

SENATE, No. 2271

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senators GORMLEY and CAFIERO

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

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

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

9 3. a. There is hereby established within the Department of Labor
10 [and Industry] an Advisory Board on Carnival-Amusement Ride
11 Safety to consist of 10 members, of whom one shall be a
12 representative of the carnival-amusement ride manufacturers, one shall
13 be a representative of the carnival-amusement owners, one shall be an
14 owner or operator of a registered fair, one shall be an owner or
15 operator of an amusement park or enterprise, one shall be a
16 representative of the insurance underwriters, one shall be a licensed
17 professional engineer, three shall be public members, and one shall be
18 a representative of the Department of Labor [and Industry] who shall
19 be appointed by the commissioner. The nine citizen members shall be
20 appointed by the Governor, with the advice and consent of the Senate.
21 The Governor shall designate the chairman and vice-chairman of the
22 advisory board.

23 b. Of the eight members first to be appointed by the Governor,
24 three shall be appointed for terms of 2 years, three for terms of 3
25 years, and three for terms of 4 years. All appointments thereafter
26 shall be made for terms of 4 years. All members so appointed shall
27 serve until their respective successors are appointed and shall qualify,
28 and any vacancy occurring in the appointed members of the board, by
29 expiration of term or otherwise, shall be filled in the same manner as
30 the original appointment for the unexpired term and the appointee
31 shall serve until a successor is appointed and shall qualify.

32 (cf: P.L.1975, c.105, s.3)

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

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 follows:

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

8 (cf: P.L.1975, c.105, s.6)

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

12 11. No carnival-amusement ride may be operated without a permit
13 issued by the department. Before commencing operations and in each
14 calendar year thereafter, an owner shall apply for a permit to the
15 department on a form furnished by the department and containing
16 such information as the department may require. All
17 carnival-amusement rides shall be inspected before they are originally
18 put into operation for the public's use and thereafter at least once
19 every year, unless authorized to operate on a temporary permit.
20 Annual permits shall be issued for a period commencing January 1 and
21 expiring the following December 31, unless suspended or revoked in
22 accordance with section 6 of P.L. , c. (C.) (now pending
23 before the Legislature as this bill). Carnival-amusement rides [may
24 also be required to] shall be inspected by the owner, in accordance
25 with standards promulgated by the department, each time they are
26 disassembled and reassembled.

27 (cf: P.L.1977, c.341, s.1)

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

31 13. Before a new carnival-amusement ride is erected, or whenever
32 any additions or alterations are made which change the structure,
33 mechanism, classification or capacity of any carnival-amusement ride
34 or the physical spacing between rides, the owner shall file with the
35 department a notice of his intentions and any plans or diagrams
36 requested by the department. Such plans and specifications for new
37 carnival-amusement rides, or for additions or alterations thereon, shall
38 be reviewed and [approved] certified by an engineer retained or
39 employed by the [department] owner and licensed in this State as a
40 professional engineer. Upon approval of the plans and specifications
41 the department shall authorize the ride or device for use by the public.

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

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44 5. Section 24 of P.L.1975, c.105 (C.5:3-54) is amended to read as
45 follows:

46 24. Any person who interferes in any manner with the

1 implementation of or otherwise fails to comply with the provisions of
2 this act, shall be liable to a fine of not more than [~~\$500.00~~] \$5,000
3 per day for each violation to be adjudged, collected and enforced, in
4 suit filed by the department, pursuant to the provisions of "the
5 penalty enforcement law" (N.J.S.2A:58-1 et seq.).
6 (cf: P. L.1975, c.105, s.24)

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8 6. (New section) The department shall have the power to suspend
9 or revoke an owner's permit for any good cause under the meaning and
10 purpose of P.L.1975, c.105 (C.5:3-31 et seq.).

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12 7. This act shall take effect immediately.

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STATEMENT

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17 This bill amends and supplements the "Carnival-Amusement Rides
18 Safety Act," P.L.1975, c.105 (C.5:3-31 et seq.), to provide the
19 Department of Labor, which regulates such rides, with greater
20 discretion with respect to the fines and penalties which may be
21 imposed on ride operators who violate safety standards. Specifically,
22 the bill authorizes the department to revoke or suspend the operating
23 permit of any ride owner for good cause, and increases the fine which
24 may be imposed for violations of the act from not more than \$500 to
25 \$5,000 per day for each violation. The bill also requires that any
26 plans or diagrams filed with the department related to new rides or to
27 additions or alterations of existing rides be certified by a licensed
28 engineer retained or employed by the ride owner.

29 These measures are intended to enhance public safety following a
30 recent increase in the number of serious accidents occurring at
31 amusement parks around the State. Through August of the current
32 year, there have been eighteen such reported accidents, compared to
33 an average of approximately twelve serious accidents per year over the
34 last five years.

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38 Authorizes increased fines and penalties for carnival amusement ride
39 safety violations.