

**Amusement Devices, Viewing Stands and Tents
Permit Information**



Division of Safety and Health

If you have any questions or would like information about a permit, contact the appropriate Unit of the New York State Department of Labor, Division of Safety and Health.

Amusement Devices

License and Certification Unit
State Office Campus
Building 12, Room 161A
Albany, NY 12226

(518) 457-2735

Viewing Stands or Tents

Engineering Services Unit
State Office Campus
Building 12, Room 154
Albany, NY 12226

(518) 457-1536

Amusement Device, Viewing Stand or Tent

Permit Information

Article 27 of the Labor Law provides that a permit issued by the Commissioner of Labor is required for the operation of any amusement device or the use of any tent (with a capacity of 300 or more) or viewing stand (with a capacity of 100 or more) at carnivals, fairs and amusement parks located within the State of New York where an admission or fee is normally charged. In addition, the requirement for a permit applies to a private owner or lessee who operates an amusement device, viewing stand or tent on a state or county fairgrounds, or for or on behalf of a bona fide religious, charitable, educational, fraternal, service, veteran or volunteer fire organization.

A permit is valid for a period of one year.

No State permit is required for 1) an amusement device, tent or viewing stand which is issued a permit by the New York City Department of Consumer Affairs and operated solely within the limits of New York City; 2) a tent or viewing stand owned, operated or leased by a bona fide religious, charitable, educational, fraternal, service, veteran or volunteer fireman organization on a state or county fairground; except that it shall be required for an amusement device, viewing stand or tent operated by a private owner or lessee, for or on behalf of such organization.

Notice of Planned Scheduled Use in New York State

The owner, agent or lessee of a temporary amusement device, viewing stand or tent must notify the Department of Labor at least ten (10) working days before the first intended date of use in the State. Any device, stand or tent the owner may use in New York should be listed on an Equipment Inventory form; when and where such devices, stands or tents will operate must be listed on a Location Notice. A Location Notice must be prepared and submitted to the Department (at least 10 working days prior to its use) every time the amusement device, viewing stand or tent will operate.

Initial Permit

Prior to the first use of a permanent or temporary amusement device, viewing stand or tent, an initial inspection must be conducted by an authorized representative of the Commissioner of Labor. In addition, viewing stands and tents must have their design plans approved by the Department of Labor.

Any amusement device, viewing stand or tent which fails to pass such inspection will not be issued a permit, and will not be permitted to operate for public use in the State.

Modifications

If an amusement device, viewing stand or tent is substantially modified or rebuilt so as to change its structure, mechanism or capacity, the owner, agent or lessee **must** give written notice to the Department which will order an inspection to be made of the modified or rebuilt device, stand or tent before it is put back into operation. The permit will be updated to include the modification.

Renewing a Permit

Annually, every owner, agent or lessee must submit the required forms, insurance certifications, and a non-refundable fee in order to obtain a permit. In addition, for every viewing stand and tent a design plan, a plans examination application and a flammability certification (for tents only) must be submitted annually for review and approval by the Department of Labor.

Application Process

Forms

Enclosed in this permit application packet are forms which you must complete and submit to the Department, or retain with the device.

1. **“Application for Amusement Device, Viewing Stand and/or Tent Permit”** (SH 80) - complete and submit. If additional applications are needed, you may make photocopies of the form or request additional applications from the License and Certificate Unit at the address given on the inside front cover.
2. **“Daily Inspection and Test of Amusement Device”** (SH 86) - complete and make the required entries on a daily basis. Retain with the amusement device.
3. **“Location Notice”** (SH 87) and **“Equipment Inventory”** (SH 87.1) - complete and forward the original of each form **at least 10 working days prior to the first use** of an amusement device, viewing stand or tent in New York State. (The submission of a Location Notice and/or Equipment Inventory form in advance of the 10 working days is encouraged to allow for the required processing of these forms.)
4. **“Statement of Load Test”** (SH 88) - complete, if appropriate, and submit the original to the address shown on the form. If a Labor Department Inspector is present at the load test, the Inspector will forward the test form.
5. **“Application for Examination of Plans”** (SH 700) - **for viewing stands and tents only** - complete in quadruplicate and forward with all other permit material to the Department’s Engineering Services Unit at the address given on the inside front cover. If additional applications are needed, you may make photocopies of the form or request additional applications from the Engineering Services Unit.

In addition to preparing the forms listed above, an owner, agent or lessee must submit the following:

Fee

An annual non-refundable fee is required for amusement devices. A check or money order for one hundred dollars (\$100.00) for each amusement device, made payable to the Commissioner of Labor, must be submitted.

Viewing Stands or Tents do not require a fee.

Insurance

Certificate of Liability Insurance Coverage - Proof that the applicant has purchased insurance or posted cash or other security in an amount not less than one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device, viewing stand or tent.

Workers' Compensation Insurance - The applicant **must** file proof of acceptable Workers' Compensation Insurance in New York State. The License and Certificate Unit at the address shown in this booklet should be entered in the "To be filed with" and "Change or cancellation" sections of the form. Below is a listing of acceptable forms as proof of Workers' Compensation Insurance. Only **one** of these forms is necessary. They may be obtained from the Workers' Compensation Board district office nearest to you.

- CE 200 - Certificate of Attestation of Exemption
- C 105.2 - Certificate of Workers' Compensation Insurance
- U 26.3 - State Insurance Fund's version of form C 105.2
- SI 12 - Certificate of Workers' Compensation Self-Insurance
- GSI 12 - Certificate of Group Workers' Compensation Self-Insurance
- GSI 105.2 - Certificate of Participation in Worker's Compensation Group Self-Insurance

Disability Insurance - An applicant who is a "covered employer" **must** submit a copy of his/her Certificate of Disability Insurance. An employer is "covered" if one or more of the applicant's employees is employed in New York State for at least 30 days in any calendar year; the 30 days need not be consecutive. An applicant who is not a covered employer **must** submit a grant of exemption from the Disability Insurance requirements issued by the Workers' Compensation Board. Below is a list of acceptable forms for proof of Disability Insurance or exemption from this requirement. Only **one** of these forms is necessary.

CE 200 - Certificate of Attestation of Exemption

DB 120.1 - Certificate of Disability Insurance

DB 155 - Certificate of Disability Benefit Self-Insurance

Further information on insurance may be obtained by contacting the Workers' Compensation Board at 180 Livingston Street, Brooklyn, NY 11248; telephone: 1 (800) 877-1373.

Viewing Stand and/or Tent

In addition to all required material listed above, the owner, agent or lessee of a viewing stand or tent must submit the following items in quadruplicate:

- * **"Application for Examination of Plans"** (SH 700)
- * **Design plans** - signed and sealed by a licensed architect or professional engineer licensed to practice in New York State
- * **"Certificate of Flammability Test"** - for tents only

All application material for a viewing stand or tent must be submitted to the Department's Engineering Services Unit. Such material should be submitted as soon as possible, but in any event **no later than sixty days prior to the first use of the viewing stand or tent in New York State**. All application materials should be submitted to: New York State Department of Labor, Division of Safety and Health, Engineering Services Unit, State Office Campus, Building 12, Room 154, Albany, NY 12226; telephone (518) 457-7054.

When the Engineering Services Unit approves the design plans, an approval letter plus two copies of the approved plans will be sent to the applicant. **The approval letter and one copy of the plans must be maintained with the viewing stand and/or tent at all times**. If a Department of Labor Inspector visits a site to conduct an inspection, and the approved plans are not available, the Inspector **will not** allow the viewing stand and/or tent to be used.

Once the design plans have been approved, the remaining application forms will be forwarded to the License and Certificate Unit, which will review the application for completeness. If the application meets all administrative requirements, a permit will be prepared. The permit will be forwarded to a Department Inspector who will inspect the viewing stand or tent.

A permit will be issued only if the viewing stand or tent passes the inspection.

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An annual inspection by the Department of Labor is mandatory before a viewing stand or tent may be used in New York State.

Amusement Device Renewal

I. Renewal by Mail

If a device was issued a permit during the previous season, it may be possible to renew the permit by mail. The owner, agent or lessee who obtained a device permit last season is encouraged to apply for renewal of the permit at this time regardless of the expiration date shown on the permit. By applying to renew by mail the owner will:

- Ensure having a valid permit for the entire season
- Establish a "cycle" whereby each renewed permit will be valid for the entire current season and further renewals of the permit will occur in the off season

NOTE: If a Department Inspector finds a device being operated with an expired permit, the Inspector will require that the device be shut down immediately. The owner, agent or lessee will be prohibited from resuming operation of such device until a permit has been obtained.

In order to renew a permit by mail, the owner, agent or lessee must submit the required forms (permit application, the insurance certifications, location notice and equipment inventory) and the fee of \$100 for each amusement device. In addition, inspection information (see below) and an address to which the permit(s) may be mailed to ensure their receipt before the first use of the device in New York State must be provided.

Inspection Information Required to Renew By Mail

An affidavit of inspection **or** the last inspection by the Department of Labor may be used to renew a permit.

Affidavit of Inspection - An affidavit of inspection by a licensed architect, professional engineer, or an inspector of an insurance underwriter or an inspector approved by the Commissioner of Labor may be submitted. **The affidavit must state that the amusement device inspection has met all the requirements of Industrial Code Rule 45 and Article 27 of the Labor Law.** Such inspection must be made within one year of the application date. In the event that the owner, agent or lessee plans to have the amusement device inspected by an insurance agent from the date of the previous inspection, such previous inspection may be deemed valid for a period of thirty days, provided the request was made at least sixty days prior to the inspection anniversary date.

or

Last Inspection by the Department of Labor - The date and location of the last inspection by the Department may be provided. Such inspection must meet the following requirements:

1. It must have occurred within one year from the date of the renewal application.
2. It must have resulted in no violations; or if violations were found, all violations have been complied and such compliance was confirmed by a Department of Labor inspector.
3. It must be verifiable through Department of Labor records.

II. Renewal by Department Inspection

If a permit for an amusement device was issued by the Department last season, and (a) the last inspection by the Department is not usable for renewal purposes, or (b) the owner, agent or lessee chooses not to submit an affidavit of inspection, the Department will conduct the inspection required for the renewal of the permit as resources allow. **It will be the responsibility of the owner, agent or lessee to arrange for an inspection by the Department in sufficient time to allow for the processing of a renewal application.**

Any correspondence or questions relating to the issuance of an amusement device permit, and all amusement device permit application material should be sent to: New York State Department of Labor, License and Certificate Unit, State Office Campus, Building 12, Room 161A, Albany, NY 12226; telephone (518) 457-2735.

A supply of the Department of Labor forms needed to renew a permit are included in this packet. If additional forms are necessary, you may photocopy the forms or request additional copies from the License and Certificate Unit or Engineering Services Unit. Information regarding a permit and other provisions of the law are provided in this packet for your review.

Accident/Injury

Definitions - as used in this section the terms shall mean:

“Injury” - means any personal injury which results in medical treatment (exemption from the Disability Insurance requirement issued by the Workers’ Compensation Board.)

“Serious Injury” - means a personal injury which results in death; dismemberment; significant disfigurement; a compound or comminuted fracture; or permanent loss of use of a body organ, member, function or system; or loss of consciousness resulting in hospitalization.

“Safety Coordinator” - means a person suited by training or experience and designated by the owner or operator of an amusement park, fair or carnival as being in charge of the safety of all amusement devices located in the park, fair or carnival.

Shut Down After Serious Injury

When a serious injury occurs involving the operation of an amusement device, viewing stand or tent, the owner, agent or lessee shall immediately discontinue use of the device, stand or tent. Operations may not be resumed until the safety coordinator determines that the serious injury was not caused by a mechanical, structural or design defect in the amusement device, viewing stand or tent.

If the safety coordinator determines that a serious injury was caused by a mechanical, structural or design defect, the amusement device, viewing stand or tent shall remain shut down until necessary repairs are completed and the device, stand or tent is deemed operational by a licensed architect, professional engineer, qualified inspector of an insurance underwriter or an inspector approved by the Commissioner of Labor. An affidavit of such inspection and correction of the defect shall be filed with the Department.

Reporting an Injury

The owner, agent or lessee of an amusement device, viewing stand or tent must report to the insurance carrier **any** accident in the course of its operation or use which results in an injury. In the event of a serious injury, the owner, agent or lessee of the device, stand or tent must report such accident to the Director of the Division of Safety and Health prior to the close of business of the Director’s next business day. Such report should be made to the Division, State Office Campus, Building 12, Room 522, Albany, NY 12226; telephone number: (518) 457-3518; fax number: (518) 457-1519.

Revocation of a Permit

The Department of Labor may revoke a permit upon a determination that an amusement device, viewing stand or tent is being operated:

- a. Without the required inspections.
- b. Without the liability insurance required.
- c. With a mechanical, structural or design defect which presents an excessive risk of serious injury to passengers.
- d. In violation of other provisions of Article 27 and/or the rules issued under it, provided written notice of noncompliance is served upon the owner, agent or lessee. (Such notice must specify the violations and require their abatement within 30 days of receipt of the notice.)

An owner, agent or lessee whose permit has been revoked may reapply for a new permit after complying with all requirements for a permit.

Penalties

Civil Penalties

Any person who operates an amusement device, viewing stand or tent in the State without the required (a) permit, (b) inspection, and/or (c) liability insurance or other security is subject to civil penalties. The civil penalty is assessed by the Commissioner of Labor, not to exceed two thousand dollars for each day the violation continues. In assessing penalties, the Commissioner will consider the size of the owner's, agent's, or lessee's business, the good faith of the owner, agent or lessee, and the history of previous violation.

Criminal Penalties

Any owner, agent or lessee of an amusement device, viewing stand or tent who wilfully violates any provision of Article 27 or rule, regulation, standard or order promulgated pursuant to this law, and that violation causes physical injury to any member of the public exposed to the violation is guilty of a class A misdemeanor and upon conviction shall be sentenced in accordance with the provisions of the penal law.

Any owner, agent or lessee of an amusement device, viewing stand or tent who wilfully violates any provision of this article or any rule, regulation, standard or order promulgated pursuant to this law, and that violation causes death or serious physical injury to any member of the public exposed to the violation, is guilty of a class E felony and upon conviction shall be sentenced in accordance with the provisions of the penal law.

A person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this law, is guilty of a misdemeanor and upon conviction is subject to a fine of not more than two thousand five hundred dollars or imprisonment for not more than six months, or both.

