

Incident Reporting and Associated Definitions

5:14A-4.13 – Accident, incident, or mechanical breakdown reporting

(a) Shut down and report: When an incident has occurred involving ejection from a ride, failure of a critical structural or mechanical component, or serious injury/illness that can be attributed to an amusement ride that is regulated by this chapter, the owner shall:

1. Shut down the ride and secure the area;
2. Evacuate riders and provide care for any injured persons;
3. Report the incident to the Department immediately by telephone at the telephone number provided for this purpose; and
4. Prepare an Incident Report form and send it to the Department by email within 24 hours of the incident.
 - i. The ride owner shall send a copy of this report to the ride manufacturer.

(b) Report within 24 hours: When any incident occurs involving any mechanical malfunction, or an emergency evacuation of the ride, the owner shall:

1. Report the incident to the Department within 24 hours of the incident by telephone or email;
2. Prepare a written incident report and send it to the Department by email within five days of the incident or by mail at PO Box 808, Trenton, NJ 08625 postmarked within five days of the incident. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and
3. Repair the ride according to the manufacturer's instructions, if necessary, and submit a written report to the Department indicating the actions taken.
4. Rider removal due to an area-wide power failure, or at the request of rider, or due to rider misbehavior, shall not be considered evacuation for the purposes of this subsection.

(c) Record: When any incident occurs that is not covered by (a) or (b) above involving any type of ride-related minor injury or illness or complaint that was observed by the owner or operator or reported to the owner or operator by the rider, the owner shall keep a record of such incident, including pertinent information, in a form that is easy to access and read and that is readily available for inspection by the Department.

1. The information shall include at least the following:
 - i. The name and address of the injured party;
 - ii. The age and sex of the injured party;
 - iii. A brief description of the injury;
 - iv. The ride on which injury occurred;
 - v. The time, date and weather conditions when the incident occurred; and
 - vi. A description of the incident.

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5:14A-1.2 – Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise or the term is redefined for a specific section or purpose.

"Acceleration" means the change in velocity per unit time. It is usually expressed in units of ft/sec² or m/sec². Acceleration is also expressed in its relation to the acceleration due to gravity at sea level.

"One" g means acceleration that is the same as the acceleration due to gravity at sea level. (that is, a body subjected to one g would experience the equivalent of its own weight.)

"Accepted engineering practice" means that which conforms to accepted principles, tests, or standards of accredited authorized agencies, and to standards or generic principles and practices of safety engineering.

"ACI" means American Concrete Institute.

"Act" means the Carnival-Amusement Ride Safety Act, N.J.S.A. 5:3-31 et seq.

"Adult ride" see "major ride."

"AISC" means American Institute of Steel Construction.

"Alteration" see "modification."

"Amended type certification" means a certification that is granted to the manufacturer by the Department after review of an application for modification of a type certification.

"Amusement area or park" means any indoor or outdoor location where at least one amusement ride subject to the Act is available for use by the general public.

"Amusement park operator" means any person, firm or corporation that owns, leases, manages or operates an amusement park.

"Amusement ride" see "carnival-amusement ride."

"ANSI" means American National Standards Institute.

"ASCE" means American Society of Civil Engineers.

"ASME" means American Society of Mechanical Engineers.

"ASTM" means American Society for Testing and Materials.

"AWS" means American Welding Society.

"Block system" means a system on an amusement ride with separate vehicles designed to limit the number of vehicles in a certain area of the ride.

"BOCA" means Building Officials and Code Administrators International, Inc.

"Book-on ride" means a ride that is not owned by the primary owner of rides being placed in use at the same amusement area.

"Carabiner" means a shaped metal device of spring loaded design with a gate used to connect sections of bungee cord, jump rigging, equipment, or safety gear.

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"Carnival" means a mobile enterprise principally devoted to offering amusement or entertainment to the public in, upon, or by means of portable amusement rides or devices or temporary types of structures in any number or combination, whether or not associated with other structures or forms of public attraction.

"Carnival-amusement ride," "amusement ride," "carnival ride" or "ride" means any mechanical device or devices, including, but not limited to, a water slide exceeding 15 feet in height, which carries or conveys 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, amusement park or water park in which there are other rides covered by P.L. 1975, c.105 (N.J.S.A. 5:3-31 et seq.), including all water slides in amusement areas or parks; 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.

"Carnival ride" see "carnival-amusement ride."

"CFM" means cubic feet per minute.

"Child" means a person 12 years of age or younger.

"Clearance envelope" means the area in and around an amusement ride which, under normal operating and riding conditions, provides a "safe zone" for the riding public.

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

"Critical structural or mechanical component" means a component whose failure will result in uncontrolled operation or movement of the ride or failure of the restraint system.

"Dead load" means the weight of the ride itself. Dead load does not fluctuate with respect to time.

"Department" means the Department of Community Affairs.

"DIN" means Deutsches Institut für Normung (English Language Version).

"Discontinuities" means any and all indications found during the course of non-destructive testing. These indications include, but are not limited to, cracking, loss of thickness, undercutting of welds and lack of penetration.

"Dynamic load" means load that fluctuates with time because of the action of the ride during the ride cycle.

"EN" means Europäische Norm. These standards may be obtained through the European Committee for Standardization, Central Secretariat, rue de Stassart 36, B-150 Brussels, Belgium.

"Fixed amusement ride" or "fixed ride" means an amusement ride that is erected to remain a part of the premises and not intended to be relocated. This definition also means and includes all amusement rides that are not mobile rides.

"Fixed location" or "fixed site" means an amusement area sited for more than 60 days during a 90-day period.

"GFCI" means ground fault circuit interrupter, a device capable of de-energizing a circuit or portion thereof within an established period of time when a current to ground exceeds some predetermined value that is less than that required to operate the over-current protective device of the supply circuit.

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"Go-kart" or "go-cart" means a one or two rider self-propelled motor vehicle designed to convey riders along a restricted roadway while being operated and controlled by one rider who will be called the driver.

"Height restriction" means a stature requirement for riders to be permitted on a specific ride which is contained on the list of height restrictions maintained by the Department in accordance with N.J.A.C. 5:14A-2.2.

"IBC" means International Building Code.

"Illness" means personal discomfort resulting in treatment, including a personal illness, food poisoning, drug abuse, toxic inhalation, insect sting, or other similar occurrence.

"Imminent danger" means a condition that presents an excessive risk of serious injury to riders.

"Impact" means a force or acceleration that occurs over a time span of less than 0.2 seconds.

"Individual approval" means an approval that is granted to an owner 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.

"Inflatable" means an amusement device that incorporates a structural and mechanical system and employs a high strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure.

"Injury" means sustained bodily harm resulting in treatment, such as trauma, cuts, bruises, burns, and sprains.

"Inspection" means the physical examination of an amusement ride and relevant documentation by an inspector.

"Key component" means a component or system that has been designated by the manufacturer as requiring special fabrication, maintenance, inspection or operation due to its importance to the continued proper and safe operation of the carnival-amusement ride device.

"Kiddie ride" means a ride designed primarily for riders weighing 90 pounds or less.

"Live loads" mean those loads produced by the use and occupancy of the ride, not including dead load or environmental loads. Live loads fluctuate with time, but not necessarily during one ride cycle.

"Machine actuator" means a power mechanism used to effect motion of an amusement ride.

"Maintenance" means the act of keeping an amusement ride in its existing state; preserving from failure or decline. This may include, but is not limited to, cleaning, painting, adjusting, lubricating, inspecting, and testing.

"Maintenance technician (MT)" means a person who has the degree of competence necessary, via documented training and/or experience, to perform assigned maintenance, set-up, or repair of amusement rides.

"Major modification" means any material change to a load-bearing structural member, a mechanical, electrical, hydraulic or pneumatic drive or control feature, or a restraint or other protective feature.

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

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

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

"Minor injury/illness" means injuries and illnesses that may or may not require emergency first-aid or significant treatment, or both, but cannot otherwise be classified as a serious injury or illness. This category includes incidents where treatment is limited to such things as the dispensation of over-the-counter medication or plastic adhesive strips, cleaning, rest, and other similar duties or assistance.

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

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

"Modify" means to make a modification.

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

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

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

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

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

"NFPA" means the National Fire Prevention Association.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

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

"Operator" see "ride operator."

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

"Operator control station" means one or more operator interface control devices located where an operator is stationed during operation of an amusement ride.

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

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

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

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

"Patron" see "rider."

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

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

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

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

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

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

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

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

"Ride" see "carnival-amusement ride."

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

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

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

"SAE" means Society of Automotive Engineers.

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

"Serious injury/illness" means a personal injury/illness that results in death; dismemberment; significant disfigurement; permanent loss of the use of a body organ, member, function, or system; a compound fracture; or other significant injury/illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

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

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

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

"Super ride" means a ride designed to propel riders at high speed (speed greater than 37.5 mph, 55 ft/sec, or 16.8 m/sec), required to have a class-five restraint by ASTM F 2291 or found to have accelerations in excess of 75 percent of the limits specified in ASTM F 2291, as amended by N.J.A.C. 5:14A-7.2.

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

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

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

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

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

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