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## C.A.R.E.S. Organizational Reference Documents

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### TABLE OF CONTENTS

<u>Number</u>	<u>Title</u>	<u>Rev. No.</u>	<u>Rev. Date</u>
--	Statement of Purpose	0	01/29/2006
	Articles of Incorporation	0	
	Constitution	0	
	Bylaws	0	
	Criteria for Registration of Amusement Devices	0	
	Rules for Certified Inspectors	0	
	Recommended Amusement Safety Legislation	1	
	Recommended Administrative Amusement Safety Rules and Regulations	1	
	C.A.R.E.S Strategic Plan FY-2006 to FY 2010	0	
	International Amusement Inspection Code Procedure	0	

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## C.A.R.E.S. Organizational Reference Documents

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### STATEMENT OF PURPOSE

The purpose of this manual is to provide a single place to maintain C.A.R.E.S. Organizational Reference Documents. These documents cover a wide variety of subjects and some are the basis for programs implemented by C.A.R.E.S.

These documents are prepared by C.A.R.E.S committees, task groups or staff and share the common bond of approval by the Board of Directors or the Members, as appropriate.

This manual will be kept current through updates transmitted following completion of the appropriate approval.

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# ARTICLES OF INCORPORATION

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*Compilation of Original*

*Approved by C.A.R.E.S. Members - April 2006*

C.A.R.E.S.  
The Council of Amusement  
And Recreational Equipment Safety

## ARTICLES OF INCORPORATION

The undersigned, for purposes of forming a nonprofit corporation in accordance with Chapter \_\_\_\_\_ of the Iowa State Law, does hereby state the following:

### **1. NAME**

The name of the Corporation shall be the Council of Amusement and Recreational Equipment Safety.

### **2. PLACE OF OFFICE**

The place where the principal office of Corporation shall be the City of Des Moines, Iowa.

### **3. PURPOSES**

The purposes for which the Corporation is formed shall be:

To promote uniform administration and enforcement of laws, rules and regulations pertaining to amusement and recreational equipment.

To promote standards for acceptance of amusement and recreational equipment, parts and appurtenances to assure safe operation.

To promote one uniform code and one standard stamp to be placed on all registered amusement devices, parts and other objects constructed in accordance with the requirements of that code.

To recognize national and international standards for the construction, alteration, maintenance, inspection and repair of amusement and recreational equipment.

To gather and make available, information and statistics useful to the members, inspectors, and others interested in amusement safety.

To promote standards for the qualification and examination for inspectors who enforce the requirements of the construction, alteration, maintenance, inspection and repair standards.

To develop and promote uniform standards for the alteration, maintenance, inspection and repair of amusement and recreational equipment.

To promote the registration of amusement and recreational equipment.

To engage in any lawful act, activity or business not contrary to and for which a nonprofit corporation may be formed under the laws of the State of Iowa, and to have and exercise all powers conferred by the laws of the State of Iowa on nonprofit corporations.

### **4. RESTRICTIONS**

No part of the net earnings of the Corporation shall inure to the benefit of any private individual or entity.

Notwithstanding anything to the contrary in these Articles of Incorporation, the Corporation may not engage in any activity which is not permitted to be engaged in by the Corporation as an organization exempt from income taxes under section 501(a) of Revenue Code of 1954.

## **5. DIRECTORS AND MEMBERS**

### (a) Directors

The Board of Directors shall consist of five (5) members selected in accordance with the provisions of the Constitution (Code of Regulations).

### (b) Members

The membership of C.A.R.E.S. shall consist of those individuals who possess the qualifications set forth in the C.A.R.E.S. Constitution pertaining to membership and who are approved as members by the Board of Directors.

## **6. AMEMDMENTS**

These Articles of Incorporation may be amended by a two-thirds vote of the members present and voting. Such action may be taken at any general or special meeting of the membership, or via electronic voting, providing the amendment to be voted upon has been presented to the members in writing by the President at least thirty (30) days prior to the meeting at which the vote is taken. A written and signed absentee vote can be recorded provided it is received before or at such meeting.

## **7. CERTAIN TRANSACTIONS**

No contract or other transaction shall be void or voidable with respect to this Corporation for the reason that it is between the Corporation and one or more of the Directors or officers, or between the Corporation and any other person in which one or more of its Directors or officers are directors, trustees, or officers, or have a financial or personal interest of for the reason that one or more interested Directors or officers participate in or vote at the meeting of the trustees or a committee thereof which authorizes such contract or transaction; provided however, that any such contract or other transaction shall be consistent with the applicable provisions of Iowa State law, and provided further that the material facts as to the relationship or interest as to the contract or transaction are disclosed and are known to the Directors or the committee and the Directors or committee, in good faith and reasonably justified by such facts, authorize the contract or transaction by the affirmative vote of a majority of the disinterested, even though the disinterested Directors constitute less than a quorum. The interested Directors may be counted in determining the presence of a quorum in a meeting of the Directors or of a committee thereof which authorizes the contract or transaction.

## **8. DISSOLUTION**

Upon the dissolution of the Corporation, any assets remaining shall be conveyed to such organization or organizations as shall be selected by the affirmative vote of the majority of the Board of Directors; provided, however, that such organization or organizations shall be exempt from income taxation under the Internal Revenue Code of 1954.

Name of Non-profit Corporation: Council of Amusement and Recreational Equipment Safety  
(C.A.R.E.S.)

Address: P.O. Box 8236  
Des Moines, Iowa 50301-8236

Initial Registered Agent: James Borway

Incorporators: Mark F. Mooney, President  
22 Crystal Spring Road  
Mattapoisett, MA 02739

\_\_\_\_\_  
*Signature*

James Borway, 2<sup>nd</sup> Vice President

\_\_\_\_\_  
*Signature*

# CONSTITUTION

Revision: 2  
Approved by C.A.R.E.S. Members:

# TABLE OF CONTENTS

ARTICLE I – NAME.....

ARTICLE II – OBJECTIVES.....

ARTICLE III – PROHIBITED ACTIVITIES.....

ARTICLE IV – MEMBERSHIP.....

ARTICLE V – OFFICERS.....

ARTICLE VI – MEETINGS.....

ARTICLE VII – AMENDMENT OF CONSTITUTION.....

ARTICLE VIII – COMMITTEES.....

ARTICLE IX – DISSOLUTION.....



CONSTITUTION

**ARTICLE I - NAME**

The name of this organization shall be "Council for Amusement and Recreational Equipment Safety".  
AKA: CARES

## ARTICLE II - OBJECTIVES

The objectives of this Council shall be to:

1. Promote uniform administration and enforcement of laws, rules and regulations pertaining to amusement and recreational equipment.
2. Promote standards for acceptance of amusement and recreational equipment, parts and appurtenances to assure safe operation.
3. Promote one uniform code and one standard stamp to be placed on all registered amusement devices, parts and other objects constructed in accordance with the requirements of that code.
4. Recognize national and international standards for the construction, alteration, maintenance, inspection and repair of amusement and recreational equipment.
5. Gather and make available, information and statistics useful to the members, inspectors, and others interested in amusement safety.
6. Promote standards for the qualification and examination for inspectors who enforce the requirements of the construction, alteration, maintenance, inspection and repair standards.
7. Develop and promote uniform standards for the alteration, maintenance, inspection and repair of amusement and recreational equipment.
8. Promote the registration of amusement and recreational equipment.
9. Foster cooperation among regulatory officials and amusement equipment industries to promote public safety.
10. Engage in any lawful act, activity or business not contrary to and for which a nonprofit corporation may be formed under the laws of the State of Iowa, and to have and exercise all powers conferred by the laws of the State of Iowa on nonprofit corporations.

Said organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

### **ARTICLE III - PROHIBITED ACTIVITIES**

1. **PROHIBITION ON PARTISAN POLITICAL ACTIVITIES.** No substantial part of the activities of the organization shall be the carrying on or intervening in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.
2. **PROHIBITION AGAINST SELF-DEALING.** No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the objectives set forth in Article II hereof.
3. **GENERAL PROHIBITIONS.** Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future tax code.

## ARTICLE IV - MEMBERSHIP

1. MEMBERSHIP. Membership in the Council shall be restricted to full-time administrative level governmental personnel who are responsible for the promulgation and enforcement of amusement and recreational equipment regulations within their jurisdictions.
2. APPLICATIONS AND DUES. An application for membership shall be submitted to the **Board of Directors** and shall be accompanied by a letter of certification from the authority having jurisdiction along with the annual dues, if any. Upon approval, the Treasurer **shall** acknowledge receipt by issuing a membership card and shall enter the member's name on the official roles of the Council.
  - A. The amount of dues shall be established and may be amended from time to time by the **Board of Directors**.
  - B. Membership shall be on an annual basis from January 1 through December 31.
  - C. Members whose dues are unpaid by January 31 shall be deemed in arrears and shall not be entitled to any of the rights of membership.
3. TERMINATION OF MEMBERSHIP. The **Board of Directors**, by affirmative vote of two-thirds of the membership, may suspend or expel a member for cause, set forth in a written charge mailed to the member. Cause shall include, but not be limited to, disrupting or impeding the activities of the Council, or engaging in conduct which is detrimental to the interests and welfare of the Council. An open hearing before the **Board of Directors** shall be conducted if requested by the member in writing within 21 days of the date the written charge is mailed to the member. If no such hearing is requested, the Board of Directors may act upon the charge and may summarily impose a suspension or expulsion without further process or notice.

## ARTICLE V - OFFICERS

1. ELECTED OFFICERS. The officers of the **Board of Directors** shall be elected from among, and by, all the members:

- A. Officers shall be:

1. President
2. Vice President
3. 2nd Vice President
4. Secretary
5. Treasurer

- B. NOMINATIONS. **Nominations for any office shall be made from the floor at the annual meeting where the term of any officer has expired, or is expiring at that meeting.**

Where only one candidate for an office is nominated at the annual meeting, **an existing officer on the Board of Directors** shall cast a unanimous ballot for the candidate and such candidate shall be declared duly elected. Where additional nominations have been made for an office, and election shall be held for such office, with voting on the candidates for such office being conducted by paper ballot.

- C. **All elected officers shall serve for uniform terms of two years, beginning at the close of the annual meeting at which they are elected, and with all terms expiring at the conclusion of the regularly scheduled annual meeting in the next even numbered year.**

- D. The officers in any contested election shall be elected by the use of paper ballot.

- E. A majority of all members present and voting shall constitute the legal choice for the designated office in any contested election.

- F. No member shall run or hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

- G. Any vacancy arising in an office shall be filled through appointment by the President with the advice and consent of the **Board of Directors**.

2. DUTIES. The principle duties of the officers are:
  - A. PRESIDENT. The President of the Council is the principal presiding officer, and shall preserve order, enforce the Constitution and Bylaws, appoint members and chairpersons of committees and subcommittees to carry out the business of the Council, review all requests for purchases and bill rendered, approving payment for only those bills which are within the approved budget. The President, with the advice and consent of the Board of Directors, may appoint an Executive Director, to conduct the day to day ministerial affairs of the Council.
  - B. VICE PRESIDENT. The Vice President will assist the President with the activities and duties of the President. In the absence of the President, the duties of that office shall be fulfilled by the Vice President.
  - C. 2nd VICE PRESIDENT. The 2nd Vice President will assist the President and Vice President with the activities and duties of the President. In the absence of the President and Vice President, the duties of that office shall be fulfilled by the 2nd Vice President.
  - D. SECRETARY. The Secretary shall keep a record of the official proceedings and actions of the Council, including voting results, with the exception of financial records which are the responsibility of the Treasurer.
  - E. TREASURER. The Treasurer shall supervise the financial transactions made by the President or the Executive Director, make a financial report to the Council annually, including a report at each regular meeting of the Council. The Treasurer shall countersign all checks or other financial disbursement instruments prepared and signed by President or the Executive Director.

3. DUTIES OF THE EXECUTIVE DIRECTOR. If the Board of Directors appoint an Executive Director, the duties of the Executive Director shall include, but not be limited to the following:

- A. Prepare agendas and minutes for all council meetings;
- B. Establish annual meeting locations;
- C. Pay the bills of the Council and report all financial transactions to the Treasurer;
- D. Fulfill the directives and requests of the Board of Directors.

The Executive Director shall not have the right to hire any person on behalf of the Council without prior approval of the Board of Directors. The salary of the Executive Director shall be determined annually by the Board of Directors.

4. INDEMNIFICATION. The Council shall indemnify any officer, agent, director, employee or committee member made or threatened to be made a party to any claim or litigation to the fullest extent allowed under applicable Nonprofit Corporation Law.

## ARTICLE VI - MEETINGS

### 1. TYPES.

- A. Regular meetings of the Council include the Annual Meeting for the installation of officers; receiving and voting on reports of officers and committees; and transaction of other business.
- B. Special meetings of the Council - may be called by the president or;
  - 1. a two-thirds majority of the elected officers; or
  - 2. a two-thirds majority of the members.The purpose of such meetings shall be stated in the call and business shall be limited to the stated purpose.
- C. Meetings of the Committees and Task Groups may be called by their chairpersons.

### 2. CONDUCT OF BUSINESS

- A. The Annual Meeting shall be held **during the last quarter of the calendar year**. Notice of the Annual Meeting shall be mailed to all members at least **30 days** prior thereto.
- B. The business shall be restricted to that which is specified in the agenda. The order of business will **generally** follow "Robert's Rules of Order and Parliamentary Procedure".
- C. All Council meetings shall be open to all members.
- D. The privilege of the floor is extended to all members at all meetings of the Council.

### 3. VOTING SYSTEM.

- A. Each jurisdiction shall have one vote. Any officer, who is also representing a Jurisdiction, shall be able to cast the jurisdiction's vote.
- B. If the designated representative of the jurisdiction cannot attend the annual meeting, an alternate may be named, in writing, prior to the meeting. **Such alternate member shall have the full voting rights of the designated representative.**

### C. VOTING PROCEDURES.

The following voting procedures are applicable to all meetings of the Council, with exception of election of officers:

1. All voting is by show of hands, paper ballot, standing vote, or electronic, as determined by the President.
2. All actions of the Council require the approval of a majority of those active members present and voting.
3. When a member of the Council votes to abstain on a motion, the vote shall be counted as one of the total number of votes cast on the motion.

Example: If the following vote were recorded at a meeting – 3 approved, 2 disapproved and one “abstain”, the President shall rule the motion as failed because the four affirmative votes would have been required to adopt the motion.

4. When a member of the Council casts a negative vote on a motion, the vote shall be counted as one of the total number of votes cast on the motion.

Example: If the following vote were recorded at a meeting – 3 approved, 2 disapproved and one “not voting”, the President shall rule the motion as approved because the majority of the votes cast (3 out of 5) were in favor of the motion.

### D. QUORUM

A quorum for the conduct of business at a regular or special meeting consists of 20% of the member jurisdictions.



CONSTITUTION

**ARTICLE VII - AMENDMENT OF CONSTITUTION**

1. Proposed changes in the Constitution shall be submitted in writing to the Board of Directors at least 90 days before the date of the annual meeting. The Secretary shall mail the proposal to the active members, together with the recommendation of the Board of Directors at least 30 days prior to the meeting.
2. This Constitution may be changed by a two-thirds majority vote of active voting members.
3. Approved changes shall take effect at the conclusion of the meeting at which they are adopted.

## CONSTITUTION

### ARTICLE VIII - COMMITTEES

1. The following shall be committees of the Council, their titles indicating their primary focus:
  - A. **BOARD OF DIRECTORS.** The Board of Directors shall consist of the Council's President, Vice President, Second Vice President, Secretary and Treasurer. It shall perform the functions as is delegated to it by this constitution.
  - B. **MEMBERSHIP.** This committee is charged with reviewing applicants for membership into CARES. All new members must meet the prerequisites as provided in the By-laws.
  - C. **INSPECTION CODE COMMITTEE.** This committee is charged with reviewing existing standards and to provide recommendations for the uniform inspection of amusement devices. The committee may also develop additional comprehensive standards or guides relative to the inspection of amusement devices.
  - D. **STRATEGIC PLANNING COMMITTEE.** This committee is charged with reviewing and developing an annual business plan as well as a long term strategic plan for Council. The plan developed by this committee shall be forwarded to the President before June 1<sup>st</sup> of each year. The President shall present the plan to Board of Directors for their approval.
2. **OTHER COMMITTEES.** The President shall appoint each committee Chairperson. The committee chairperson shall appoint the membership of each committee. All active members are eligible for appointment by the President to the position of Committee Chairperson.

**ARTICLE IX - DISSOLUTION**

1. Upon dissolution of the Council, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such assets not so disposed, shall be disposed of by the Court of Common Pleas of the county in which the principle office of the Council is then located, exclusively for such purposes or to such organization or organizations as the court shall determine, which are organized and operated exclusively for such purposes.

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# BY-LAWS

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Revision 0  
Approved by Board of Directors:

# TABLE OF CONTENTS

SECTION 1.0 – AUTHORITY.....

SECTION 2.0 – MEMBERS.....

SECTION 3.0 – ADVISORY BOARD.....

SECTION 4.0 – AMENDMENTS.....

**SECTION 1.0 – AUTHORITY**

The CARES bylaws are adopted by the Board of Directors for the governance of CARES proceedings and for carrying out the CARES Constitution according to its intent.

## **SECTION 2.0 – MEMBERS**

### **2.1 Membership**

The President shall appoint a chairman for the membership committee, who shall be responsible to review qualifications of persons seeking membership as a jurisdictional member and to make the appropriate recommendation to the Board of Directors.

The Board of Directors, by a majority vote of those present and voting at a regular or special meeting, or via electronic voting may accept for membership any person who fulfills the prerequisites as dictated in this section.

Where candidate is seeking membership, the following criteria shall be satisfied:

1. The candidate must provide a letter of support from the designated jurisdiction; and
2. The candidate must provide documentation that they are employed by the jurisdictional authority and is responsible for the administration and enforcement of the jurisdictional laws and regulations covering amusement devices.
3. The Jurisdiction seeking membership provides documentation that they have adopted, in whole or in part, the ASTM standards for amusement devices.
4. The candidate provides documentation that they hold a current NAARSO inspector certification.

The completed application shall be submitted to the Board of Directors for consideration.

The Board of Directors, at a regularly scheduled meeting, may themselves nominate any candidate who fulfills the criteria required.

## **SECTION 3.0 – ADVISORY BOARD**

### **3.1 Purpose**

The purpose of the Advisory Board to CARES is to provide advice and counsel to the Board of Directors on a variety of business, technical or legislative issues.

### **3.2 Membership to Advisory Board**

The membership to the Advisory Board shall consist of six (6) members as follows:

1. One representative from Amusement Device Manufacturers
2. One representative from Amusement Device Insurers.
3. One representative from Amusement Device Owners; Permanent Park Device.
4. One representative from Amusement Device Owner; Portable Device.
5. One representative from Private Inspection of Amusement Devices.
6. One representative from a consumer Advocacy Group.

The members of the Advisory Board shall be approved by the CARES, Board of Directors for a term of three (3) years except as hereinafter provided.

Approval of the appointment to the Advisory Board shall be such that the expiration of not more than three (3) terms of office shall occur in any one year. At the expiration of their respective terms of office, they or their direct successors as provided in this section shall be appointed for terms of three (3) years.

Should a vacancy occur on the Advisory Board, the CARES Board of Directors shall appoint a qualified successor to complete the unexpired term.

The Advisory Board membership shall have no voting privileges on matters to be considered by the CARES membership.

### **3.3 Advisory Board Meeting**

The Advisory Board shall meet in conjunction with the CARES Board of Directors. Advisory Board members shall have the opportunity to attend any CARES membership meeting.

The Advisory Board shall be responsible for their own expenses at any meetings.

Any member of the Advisory Board may be removed by a majority vote of the CARES Board of Directors after written details of the reasons are sent to all CARES members. CARES members will have thirty (30) days to respond and recommend the action to the Board of Directors either be sustained or set aside. A majority vote of the members is required to either sustain or set aside the action.



## **SECTION 4.0 – AMENDMENTS**

These Bylaws may be amended by the Board of Directors by the affirmative vote of two thirds (2/3) of the members of the Board of Directors that are present and voting.

All amendments to the Bylaws shall be reported to the membership at the next regular or special meeting of the membership.

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# **CRITERIA FOR REGISTRATION OF AMUSEMENT DEVICES**

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Approved by C.A.R.E.S. Members:

TABLE OF CONTENTS

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<b>SUBJECT</b>		<b>PAGE</b>
Foreword		
Introduction		
Article 1	Code of Construction	
Article 2	Quality Systems	
Article 3	Third Party Inspection	
Appendix A	Authorization to Register	
Appendix B	Process for Acceptance of Codes of Construction and Accrediting Bodies	
Appendix C	Review of the Manufacturing Organization's Quality System	
Appendix D	Registration of Amusement Devices Manufactured to ASTM standards	

## **FOREWORD**

CARES does not “approve”, “rate”, or “endorse” any item, construction, proprietary device, or activity.

CARES does not take any position with respect to the validity of any patent rights asserted in connection with any items mentioned in this document, and does not undertake to insure anyone utilizing a code of construction against liability for infringement of any applicable Letters, Patent, nor assume any such liability. Users of this document are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, is entirely their own responsibility.

*CARES Symbol here*

The above CARES symbol is registered with the U.S. Patent & Trademark Office.

“CARES” is the abbreviation for the Council of Amusement and Recreation Equipment Safety.

No part of this document may be reproduced in any form, in an electronic retrieval system or otherwise, without the prior written permission of the publisher.

## **Introduction**

The purpose of registration is to provide owners, users, and jurisdictional authorities charged with public safety with certification by the manufacturers of amusement devices that those registered items have been manufactured in accordance with a code of construction accepted by CARES.

In order to register an amusement device with CARES, the following criteria must be met:

1. the amusement device must be manufactured in accordance with one of the codes of construction accepted by CARES; and
2. the manufacturing organization must implement a quality system; and
3. the manufacturing organization must provide for third party surveillance of its quality system. It must also provide for third party inspection when required by the Code of Construction.

Registration occurs following manufacturing, testing, inspection, and certification. The manufacturing organization submits the required documents to CARES for permanent filing. Documents may be retrieved at any time. An agreement between the manufacturing organization and CARES is required which is evidenced by a Certificate of Authorization to Register issued by CARES. The holder of a Certificate of Authorization to register may then register amusement devices with CARES.

Many jurisdictions adopt and enforce laws that regulate the design and construction of amusement devices. These laws specify a code of construction that must be met by the manufacturing organization.

**Article 1 Codes of Construction**

**Section 1 Purpose**

The purpose of this article is to establish requirements for codes of construction.

**Section 2 Scope**

A code of construction is a document that provides detailed requirements for design, material selection, fabrication, examination, and testing.

Amusement devices registered with CARES must be certified by the manufacturer as being manufactured to a code of construction that has been accepted by CARES as provided for in this article.

**Section 3 Requirements**

**a. General**

The code of construction shall be a national or international standard and shall be recognized (accepted) by regulation and recognized (accepted) by the country of origin, when applicable.

**b. Design**

The code of construction shall provide for the design of amusement devices.

**c. Materials**

The code of construction shall:

1. identify allowable materials by published specification;
2. provide for allowable stresses at a given temperature;
3. provide for the selection of joining materials; and
4. provide requirements for material identification and traceability.

**d. Fabrication**

The code of construction shall:

1. identify acceptable and/or prohibited practices and geometries (examples of practices include heat treatment, rolling, aligning, fitting and joining); and
2. provide requirements for joining procedures and qualification of such procedures and personnel.

**e. Examination**

The code of construction shall:

1. provide examination requirements for design conformance;

2. specify the level of examination consistent with the design basis; and
3. specify examination techniques, acceptable parameters and requirements for qualification of personnel.

## **f. Testing**

The code of construction shall provide for testing to ensure structural integrity.

## **Section 4 Acceptance of a Code of Construction**

A request for acceptance of a code of construction must be made by a CARES member, in writing to the Board of Directors.

The process for acceptance of a code of construction shall be in accordance with Appendix B.

## **Article 2 Quality Systems**

### **Section 1 Purpose**

The purpose of this article is to establish requirements for quality systems.

### **Section 2 Scope**

A quality system is a documented process by which a manufacturing organization controls the design, fabrication, examination, testing and certification of the required documentation for amusement devices.

Amusement devices registered with CARES must be manufactured in accordance with a documented quality system that has been accepted by CARES as provided for in this article.

### **Section 3 Requirements**

#### **a. General**

The manufacturing organization shall have and maintain a quality system that will demonstrate its capability to produce amusement devices that conform to the requirements of each code of construction.

The design and implementation of the quality system used by a manufacturing organization will be influenced by the size and complexity of the manufacturing organization, the complexity of the products and services and the nature of the manufacturing processes and methods employed.

#### **b. Quality System Content**

A quality system complying with the format of the latest edition QC-1 is required. Quality systems that meet the requirements of ASTM are acceptable.

#### **c. Additional Requirements**

The following items are required to be included in the manufacturing organization's quality system.

1. A description of the control and issuance of USID numbers, including the requirement to:
  - a. Maintain a log, which shows the USID number, date issued, and other data as may be required to identify the amusement device.
  - b. Assign consecutive USID numbers.
  - c. Identify the individual responsible for the control and issuance of USID numbers.
2. A description of the controls for submitting data report(s) including requirements that:
  - a. The data report shall include:
    - i. The signature, NAARSO commission number, and endorsements of the inspector,
    - ii. The USID number, and
    - iii. The signature of the manufacturing organization's representative.
  - b. For amusement devices bearing the USID number:
    - i. Verification that the electronic transmission is complete, or
    - ii. For ASTM, an original is submitted to CARES.
  - c. The time frame in which the document will be submitted to CARES.
  - d. The identification of the individual responsible for submitting the documents to CARES.
  - e. The Stamping is verified for completeness

#### **Section 4      Acceptance of Quality Systems**

The quality system shall be reviewed and accepted by CARES. The CARES procedure for conducting a review is shown in Appendix C. Quality systems that have been reviewed and accepted by an accrediting body are acceptable provided that the accrediting body attests that the quality system and its implementation is in compliance with specific requirements. An accrediting body is an independent third party organization.

When the code of construction is ASTM, the data report required by those codes may be used. When the code of construction is other than the ASTM, the manufacturing organization shall file data reports, a sample of which is shown in Figure 2.

#### **Article 3      Third Party Inspection**

##### **Section 1      Purpose**

The purpose of this article is to establish requirements for third party inspection.

##### **Section 2      Scope**

Third party inspection is a process by which amusement devices are inspected during fabrication to determine their conformity with the code of construction.

Amusement devices registered with CARES must be subjected to third party inspection as provided for in this article.

##### **Section 3      Requirements**



A third party inspection agreement must be in force for the duration of the Authorization to Register with CARES. Inspectors shall hold a valid Advanced NAARSO certification and appropriate endorsement. Inspectors shall be independent from the manufacturing organization and accrediting body.

The process for commissioning of Inspectors and their duties and responsibilities are described in the CARES Rules for Commissioned Inspectors.

The manufacturing organization shall:

1. provide for the inspection of all amusement devices to be registered with CARES; and
2. provide the Inspector with access to the manufacturing organization's facilities.

## **Appendix A Authorization to Register**

### **Section 1 Compliance**

A manufacturing organization that complies with the requirements of Articles 1, 2, and 3 is eligible to apply for a Certificate of Authorization to Register with CARES.

### **Section 2 Validity**

The manufacturing organization's Certificate of Authorization to Register is valid only while operating under the company name and location listed on the certificate and only until the expiration date listed on the certificate.

### **Section 3 USID Number**

All amusement devices stamped with a USID number must be registered with CARES on data reports described in this document. Improper or unauthorized use of any CARES symbol (or marking) is a violation of the CARES trademark.

### **Section 4 Multiple Codes of Construction**

The manufacturing organization's Certificate of Authorization to Register is valid only for the codes of construction identified on the certificate. Additional codes of construction, (accepted as described in Article 1) may be added provided the manufacturing organization's inspection agency reviews the quality system and verifies that the requirements of Article 2 are met. The manufacturing organizations shall forward the inspection agency's verification to CARES.

## **Appendix B Process for Acceptance of Codes and Construction and Accrediting Bodies**

### **Section 1 Initial Request**

A member must request the acceptance of a code of construction or an accrediting body. The member requesting acceptance shall make the request in writing to the Board of Directors.

### **Section 2 Board of Directors's Acceptance**

Upon receipt of a request, the Board of Directors shall cause the code of construction and/or the accrediting body to be evaluated for compliance with the requirements of this document.

If the evaluation results show compliance with the requirements of this document, the Board of Directors shall make a recommendation to the members for acceptance.

If the evaluation results show non-compliance with the requirements of this document, the Board of Directors shall notify the member, in writing, stating the reasons for the unfavorable decision and the right of reconsideration and appeal.

### **Section 3      Membership Acceptance**

At a scheduled meeting, the members shall review and act on the recommendation submitted to them by the Board of Directors. If the members concur with the Board of Directors's recommendation the members will accept the code of construction or the accrediting body.

If the members action is unfavorable, the Board of Directors shall notify the member, in writing, stating the reasons for the unfavorable decision and the right of reconsideration and appeal.

### **Section 4      Reconsideration and Appeal**

Upon notification of an unfavorable decision, the member may request a reconsideration of the decision. The member shall provide a substantive reason for requesting the reconsideration. If the decision is reaffirmed, the decision is final.

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# **RULES FOR CERTIFIED INSPECTORS**

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Approved by C.A.R.E.S. Members:

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**RECOMMENDED  
AMUSEMENT DEVICE  
LEGISLATION**

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Approved by C.A.R.E.S. Members:

**STATE OF \_\_\_\_\_**

An Act relating to \_\_\_\_\_; providing for amusement ride safety; defining terms; authorizing the \_\_\_\_\_ to implement rules and regulations; requiring certification; providing procedures for inspection, fees and issuance of certificate of inspection; requiring notice; providing for cessation of operation and method of enforcement; requiring insurance; authorizing modifications of rules and regulations; providing penalties; directing codification; and providing an effective date.

**BE IT ENACTED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_**

**SECTION I - TITLE AND DEFINITIONS**

This Act shall be known and may be cited as the Amusement Ride Safety Act and, except as otherwise herein provided, shall apply to all Amusement Rides and Devices to be operated within this state. For the purpose of this Act, the following definitions apply:

“Air-supported structure” 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 pre-tensioning with internal air pressure, all of which are intended to provide an enclosed area for the self enjoyment of those so confined within or upon.

“Amusement Attraction” means any building or structure around, over, or through which people may move or walk, without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills, or excitement. “Amusement Attraction” does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

“Amusement ride or amusement device” means a device or combination of devices or elements that carry, convey, or direct a person(s) over or through a fixed or restricted course or within a defined area, for the primary purpose of amusement or entertainment. Amusement ride does not include the operation of articles of husbandry incidental to any agricultural operation.

“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.

“Certificate of inspection” means a certificate issued by \_\_\_\_\_ of the \_\_\_\_\_ subsequent to an inspection by an inspector.

“ \_\_\_\_\_ ” means the jurisdictional authority with responsibility for enforcement of the Act.

“ Inspector” means a person who possesses at least a Level I certification from the National Association of Amusement Ride Safety Officials. Such person must be registered with the \_\_\_\_\_ and commissioned according to the rules promulgated by \_\_\_\_\_.

“Operator or Owner” means a person who owns or controls or has the duty to control the operation of an amusement ride and includes the state and every state agency, and each county, city and all private or public corporations and political subdivisions.

“Permanent amusement park ride” means an amusement ride which is stationary or cannot be easily moved and which is located on the same premises on which it is operated for no less than ninety (90) days.

“Sign” means any symbol or language reasonably calculated to communicate information to a rider, the parent, or guardian of a rider, including placards, prerecorded messages, live public address, stickers, pictures, video, verbal information, and visual signals.

## **SECTION II - EXEMPTIONS**

This Act shall apply to all amusement rides and devices to be operated within this jurisdiction, except:

1. School playground and public park rides such as swings, see-saw, slides, climbing bars, and other similar devices providing that no charge for admission exists, and:
2. Small self service type rides found in shopping centers, and:
3. Air supported structures, mechanical bulls, climbing walls, trampolines, space balls, and other similar rides as defined in the rules and regulation, providing that:
  - a. The owner/operator registers yearly with the \_\_\_\_\_ providing an itinerary for the seasons set-ups, if known, and a listing of the unique identification number assigned to each ride, and
  - b. The owner/operator provides evidence that the rides will be maintained, set-up, and operated in accordance with the manufacturer’s recommendations. In the absence of manufacturer’s instructions and recommendations, the rides shall be operated as directed by \_\_\_\_\_, and,
  - c. The owner/operator agrees to report all accidents and injuries to \_\_\_\_\_, which will have authority to investigate any and all accidents and incidents.

## **SECTION III - RULES AND REGULATIONS**

The \_\_\_\_\_ shall promulgate rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all amusement rides necessary for the protection of the general public using amusement rides. The rules shall be based upon generally accepted engineering practices, industry consensus, manufacturer’s recommendations, and American Society of Testing Materials (ASTM) Standards.

The \_\_\_\_\_ may modify the application of rules or regulations to an operator who demonstrates a hardship resulting from such application if the public safety will remain secure. Any owner or operator may make a written request to the \_\_\_\_\_ specifying the hardships which are his grounds for requesting such modifications. Any authorization by the \_\_\_\_\_ shall be in writing and shall describe the conditions under which the modifications shall be permitted. A permanent record of all modifications shall be kept in the \_\_\_\_\_ for public inspection.

OR

### **SECTION III - CARNIVAL-AMUSEMENT SAFETY BOARD – Creation / Members / Terms of Office**

There shall be a Carnival-Amusement Safety Board, hereafter in this Act referred to as the “Board”, to consist of 5 members. One member shall be the Director. Four members shall be appointed by the Governor with the advice and consent of the Senate. The term of members shall be 4 years, except that of those members initially appointed by the Governor, 1 shall be appointed for 3 years and 1 shall be appointed for 4 years, of the remaining members appointed initially by the Governor, the term shall be for 3 years. Of the 4 appointed members of the board, 1 shall be an operator of amusement rides and 1 shall be a registered professional engineer.

A majority of the 5 members of the Board constitutes a quorum. The Board shall meet at least twice yearly and at the call of the chairman or by written request of at least 3 members. The Board shall elect a chairman and such other officers as it deems necessary to perform its duties between meetings and may hire such clerical and administrative help as it deems necessary, to be paid out of the appropriation to the Board.

The members of the Board who are appointed by the Governor shall receive compensation for their services at the rate of \$..... per day for meeting days and shall be entitled to actual and necessary expenses while conducting the business of the Board.

The Board shall promulgate and formulate definitions, rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all amusement rides and amusement attractions as the Board finds necessary for the protection of the general public using amusement rides and amusement attractions. The rules shall be based upon generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. Whenever such standards are available in suitable form they may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement rides or amusement attractions. In addition to the permit fee herein provided, the Board may promulgate rules to establish a schedule of fees for inspections.

Before adopting, modifying or amending any rule consistent with and necessary for the enforcement of this Act, the Director or Board shall hold a public hearing on the proposed rule, modification or amendment to a rule. Any interested person may appear and be heard at the hearing, in person or by agent or counsel. The director shall give the news media notice of each hearing at least 30 days in advance of the hearing date and shall make available a copy of the proposed rule, or modification or amendment to a rule to any person requesting same. The provisions of this Section are in addition to all other existing requirements pertaining to the promulgation of administrative rules and regulations.

The Director shall administer and enforce all provisions of this Act and all codes, rules and regulations promulgated by the Board.

The board shall determine a schedule of permit fees for each amusement ride or amusement attraction.

### **SECTION IV - CERTIFICATE OF INSPECTION -INSPECTION**

Except for the purpose of testing, training, and inspection, no amusement ride or device shall be operated in this state without an inspection having been conducted by an inspector and a certificate of inspection having been issued by the \_\_\_\_\_ to operate the ride or device.

Prior to \_\_\_\_\_ each year, the owner or operator shall apply to the \_\_\_\_\_ for a certificate to operate rides within this state. The application will be on forms provided by \_\_\_\_\_.

All amusement rides shall be inspected before they are originally put into operation for the use of the public, and thereafter, at least once each calendar year, unless authorized to operate under a temporary certificate. Amusement rides must also be inspected each time they are disassembled and reassembled.

The owner or operator may make application to the \_\_\_\_\_ for less frequent inspections than are required under \_\_\_\_\_ of this section. The \_\_\_\_\_, upon investigation and/or hearing of the matter, may grant a waiver provided equal public safety is maintained. Such waiver shall provide specific requirements for inspection in lieu of the requirements of \_\_\_\_\_ of this section. The \_\_\_\_\_ shall promulgate rules for the determination of a waiver provided such rules place an affirmative responsibility on the owner/operator for the preservation of public safety.

The inspections herein provided for may be performed by \_\_\_\_\_ or by qualified amusement ride inspectors employed by an insurance company or another jurisdictional authority within this state.

If, after inspection, an amusement ride is found to comply with the rules and regulations of \_\_\_\_\_, the \_\_\_\_\_ shall issue a certificate of inspection which shall authorize the operator or owner to operate the rides.

The \_\_\_\_\_ shall designate by rule and regulation pursuant to section three of this title the qualifications of the inspectors making the inspections required by this section.

## **SECTION V - SIGNAGE**

Each owner or operator shall display signs indicating applicable rider responsibilities, operating instructions, safety guidelines, prohibited behaviors, a general description of the rides actions, and any other requirements as may be contained in the rules and regulations. All such signs must be displayed in a conspicuous location, clearly visible to the public, and bold and legible in design.

Each owner or operator shall display a sign at each ride providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Failure to comply is punishable by fine or imprisonment".

## **SECTION VI - TEMPORARY CESSATION OF RIDE - ORDERS / ENFORCEMENT**

The \_\_\_\_\_ may issue a written order for the temporary cessation of operation of an amusement ride if after inspection it has been determined to be hazardous or unsafe. Operations shall not resume until such conditions are corrected to the satisfaction of the \_\_\_\_\_. Rides may be inspected at any time without prior notice.



**SECTION VII - NOTICE OF RIDE ERECTION - ALTERATION**

Before a new amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any amusement ride, the operator or owner shall file with the \_\_\_\_\_ a notice of his intention and any plans or diagrams requested by the \_\_\_\_\_.

**SECTION VIII - LIABILITY INSURANCE**

No person shall operate an amusement ride unless at the time there exists a policy of insurance in an amount of not less than \_\_\_\_\_, insuring the owner or operator against liability for injury suffered by persons riding the amusement rides.

**SECTION IX - POLITICAL SUBDIVISIONS**

Nothing contained in this Act shall prevent cities and counties from regulating amusement rides nor prevent them from enacting ordinances in addition to the rules and regulations promulgated by \_\_\_\_\_ which may be more restrictive than this Act with respect to amusement rides.

OR

No city, town, or other governmental subdivision shall have the power to make any laws, ordinances or resolutions providing for the construction, erection, inspections, maintenance, repair, or operation of amusement rides and devices within the limits of such city, town or governmental subdivision. Any such laws, ordinances or resolutions heretofore enacted or passed shall be of no effect.

**SECTION X - APPROPRIATION**

The sum of \_\_\_\_\_ dollars or as much thereof as may be necessary, is hereby appropriated for the preparation, printing and distribution of the rules and regulations promulgated by the \_\_\_\_\_ for the purpose of carrying out all other provisions of this Act.

**SECTION XI - FEES**

No fees shall be charged to public agencies. The fee provided for in this subsection shall not apply to amusement parks owned and operated by nonprofit corporations.

The annual ride registration fee shall be \$\_\_\_\_\_

The ride inspection fee shall be:

- a. Kiddie Rides, \$\_\_\_\_\_
- b. Major Rides, \$\_\_\_\_\_
- c. Other rides per hour, \$\_\_\_\_\_

Disposition of Fees. The \_\_\_\_\_ shall account for and transfer all fees so received to the treasurer of the state.

## **SECTION XII - INVESTIGATION OF ACCIDENTS - INCIDENTS**

The \_\_\_\_\_ shall have total jurisdiction over the investigation or inquiry into accidents and incidents arising within the definitions of this act and pursuant to any additional requirements established by the \_\_\_\_\_ in these rules and regulations.

## **SECTION XIII - VIOLATIONS - PENALTIES**

Any violations of the provisions of this Act shall be a misdemeanor. Conviction thereof shall be punished by a fine not exceeding \$5,000 or not more than 30 days in the county jail, or both such fine and imprisonment. Each day of violation shall constitute a separate offense.

Any person who interferes with, impedes, or obstructs in any manner the (*enforcing agency*) or any authorized representative in the performance of their duties under this Act shall be guilty of a misdemeanor.

## **SECTION XIV - REPEAL CLAUSE**

All acts and parts thereof inconsistent with any provisions of this Act are hereby repealed to the extent of such inconsistency.

## **SECTION XV - CONSTITUTIONALITY OF ACT**

The fact that any section, subsection, sentence, clause or phrase of this Act is declared unconstitutional or invalid for any reason shall not affect the remaining portions of this Act.

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**RECOMMENDED  
ADMINISTRATIVE  
AMUSEMENT SAFETY  
RULES AND  
REGULATIONS**

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Approved by C.A.R.E.S. Members:

## **AMUSEMENT RIDE SAFETY RULES: STATE OF .....**

Rules relating to the Act providing for amusement ride safety; further defining terms; authorizing the implement within this state; requiring certification; providing procedures for inspection, fees and issuance of certificate of inspection; requiring notice; providing for cessation of operation and method of enforcement; requiring insurance; authorizing modifications of rules and regulations; providing penalties; directing codification; and providing an effective date of implementation of rules and regulations.

### **SUBCHAPTER 1 - RULES AND REGULATIONS**

The rules and regulations are for the safe installation, repair, maintenance, use, operation and inspection of all amusement rides necessary for the protection of the general public using amusement rides. The rules shall be based upon generally accepted engineering practices, industry consensus, manufacturer's recommendations, and American Society of Testing Materials (ASTM) Standards.

Whenever conflicting provisions or requirements occur between these rules and other technical codes, laws or provisions, the most restrictive provision shall govern.

The Rules indicate that any person who operates an amusement ride or attraction without first meeting all rules and regulations or whom violates any order or rule under this Act or who interferes with, impedes, or obstructs in any manner in the performance of their duty is guilty of \_\_\_\_\_ pursuant to the provisions of the Act.

### **SUBCHAPTER 2 - DEFINITIONS**

The following words and terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise.

**"Alteration"** means any change in either the structural or operational characteristics of the amusement ride which will alter its performance from that specified in the design criteria of the manufacturer.

**"Amusement area"** means that which is commonly referred to as the midway. An area occupied by an activity, exposition show or amusement ride or rides. It is principally devoted to offering amusement exhibits, or entertainment to the public. All structures that receive electrical power from an independent source, which also serves amusement rides and attractions, are included within the amusement area.

**"Amusement ride or amusement device"** means a device or combination of devices, mechanical, aquatic, or elements that carry, convey, or direct a passenger(s) over or through a fixed or restricted course or within a defined area, for the primary purpose of amusement, pleasure, thrills, excitement, or entertainment. Amusement ride shall not include the operation of articles of husbandry incidental to any agricultural operation.

**"Air-supported structure"** 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 pre-tensioning with internal air pressure, all of which are intended to provide an enclosed area for the self enjoyment of those so confined within or upon.

**"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.

**“Certificate of inspection”** means a certificate issued by \_\_\_\_\_ of the \_\_\_\_\_ subsequent to an inspection by an inspector.

**“\_\_\_\_\_”** means the jurisdictional authority with responsibility for enforcement of the Act.

**"Fees"** mean those fees provided for in the Amusement Ride Safety Act and further defined in \_\_\_\_\_ of this Chapter.

**"Inspection"** means the process by which inspectors determine the safety status of an amusement ride at the scheduled inspection site. It also means attempted inspections of rides registered with the owner that would have been inspected had the show arrived at the site as scheduled.

**“Imminent Danger”** means a condition which exists due to a mechanical, electrical, structural, design or other defect which presents an excessive risk of serious injury to passengers.

**"Qualified Safety Inspector"** means an individual determined qualified or certified by \_\_\_\_\_ based upon the inspectors background, training and experience who inspects amusement rides covered by the Act who possesses at least a Level I certification from the National Association of Amusement Ride Safety Officials (NAARSO). Such person must be registered with the \_\_\_\_\_ and commissioned according to the rules promulgated by \_\_\_\_\_. Inspectors so qualified may be issued an appropriate identification card by \_\_\_\_\_.

**“Major Alteration”** means a change in the type, capacity, mechanism, or structural attributes of an amusement ride or amusement attraction that materially affects or alters its functions, performance, operation or any safety related system of the ride. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

**“Major Breakdown”** means a stoppage of operation of an amusement ride or amusement attraction occurring from damage or impairment of a structural component.

**"Operator"** means a person or entity that owns or controls or has the duty to control the operation of an amusement ride. The terms may include the state and every political subdivision of the state, including every state agency and each county, city and all public and quasi public corporations and public agencies therein.

**"Owner"** includes the term "operator" as that term is defined in the Act.

**“Permanent amusement park ride”** means an amusement ride which is stationary or cannot be easily moved and which is located on the same premises on which it is operated for no less than ninety (90) days.

**"Red tag"** means a red colored tag affixed to a ride or a part thereof, by an inspector indicating to the public and the owner that the ride is in violation of the Act and Rules and therefore shall not be operated.

**"Registration number"** means a number permanently assigned to each amusement ride. The number tag is to be permanently affixed for identification purposes to a main structural member of the ride and shall not be removed unless so directed by an inspector.

**"Scope of inspection"** includes: access and egress ramps, steps, walkways, the mechanical or physical ride itself to include foundation, supports, and blocking. Also included within the scope are power sources and amusement area or midways which may become hazardous to the public.

**"Sign"** means any symbol or language reasonably calculated to communicate information to a rider, the parent, or guardian of a rider, including placards, pre-recorded messages, live public address, stickers, pictures, video, verbal information, and visual signals.

**"Show"** means a group of rides, the property of one or more owners.

**"Written order for the temporary cessation of operation"** means a written order will be provided to the onsite owner, manager, or operator. It shall be signed by the inspector, identify the safety violation and the correction necessary. It shall be countersigned by the onsite owner, manager, or operator.

### **SUBCHAPTER 3 - EXEMPTIONS**

The Rules shall apply to all amusement rides and devices to be operated within this jurisdiction, except:

1. Unpowered, non-mechanized playground and public park rides such as swings, see-saws, slides, spring-mounted animal features, climbers, etc. providing that no charge for admission exists, and:
2. Any single passenger manually, mechanically, or electrically operated, coin-actuated ride, which is customarily placed singly, or in groups, in a public location and which does not normally require the supervision or services of an operator, and:
3. Air supported structures, providing that:
  - a. The owner/operator registers yearly with the \_\_\_\_\_ providing an itinerary for the seasons set-ups, if known, and a listing of the unique identification number assigned to each ride, and
  - b. The owner/operator provides evidence that the rides will be maintained, set-up, and operated in accordance with the manufacturer's recommendations, and
  - c. The owner/operator agrees to report all accidents and injuries to \_\_\_\_\_, which will have authority to investigate any and all accidents and incidents.

### **SUBCHAPTER 4 - CERTIFICATE OF INSPECTION -INSPECTION - REINSPECTION**

1. **Authority** - An amusement ride, amusement device or concession booth operating in this state shall be subjected to a thorough inspection and tests as required by this Act.. The scope of these tests and inspections and the manner and method of their execution shall be established by the \_\_\_\_\_. To confirm that a ride, a ride device or booth conforms to these rules, the results of an inspection will be recorded by the inspector upon forms furnished by and filed with

the \_\_\_\_\_.

2. **Operation** - Except for the purpose of testing, training, and inspection, no amusement ride or device shall be operated unless it complies with all applicable regulations contained in \_\_\_\_\_ of this state. A permit of compliance or operation will be issued conditioned upon compliance to \_\_\_\_\_ of all applicable regulations to operate the ride or device.
3. **Certificate to Operate** - Prior to \_\_\_\_\_ each year, the owner or operator shall apply to the \_\_\_\_\_ for a certificate to operate rides within this state. The application will be on forms provided by \_\_\_\_\_.
4. **Inspection** - All amusement rides shall be inspected before they are originally put into operation for the use of the public, and thereafter, at least once each calendar year, unless authorized to operate under a temporary certificate. Amusement rides shall be inspected each time they are disassembled and reassembled.
5. **Daily Inspections** - The amusement rides, amusement devices and concession booths shall be inspected on each day they are intended for use. This inspection shall be made by an operator. Results of these daily inspections shall be recorded in the manner prescribed by or on forms provided by the division and certified by an operator. The record of daily inspections shall be kept on file by the operator and made available upon request by the \_\_\_\_\_. An operator shall not knowingly use, or permit to be used, a ride or device which is not properly assembled or which is defective or unsafe in any of its parts, controls or safety equipment.
6. **Name Plate and US Tag Number** - A unique identifying name plate in English shall be permanently affixed to each amusement ride or device specifying location of manufacturer by city, state and country. This name plate shall also have the serial number, device model number, and date of manufacture. In addition, a United States ID Number tag (USID) shall be permanently affixed to the ride or device.
7. **Fastener Schedule** - A manufacturer's issued schedule for the correct torque and placement for all critical fasteners used in the assembly or erection or both of the amusement ride or device shall be maintained by the owner/operator at the site of operation of the ride or device.
8. **Numbering** - All passenger carrying compartments shall be numbered without duplication.
9. **Mechanical Failure Reports** - The operator shall immediately report to the \_\_\_\_\_ a major breakdown after occurrence of the incident by telephone or other media of immediate communication. The operator shall confirm this report in writing within 48 hours on the form provided by the division. Upon being advised of such an incident, the \_\_\_\_\_ or authorized agent, after reviewing the circumstances, can order the ride or device to be withheld from operation, and in such cases the \_\_\_\_\_ shall conduct an immediate investigation. The ride or device shall be released for repair and operation only after the complete investigation by the \_\_\_\_\_.
10. **Safety Order** - If an inspector finds a condition on the equipment which does not comply with the Rules, the inspector will issue a safety order requiring that the condition be corrected with a time limit. This time limit will be established at the time of inspection by agreement between the \_\_\_\_\_ and the operator. Although a time limit may be established for the

completion of the work required under the safety order, this work should be done as quickly as possible. As soon as the work is finished the safety order shall be signed and mailed to the \_\_\_\_\_. If the order is not returned within the established time limit or the \_\_\_\_\_ is not informed of the reason why the time limit cannot be met, an inspector will be assigned to investigate the situation and take steps necessary to enforce compliance with the order. If a carnival amusement unit should leave the state before complying with the order and the certification of compliance is not mailed, a permit to operate in a subsequent season shall not be issued until it is determined that all provisions of previous orders have been completed. Failure to comply with a safety order may result in revocation of the operator's permit to operate in the state or prosecution for violation of the Act. In a situation where an inspector discovers a condition which is a direct and immediate severe hazard to health or a direct and immediate danger to life, an inspector shall issue a cease order to stop the operation of an amusement ride, amusement device, or concession booth immediately. The inspector shall notify the \_\_\_\_\_ of the action taken, and the operator shall eliminate the cause of hazard prior to restarting the ride or device. In the case where a safety order to stop is justified by an associated mechanical failure report submitted by a separate operator, the \_\_\_\_\_ shall make an emergency inspection or issue a recommended mechanical repair as soon as possible.

11. **Application of Waiver or Inspection Variance** - The owner or operator may make application to the \_\_\_\_\_ for less frequent inspections than are required under \_\_\_\_\_ of this section. The \_\_\_\_\_, upon investigation and/or hearing of the matter, may grant a waiver provided equal public safety is maintained. Such waiver shall provide specific requirements for inspection in lieu of the requirements of \_\_\_\_\_ of this section. The \_\_\_\_\_ shall promulgate rules for the determination of a waiver provided such rules place an affirmative responsibility on the owner/operator for the preservation of public safety.
12. **Qualified Amusement Ride Inspector** - The inspections herein provided for may be performed by \_\_\_\_\_ or by qualified amusement ride inspector employed by an insurance company or another jurisdictional authority within this state.
13. **Certificate of Inspection** - If, after inspection, an amusement ride is found to comply with the rules and regulations of \_\_\_\_\_, the \_\_\_\_\_ shall issue a certificate of inspection or operation which shall authorize the operator or owner to operate the rides.
14. **Ride or Device Alteration** - An amusement ride or device that is being considered for a major alteration shall be treated as a new ride subject to \_\_\_\_\_. The altered ride or device shall require inspection prior to operation.
15. **Bungee Jump** - Bungee jumping activities shall be conducted pursuant to "1992 NABA Guidelines" as published by the North American Bungee Association and Occupational Safety and Health Rules adopted \_\_\_\_\_.

## SUBCHAPTER 5 - INSPECTION

1. **Inspection** - The inspection program shall include, but not be limited to the following:
  - a. Inspection of all passenger-carrying equipment, including restraint equipment and latches



- b. Inspection of all entrances, exits, stairways and ramps
  - c. Inspection of grounds around and/or inside of the ride or device
  - d. Inspection of and functional testing of all communication equipment necessary for the operation of the ride or device
  - e. Inspection or testing of all automatic and manual safety equipment, including floatation and tethering equipment where applicable
  - f. Inspection or testing of brakes, including service brakes, emergency brakes, parking brakes and back stops
  - g. Inspection of any fencing, guarding and barricades
  - h. Inspection of ride or device structure
  - i. Inspection of electrical equipment and wiring
  - j. Inspection of accessible pins and fasteners
  - k. Inspection of blocking and shoring
  - l. Inspection procedures shall require the ride or device to be operated for a minimum of two complete operating cycles. A complete cycle shall include operation of all passenger-carrying equipment.
2. **Criteria for type determination** - Criteria for type determination of amusement rides are as follows:
- a. **KIDDIE RIDES:** Primarily designed and/or engineered for children although adults may or may not fit into carriers or tubs.
  - b. **MAJOR RIDES:** Primarily designed and/or engineered for adults and families. Children usually fit into the carriers or tubs.
  - c. **OTHER RIDES**
  - d. **SIZE:**
    - 1. When erected are large.
    - 2. May be transported on several tractor-trailer rigs.
    - 3. Encompass large amounts of ground space.
    - 4. Usually are exceptionally tall, wide or deep.
  - e. **COMPLEXITY:**
    - 1. May have independent self-propelled carriers.
    - 2. May require several pre-setup inspections at various stages of erection due to many parts or sub-assemblies.
    - 3. Requires many temporary or permanent fasteners of different types.
    - 4. Generally have large or many integrated systems involving electronic, hydraulic, mechanical or pneumatic devices.
    - 5. Drive systems usually involve two or more belt, cable, chain, rod or shaft devices.
3. **Operator** - A ride or device shall be operated by a competent ride operator whom has been trained for the duty. The ride operator of a kiddie ride or device designed for the exclusive use of children shall be at least 16 years of age. For all other major rides or devices an operator shall be at least 18 years of age. A ride operator shall have the knowledge of the use and function of all normal operating controls, signal systems, and safety devices applicable to the ride or device and of its proper use, function, capacity, speed of the particular ride or device which the operator is operating. A ride operator shall have complete control of the ride or

device at all times that it is being operated for the public's use. When the ride or device is shut down provision shall be made to prevent operation by the public. No person other than a trained ride operator shall be permitted to handle the controls of a ride or device during normal operation except where it is designed to be controlled by the passenger.

4. **Passenger Capacity** - A ride or device shall not be loaded beyond its rated capacity nor shall it be operated at an unsafe speed or at any speed other than that prescribed by the design engineer or manufacturer. When this information is not obtainable, the criteria for safe operating speeds and rated capacity will be established by \_\_\_\_\_. Each operator/owner shall maintain at the site of operation of the ride or device the following specifications of the manufacturer:
  - a. Maximum total passenger weight; and /or
  - b. Maximum number of passengers by carrier unit and ride device total.
5. **Recommended Balance of Passenger Loading or Unloading** - When passenger distribution is essential to the proper operation of the device, the appropriate loading and unloading procedure with respect to weight distribution shall be maintained at the site of operation.
6. **Recommended Passenger Restrictions** - Where applicable, any passenger limitations such as, but not limited to height, weight, passenger placement, physical condition, or other appropriate restrictions, shall be maintained in full public view at the site of operation. The operator shall have the right to refuse access to a ride or device to a person where the operator believes access may jeopardize the safety of the rider or of any other person.
7. **Design Criteria** - Structural materials and construction of rides and devices shall conform to recognized engineering practices, procedures, standards and specifications. The design, materials and construction features shall incorporate safety factors acceptable to the \_\_\_\_\_. When the proper direction of travel is essential to the design operation of the ride or device, the manufacturer shall designate the direction of travel, including the reference point for this designation and the owner will maintain this information at the site of operation.
8. **Manufacturer's Analysis** - Before a new amusement ride or amusement device is put into operation for the public's use, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any ride or device, the operator shall file with the \_\_\_\_\_ a notice of operator's intention and shall furnish design data, safety factors, material utilized, stress analysis and all other pertinent data deemed necessary by the \_\_\_\_\_. This information shall also be furnished by an operator for existing rides and devices if required by the \_\_\_\_\_. Stress analysis and other data pertinent to the design, structure, factors or safety and performance characteristics shall be in accordance with accepted engineering practices, acceptable to the \_\_\_\_\_. Data may be requested for, but not limited to, the following; materials, parts or components of rides and devices: Structural materials, including bars, cables, chains, ropes, rods, tubing, pipes, girders, braces, fittings, fasteners, trusses, pressure vessels, pressure piping, gears, clutches, speed reducers, welds, bearings, couplings, carriers, such as tubs, cars chairs, gondolas or seating and carrying apparatus of any description; axles, hangars, pivots, safety bars, belts, harnesses, chains, gates or other restraining, containing or retaining devices. Data shall be furnished at the request of \_\_\_\_\_ concerning forces generated by acceleration or deceleration, centrifugal action, inertia or other forces either constant, reversible or eccentric.

9. **Seating and Carrying Devices** - Tubs, cars seats, gondolas and other carriers used on rides or devices shall be designed and constructed as strong as practical. Their interior and exterior parts with which passengers may come in contact shall be smooth, rounded, free from sharp, rough or splintered edges or corners and with no protruding screws or projections which might cause injury. Parts upon or against which passengers might be thrown by action of the ride shall be adequately padded to prevent or minimize the possibility of injury. Propellers or moving parts or decorations attached to tubs, cars chairs, seats, gondolas and other carriers shall be securely fastened to such equipment and keyed or otherwise secured so that they can not come off during operation of the ride. Vanes, canopies or other attachments that might become disengaged shall be secured with safety straps to prevent their flying away in case of breakage or dislocation.
10. **Speed Limiting** - An amusement ride or amusement device capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device. Steam engines that require an over speed throttle setting to initiate the operation are exempted. Manufacturers shall identify the capacity of an amusement ride or amusement device in terms of number of passengers and operating speed.
11. **Brakes and Stops** - On a ride or device where coasting renders the operation dangerous, either during the period while the ride or device is being loaded or unloaded or in case of power failure or other unforeseeable situation, a method of braking shall be provided, where rollback may cause injury, anti-rollback devices shall be provided.
12. **Retaining Safety Devices** - Tubs, cars, chairs, seats, gondolas or other carriers on a ride that depend upon a single means of attachment or support shall be equipped with safety retainers to prevent a carrier, if it becomes disengaged from its support or attachment, from being catapulted from the ride and to prevent any action of the carrier which might throw the occupants from the carrier, this rule applies to rides, a ride design or situations determined to be hazardous by the \_\_\_\_\_.
13. **Restraining and Containing Safety Devices** - Restraining devices on tubs, cars, chairs, seats, gondolas or other carriers on a ride wherein the forces generated by the action of the ride require retention, restraint or actual physical support of the passenger shall be designed, constructed and installed to withstand impact and forces of a minimum of 850 pounds per passenger. On a ride or a ride design where, after the inspection by the \_\_\_\_\_, it is deemed necessary to install safety devices to prevent accidental or inadvertent dislodgement of a passenger from tubs, cars, chairs, seats, gondolas or other carriers, a containing device shall be installed to withstand the design loads.
14. **Emergency Removal** - The operator shall ensure that there exists in the immediate vicinity a device or devices (example; ladder, fire truck, or hydraulic chair lift) which are available for emergency removal of passengers from elevated amusement rides or amusement devices that will not operate. An emergency evacuation plan shall be maintained at the site of operation of any amusement ride or device where passengers may be more than 5 feet above the ground.
15. **Motors, Motor Circuits and Controllers** - Motors, motor circuits and controllers shall be manufactured, constructed and utilized in accordance with NFPA 70.
16. **Public Protection** - Temporary booths shall not be located under aerial amusement devices. Temporary booths utilized for cooking food shall be located such that at least 10 feet of clearance exists on two sides for the use of fire department equipment or other emergency

vehicles, and shall not be located within 10 feet of amusement rides. A minimum clearance of 6 feet shall exist between an exterior ride and walls, buildings and other structures. At least 12 feet of clearance shall be maintained between rides. Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, operation or where insulating barriers, not a part of or attachment to the equipment, ride structure or machinery, have been erected to prevent physical contact with the lines, equipment, ride, machines shall be operated proximate to power lines only in accordance with the following:

- a. For lines rated 50 kv or below, minimum clearance between the lines and any part of a lifting crane, ride structure or equipment shall be 10 feet.
- b. For lines over 50 kv, minimum clearance between the lines and the lifting crane, ride, structure or equipment shall be 10 feet plus 0.4 inches for each 1 kv over 50 kv.
- c. During assembly or disassembly a person shall be designated to observe clearance of the equipment and give timely warning for all maneuvers where it is difficult to maintain the desired clearance by visual means.

17. **Safety Stop Circuits** - Electrical safety stop circuits shall be closed circuits. Circuits shall be all metallic and ungrounded unless otherwise approved by the \_\_\_\_\_. After actuation of a safety stop, the cause shall be determined and the situation corrected before operation of the ride or device is resumed. Safety stop circuits shall not be bypassed during operation. Each electrically operated amusement device designed to be controlled directly by the public shall be provided with a disconnect power switch placed within unobstructed reach of the ride operator. Chains with certified load carrying capacities may be utilized for safety devices or in stress bearing applications. Twisted wire or stamped chain shall not be used. Retaining, restraining and containing devices shall be inspected to ensure they can continuously fulfil their function. Worn or damaged areas shall be repaired immediately or shall be cause for immediate replacement.
18. **Hydraulic System** - The hydraulic system is to be checked for leaks, damaged pipes and worn or deteriorated hoses.
19. **Lock Out Device** - A means shall be provided for locking out or securing rides or equipment for maintenance, repair or inspection. This can be a padlock, latch or master switch.
20. **Pressure Relief Valves** - Pressure relief valves or devices shall be exercised on a periodic basis to ensure that they operate properly. This includes compressed air and gas devices. Any ride or device that has been inspected and found to have an inoperative or malfunctioning pressure relief valve shall not be operated until such valve is repaired or replaced. Valve testing shall be in accordance with National Board Inspection Code.
21. **Articulations and Bearings** - The articulating pinions, frames, sweeps, eccentrics and other mechanical members shall be inspected for wear, out of roundness, cracks and other signs of deterioration, and shall be kept in good repair. Bearing surfaces, ball joints and other multiple direction mechanical surfaces shall be kept well lubricated, clean and inspected for out of roundness and shall be kept in good repair. Gear alignment and gear drives shall be kept in good repair.

## SUBCHAPTER 6 - GENERAL REQUIREMENTS

1. **Access and Egress** - Safe and adequate means of access to and egress from amusement rides, devices, concession booths, permanent structures and temporary structures shall be provided. The design, number, location and identification of exits shall be in accordance with the \_\_\_\_\_. All passageways are to be kept free from debris, obstructions, projections and other hazards. All surfaces shall be such as to prevent slipping and tripping, and floors shall be kept free of protruding nails, splinters, holes, or loose boards. Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for passageways.
2. **Stairways, Ramps, Landings and Platforms** - Adequate stairways or ramps and the necessary landings and platforms shall be provided where people enter or leave a device, ride or structure that is above or below grade or floor level at entrance to or exit from such amusement. The design and construction of stairways, ramps and railings shall conform with \_\_\_\_\_ except for the requirement of placement of stairway railing and guards.
3. **Signal Systems** - Signal systems shall be provided and utilized for controlling, starting and stopping of a ride or device when the operator or the ride or device does not have a clear view of the point where passengers are loaded and unloaded. Where the need for coded signals is required, the code of signals adopted for operation of the ride or device shall be printed and kept posted at both the operator's station and the location from which the signals are given. Persons who use the signals shall be instructed in their use and shall be trained to understand thoroughly their operation and meaning. Signal systems shall be tested on each day prior to operation of a ride or device. A ride or device requiring a signal system shall not be operated if the signal is not performing correctly.
4. **Storage of Hazardous or Flammable Liquids** - The owner or operator shall store and handle liquid petroleum gases and flammable liquids utilized either as fuel for internal combustion engines, for heat or for illumination in accordance with the National Fire Protection Association (NFPA). Bulk storage (quantities above 50 gallons) shall not be permitted in any area accessible to the public.
5. **Internal Combustion Power Sources** - Fuel tanks for internal combustion power sources should be of adequate capacity to permit uninterrupted operation during normal operating hours. Where it is impossible to provide tanks for proper capacity for a complete day, the ride or device shall be shut down and unloaded or evacuated during refueling procedure. The fuel supply shall not be replenished while the engines are running. An enclosed area in which an internal combustion engine is operated shall be ventilated. Exhaust fumes from the engine shall be discharged outside the area. Internal combustion power sources shall be located in a manner and shall be protected either by guards, fencing or enclosure to prevent public exposure to hazard and to secure the equipment from the public.
6. **Fire Protection** - An owner or operator shall ensure that adequate fire protection equipment is available within and surrounding the structural areas that are part of the show. The operator shall ensure that the telephone number of the local fire department is conspicuously posted. No amusement ride, device, show or attraction shall be operated when it has been found to have inoperative or missing fire protection equipment.
7. **Labeled Storage Containers** - An operator shall provide identified covered metal containers for flammable waste such as oily rags and other flammable materials which shall be kept in easily

accessible locations. Such containers shall be located so that they shall not obstruct the means of ingress, egress or aisles.

8. **Safety Relief Device on Equipment** - Air and gas compressors, tanks, piping and equipment shall be constructed and maintained to ensure safe operation. The equipment shall have a safety relief device and be inspected in accordance with the National Board Inspection Code (NBIC). Equipment shall be inspected at least once per year. A record of each inspection shall be kept by the owner where the equipment is used and shall be made available on request by the \_\_\_\_\_.
9. **Machine Guarding** - One or more methods of machine guarding shall be provided to protect the public from injury. An example of double guarding is public barriers and gear shielding. Guards shall be fixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard or barrier shall be such that it does not offer an accident hazard in itself. Barriers shall be securely staked or sandbagged to prevent movement or tip over by the public falling, pressing or stumbling against them. The barriers shall be located to keep the public at least 6 feet away from the ride. Ride entrances shall have a passenger waiting line retaining chain, bar, gate or device. All machinery designed for a fixed location shall be securely anchored to prevent walking or moving. All rides containing or having a mounting or mountings that would catch, wind up or entangle long hair shall have attached adequate guards.
10. **Power Transmission Devices** - All power transmission devices and associated moving parts shall be shielded, enclosed or barricaded to protect the public in accordance with the National Electric Code (NFPA 70).
11. **Welding Requirements** - No welding, cutting or brazing shall be accomplished where the public can directly observe or be hit by sparks or flying materials generated by the process. Any welding, cutting and brazing accomplished when the public is in attendance shall be accomplished behind temporary erected solid barriers. The ends of these shall be overlapped to prevent direct exposure. If the operation cannot be shielded, the operator shall provide a means of keeping the public away from the point of work for a distance of 35 feet for soldering, brazing, cutting, and gas welding up to ½ inch and 150 feet for all arc welding utilizing electrodes up to 3/16-inch diameter. All larger arc welding operations shall be accomplished behind solid shielding or prior to or after public attendance hours. All compressed gas, compressed gas cylinders, electrical equipment and other apparatus associated with welding, cutting, and brazing shall be stored, handled and meet requirements in accordance with \_\_\_\_\_. All welding shall be performed by certified welders using proper welding procedures.
12. **Environmental Restrictions** - During a lightening storm, high wind storm, a period of tornado warning, severe storm warning, fire, or when violence, riot or civil disturbance occurs or threatens in or is a direct threat to an amusement ride or device or a carnival lot, passengers shall be unloaded or evacuated from a ride or device and the ride or device shut down and secured immediately. Operation shall not resume until the situation has returned to a normal safe operating condition.
13. **Wire Ropes** - Wire rope shall be thoroughly examined. Wire rope found to be damaged shall be replaced with new wire rope of proper design and capacity. Any of the following conditions shall be cause for rope replacement;

- a. mechanical devices with broken chips,
- b. undue roughness or uneven wear shall be replaced immediately.
- c. In running ropes, six randomly distributed broken wires in one rope lay, or three broken wires in one rope lay. A rope lay is the length along the rope in which one strand makes a complete revolution around the rope.
- d. In pendants or standing ropes (ropes bearing the entire load and subjected to constant pressure and surge shocks) evidence of more than one broken wire in one rope lay.
- e. Abrasion, scrubbing or peening causing loss of more than one-third of the original diameter of the outside wires.
- f. Severe corrosion.
- g. Severe kinking,
- h. Severe crushing, or other damage resulting in distortion of the rope structure.
- i. Heat damage resulting from a torch or arc caused by contact with electrical wires.
- j. Reduction from normal diameter of more than 3/64 inch for diameters up to and including 3/4 inch.
- k. Bird caging or other distortion resulting in some members of the rope structure carrying more load than others.
- l. Noticeable rusting or development of broken wires in the vicinity of attachments. If this condition is localized in an operating rope, this section in question can be eliminated by making a new attachment. This is done rather than replacing the entire rope.

Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the weeps or other supporting members of the ride or device shall not be lengthened or repaired by splicing.

Couplings, sockets and fittings shall be of a design and type approved by the rope manufacturer and installed in accordance with the instructions or specifications of the designer, engineer or manufacturer.

14. **Wood Components** - Footings, splices, uprights, track timbers, ledgers, sills, laps, bracing, flooring and all other wood components of rides, devices and structures shall be inspected for deterioration, cracks or fractures. Emphasis shall be given to ensuring tight nails, bolts, lag bolts and other fasteners. Wood members found to be defective shall be replaced with material of equal or greater strength and capacity. Repairs and replacements to fixed roller coasters shall be made in accordance with the recommendations of the manufacturer.
15. **Blocking** - All rides shall be placed on a good, sound foundation. Concrete, cinder, or other hollow blocks shall not be used. Cribbing or crossing shall be required when more than two tiers high. To keep certain rides from walking, tipping, etc., they shall be staked or sandbagged in accordance with the manufacturer specifications.

## **SUBCHAPTER 7 - ELECTRICAL**

Electrical conductors and electrical equipment installed and utilized on or around permanent and temporary amusement parks and amusement rides shall conform to National Electric Code, NFPA 70. The following rules are stated for emphasis and clarification and are supplemental to the National Code. If any conflicts exist, the National Code shall have precedence.

1. **Installation** - Portable electrical systems required by temporary amusement rides or devices and temporary structures shall be installed by a qualified electrician.
2. **Service Ground** - Equipment or generators operating from a separate supply or supplies which are located closer than 8 feet and all service equipment within itself shall be bonded together. The service ground shall be established by connecting the grounding conductor to the service entrance neutral bar in the hot trunk or generator and to an approved type service grounding electrode such as ground rods. If 25 ohms or less is not obtained by a single grounding electrode such as a ground rod plate or pipe it shall be augmented by one additional grounding electrode of the type permitted by code.
3. **Circuit and Equipment Safety** - From the service entrance neutral bar, the circuit grounded and equipment safety grounding conductors shall be continuous and separate throughout the entire system. The portable outlet and terminal boxes shall contain grounded receptacles for both circuit and safety. The equipment safety grounding conductors shall be attached to each ride, device or concession booth such that impedance is sufficiently low to limit the potential above ground and to facilitate the operation of the over current devices in the circuit. Separate steel tracks or steel frameworks, such as roller coaster tracks or big slides, shall have grounding the same as the service equipment.
4. **Current Limiting Devices** - Conductors shall be fused or protected to their current carrying capacities. No more than six disconnect switches are to be in the hot trunk or generator unless a main switch is provided. All distribution lines from hot trunks or generators shall be either 100 amp or 200 amp capacity. No fuses or current limiting devices shall be installed in the neutral or grounding conductors. Motors and lighting circuits shall be fused separately.
5. **Concession Booth Wiring** - Concession booth overhead wiring may be done with approved Type C brewery cord (not smaller than no.12 with a built-in tracer for identification of the neutral wire) and weatherproof, pigtail lamp sockets, polarized, soldered and taped to the brewery cord with polarized male cord cap on the end that plugs into the current supply. Approved type pin sockets are acceptable when used on stranded conductors. Lengths up to 40 feet may be used without a messenger support wire provided the tie off on each end terminates in an insulating block or knob. S.O. cord sets may be used. Cord set are not to be installed lower than 8 feet except where they are not accessible to the public. Other concession booth wiring may include any of the National Electric Code wiring methods suitable for the condition and use. If lamps and long sockets are lower than 8 feet, they shall be guarded and grounded.
6. **Portable Power, Terminal Box, Supply Cords and Cables** - Boxes are to be rain tight and kept locked during the time when the general public is in the area. Wood boxes may be used if insulated on all sides with fire resistant material or painted with insulating varnish. The service power shall be connected to the box by receptacles mounted on the exterior walls which includes the safety grounding. The distribution within the box shall be accomplished by neutral terminal bar(s) and circuit breakers or fuses. The branch circuits which include the equipment safety grounding shall obtain their power through receptacles mounted on the exterior of the box. The exterior openings of the receptacles must be at least 6 inches above ground level and provided with a protective cover, draining eave or canvas, that will avoid the possibility of rain on the receptacle. If it is required to run conductors directly through an in the wall of the box for additional service or to obtain required amp, the opening(s) shall be color coded and shall be sized to prevent public accessibility to the interior of the box. The fuses or breakers, in the boxes, shall be secured permanently in place and all connections to the bus bars within the boxes



to be made with threaded screws and lugs of the proper size to fasten wiring in to place.

7. **Supply Cords and Cables** - Portable or permanent cord or cable assemblies supplying power to the current-limiting disconnect of a ride, concession booth or device shall contain with the assembly a conductor of equal size for equipment grounding. All conductors within the assembly shall not be smaller than #12 awg (American Gage Wire) wire and cord assemblies purchased for the purpose after May 1, 1975, shall not be smaller than #10 awg (American Gage Wire) wire. Current-carrying conductors within the assembly shall be protected with current-limiting devices rated at or below the current carrying capacity of the conductors.
8. **Power Sources** - Electrical power sources shall be located in a manner permitting proper maintenance and shall be protected either by guards, fencing or enclosure to prevent exposure to hazard and to secure the equipment from the public.
9. **Protection of Employees** - No employee shall be permitted to work in such proximity to any part of an electrical power circuit that they may contact in the course of his work unless they are protected against shock by de-energizing the circuit, grounding it, or guarding it by effective insulation. If protection is supplied by de-energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.

## **SUBCHAPTER 8 - SIGNAGE**

1. An amusement ride owner shall display signs indicating the applicable safety responsibilities of riders as set forth in \_\_\_\_\_ and the location of stations to report injuries. The signs must be located at:
  - a. each station for reporting an injury,
  - b. each first aid station, and
  - c. at each premises entrance and exit.
2. An amusement ride owner shall post a sign at each amusement ride that includes:
  - a. operational instruction, if any,
  - b. safety guidelines for rider, if any,
  - c. restrictions of the use of the amusement ride, if any,
  - d. behavior or activities that are prohibited, if any, and
  - e. a legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Failure to comply is punishable by fine and imprisonment."
3. Any sign required by this rule must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design.
4. A rider shall:
  - a. obey the reasonable safety rules posted in accordance with law and oral instructions for an amusement ride issued by the owner or the employee of the owner, unless:
    - i. the safety rules are contrary to law or rules, or
    - ii. the oral instructions are contrary to law or rules or the safety rules, and
  - b. refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:

- i. exceeding the limits of ability of the rider,
  - ii. interfering with safe operation of the amusement ride,
  - iii. not engaging any safety devices that are provided,
  - iv. disconnecting or disabling a safety device except at the express instruction of the ride operator,
  - v. altering or enhancing the intended speed, course, or direction of an amusement ride,
  - vi. using the controls of an amusement ride designed solely to be operated by the ride operator,
  - vii. extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator,
  - viii. throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator,
  - ix. getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency,
  - x. not reasonably controlling the speed or direction of the person of the rider or an amusement ride that requires the rider to control or direct the person of the rider or a device.
- c. A rider may not get on or attempt to get on an amusement ride unless the rider or the parent or guardian of the rider reasonably determines that the rider:
- i. has sufficient knowledge to use, get on, and get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use, and get off safely,
  - ii. has located, reviewed, and understood any signs in the vicinity of the ride and has satisfied any posted height, medical, or other restrictions,
  - iii. knows the range and limits of the ability of the rider and knows the requirements of the amusement ride will not exceed those limits,
  - iv. is not under the influence of alcohol or any drug that affects the ability of the rider to safely use the amusement ride or obey the posted rules or oral instructions, and
  - v. is authorized by the amusement ride owner or the authorized employee of the amusement ride owner to get on the amusement ride; and
- d. As used in this rule, "rider" means any person who is:
- i. waiting in the immediate vicinity to get on an amusement ride,
  - ii. getting on an amusement ride,
  - iii. using an amusement ride,
  - iv. getting off an amusement ride, or
  - v. leaving an amusement ride and still in its immediate vicinity.

## **SUBCHAPTER 9 - TEMPORARY CESSATION OF RIDE - ORDERS - ENFORCEMENT**

The \_\_\_\_\_ may issue a written order for the temporary cessation of operation of an amusement ride if after inspection it has been determined to be hazardous or unsafe, gross negligence, repeated disregard of daily inspection standards, misrepresentation of material information required as part of the application for permit to operate, failure to comply with a safety order issued by \_\_\_\_\_, conduct in the operation of a carnival or an amusement park in derogation or disregard of public safety and welfare, lapsing of the required insurance coverage, or failure to pay fees that are required under the provisions of the Act and these rules. Operations shall

not resume until such conditions are corrected to the satisfaction of the \_\_\_\_\_.  
Rides may be inspected at any time without prior notice.

#### **SUBCHAPTER 10 - NOTICE OF RIDE ERECTION - ALTERATION**

Before a new amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any amusement ride, the operator or owner shall file with the \_\_\_\_\_ a notice of his intention and any plans or diagrams requested by the \_\_\_\_\_.

#### **SUBCHAPTER 11 - LIABILITY INSURANCE**

No person shall operate an amusement ride unless there is in force a policy of insurance in an amount of not less than \_\_\_\_\_, insuring the owner or operator against liability for injury suffered by persons riding the amusement rides.

#### **SUBCHAPTER 12 - POLITICAL SUBDIVISIONS**

Nothing contained in this regulation shall prevent cities and counties from regulating amusement rides nor prevent them from enacting ordinances in addition to the rules and regulations promulgated by \_\_\_\_\_ which may be more restrictive than this regulation with respect to amusement rides.

OR

No city, town, or other governmental subdivision shall have the power to make any laws, ordinances or resolutions providing for the construction, erection, inspections, maintenance, repair, or operation of amusement rides and devices within the limits of such city, town or governmental subdivision. Any such laws, ordinances or resolutions heretofore enacted or passed shall be of no effect.

#### **SUBCHAPTER 13 - APPROPRIATION**

The sum of \_\_\_\_\_ dollars or as much thereof as may be necessary, is hereby appropriated for the preparation, printing and distribution of the rules and regulations promulgated by the \_\_\_\_\_ for the purpose of carrying out all other provisions of this regulation.

#### **SUBCHAPTER 14 FEES**

No fees shall be charged to public agencies. The fee provided for in this subsection shall not apply to amusement parks owned and operated by nonprofit corporations.

1. The annual ride registration fee shall be \$\_\_\_\_\_
2. The ride inspection fee shall be:
  - a. Kiddie Rides: \$ \_\_\_\_\_

- b. Major Rides: \$ \_\_\_\_\_
- c. Other rides per hour, \$ \_\_\_\_\_
- 3. Disposition of Fees. The \_\_\_\_\_ shall account for and transfer all fees so received to the \_\_\_\_\_ of the state. The \_\_\_\_\_ shall suspend the Permit to Operate of an owner who does not pay the permit fee and any applicable inspection fee within \_\_\_\_\_ calendar days after the date of inspection. The suspension shall remain in effect until all fees are paid. The amusement ride or amusement attraction may not be operated while the permit is suspended.
- 4. No fee will be charged for ride operation surveillance after a certificate of inspection has been issued at the operating site unless in the judgment of the inspector a re-inspection is necessary.
- 5. All fees are due and payable to the \_\_\_\_\_ within thirty (30) days from the date of invoice. Make checks payable to \_\_\_\_\_.
- 6. No ride of an owner who has a fee account more than thirty (30) days past due shall be inspected or permitted to operate until the balance of the fee account is paid in full by cashier's check or money order and received by the \_\_\_\_\_.

#### **SUBCHAPTER 15 - FATALITY, INJURY AND INCIDENT REPORTING**

- 1. The following reporting rules pertain to ride related fatalities, injuries and incidents occurring to the public using amusement rides within the scope of the Amusement Ride Safety Act and these rules.
- 2. Fatalities shall be reported by the owner/operator or his designee to the \_\_\_\_\_ or his designee immediately after the protection of life, limb and property.
- 3. The owner/operator shall report injuries according to their severity as follows:
  - a. Injuries requiring hospitalization shall be reported to the \_\_\_\_\_ or their designee immediately after the protection of life, limb and property.
  - b. Injuries requiring a physicians attention or other trained medical practitioners attention, shall be reported to the \_\_\_\_\_ or their designee by the end of the next working day.
  - c. Injuries requiring only first aid attention shall be recorded and maintained in a log. This log shall be available for review by the inspector during normal business hours. Entries into the log shall contain a minimum of information to include:
    - i. Date and time injury occurred,
    - ii. Description of injury,
    - iii. Name or ride or area of midway where the injury occurred.
    - iv. Name, address, phone number of injured person(s).
  - d. Incidents which place the public in imminent danger as the result of a major breakdown will be reported to the \_\_\_\_\_ immediately after the protection of life, limb and property.

#### **SUBCHAPTER 16 - INVESTIGATION OF ACCIDENTS - INCIDENTS**

The \_\_\_\_\_ shall have total jurisdiction over the investigation of all ride related fatalities and injuries as defined in \_\_\_\_\_. No ride involved in a fatality or injury as described in \_\_\_\_\_ shall be operated, moved, repaired, or tampered with, except to protect life, limb and property, until authorized by the \_\_\_\_\_ or their designee. Three (3) work days shall normally be considered sufficient to complete the mechanical portion of the investigation.

#### **SUBCHAPTER 17 - VIOLATIONS - PENALTIES**

Any violations of the provisions of this Act shall be a misdemeanor. Conviction thereof shall be punished by a fine not less than \$500 nor exceeding \$ 5,000 or not more than ninety (90) days in the county jail, or both such fine and imprisonment. Each day of violation shall constitute a separate offense.

Any person who interferes with, impedes, or obstructs in any manner the \_\_\_\_\_ or any authorized representative in the performance of their duties under this regulation shall be guilty of a misdemeanor.

#### **SUBCHAPTER 18 - REPEAL CLAUSE**

All Acts and parts thereof inconsistent with any provisions of this regulation are hereby repealed to the extent of such inconsistency.

#### **SUBCHAPTER 19 - CONSTITUTIONALITY OF THE ACT**

The fact that any section, subsection, sentence, clause or phrase of this regulation is declared unconstitutional or invalid for any reason shall not affect the remaining portions of this regulation.

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# CARES STRATEGIC PLAN

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Approved by C.A.R.E.S. Members:

# CARES

## Strategic Plan 2006 - 2011

### Introduction

The Council of Amusement and Recreational Equipment Safety's (CARES) strategic planning structure consists of two major components, the Strategic Plan: FY-2006 to FY-2011 and the Business Plan: FY-2006. The Strategic Plan is a five (5) year plan and incorporates longer term goals essential to CARES. The Business Plan is a one (1) year plan and contains shorter term key implementation programs needed to support the targets of the Strategic Plan.

The hierarchy of the plan is described below:



*Goals* are long term items that reflect the essential aspects of CARES, critical to the ongoing viability of the Organization.

*Objectives* are developed to further explain the goals. *Objectives* are the first step in translating the *goals* into strategic initiatives. *Objectives* can be expanded or reduced with changes in manpower, budgets or other conditions.

*Targets* become the basis of the current year's strategic plan. The *targets* translate the *objectives* into specific actions over the five (5) year planning period. The *targets* may be updated with each year's strategic plan.

*Approaches* are expressions of the actions expected to be accomplished to support a *target* during the current fiscal year. Some *targets* and *approaches* may require more than one (1) year to accomplish.

The Strategic Plan, including the *Mission, Vision, Goals, Objectives* and *Targets* should be developed by a joint effort between CARES Executive Board and two Jurisdictional Members, which would be known as a "Committee on Strategic Planning". The Strategic Plan should then be approved by a majority vote of the members.

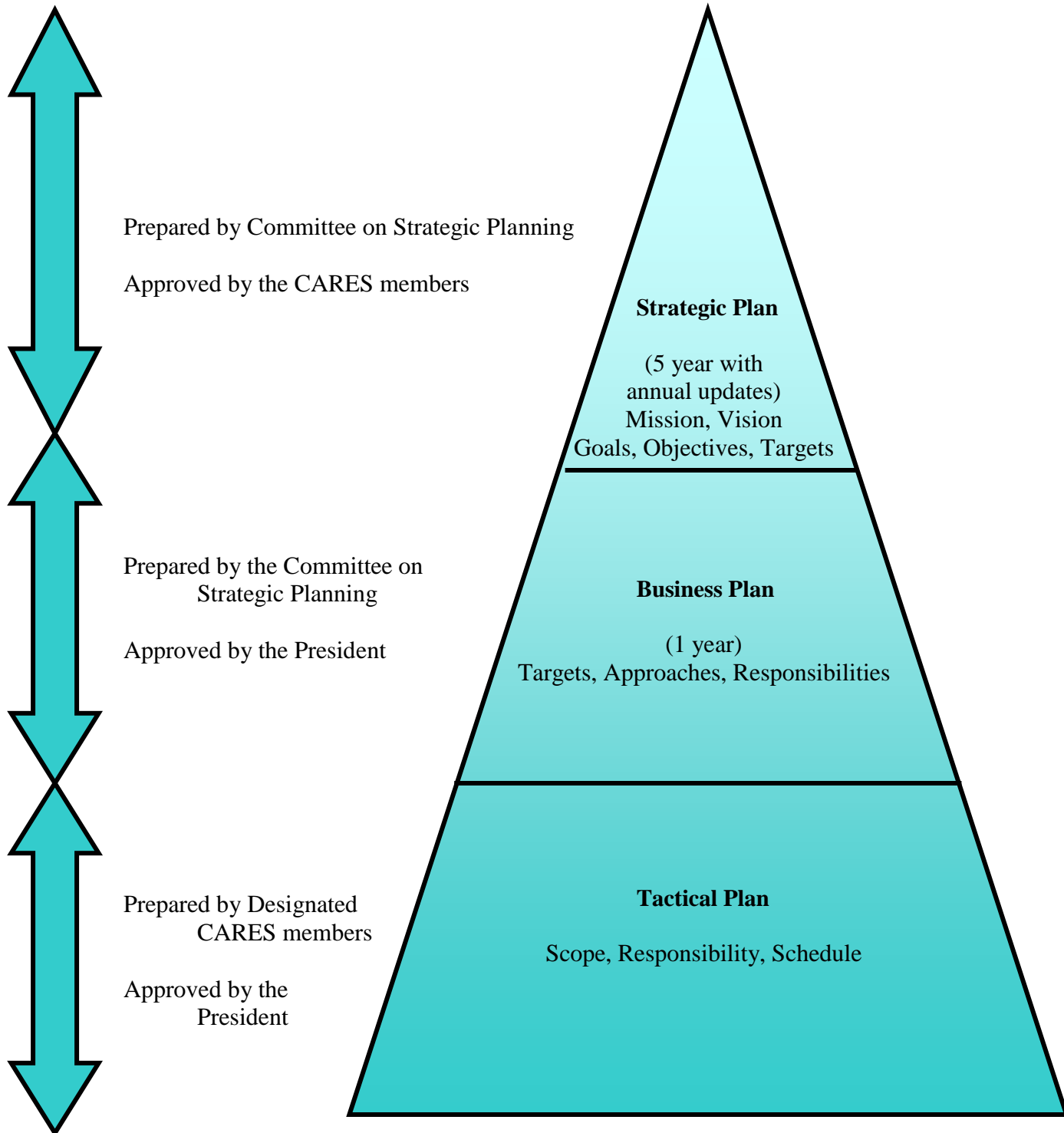
The elements of the Business Plan should be similarly developed by the Committee of Strategic Planning, with the plan finally approved by the President.

A Tactical Plan will be developed to support each *Approach*, as appropriate. Tactical Plans describe the scope, schedule (including milestones), and the individual(s) responsible for implementation. Tactical Plans are developed by the individual(s) responsible for implementation and approved by the President.

The CARES Strategic Planning structure is shown on the following page.

# CARES

## Strategic Planning Structure





# CARES

*Vision:*

CARES is driven by the vision of a uniform safety of amusement devices.

## CARES

### *Mission:*

The CARES's mission is to reduce the risk to life and property by promoting safety in the construction, installation, inspection, operation, repair and alteration of amusement devices. Specifically to encourage and provide guidelines for consistent inspection of amusement rides and through sharing of information on problems found on specific rides or designs of rides.

# CARES

## *Who We Are:*

CARES is a organization comprised of the Chief Amusement Inspectors from each state.

STRATEGIC PLAN: FY – 2006 TO 2011

GOALS	OBJECTIVES	TARGETS
<p>PUBLIC SAFETY</p> <ul style="list-style-type: none"> <li>○</li> </ul> <p>COMMUNICATIONS</p> <ul style="list-style-type: none"> <li>○</li> </ul>	<ul style="list-style-type: none"> <li>○ To get every state, commonwealth and province having at least a minimum level of amusement ride safety.</li>   <li>○ Develop</li> </ul>	<ul style="list-style-type: none"> <li>○ Create model statutes and regulations for start up and more advanced programs.</li> <li>○ Offering mentoring to startup programs.</li>   <li>○ Set up e-mail groups</li> <li>○ Create an external publication such as a quarterly or annual newsletter</li> </ul>

**STRATEGIC PLAN: FY – 2006 TO 2011**

<b>GOALS</b>	<b>OBJECTIVES</b>	<b>TARGETS</b>
<p><b>DELIVERY OF SERVICES</b></p> <ul style="list-style-type: none"> <li>○ Implement modernized Amusement Registration System</li> <li>○ Revise the website to provide streamlined services</li> <li>○ Implement National records management system</li> <li>○ Implement inspection data collection and management system</li> <li>○ Implement a uniform injury data collection system.</li> </ul> <p><b>STRATEGIC DEVELOPMENT</b></p> <ul style="list-style-type: none"> <li>○ Work with Federal Government for support for National Amusement Tracking System</li> </ul>	<ul style="list-style-type: none"> <li>○ Integrate a document imaging system for data collection automation as well as electronic storage and archive retrieval.</li> </ul>	<ul style="list-style-type: none"> <li>○ Get each state, commonwealth, and province to ask for and track USID numbers and put that information in a shared database.</li> </ul>



**FY – 2006 BUSINESS PLAN (April 1, 2006 – March 31, 2007)**

<b>TARGETS</b>	<b>APPROACH</b>	<b>RESPONSIBILITY</b>	<b>DRAFT TACTICAL PLAN COMPLETED BY:</b>

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# INTERNATIONAL AMUSEMENT INSPECTION CODE PROCEDURE

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This is the governing procedure for the IAIC (international amusement inspection code)

Following pages are a draft, however, the document should be written after IAIC is written.

Approved by C.A.R.E.S. Members:



TABLE OF CONTENTS

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		<b>PAGE</b>
1.0	Purpose	
2.0	Responsibilities	
3.0	Definitions	
4.0	Committee Structure	
5.0	Duties of IAIC Committee, Subcommittee, and Task Group Membership	
6.0	Meetings	
7.0	Voting	
8.0	International Amusement Inspection Code Publication Administration	
9.0	Due Process	
10.0	Records	

1.0 Purpose

This procedure defines the organization, scope, duties and responsibilities of the IAIC Committee, subcommittees and task groups. The IAIC Committee is established by the Board of Directors for the purpose of maintaining the IAIC. The IAIC Committee is accredited by ANSI as a “developer” of American National Standards in accordance with the ANSI Essential Requirements. This procedure also describes the administrative process for the publication of the International Amusement Inspection Code.

Revisions to this procedure must be approved by the IAIC Committee, CARES, and ANSI.

A copy of this procedure or any referenced document is either available on the CARES website: [www.uscancares.org](http://www.uscancares.org) or may be obtained from the IAIC Secretary.

2.0 Responsibilities

The President of CARES is responsible for ensuring that the requirements of this procedure are met. The Secretary of the IAIC Committee is responsible for the day-to-day implementation of this procedure. Other responsibilities are described throughout this procedure.

3.0 Definitions

The following are terms and their definitions used throughout this document.

ANSI	American National Standards Institute
Board	The CARES Board of Directors
Code	The International Amusement Inspection Code
IAIC Committee	The IAIC Main Committee, accredited by ANSI as the final consensus body for the purpose of approving American National Standards
Committee	The IAIC Committee and all subcommittees and task groups.
CARES	The Council of Amusement and Recreation Equipment Safety
CARES Mark	A CARES Code Symbol Stamp
IAIC	The International Amusement Inspection Code which was established to provided rules and guidelines for the repair, alteration, inspection, installation, maintenance and testing of amusement devices.
Subcommittee	A unit established to address recurring functions, address specific issues or maintain specific sections of the IAIC. A subcommittee is established by the IAIC Committee. Each subcommittee will follow rules for consensus approval insofar as possible but is not considered the final

consensus body for the purpose of approving American National Standards.

Task Group                      A unit established to address a specific topic. A task group may be established by the IAIC Committee or a subcommittee.

#### 4.0 Committee Structure

The committee structure consists of the IAIC Committee, subcommittees appointed by the IAIC Committee and task groups appointed either by the IAIC Committee or a subcommittee. The duties, responsibilities and administration of each is described below.

##### 4.1 *IAIC Committee*

###### 4.1.1 Responsibilities:

The IAIC Committee is responsible for:

- a. approving new rules and revising existing rules of the Code and voting on such additions and revisions;
- b. approving interpretations of the rules of the Code;
- c. hearing requests for reconsideration regarding interpretations and revisions to the Code;
- d. acting on any matter related to the scope of the Code as may be assigned by the Board.

###### 4.1.2 Membership:

The IAIC Committee shall consist of not more than twenty-six (26) voting members within the interest categories described in paragraph 4.4.

- a. At least one individual representing manufacturers shall be employed by a manufacturer of safety relief devices;
- b. At least one individual representing CARES Certificate Holders shall be employed by an organization holding a valid CARES Certificate of Authorization.
- c. Not more than one-third of the total IAIC Committee membership shall represent any single category of interest. The Chair and Vice Chair of the IAIC Committee are considered within this membership. The secretary is a member of the IAIC Committee without vote.
- d. Each member of the IAIC Committee may recommend a person, within the same interest category, as a representative to serve in the absence of the member at a specific meeting. Representatives have the same privileges and responsibilities as the member when serving in the member's capacity. The

representative's involvement terminates at the conclusion of the specific meeting requested by the member.

- e. IAIC Committee members, upon change of employment status affecting the member's category of interest, will be deemed to have submitted their resignations from the IAIC Committee.

#### 4.13 IAIC Committee Member Selection, Approval and Term

- a. A candidate for appointment or reappointment as a voting member of the IAIC Committee is selected by a majority vote of the IAIC Committee membership. The candidate's name is then submitted to the President for consideration. All voting members of the IAIC Committee must be appointed by the President.
- b. Candidates for appointment or reappointment as the IAIC Committee Chair and vice chair are selected by a majority vote of the IAIC Committee membership. The candidate's names are then submitted to the President of the Board for consideration. The chair and vice chair must be appointed by the President of the Board.
- c. The IAIC Committee secretary is selected by the President of the Board.
- d. The term of all voting members is three (3) years. Voting members are eligible for reappointment.
- e. The term for the chair and vice chair is the same as their IAIC Committee membership expiration date. The chair and vice chair are eligible for renewal of their terms of office.

## 4.2 *Subcommittees*

### 4.2.1 Responsibilities

Subcommittees are responsible for:

- a. Maintaining (adding new requirements, revising existing requirement) those sections of the IAIC that are assigned to the subcommittee.
- b. Acting on requests for interpretation of the rules for those assigned sections of the IAIC;
- c. Acting on any matter related to the scope of the IAIC as may be assigned by the IAIC Committee.
- d. Forwarding all subcommittee actions to the IAIC Committee.

### 4.2.2 Membership

- a. The number of members appointed to each subcommittee shall be as necessary to carry on the assigned responsibility. The size of subcommittees will be limited to numbers which will best serve operational needs. Not more than one-third of the total subcommittee membership shall represent any single category of interest.
- b. Each member of the IAIC subcommittee may recommend a person, within the same interest category, as a representative to serve in the absence of the member at a specific meeting. Representatives shall have the same privileges and responsibilities as the member when service in the member's capacity.

The representative's involvement automatically terminates at the conclusion of the specific meeting requested by the member.

- c. IAIC Subcommittee members, upon change of employment status affecting the member's category of interest, will be deemed to have submitted their resignations from the subcommittee.

#### 4.2.3 Subcommittee Member Selection, Approval and Term

- a. A candidate for appointment or reappointment as a voting member of the subcommittee is selected by the IAIC Committee chair. Subcommittee members need not necessarily be members of the IAIC Committee.
- b. Candidates for appointment or reappointment as the subcommittee chair and vice chair are selected by a majority vote of the subcommittee membership. The candidate's names are then submitted to the President of CARES for consideration. The chair and vice chair must be appointed by the President of CARES.
- c. The subcommittee secretary is a member of the subcommittee without vote and is selected by the President of CARES.
- d. The term of all voting members is three(3) years. Voting members are eligible for reappointment.
- e. The term for the chair and vice chair is the same as their subcommittee membership expiration date. The chair and vice chair are eligible for renewal of their terms of office.

### 4.3 *Task Groups*

#### 4.3.1 Responsibilities

Task groups are responsible for:

- a. Developing new rules and revising existing rules for specific Code sections or paragraphs;
- b. Acting on requests for interpretations of the rules for specific Code sections or paragraphs;
- c. Acting on any matter related to the scope of the Code as may be assigned by the committee or subcommittee;
- d. Forwarding all task group actions to the IAIC Committee or a subcommittee, as appropriate.

#### 4.3.2 Membership

The number of members appointed to each task group shall be as necessary to carry out the assigned task. The size of the task groups will be limited to the numbers which will best serve operational needs.

#### 4.3.3 Task Group Member Selection, Approval and Term

- a. When the committee or subcommittee agrees on the need or at the discretion of the chair, a task group, task group members, and task group chair shall be appointed by the IAIC Committee, or subcommittee chair. A member of the

task group may be appointed as task group secretary by the task group chair. Task group members need not necessarily be members of the committee or subcommittee.

- b. The name of a CARES Member who is a candidate to serve on a task group, but is not a member of the IAIC Committee or a subcommittee, must be submitted to the President for approval.
- c. The task group will be dismissed once the task has been completed or at the discretion of the chair of the IAIC Committee or appointing subcommittee.

#### 4.4 *Interest Categories*

4.4.1 IAIC Committee and subcommittee members shall not be considered as representing any specific organization. Participation by individuals employed by governmental agencies or affiliated with industry is not to be interpreted as government or industry endorsement. Membership shall be selected from the categories of interest listed below:

- a. General Interest: Individuals who are not employed by an organization characterized by b through h shall be considered General Interest.
- b. Manufacturers
- c. Authorized Inspection Agency
- d. Jurisdictional Authorities
- e. CARES Certificate holders
- f. Users
- g. Labor
- h. Regulatory Authorities