supplemental modification certification shall be  
37 modified unless the owner or operator has provided the information  
38 required by section 12 of P.L.1975, c.105 (C.5:3-42) and the owner  
39 or operator of the ride has obtained an individual approval for the ride  
40 as modified. Information required by the department regarding any  
41 ride shall be provided by a licensed professional engineer or other  
42 qualified person acceptable to the department.

43 (cf: P.L.1975, c.105, s.13).

44  
45 9. Section 14 of P.L.1975, c.105 (C.5:3-44) is amended to read  
46 as follows:

1       14. a. The department may order, in writing, a temporary  
2 cessation of operation of a carnival-amusement ride or suspend the  
3 permit issued for that ride if it has been determined after inspection, in  
4 accordance with standards promulgated by the department, to be  
5 hazardous or unsafe or that there has been a violation of P.L.1975,  
6 c.105 (C.5:3-31 et seq.) or any rule or regulation promulgated  
7 pursuant to that act. Operation shall not resume until such conditions  
8 are corrected to the satisfaction of the department.

9       b. The commissioner shall reinspect a carnival-amusement ride for  
10 which a permit has been suspended within 48 hours of receiving  
11 written notice from the owner of the ride stating that the condition or  
12 violation for which the permit was suspended has been corrected. If,  
13 upon reinspection, the commissioner determines that the condition or  
14 violation has been corrected, the commissioner shall reinstate the  
15 permit immediately.

16       c. If a person whose permit has been suspended or revoked, or  
17 whose application for a permit has been denied, believes that the  
18 violation or condition justifying suspension, revocation or denial of the  
19 permit does not exist, the person may apply to the commissioner for  
20 a reconsideration hearing in accordance with the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The  
22 reconsideration hearing shall be conducted, and a final decision issued  
23 by the commissioner, within 48 hours of the receipt of the request,  
24 except as extended with the consent of both parties. Failure to issue  
25 a decision shall constitute denial of the requester's appeal. The  
26 decision of the commissioner shall be final, subject to the right of the  
27 parties to appeal to the Superior Court of New Jersey, Appellate  
28 Division.

29 (cf: P.L.1975, c.105, s.14)

30  
31       10. Section 15 of P.L.1975, c.105 (C.5:3-45) is amended to read  
32 as follows:

33       15. a. This act shall not be construed as to prevent the use of any  
34 [existing] carnival-amusement ride [found to be] if the ride has a  
35 New Jersey serial number and is maintained in a safe condition and in  
36 conformance with the rules and regulations of the department, and the  
37 owner or operator of the ride provides to the department a manual  
38 prepared by a licensed professional engineer or other qualified person  
39 acceptable to the department which contains the following  
40 information:

41       (1) A schedule of periodic inspections and maintenance required to  
42 be carried out by owners and operators as needed to ensure continued  
43 safety;

44       (2) A schedule of nondestructive testing that is necessary to ensure  
45 the continuing safety and soundness of the ride;

46       (3) Operation procedures and training requirements for ride

1 operators and attendants, including training regarding safety-based  
2 limitations on who may ride;

3 (4) For mobile rides, a detailed set of erection instructions  
4 including any necessary support requirements; and

5 (5) Any other information as the commissioner may prescribe by  
6 regulation.

7 b. No carnival amusement ride which has a New Jersey serial  
8 number shall be modified unless:

9 (1) All of the requirements of subsection a. of this section are met;  
10 and

11 (2) The modification is pursuant to a supplemental modification  
12 certification or the owner or operator of the ride obtains individual  
13 approval of the modification in accordance with the provisions of  
14 section 12 of P.L.1975, c.105 (C.5:3-42).

15 (cf: P.L.1975, c.105, s.15)

16

17 11. Section 16 of P.L.1975, c.105 (C.5:3-46) is amended to read  
18 as follows:

19 16. a. The owner and ride operator shall retain at all times  
20 up-to-date maintenance and inspection records for each  
21 carnival-amusement ride in accordance with such rules and regulations  
22 as the department may prescribe. Among other things, such records  
23 shall contain information of the date and nature of all inspections,  
24 whether by a departmental inspector or a person in the employment  
25 of the owner or of any insurer of the carnival-amusement ride, as well  
26 as of any violations and the types of actions taken to rectify the  
27 violations. All breakdowns or repairs of any [major] mechanical part  
28 shall be duly noted. The department may also require [, by rules and  
29 regulations,] a full safety inspection of any ride whose operation  
30 results in any injury or death before operation of [said] that ride can  
31 be resumed.

32 b. The department shall conduct an investigation of each carnival-  
33 amusement ride incident in which one or more persons suffer death or  
34 serious injury and shall identify those measures which may be required  
35 to prevent the future occurrence of death or serious injury under  
36 similar circumstances and, in furtherance of any investigation pursuant  
37 to this subsection, the department may issue and enforce subpoenas to  
38 compel the testimony of any person who may have knowledge of any  
39 relevant matters and the production of any relevant documents.

40 (cf: P.L.1975, c.105, s.16)

41

42 12. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read  
43 as follows:

44 17. [The department shall require the immediate reporting] It shall  
45 be the duty of every owner and ride operator to report immediately, on  
46 a form to be provided by the department, [of] any accidents and



1 resulting injuries or fatalities incurred during the operation of any  
2 carnival-amusement ride, other than minor incidents, as defined by  
3 rule, or any mechanical malfunction of any ride while in use  
4 necessitating suspension of operation for diagnostic or corrective  
5 work, and [may provide for the cessation of] to cease operation of  
6 any ride whose breakdown or malfunction [directly] causes a fatality  
7 or serious injury to [a rider] any person, subject to rules and  
8 regulations promulgated by the department.

9 Each owner and operator shall maintain, and make available for  
10 inspection by the commissioner, records of all minor incidents incurred  
11 in the operation of a carnival-amusement ride. As used in this section,  
12 "minor incidents" means those incidents designated by rule of the  
13 commissioner to be minor in nature.

14 As used in this section, "mechanical malfunction" means and  
15 includes structural failure of a load-bearing element, mechanical or  
16 electrical failure of a drive or control system component, or failure of  
17 a restraint system, which materially compromises ride safety.

18 (cf: P.L.1975, c.105, s.17)

19  
20 13. Section 20 of P.L.1975, c.105 (C.5:3-50) is amended to read  
21 as follows:

22 20. No persons shall operate a carnival-amusement ride unless at  
23 the time there is in existence (a) a policy of insurance written on a per  
24 occurrence basis in an amount of not less than [\$100,000.00]  
25 \$1,000,000 per occurrence insuring the owner or operator against  
26 liability for injury suffered by [persons] any person riding the  
27 carnival-amusement ride, or (b) a bond in a like amount; provided,  
28 however, that the aggregate liability of the surety under such bond  
29 shall not exceed the face amount thereof [, or (c) cash or other  
30 security acceptable to the board]. The policy shall be procured from  
31 one or more insurers acceptable to the State Commissioner of  
32 Banking and Insurance and either (a) licensed to transact insurance in  
33 the State of New Jersey, or (b) approved as surplus line insurers  
34 pursuant to section 11 of P.L.1960, c.32 (C.17:22-6.45).

35 (cf: P.L.1975, c.105, s.20)

36  
37 14. (New section) a. All persons manufacturing carnival-  
38 amusement rides to be erected, used or installed in this State shall  
39 provide to the department, on a form provided by the department, the  
40 information that the commissioner shall prescribe by rule.

41 b. Upon notification from an owner or operator of an incident,  
42 whether in this State or elsewhere, involving a critical component of  
43 a ride, the manufacturer of the ride shall promptly evaluate the  
44 information in the notification and, if necessary, provide, in the form  
45 of a safety bulletin, the results of that evaluation, together with any  
46 recommendations, to the department and to all known owners and

1 operators of the ride in this State.

2 c. The department shall also have the authority to prohibit the sale,  
3 erection, use or installation of any carnival-amusement ride in this  
4 State upon a final determination, following exhaustion of all available  
5 remedies at law, that the manufacturer of the ride has repeatedly failed  
6 to comply with orders requiring engineering analyses to be prepared  
7 and submitted to the department or safety bulletins to be issued for  
8 individual carnival-amusement rides or classes of carnival-amusement  
9 rides or upon a final determination, following exhaustion of all  
10 available remedies at law, that the manufacturer has refused, on a  
11 repeated and egregious basis, to comply with orders to carry out the  
12 duties and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

13 d. The requirements imposed by this section on a manufacturer  
14 shall apply equally to any person who obtains a supplemental  
15 modification certification.

16

17 15. This act shall take effect on the October 1 next occurring after  
18 the 150th day after enactment, but the Commissioner of Community  
19 Affairs may take any anticipatory administrative action in advance of  
20 that date as necessary for implementation of the act.

21

22

23

#### STATEMENT

24

25 This bill amends the "Carnival-Amusement Rides Safety Act" to  
26 enable the Department of Community Affairs to assess and enforce  
27 penalties against manufacturers of defective carnival-amusement rides  
28 or ride equipment. The bill creates a permit requirement for carnival-  
29 amusement rides and requires submission of detailed engineering  
30 documentation concerning these rides.

31 The bill requires that owners and operators of carnival-amusement  
32 rides located in New Jersey immediately report any accidents resulting  
33 in serious injury or death and any malfunctions that pose a threat of  
34 serious injury or death. The bill authorizes the department to  
35 investigate any serious accidents, and gives the department the power  
36 to subpoena relevant witnesses and documents.

37 Manufacturers are required to evaluate the malfunction and, if  
38 needed, provide the results of that evaluation in the form of a safety  
39 bulletin to the department and to all known owners and operators of  
40 the ride in the State.

41 Upon a final determination that a manufacturer has refused, on an  
42 egregious and repeated basis, to comply with orders of the department  
43 to make safety analyses or modifications, the department may prohibit  
44 the sale or construction of any ride of that manufacturer.

45 Liability insurance requirements for operators of amusement rides  
46 are increased from a minimum of \$100,000 per operator to \$1 million

1 per occurrence.

2 If an operator whose permit is suspended or revoked, or whose  
3 application for a permit is denied, believes that the alleged condition  
4 cited as the reason for the suspension, revocation or denial does not  
5 exist, the operator is entitled to request a hearing and obtain a final  
6 decision within 48 hours of the request.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2362

# STATE OF NEW JERSEY

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2362.

This bill amends the "Carnival-Amusement Rides Safety Act" to enable the Department of Community Affairs to assess and enforce penalties against manufacturers of defective carnival-amusement rides or ride equipment. The bill creates a permit requirement for carnival-amusement rides and requires submission of detailed engineering documentation concerning these rides.

The bill requires that owners and operators of carnival-amusement rides located in New Jersey immediately report any accidents resulting in serious injury or death and any malfunctions that pose a threat of serious injury or death. The bill authorizes the department to investigate any serious accidents, and gives the department the power to subpoena relevant witnesses and documents.

Manufacturers are required to evaluate the malfunction and, if needed, provide the results of that evaluation in the form of a safety bulletin to the department and to all known owners and operators of the ride in the State.

Upon a final determination that a manufacturer has refused, on an egregious and repeated basis, to comply with orders of the department to make safety analyses or modifications, the department may prohibit the sale or construction of any ride of that manufacturer.

Liability insurance requirements for operators of amusement rides are increased from a minimum of \$100,000 per operator to \$1 million per occurrence.

If an operator whose permit is suspended or revoked, or whose application for a permit is denied, believes that the alleged condition cited as the reason for the suspension, revocation or denial does not exist, the operator is entitled to request a hearing and obtain a final decision within 48 hours of the request.

This bill is identical to the Assembly Committee Substitute for Assembly Bill No. 2525, which was amended and released by the committee on this same date.

P.L. 2001, CHAPTER 166, *approved July 20, 2001*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 2525

1 AN ACT concerning carnival-amusement ride safety and amending and  
2 supplementing P.L.1975, c.105.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.1975, c.105 (C.5:3-32 is amended to read as  
8 follows:

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

11 a. ["Carnival" or "amusement ride"] "Carnival-amusement ride"  
12 or "ride" means any mechanical device or devices, including but not  
13 limited to water slides exceeding 15 feet in height, which carry or  
14 convey passengers along, around, or over a fixed or restricted route  
15 or course for the purpose of giving its passengers amusement,  
16 pleasure, thrills or excitement; and any passenger or gravity propelled  
17 ride when located in an amusement area or park in which there are  
18 other rides covered by P.L.1975, c. 105 (C. 5:3-31 et seq.); provided,  
19 however, that this shall not include locomotives weighing more than  
20 seven tons, operating on a track the length of which is one-half mile  
21 or greater, the gauge of which is three feet or greater, and the weight  
22 of which is at least 60 pounds per yard. Any facility exempted  
23 pursuant to this subsection shall be under the jurisdiction of the  
24 Department of Transportation for the purpose of safety inspection;

25 b. "Owner" means a person who owns, leases, controls, or  
26 manages the operations of a [carnival or amusement] carnival-  
27 amusement ride, including the State or any of its subdivisions;

28 c. "Ride operator" means any person or persons actually engaged  
29 in or directly controlling the operations of a [carnival or amusement]  
30 carnival-amusement ride;

31 d. "Commissioner" means the Commissioner of [Labor]  
32 Community Affairs; [and]

33 e. "Department" means the [State] Department of [Labor]  
34 Community Affairs; [and]

35 f. "Advisory board" means the Advisory Board on  
36 Carnival-Amusement Ride Safety;

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SLP committee amendments adopted May 31, 2001.**

1       g. "Modification" means any material change to a load-bearing  
2 structural member, a mechanical, electrical or hydraulic drive or  
3 control feature, or a restraint or other protective feature. "Modify"  
4 means to make a modification, as defined in this subsection g.

5       h. "Amusement ride manufacturer" or "manufacturer" means a  
6 person who obtains type certification for a carnival-amusement ride  
7 and who has responsibility for the design and manufacture of any  
8 carnival-amusement ride to be used or installed in this State, or sold  
9 for use in the State, and includes any entity controlled by the  
10 manufacturer.

11       i. "New ride" means a ride of a type that has not previously been  
12 assigned a type certification by the department.

13       j. "Type certification" means a certification that is granted to a  
14 manufacturer by the department after review of a new ride application  
15 and that is applicable to all rides of essentially the same design and  
16 manufacture with regard to structural, mechanical, electrical, hydraulic  
17 drive and control features, and restraint and other protective features.

18       k. "Individual approval" means an approval that is granted to an  
19 owner or operator of an individual ride that is not type certified, which  
20 is granted by the department after review of a ride application and is  
21 applicable only to that individual ride.

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

25       m. "Supplemental modification certification" means a certification  
26 that is granted to a person other than the manufacturer by the  
27 department after review of an application for modification.

28       n. "Safety bulletin" means a supplemental notification delivered by  
29 the manufacturer or the holder of a supplemental modification  
30 certification to the owner or operator that contains new information  
31 or new recommendations for inspections, testing, operation or  
32 training.

33       o. "Time tested" means a type of amusement ride which is found  
34 by the department to be simple in operation and impose insignificant  
35 forces on riders, or which is found by the department to have a long  
36 history of safe operation.

37 (cf: P.L.1983, c.274, s.1)

38  
39       2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as  
40 follows:

41       3. a. There is hereby established within the Department of  
42 **[Labor]** Community Affairs an Advisory Board on  
43 Carnival-Amusement Ride Safety to consist of **[10]** 13 members, of  
44 whom **[one]** two shall be **[a representative]** representatives of the  
45 carnival-amusement ride manufacturers, one shall be a representative  
46 of the owners and operators of mobile carnival-amusement rides, one

1 shall be a representative of the owners and operators of  
2 carnival-amusement [owners] rides that are at a fixed location, one  
3 shall be [an owner or operator of a registered fair,] a representative  
4 of the owners and operators of water parks, one shall be an owner or  
5 operator of an amusement park or enterprise, one shall be a  
6 representative of the insurance underwriters, one shall be a licensed  
7 professional engineer, [three] four shall be public members, and one  
8 shall be a representative of the Department of [Labor] Community  
9 Affairs who shall be appointed by the commissioner. The [nine] 12  
10 citizen members shall be appointed by the Governor, with the advice  
11 and consent of the Senate. The Governor shall designate the chairman  
12 and vice-chairman of the advisory board.

13 b. Of the [eight] nine members first to be appointed by the  
14 Governor, three shall be appointed for terms of two years, three for  
15 terms of three years, and three for terms of four years. All  
16 appointments thereafter, including but not limited to the members  
17 added by P.L. , c. ,(now pending before the Legislature as this bill)  
18 shall be made for terms of four years. All members so appointed shall  
19 serve until their respective successors are appointed and shall qualify,  
20 and any vacancy occurring [in] among the appointed members of the  
21 board~~[, by expiration of term or otherwise,]~~ shall be filled in the same  
22 manner as the original appointment for the unexpired term and the  
23 appointee shall serve until a successor is appointed and shall qualify.  
24 For the purposes of this section, the member representing owners and  
25 operators of water parks shall be the successor to the member who is  
26 the owner or operator of a registered fair and shall be appointed only  
27 upon the expiration of the term of that member, unless a vacancy in  
28 that seat occurs sooner, in which case a representative of the owners  
29 and operators of water parks shall be appointed to fill the vacancy.

30 (cf: P.L.1998, c.10, s.1)

31

32 3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as  
33 follows:

34 6. a. The [Department] Commissioner of [Labor] Community  
35 Affairs, pursuant to the provisions of the "Administrative Procedure  
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and  
37 promulgate rules and regulations for the safe design, manufacture,  
38 installation, repair, maintenance, use, operation and inspection of all  
39 carnival-amusement rides as the department may find necessary for the  
40 protection of the general public, including, but not limited to,  
41 regulations concerning written warnings and directions regarding the  
42 use of carnival-amusement rides. The commissioner is authorized to  
43 adopt by reference, with or without amendment, any code or standard  
44 issued by a nationally recognized organization, upon a finding that  
45 adoption of the code or standard would promote the purposes of

1 P.L.1975, c.105 (C.5:3-31 et seq.); and is further authorized to  
2 recognize any code or standard issued by an internationally recognized  
3 organization upon a finding that its provisions are equivalent to codes  
4 or standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

5 b. The commissioner shall prepare, and make available, a plain  
6 language summary of the requirements of P.L.1975, c.105 (C.5:3-31  
7 et seq.) and the rules and regulations adopted pursuant to P.L.1975,  
8 c.105 (C.5:3-31 et seq.) which shall delineate the responsibilities of all  
9 parties for rides which are type certified, rides which have a  
10 supplemental modification certification, rides which have individual  
11 approvals, and rides which have been accepted pursuant to a  
12 previously issued New Jersey serial number.

13 (cf: P.L.1998, c.10, s.2)

14

15 4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as  
16 follows:

17 6. Each person who operates a carnival-amusement ride shall post  
18 a written notice which complies with the provisions of this section.  
19 The notice shall be posted in a conspicuous public place on or near the  
20 ride in a manner consistent with standards set by the [Department]  
21 Commissioner of [Labor] Community Affairs and shall include:

22 a. The prominently displayed statement: "State law requires that  
23 each rider must obey all written warnings and directions regarding this  
24 ride and refrain from behaving in a reckless manner which may cause  
25 or contribute to injury of the rider or others. Failure to comply is a  
26 violation of law and subject to a penalty under the New Jersey Code  
27 of Criminal Justice."; and

28 b. All applicable written warnings and directions regarding the use  
29 of the ride which are consistent with regulations adopted by the  
30 department based upon standards of nationally recognized technical or  
31 scientific authorities that research the proper use of the ride and the  
32 potential injuries in connection with improper use of the ride.

33 (cf: P.L.1998, c.10, s.6)

34

35 5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as  
36 follows:

37 9. The department shall determine a schedule of inspection,  
38 carnival-amusement ride type certification, individual approval and  
39 carnival-amusement ride permit fees. The department shall, from time  
40 to time, make further adjustments in the schedule to bring it, as nearly  
41 as practicable and within the limits of reasonableness, into line with the  
42 costs of implementing the provisions of this act. The fees shall be  
43 applied toward enforcement and administration costs of the Division  
44 of [Workplace] Codes and Standards in the Department of [Labor]  
45 Community Affairs.

46 (cf: P.L.1991, c.205, s.26)



1       6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read  
2 as follows:

3       11. a. No carnival-amusement ride may be operated without a  
4 permit issued by the department. Before commencing operations and  
5 ~~[in each calendar year]~~ annually thereafter, an owner shall apply for  
6 a permit to the department on a form furnished by the department and  
7 containing such information as the department may require. All  
8 carnival-amusement rides shall be inspected before they are  
9 ~~[originally]~~ put into operation for the public's use and thereafter at  
10 least once every year~~], unless authorized to operate on a temporary~~  
11 ~~permit. Annual permits].~~ If, after inspection, a carnival-amusement  
12 ride is found to comply with the rules and regulations of the  
13 department, the department shall issue a permit authorizing the ride for  
14 use by the public. Permits shall be issued for a period [commencing  
15 January and expiring the following December 31,] of one year unless  
16 extended by the commissioner or suspended or revoked in accordance  
17 with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement  
18 rides shall be tested, maintained and inspected periodically by the  
19 owner, in accordance with standards promulgated by the department[,  
20 each time they are disassembled and reassembled].

21       b. The permit application for any carnival-amusement ride for  
22 which type certification has been approved shall refer to the carnival-  
23 amusement ride type certification number issued to the manufacturer  
24 by the department.

25       c. The permit application for any carnival-amusement ride not  
26 having a type certification shall include the information required to be  
27 provided pursuant to section 15 of P.L.1975, c.105 (C.5:3-45).

28       d. No person shall modify a carnival-amusement ride which has a  
29 type certification unless the modification is pursuant to an amended  
30 type certification issued to the manufacturer or is pursuant to a  
31 supplemental modification certification.

32       e. No person shall modify a carnival-amusement ride for which no  
33 type certification exists unless the modification is pursuant to a  
34 supplemental modification certification or the permit holder or  
35 applicant has submitted to the department the information required  
36 under section 12 of P.L.1975, c.105 (C.5:3-42).

37 (cf: P.L.1998, c.10, s.3)

38

39       7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read  
40 as follows:

41       12. [If, after inspection, a carnival-amusement ride is found to  
42 comply with the rules and regulations of the department, the  
43 department shall authorize the ride for use by the public.]

44       a. Except as permitted by this section and sections 13 and 15 of  
45 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no carnival-amusement ride,

1 including a modified carnival-amusement ride, shall be operated,  
2 installed or used in the State unless the manufacturer has obtained a  
3 carnival-amusement ride type certification from the department.  
4 Except as permitted by this section and sections 13 and 15 of  
5 P.L.1975, c.105 (C.5:3-43 and 5:3-45), no ride shall be modified  
6 unless the manufacturer has provided the information required by this  
7 section and the manufacturer has obtained type certification for the  
8 ride as modified. The following information, prepared by a licensed  
9 professional engineer or other qualified person acceptable to the  
10 department, together with such additional information as the  
11 department may require, shall be provided to the department for  
12 review:

13 (1) A safety analysis of the ride and ride equipment, which  
14 identifies, recognizes and mitigates any reasonably foreseeable safety  
15 hazards in the ride, identifies its accommodation of riders and users,  
16 and identifies its operation and maintenance. The analysis shall be a  
17 comprehensive, thorough review and assessment of the ride that  
18 utilizes an organized, step-by-step, feature-by-feature process. The  
19 analysis shall be documented in detail, listing those reasonably  
20 foreseeable safety hazards that are identified and describing the means  
21 used to mitigate each hazard:

22 (2) A detailed load and stress analysis, including fatigue life  
23 protections where appropriate, and recommendations for those  
24 nondestructive tests as may be reasonably necessary to prevent failure  
25 under load;

26 (3) A detailed set of installation and erection instructions  
27 indicating loads to be carried by site-built foundation or support  
28 structures;

29 (4) A periodic maintenance and inspection schedule required to be  
30 carried out by owners and operators and necessary to ensure continued  
31 safety; and

32 (5) Operation procedures and training requirements for ride  
33 operators and attendants, including training regarding any safety-based  
34 limitations on who may ride.

35 The department may waive the requirements of paragraphs (1) and  
36 (2) of this subsection a. for a ride which has previously received a New  
37 Jersey serial number or is determined to be time-tested.

38 b. Each manufacturer of a new carnival-amusement ride, including,  
39 without limitation, a modified ride, to be erected, used or installed in  
40 this State, shall have a written quality assurance program used or to be  
41 used in conjunction with the design, manufacture, construction,  
42 modification or reconditioning of the ride. Quality assurance  
43 documents, including material certifications, test reports and  
44 inspection reports, shall be provided to the department upon request  
45 by the department and shall be retained by the manufacturer for such  
46 periods of times as the department may by rule require.

1        c. A type certification shall continue to be valid only so long as the  
2 manufacturer continues to provide technical support for the ride and  
3 shall, in any event, be valid for a period of three years or whatever  
4 shorter period the commissioner approves and shall thereafter be  
5 subject to renewal.

6        d. No information submitted in support of a type certification  
7 application that is designated by the manufacturer as being of a  
8 proprietary nature shall be considered a public record. All type  
9 certification applications shall be reviewed in accordance with rules in  
10 effect as of the date that the design for the ride was first contracted  
11 for; except that any safety bulletin that is applicable to rides of that  
12 type shall govern, regardless of the date of the contract.

13        e. A person, other than the manufacturer, may obtain a  
14 supplemental modification certification from the department upon  
15 submission of all of the information required of a manufacturer and  
16 upon review by the department for conformity with the codes and  
17 standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

18        f. A complete application for type certification or supplemental  
19 modification certification shall be either approved or denied within 30  
20 days of the date of filing. In the event of a denial, a written statement  
21 of the reasons for the denial shall be provided to the applicant.

22 (cf: P.L.1975, c.105, s.12)

23

24        8. Section 13 of P.L.1975, c.105 (C.5:3-43) is amended to read  
25 as follows:

26        13. [Before a new carnival-amusement ride is erected, or  
27 whenever any additions or alterations are made which change the  
28 structure, mechanism, classification or capacity of any  
29 carnival-amusement ride or the physical spacing between rides, the  
30 owner shall file with the department a notice of his intentions and any  
31 plans or diagrams requested by the department. Such plans and  
32 specifications for new carnival-amusement rides, or for additions or  
33 alterations thereon, shall be reviewed and approved by an engineer  
34 retained or employed by the department and licensed in this State as  
35 a professional engineer. Upon approval of the plans and specifications  
36 the department shall authorize the ride or device for use by the  
37 public.] If a carnival-amusement ride was manufactured prior to the  
38 effective date of P.L. , c. (now pending before the Legislature as  
39 this bill) or the type certification for the ride is not renewed by the  
40 manufacturer or is revoked by the department, then the ride shall not  
41 be operated, installed or used in this State unless the owner or  
42 operator has obtained a carnival-amusement ride individual approval  
43 from the department. No ride not having a type certification or  
44 supplemental modification certification shall be modified unless the  
45 owner or operator has provided the information required by section 12  
46 of P.L.1975, c.105 (C.5:3-42) and the owner or operator of the ride

1 has obtained an individual approval for the ride as modified.  
2 Information required by the department regarding any ride shall be  
3 provided by a licensed professional engineer or other qualified person  
4 acceptable to the department.

5 (cf: P.L.1975, c.105, s.13).

6  
7 9. Section 14 of P.L.1975, c.105 (C.5:3-44) is amended to read  
8 as follows:

9 14. a. The department may order, in writing, a temporary  
10 cessation of operation of a carnival-amusement ride or suspend the  
11 permit issued for that ride if it has been determined after inspection, in  
12 accordance with standards promulgated by the department, to be  
13 hazardous or unsafe or that there has been a violation of P.L.1975,  
14 c.105 (C.5:3-31 et seq.) or any rule or regulation promulgated  
15 pursuant to that act. Operation shall not resume until such conditions  
16 are corrected to the satisfaction of the department.

17 b. The commissioner shall reinspect a carnival-amusement ride for  
18 which a permit has been suspended within 48 hours of receiving  
19 written notice from the owner of the ride stating that the condition or  
20 violation for which the permit was suspended has been corrected. If,  
21 upon reinspection, the commissioner determines that the condition or  
22 violation has been corrected, the commissioner shall reinstate the  
23 permit immediately.

24 c. If a person whose permit has been suspended or revoked, or  
25 whose application for a permit has been denied, believes that the  
26 violation or condition justifying suspension, revocation or denial of the  
27 permit does not exist, the person may apply to the commissioner for  
28 a reconsideration hearing in accordance with the "Administrative  
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The  
30 reconsideration hearing shall be conducted, and a final decision issued  
31 by the commissioner, within 48 hours of the receipt of the request,  
32 except as extended with the consent of both parties. Failure to issue  
33 a decision shall constitute denial of the requester's appeal. The  
34 decision of the commissioner shall be final, subject to the right of the  
35 parties to appeal to the Superior Court of New Jersey, Appellate  
36 Division.

37 (cf: P.L.1975, c.105, s.14)

38  
39 10. Section 15 of P.L.1975, c.105 (C.5:3-45) is amended to read  
40 as follows:

41 15. a. This act shall not be construed as to prevent the use of any  
42 [existing] carnival-amusement ride [found to be] if the ride has a  
43 New Jersey serial number and is maintained in a safe condition and in  
44 conformance with the rules and regulations of the department, and the  
45 owner or operator of the ride provides to the department a manual  
46 prepared by a licensed professional engineer or other qualified person

1 acceptable to the department which contains the following  
2 information:

3 (1) A schedule of periodic inspections and maintenance required  
4 to be carried out by owners and operators as needed to ensure  
5 continued safety;

6 (2) A schedule of nondestructive testing that is necessary to  
7 ensure the continuing safety and soundness of the ride;

8 (3) Operation procedures and training requirements for ride  
9 operators and attendants, including training regarding safety-based  
10 limitations on who may ride;

11 (4) For mobile rides, a detailed set of erection instructions  
12 including any necessary support requirements; and

13 (5) Any other information as the commissioner may prescribe by  
14 regulation.

15 b. No carnival amusement ride which has a New Jersey serial  
16 number shall be modified unless:

17 (1) All of the requirements of subsection a. of this section are met;  
18 and

19 (2) The modification is pursuant to a supplemental modification  
20 certification or the owner or operator of the ride obtains individual  
21 approval of the modification in accordance with the provisions of  
22 section 12 of P.L.1975, c.105 (C.5:3-42).

23 (cf: P.L.1975, c.105, s.15)

24

25 11. Section 16 of P.L.1975, c.105 (C.5:3-46) is amended to read  
26 as follows:

27 16. a. The owner and ride operator shall retain at all times  
28 up-to-date maintenance and inspection records for each  
29 carnival-amusement ride in accordance with such rules and regulations  
30 as the department may prescribe. Among other things, such records  
31 shall contain information of the date and nature of all inspections,  
32 whether by a departmental inspector or a person in the employment  
33 of the owner or of any insurer of the carnival-amusement ride, as well  
34 as of any violations and the types of actions taken to rectify the  
35 violations. All breakdowns or repairs of any [major] mechanical part  
36 shall be duly noted. The department may also require [, by rules and  
37 regulations,] a full safety inspection of any ride whose operation  
38 results in any injury or death before operation of [said] that ride can  
39 be resumed.

40 b. The department shall conduct an investigation of each carnival-  
41 amusement ride incident in which one or more persons suffer death or  
42 serious injury and shall identify those measures which may be required  
43 to prevent the future occurrence of death or serious injury under  
44 similar circumstances and, in furtherance of any investigation pursuant  
45 to this subsection, the department may issue and enforce subpoenas to  
46 compel the testimony of any person who may have knowledge of any

1 relevant matters and the production of any relevant documents.

2 (cf: P.L.1975, c.105, s.16)

3

4 12. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read  
5 as follows:

6 17. **[The department shall require the immediate reporting]** It  
7 shall be the duty of every owner and ride operator to report  
8 immediately, on a form to be provided by the department, [of] any  
9 accidents and resulting injuries or fatalities incurred during the  
10 operation of any carnival-amusement ride, other than minor incidents,  
11 as defined by rule, or any mechanical malfunction of any ride while in  
12 use necessitating suspension of operation for diagnostic or corrective  
13 work, and [may provide for the cessation of] to cease operation of  
14 any ride whose breakdown or malfunction [directly] causes a fatality  
15 or serious injury to [a rider] any person, subject to rules and  
16 regulations promulgated by the department.

17 Each owner and operator shall maintain, and make available for  
18 inspection by the commissioner, records of all minor incidents incurred  
19 in the operation of a carnival-amusement ride. As used in this section,  
20 "minor incidents" means those incidents designated by rule of the  
21 commissioner to be minor in nature.

22 As used in this section, "mechanical malfunction" means and  
23 includes structural failure of a load-bearing element, mechanical or  
24 electrical failure of a drive or control system component, or failure of  
25 a restraint system, which materially compromises ride safety.

26 (cf: P.L.1975, c.105, s.17)

27

28 13. Section 20 of P.L.1975, c.105 (C.5:3-50) is amended to read  
29 as follows:

30 20. No persons shall operate a carnival-amusement ride unless at  
31 the time there is in existence (a) a policy of insurance written on a per  
32 occurrence <sup>1</sup>[, per person] <sup>1</sup>basis in an amount of not less than  
33 [\$100,000.00] \$1,000,000 per occurrence <sup>1</sup>[, per person] <sup>1</sup> insuring  
34 the owner or operator against liability for injury suffered by **[persons]**  
35 any person riding the carnival-amusement ride, or (b) a bond in a like  
36 amount; provided, however, that the aggregate liability of the surety  
37 under such bond shall not exceed the face amount thereof **[, or (c)**  
38 **cash or other security acceptable to the board]**. The policy shall be  
39 procured from one or more insurers acceptable to the State  
40 Commissioner of Banking and Insurance and either (a) licensed to  
41 transact insurance in the State of New Jersey, or (b) approved as  
42 surplus line insurers pursuant to section 11 of P.L.1960, c.32  
43 (C.17:22-6.45).

44 (cf: P.L.1975, c.105, s.20)

1       14. (New section) a. All persons manufacturing carnival-  
2 amusement rides to be erected, used or installed in this State shall  
3 provide to the department, on a form provided by the department, the  
4 information that the commissioner shall prescribe by rule.

5       b. Upon notification from an owner or operator of an incident,  
6 whether in this State or elsewhere, involving a critical component of  
7 a ride, the manufacturer of the ride shall promptly evaluate the  
8 information in the notification and, if necessary, provide, in the form  
9 of a safety bulletin, the results of that evaluation, together with any  
10 recommendations, to the department and to all known owners and  
11 operators of the ride in this State.

12       c. The department shall also have the authority to prohibit the  
13 sale, erection, use or installation of any carnival-amusement ride in this  
14 State upon a final determination, following exhaustion of all available  
15 remedies at law, that the manufacturer of the ride has repeatedly failed  
16 to comply with orders requiring engineering analyses to be prepared  
17 and submitted to the department or safety bulletins to be issued for  
18 individual carnival-amusement rides or classes of carnival-amusement  
19 rides or upon a final determination, following exhaustion of all  
20 available remedies at law, that the manufacturer has refused, on a  
21 repeated and egregious basis, to comply with orders to carry out the  
22 duties and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

23       d. The requirements imposed by this section on a manufacturer  
24 shall apply equally to any person who obtains a supplemental  
25 modification certification.

26

27       15. This act shall take effect on the October 1 next occurring after  
28 the 150th day after enactment, but the Commissioner of Community  
29 Affairs may take any anticipatory administrative action in advance of  
30 that date as necessary for implementation of the act.

31

32

33

34

35       \_\_\_\_\_

Concerns carnival-amusement ride safety.

## CHAPTER 166

AN ACT concerning carnival-amusement ride safety and amending and supplementing P.L.1975, c.105.

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

1. Section 2 of P.L.1975, c.105 (C.5:3-32) is amended to read as follows:

C.5:3-32 Definitions relative to carnival-amusement rides.

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

a. "Carnival-amusement ride" or "ride" means any mechanical device or devices, including but not limited to water slides exceeding 15 feet in height, which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement; and any passenger or gravity propelled ride when located in an amusement area or park in which there are other rides covered by P.L.1975, c. 105 (C. 5:3-31 et seq.); provided, however, that this shall not include locomotives weighing more than seven tons, operating on a track the length of which is one-half mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard. Any facility exempted pursuant to this subsection shall be under the jurisdiction of the Department of Transportation for the purpose of safety inspection.

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

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

d. "Commissioner" means the Commissioner of Community Affairs.

e. "Department" means the Department of Community Affairs.

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

g. "Modification" means any material change to a load-bearing structural member, a mechanical, electrical or hydraulic drive or control feature, or a restraint or other protective feature. "Modify" means to make a modification, as defined in this subsection g.

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

i. "New ride" means a ride of a type that has not previously been assigned a type certification by the department.

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

k. "Individual approval" means an approval that is granted to an owner or operator of an individual ride that is not type certified, which is granted by the department after review of a ride application and is applicable only to that individual ride.

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

m. "Supplemental modification certification" means a certification that is granted to a person other than the manufacturer by the department after review of an application for modification.

n. "Safety bulletin" means a supplemental notification delivered by the manufacturer or the holder of a supplemental modification certification to the owner or operator that contains new information or new recommendations for inspections, testing, operation or training.

o. "Time tested" means a type of amusement ride which is found by the department to be simple in operation and impose insignificant forces on riders, or which is found by the department to have a long history of safe operation.

2. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as follows:

C.5:3-33 Advisory Board on Carnival-Amusement Ride Safety.



3. a. There is hereby established within the Department of Community Affairs an Advisory Board on Carnival-Amusement Ride Safety to consist of 13 members, of whom two shall be representatives of the carnival-amusement ride manufacturers, one shall be a representative of the owners and operators of mobile carnival-amusement rides, one shall be a representative of the owners and operators of carnival-amusement rides that are at a fixed location, one shall be a representative of the owners and operators of water parks, one shall be an owner or operator of an amusement park or enterprise, one shall be a representative of the insurance underwriters, one shall be a licensed professional engineer, four shall be public members, and one shall be a representative of the Department of Community Affairs who shall be appointed by the commissioner. The 12 citizen members shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate the chairman and vice-chairman of the advisory board.

b. Of the nine members first to be appointed by the Governor, three shall be appointed for terms of two years, three for terms of three years, and three for terms of four years. All appointments thereafter, including but not limited to the members added by P.L. , c. ,(now pending before the Legislature as this bill) shall be made for terms of four years. All members so appointed shall serve until their respective successors are appointed and shall qualify, and any vacancy occurring among the appointed members of the board shall be filled in the same manner as the original appointment for the unexpired term and the appointee shall serve until a successor is appointed and shall qualify. For the purposes of this section, the member representing owners and operators of water parks shall be the successor to the member who is the owner or operator of a registered fair and shall be appointed only upon the expiration of the term of that member, unless a vacancy in that seat occurs sooner, in which case a representative of the owners and operators of water parks shall be appointed to fill the vacancy.

3. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as follows:

C.5:3-36 Rules, regulations.

6. a. The Commissioner of Community Affairs, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and promulgate rules and regulations for the safe design, manufacture, installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department may find necessary for the protection of the general public, including, but not limited to, regulations concerning written warnings and directions regarding the use of carnival-amusement rides. The commissioner is authorized to adopt by reference, with or without amendment, any code or standard issued by a nationally recognized organization, upon a finding that adoption of the code or standard would promote the purposes of P.L.1975, c.105 (C.5:3-31 et seq.); and is further authorized to recognize any code or standard issued by an internationally recognized organization upon a finding that its provisions are equivalent to codes or standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

b. The commissioner shall prepare, and make available, a plain language summary of the requirements of P.L.1975, c.105 (C.5:3-31 et seq.) and the rules and regulations adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.) which shall delineate the responsibilities of all parties for rides which are type certified, rides which have a supplemental modification certification, rides which have individual approvals, and rides which have been accepted pursuant to a previously issued New Jersey serial number.

4. Section 6 of P.L.1998, c.10 (C.5:3-36.2) is amended to read as follows:

C.5:3-36.2 Posting of warning notices; contents.

6. Each person who operates a carnival-amusement ride shall post a written notice which complies with the provisions of this section. The notice shall be posted in a conspicuous public place on or near the ride in a manner consistent with standards set by the Commissioner of Community Affairs and shall include:

a. The prominently displayed statement: "State law requires that each rider must obey all

written warnings and directions regarding this ride and refrain from behaving in a reckless manner which may cause or contribute to injury of the rider or others. Failure to comply is a violation of law and subject to a penalty under the New Jersey Code of Criminal Justice."; and

b. All applicable written warnings and directions regarding the use of the ride which are consistent with regulations adopted by the department based upon standards of nationally recognized technical or scientific authorities that research the proper use of the ride and the potential injuries in connection with improper use of the ride.

5. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as follows:

C.5:3-39 Schedule of fees.

9. The department shall determine a schedule of inspection, carnival-amusement ride type certification, individual approval and carnival-amusement ride permit fees. The department shall, from time to time, make further adjustments in the schedule to bring it, as nearly as practicable and within the limits of reasonableness, into line with the costs of implementing the provisions of this act. The fees shall be applied toward enforcement and administration costs of the Division of Codes and Standards in the Department of Community Affairs.

6. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read as follows:

C.5:3-41 Annual issuance of permit, inspection.

11. a. No carnival-amusement ride may be operated without a permit issued by the department. Before commencing operations and annually thereafter, an owner shall apply for a permit to the department on a form furnished by the department and containing such information as the department may require. All carnival-amusement rides shall be inspected before they are put into operation for the public's use and thereafter at least once every year. If, after inspection, a carnival-amusement ride is found to comply with the rules and regulations of the department, the department shall issue a permit authorizing the ride for use by the public. Permits shall be issued for a period of one year unless extended by the commissioner or suspended or revoked in accordance with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement rides shall be tested, maintained and inspected periodically by the owner, in accordance with standards promulgated by the department.

b. The permit application for any carnival-amusement ride for which type certification has been approved shall refer to the carnival-amusement ride type certification number issued to the manufacturer by the department.

c. The permit application for any carnival-amusement ride not having a type certification shall include the information required to be provided pursuant to section 15 of P.L.1975, c.105 (C.5:3-45).

d. No person shall modify a carnival-amusement ride which has a type certification unless the modification is pursuant to an amended type certification issued to the manufacturer or is pursuant to a supplemental modification certification.

e. No person shall modify a carnival-amusement ride for which no type certification exists unless the modification is pursuant to a supplemental modification certification or the permit holder or applicant has submitted to the department the information required under section 12 of P.L.1975, c.105 (C.5:3-42).

7. Section 12 of P.L.1975, c.105 (C.5:3-42) is amended to read as follows:

C.5:3-42 Certification of type required for operation of ride; exceptions.

12. a. Except as permitted by this section and sections 13 and 15 of P.L.1975, c.105 (C.5:3-43 and 5:3-45), no carnival-amusement ride, including a modified carnival-amusement ride, shall be operated, installed or used in the State unless the manufacturer has obtained a carnival-amusement ride type certification from the department. Except as permitted by this section and sections 13 and 15 of P.L.1975, c.105 (C.5:3-43 and 5:3-45), no ride shall be modified unless the manufacturer has provided the information required by this section and the manufacturer has

obtained type certification for the ride as modified. The following information, prepared by a licensed professional engineer or other qualified person acceptable to the department, together with such additional information as the department may require, shall be provided to the department for review:

(1) A safety analysis of the ride and ride equipment, which identifies, recognizes and mitigates any reasonably foreseeable safety hazards in the ride, identifies its accommodation of riders and users, and identifies its operation and maintenance. The analysis shall be a comprehensive, thorough review and assessment of the ride that utilizes an organized, step-by-step, feature-by-feature process. The analysis shall be documented in detail, listing those reasonably foreseeable safety hazards that are identified and describing the means used to mitigate each hazard;

(2) A detailed load and stress analysis, including fatigue life protections where appropriate, and recommendations for those nondestructive tests as may be reasonably necessary to prevent failure under load;

(3) A detailed set of installation and erection instructions indicating loads to be carried by site-built foundation or support structures;

(4) A periodic maintenance and inspection schedule required to be carried out by owners and operators and necessary to ensure continued safety; and

(5) Operation procedures and training requirements for ride operators and attendants, including training regarding any safety-based limitations on who may ride.

The department may waive the requirements of paragraphs (1) and (2) of this subsection a. for a ride which has previously received a New Jersey serial number or is determined to be time-tested.

b. Each manufacturer of a new carnival-amusement ride, including, without limitation, a modified ride, to be erected, used or installed in this State, shall have a written quality assurance program used or to be used in conjunction with the design, manufacture, construction, modification or reconditioning of the ride. Quality assurance documents, including material certifications, test reports and inspection reports, shall be provided to the department upon request by the department and shall be retained by the manufacturer for such periods of times as the department may by rule require.

c. A type certification shall continue to be valid only so long as the manufacturer continues to provide technical support for the ride and shall, in any event, be valid for a period of three years or whatever shorter period the commissioner approves and shall thereafter be subject to renewal.

d. No information submitted in support of a type certification application that is designated by the manufacturer as being of a proprietary nature shall be considered a public record. All type certification applications shall be reviewed in accordance with rules in effect as of the date that the design for the ride was first contracted for; except that any safety bulletin that is applicable to rides of that type shall govern, regardless of the date of the contract.

e. A person, other than the manufacturer, may obtain a supplemental modification certification from the department upon submission of all of the information required of a manufacturer and upon review by the department for conformity with the codes and standards adopted pursuant to P.L.1975, c.105 (C.5:3-31 et seq.).

f. A complete application for type certification or supplemental modification certification shall be either approved or denied within 30 days of the date of filing. In the event of a denial, a written statement of the reasons for the denial shall be provided to the applicant.

8. Section 13 of P.L.1975, c.105 (C.5:3-43) is amended to read as follows:

C.5:3-43 Individual approval of ride, required; conditions.

13. If a carnival-amusement ride was manufactured prior to the effective date of P.L.2001, c.166 or the type certification for the ride is not renewed by the manufacturer or is revoked by the department, then the ride shall not be operated, installed or used in this State unless the owner or operator has obtained a carnival-amusement ride individual approval from the department. No ride not having a type certification or supplemental modification certification

shall be modified unless the owner or operator has provided the information required by section 12 of P.L.1975, c.105 (C.5:3-42) and the owner or operator of the ride has obtained an individual approval for the ride as modified. Information required by the department regarding any ride shall be provided by a licensed professional engineer or other qualified person acceptable to the department.

9. Section 14 of P.L.1975, c.105 (C.5:3-44) is amended to read as follows:

C.5:3-44 Order of temporary cessation of operation, suspension of permit; reconsideration hearing.

14. a. The department may order, in writing, a temporary cessation of operation of a carnival-amusement ride or suspend the permit issued for that ride if it has been determined after inspection, in accordance with standards promulgated by the department, to be hazardous or unsafe or that there has been a violation of P.L.1975, c.105 (C.5:3-31 et seq.) or any rule or regulation promulgated pursuant to that act. Operation shall not resume until such conditions are corrected to the satisfaction of the department.

b. The commissioner shall reinspect a carnival-amusement ride for which a permit has been suspended within 48 hours of receiving written notice from the owner of the ride stating that the condition or violation for which the permit was suspended has been corrected. If, upon reinspection, the commissioner determines that the condition or violation has been corrected, the commissioner shall reinstate the permit immediately.

c. If a person whose permit has been suspended or revoked, or whose application for a permit has been denied, believes that the violation or condition justifying suspension, revocation or denial of the permit does not exist, the person may apply to the commissioner for a reconsideration hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The reconsideration hearing shall be conducted, and a final decision issued by the commissioner, within 48 hours of the receipt of the request, except as extended with the consent of both parties. Failure to issue a decision shall constitute denial of the requester's appeal. The decision of the commissioner shall be final, subject to the right of the parties to appeal to the Superior Court of New Jersey, Appellate Division.

10. Section 15 of P.L.1975, c.105 (C.5:3-45) is amended to read as follows:

C.5:3-45 Use of rides not prohibited; conditions.

15. a. This act shall not be construed as to prevent the use of any carnival-amusement ride if the ride has a New Jersey serial number and is maintained in a safe condition and in conformance with the rules and regulations of the department, and the owner or operator of the ride provides to the department a manual prepared by a licensed professional engineer or other qualified person acceptable to the department which contains the following information:

(1) A schedule of periodic inspections and maintenance required to be carried out by owners and operators as needed to ensure continued safety;

(2) A schedule of nondestructive testing that is necessary to ensure the continuing safety and soundness of the ride;

(3) Operation procedures and training requirements for ride operators and attendants, including training regarding safety-based limitations on who may ride;

(4) For mobile rides, a detailed set of erection instructions including any necessary support requirements; and

(5) Any other information as the commissioner may prescribe by regulation.

b. No carnival amusement ride which has a New Jersey serial number shall be modified unless:

(1) All of the requirements of subsection a. of this section are met; and

(2) The modification is pursuant to a supplemental modification certification or the owner or operator of the ride obtains individual approval of the modification in accordance with the provisions of section 12 of P.L.1975, c.105 (C.5:3-42).

11. Section 16 of P.L.1975, c.105 (C.5:3-46) is amended to read as follows:  
C.5:3-46 Maintenance, inspection records.

16. a. The owner and ride operator shall retain at all times up-to-date maintenance and inspection records for each carnival-amusement ride in accordance with such rules and regulations as the department may prescribe. Among other things, such records shall contain information of the date and nature of all inspections, whether by a departmental inspector or a person in the employment of the owner or of any insurer of the carnival-amusement ride, as well as of any violations and the types of actions taken to rectify the violations. All breakdowns or repairs of any mechanical part shall be duly noted. The department may also require a full safety inspection of any ride whose operation results in any injury or death before operation of that ride can be resumed.

b. The department shall conduct an investigation of each carnival-amusement ride incident in which one or more persons suffer death or serious injury and shall identify those measures which may be required to prevent the future occurrence of death or serious injury under similar circumstances and, in furtherance of any investigation pursuant to this subsection, the department may issue and enforce subpoenas to compel the testimony of any person who may have knowledge of any relevant matters and the production of any relevant documents.

12. Section 17 of P.L.1975, c.105 (C.5:3-47) is amended to read as follows:

C.5:3-47 Report of accidents, injuries, fatalities.

17. It shall be the duty of every owner and ride operator to report immediately, on a form to be provided by the department, any accidents and resulting injuries or fatalities incurred during the operation of any carnival-amusement ride, other than minor incidents, as defined by rule, or any mechanical malfunction of any ride while in use necessitating suspension of operation for diagnostic or corrective work, and to cease operation of any ride whose breakdown or malfunction causes a fatality or serious injury to any person, subject to rules and regulations promulgated by the department.

Each owner and operator shall maintain, and make available for inspection by the commissioner, records of all minor incidents incurred in the operation of a carnival-amusement ride. As used in this section, "minor incidents" means those incidents designated by rule of the commissioner to be minor in nature.

As used in this section, "mechanical malfunction" means and includes structural failure of a load-bearing element, mechanical or electrical failure of a drive or control system component, or failure of a restraint system, which materially compromises ride safety.

13. Section 20 of P.L.1975, c.105 (C.5:3-50) is amended to read as follows:

C.5:3-50 Insurance or bond required for operation of ride.

20. No persons shall operate a carnival-amusement ride unless at the time there is in existence (a) a policy of insurance written on a per occurrence basis in an amount of not less than \$1,000,000 per occurrence insuring the owner or operator against liability for injury suffered by any person riding the carnival-amusement ride, or (b) a bond in a like amount; provided, however, that the aggregate liability of the surety under such bond shall not exceed the face amount thereof. The policy shall be procured from one or more insurers acceptable to the State Commissioner of Banking and Insurance and either (a) licensed to transact insurance in the State of New Jersey, or (b) approved as surplus line insurers pursuant to section 11 of P.L.1960, c.32 (C.17:22-6.45).

C.5:3-42.1 Information provided by manufacturers; evaluation of incidents; engineering analyses.

14. a. All persons manufacturing carnival-amusement rides to be erected, used or installed in this State shall provide to the department, on a form provided by the department, the information that the commissioner shall prescribe by rule.

b. Upon notification from an owner or operator of an incident, whether in this State or

elsewhere, involving a critical component of a ride, the manufacturer of the ride shall promptly evaluate the information in the notification and, if necessary, provide, in the form of a safety bulletin, the results of that evaluation, together with any recommendations, to the department and to all known owners and operators of the ride in this State.

c. The department shall also have the authority to prohibit the sale, erection, use or installation of any carnival-amusement ride in this State upon a final determination, following exhaustion of all available remedies at law, that the manufacturer of the ride has repeatedly failed to comply with orders requiring engineering analyses to be prepared and submitted to the department or safety bulletins to be issued for individual carnival-amusement rides or classes of carnival-amusement rides or upon a final determination, following exhaustion of all available remedies at law, that the manufacturer has refused, on a repeated and egregious basis, to comply with orders to carry out the duties and obligations imposed by P.L.1975, c.105 (C.5:3-31 et seq.).

d. The requirements imposed by this section on a manufacturer shall apply equally to any person who obtains a supplemental modification certification.

15. This act shall take effect on the October 1 next occurring after the 150th day after enactment, but the Commissioner of Community Affairs may take any anticipatory administrative action in advance of that date as necessary for implementation of the act.

Approved July 20, 2001.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Rae Hutton  
609-777-2600

RELEASE: July 20 , 2001

**DIFRANCESCO SIGNS "AMUSEMENT RIDE SAFETY ACT"  
Law Empowers Department of Community Affairs to Enforce Regulations**

Acting Governor Donald T. DiFrancesco signed legislation today designed to improve the safety of carnival and amusement rides. A-2525/S2362, the "Carnival-Amusement Rides Safety Act," is designed to ensure a more safe and enjoyable amusement experience for New Jersey families.

The new law empowers the Department of Community Affairs to assess and enforce penalties against manufacturers of defective carnival-amusement rides or ride equipment. All manufacturers will be required to obtain a permit and submit detailed engineering plans for each amusement ride.

Additionally, all owners and operators of amusement rides located in New Jersey must immediately report any accidents resulting in serious injury or death and any malfunctions in the equipment that pose a threat of serious injury or death. The Department of Community Affairs will be authorized to investigate any serious accidents and subpoena witnesses and/or documents.

"This law is aimed at preventing the kind of tragedy that happened two years ago, when a mother and daughter died in Ocean City because of faulty brakes on a roller coaster. Our Department of Community Affairs will now have increased power to enforce penalties against manufacturers of defective carnival-amusement rides or ride equipment," said DiFrancesco.

If a manufacturer of amusement rides refuses to comply with DCA orders to make safety analyses or modifications, the state can prohibit the sale or construction of any ride made by that manufacturer. The liability requirement for operators of amusement rides was increased to \$1 million per occurrence, compared to \$100,000 per operator.

"Let's face it. Everyone who buckles up on a ride at an amusement park, carnival or fair, does so trusting that the ride operator has tested the equipment, that the ride has met manufacturing and safety standards and that the operator puts safety first. This law will make sure that safety is job number one," said the acting Governor.

A2525/S2362 was sponsored by Assemblymen George Geist (R-Camden/Gloucester) and Nick Asselta (R-Atlantic/Cape May/Cumberland) and Senators James Cafiero (R-Camden/Gloucester) and Martha Bark (R-Atlantic/Burlington/Camden). It was signed at Morey's Pier in Wildwood City, one of New Jersey's premiere ocean resorts.