

supervision, but through a private adoption agency licensed to operate within New Jersey.

(b) The Department shall determine and approve the qualifications for subsidy payments prior to the completion of an adoption proceeding. In order to qualify for subsidy, a child must meet at least one criterion for a special needs child listed in N.J.A.C. 3A:23-[1.2]1.2(a). The failure of the Department to complete its determination and approval of qualification prior to the finalization of adoption shall not prevent qualification for adoption subsidy, if application for such subsidy was made in a timely manner. Eligibility for subsidy shall be subject to an annual review and redetermination as described in N.J.A.C. 3A:23-1.4(a).

1. An adoptive family may re-apply for adoption subsidy on behalf of a child who was placed by the Department and initially found ineligible for the subsidy benefit. The adoptive family may apply for adoption subsidy at any time after finalization, if the child develops problems traceable to either his or her genetic heritage or pre-adoptive experiences and [which] that may qualify him or her for adoption subsidy.

(c)-(e) (No change.)

(f) Payments shall be made only pursuant to a written Adoption Assistance Agreement between the Department and the adoptive parent(s), which shall include:

1.-7. (No change.)

8. How the adoptive parent(s) shall notify the Department of changes in the needs of the child or circumstances of the adoptive family that would affect the eligibility for, or amount of, adoption subsidy, including complying with the annual [certification] notice for subsidy of the adoptive parent's legal responsibility to support the child;

9.-12. (No change.)

(g) A Department representative shall make a reasonable effort to place the child in an adoptive setting without providing a subsidy, unless doing so is against the best interest of the child, including, but not limited to, situations involving adoption by a child's resource family parent or where the Department determines that such efforts should not be made because of the special needs of the child or the special qualifications of the adoptive parents.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF CODES AND STANDARDS

#### Carnival-Amusement Rides

#### Definition of Super Ride, Update of Standards, Professional Engineer Equivalent, Operating on Last Year's Permit, and Accident/Incident Reporting

**Proposed Amendments: N.J.A.C. 5:14A-1.2, 1.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11, 2.14, 2.15, 4.13, 5.5, 7.1, 7.7, 7.8, 9.11, 10.7, 10.8, 13.3, 13.8, 13.9, and 14.5**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 5:3-36.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-172.

Submit written comments by October 6, 2017, to:

Kathleen Asher  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625-0800  
Fax No. (609) 984-6696  
E-mail: [kathleen.asher@dca.nj.gov](mailto:kathleen.asher@dca.nj.gov)

The agency proposal follows:

#### Summary

Amendments are proposed to update the editions of standards throughout the rules. Outdated standards pose problems for manufacturers of amusement rides. Ride manufacturers market their products globally and rules that would require them to manufacture to an individual jurisdiction's requirements are not cost effective for them. In addition, using the latest standards reflects the most current industry practice for the safety of amusement rides.

Standards that are not referenced directly in the rules and have not been used by the Department as part of its enforcement of the rules are proposed for deletion. Other standards that are applicable to the design of amusement rides and are referenced in ASTM F 2291 are also deleted, since the reference in ASTM F 2291 is sufficient. The proposed amendments eliminate the edition dates in all places other than where the standard is initially adopted in N.J.A.C. 5:14A-1.3 (the sole exception to this is N.J.A.C. 5:14A-7.2, which contains the reference to the standard, the year, and the modifications to the standard made as part of New Jersey's adoption). These revisions would eliminate cases of conflicting editions of the standards being referenced in the rules.

The provisions for operating on the prior year's permit are proposed for amendment. There are conflicting provisions in N.J.A.C. 5:14A-2.10 and 2.11. The provisions in N.J.A.C. 5:14A-2.10 allow owners to operate on the previous year's permit where a permit has been applied for, but the inspection cannot be performed in a timely manner. N.J.A.C. 5:14A-2.11 states that an owner cannot operate a ride without an annual inspection. The proposed amendment would allow owners to operate on the previous year's permit, except where there are safety concerns about the ride. In those cases, the Department would be required to notify the owner in writing that they are not permitted to operate on last year's permit.

The provisions in the rules that refer to a New Jersey professional engineer or a professional engineer in general are proposed for amendment. The design and manufacture of amusement rides is performed in numerous countries throughout the world. It is generally understood that the person responsible for the design must be qualified to practice within the jurisdiction where the design is being performed. Many countries do not use the term "professional engineer" to describe who is qualified to perform engineering services within the jurisdiction.

The provisions in the rules that describe when operators of amusement rides must report accidents and incidents are also proposed for amendment. The current rules require that, if there is an injury requiring first aid, then the owner must report the incident to the Department within 24 hours. The Department does not believe that cases where the injury only required first aid need to be reported in such a strict timeframe. The proposed amendment would allow the operator simply to record the incident, which record would be available for periodic inspection by the Department. The proposed amendments would also allow for reporting of accidents and incidents via e-mail.

A section by section description of the proposed amendments follows.

At N.J.A.C. 5:14A-1.2, the definition of high speed is deleted. This definition is only used in the definition of super ride. Rather than list a separate definition, the value of high speed has been incorporated into the definition of super ride.

At N.J.A.C. 5:14A-1.2, the definition of super ride is amended to incorporate the value of high speed into the definition, to add the use of a class five restraint as a criterion for a super ride, and to list the acceleration value that defines a super ride, rather than refer to the need for an accelerometer test.

At N.J.A.C. 5:14A-1.3(a)1, a proposed amendment is made to delete the adoption of American Concrete Institute (ACI) standards because they are not referenced directly in the rules. Applicable ACI standards are referenced in the version of ASTM F 2291 adopted at N.J.A.C. 5:14A-7.2.

At N.J.A.C. 5:14A-1.3(a)2, a proposed amendment deletes the adoption of AISC standards because they are not referenced directly in the rules. Applicable AISC standards are referenced in the adopted version of ASTM F 2291.

At recodified N.J.A.C. 5:14A-1.3(a)1, a proposed amendment is made to update the address for the American National Standards Institute. A proposed amendment is made to update the version of ANSI B77.1 to

the 2011 version. A proposed amendment is made to delete the adoption of ANSI/ASME B15.1 and B93.114M, since they are not directly referenced in the rules. Also at recodified N.J.A.C. 5:14A-1.3(a)1, the reference to ANSI B11.TR3 is deleted. The standard is referenced in ASTM F 2291, and is not referenced anywhere else in the rules, therefore, the reference in N.J.A.C. 5:14A-1.3 is not needed.

Existing N.J.A.C. 5:14A-1.3(a)4 is proposed for deletion to remove the adoption of American Society of Civil Engineer Standards, since these standards are not referenced directly in the rules. Applicable ASCE standards are referenced in the adoption of ASTM F 2291.

At recodified N.J.A.C. 5:14A-1.3(a)2, a proposed amendment updates those ASTM standards that are referenced in the rules to the latest edition, to eliminate those standards that are not directly referenced in the rules, and to correct the titles of the standards where they have changed. In addition, the section was changed so that the standards are listed in order of increasing number for ease of use. For example ASTM F 1292, ASTM F 1487, ASTM F 1772, ASTM F 1773, ASTM F 1774 and ASTM F 1775 were relocated from N.J.A.C. 5:14A-1.3(a)5xxi through xxvii to (a)5vii through xii. Proposed amendments add the following standards: ASTM F 2375, ASTM F 2460, ASTM F 2461, ASTM F 2960, and ASTM F 2974. These are newer standards that were recently developed by ASTM that are applicable to amusement rides. These include AISC 316, "Manual on Steel Construction, Allowable Stress Design (ASD)" and AISC M015, "Manual on Steel Construction, Load & Resistance Factor Design."

At recodified N.J.A.C. 5:14A-1.3(a)3, proposed amendments update the latest versions of the American Welding Society standards.

Existing N.J.A.C. 5:14A-1.3(a)7 is proposed for deletion to remove the adoption of the CDC growth charts. These charts are referenced in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)8 is proposed for deletion to remove the adoption of MIT's Dreyfuss Human Scales. These scales are referenced in ASTM F 2291.

At recodified N.J.A.C. 5:14A-1.3(a)4, a proposed amendment is made to delete the adoption of the following European Committee for Standardization standards: EN 954-1, EN 1050, EN 61496, EN 1993-1-9, EN 60947-1, and EN 280. EN 954-1 is referenced in ASTM F 2291 adopted at N.J.A.C. 5:14A-7.2. The other standards are not referenced in ASTM F 2291, and, therefore, would no longer be applicable.

At recodified N.J.A.C. 5:14A-1.3(a)5, a proposed amendment is made to reference the building subcode of the New Jersey Uniform Construction Code.

Existing N.J.A.C. 5:14A-1.3(a)11, 12, and 13 are proposed for deletion to remove the reference to standards published by the International Electrotechnical Commission, ISO, and the American Forest and Paper Association, respectively. The IEC standards are incorporated into ASTM F 2291, which is adopted at N.J.A.C. 5:14A-7.2. The ISO standard referenced in N.J.A.C. 5:14A-1.3, ISO 4414, is also incorporated in ASTM F 2291. Finally, the National Design Standard, published by the American Forest and Paper Association is also referenced in the adopted version of ASTM F 2291.

At recodified N.J.A.C. 5:14A-1.3(a)6, a proposed amendment is made to update the versions of various National Fire Protection Association standards to the current editions.

Existing N.J.A.C. 5:14A-1.3(a)15 is proposed for deletion to remove the adoption of standards from the National Fluid Power Association. These standards are incorporated in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)16 is proposed for deletion to remove the adoption of Organisation Internationale Pour L'Etude De L'Enduance Des Cables International. This standard is neither referenced in the rules nor in the ASTM F 2291 standard. Therefore, the standards are proposed for deletion.

Existing N.J.A.C. 5:14A-1.3(a)17 is proposed for deletion to remove the adoption of SAE standards. The standards are incorporated as referenced documents in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)18 is proposed for deletion to remove the adoption of Underwriters Laboratory Standards. The standards are incorporated by reference in the adoption of ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)19 is proposed for deletion to remove the adoption of standards published by the American Society of Metals

International. The standards are incorporated by reference in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)20 is proposed for deletion to remove the adoption of standards from the American Society of Mechanical Engineers. The standards are incorporated by reference in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)21 is proposed for deletion to remove the adoption of standards from the British Standards Institute. The standards are incorporated by reference in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)22 is proposed for deletion to remove the adoption of standards from the Duetches Institut fur Normung. The standards are not referenced in either the rules or ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)23 is proposed for deletion to remove the adoption of the referenced book "Hollow Structural Section Connection and Trusses—A Design Guide." The book is not referenced in either the rules or ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)24 is proposed for deletion to remove the adoption of the USDA-72 standard published by the U.S. Department of Agriculture. The standard is referenced in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)25 is proposed for deletion to remove the adoption of the standard "NEMA 250 Enclosures for Electrical Equipment." The standard is incorporated by reference in ASTM F 2291.

Existing N.J.A.C. 5:14A-1.3(a)27 is proposed for deletion to remove the adoption of the "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint." The standard is not referenced in the rules or the ASTM F 2291 standard.

At N.J.A.C. 5:14A-2.4, 2.5, 2.6, and 2.7, proposed amendments allow people who have qualifications equivalent to a New Jersey professional engineer to make submissions when the design is performed out-of-State. Many carnival and amusement rides are designed in foreign countries. The term "professional engineer" is not used universally and many countries use other terminology to describe individuals with qualifications equivalent to a professional engineer under New Jersey licensing law. Also at N.J.A.C. 5:14A-2.7, an amendment is proposed to delete the reference to a type certification or an amended type certification. This section is applicable to rides that have been approved using the individual approval process rather than the type certification process. Therefore, the existing language is incorrect, and the correction is proposed.

At N.J.A.C. 5:14A-2.10, a proposed amendment to the heading of the section reflects, more accurately, the contents of the section. In addition, the reference to ASTM F 846 is deleted. ASTM F 846 is no longer updated by ASTM and the contents of the standard were moved to ASTM F 1193. Therefore, the proposed amendment substitutes ASTM F 1193 in its place. Also at N.J.A.C. 5:14A-2.10, a proposed amendment would restrict an operator from operating on last year's permit. The intent of the provision is to allow operators to open their rides when the Department is unable to provide a timely inspection. There are cases, however, where operating without an inspection should not be allowed. Where the ride may have been damaged or where there is a manufacturer mandated repair or alteration to the ride, the Department should have the ability to deny the operator the ability to operate on last year's permit. Such a denial would be in writing under the proposed amendment and would be appealable.

At N.J.A.C. 5:14A-2.11, a proposed amendment adds a cross-reference to the requirements in N.J.A.C. 5:14A-2.10, so it is clear that, in some cases, the ride can be operated without an annual inspection.

At N.J.A.C. 5:14A-2.14, a proposed amendment deletes references to ASTM F 770 and ASTM F 853, since F853 is no longer being maintained by ASTM and the applicable content has been deleted from F770. The requirements previously contained in those standards have been moved to ASTM F 1193. Therefore, the proposed amendment substitutes ASTM F 1193 in their place. An amendment is also made to eliminate the reference to the year of ASTM F 1193 used. The convention is to include the year of the standard only in N.J.A.C. 5:14A-1.3 for ease of updating the standards and to lessen the possibility of inconsistent editions referenced in the standards. (The sole exception is N.J.A.C. 5:14A-7.2, as discussed above.)

At N.J.A.C. 5:14A-2.15, a proposed amendment eliminates the reference to ASTM F 846, since this standard is no longer maintained by ASTM. The contents of ASTM F 846 are now found in ASTM F 1193. Therefore, the proposed amendment substitutes ASTM F 1193.

At N.J.A.C. 5:14A-4.13, a proposed amendment changes the requirements for reporting incidents that require only first aid. Under the current rule, such cases are to be reported to the Department within 24 hours. The proposed amendment requires that owners record such incidents, but would not require them to notify the Department within 24 hours. Proposed amendments are also made to this section to allow notification via e-mail in addition to mail or facsimile. Finally, there is a proposed amendment to correct the mailing address to which accident/incident reports must be sent.

At N.J.A.C. 5:14A-5.5, a proposed amendment eliminates the year of ASTM F 1193 that is referenced. The convention is to list the year of the standard that is adopted only in N.J.A.C. 5:14A-1.3 for ease of updating standards and to lessen the chance of referring to different editions of the same standard in the rules.

At N.J.A.C. 5:14A-7.1, a proposed amendment eliminates the term "tramways" and substitutes "ropeways," so that the terminology in the rules is consistent with the terminology in the referenced standard. In addition, a proposed amendment is made to eliminate the year of the standard referenced (B77.1.) By eliminating the year of the standard used in the body of the rules, updating standards will be easier and the chance of referencing differing or conflicting editions of the standards will be reduced. A proposed amendment is also made to the title of the ANSI B77.1 standard to match the title of the proposed edition of the standard.

At N.J.A.C. 5:14A-7.7, a proposed amendment substitutes ASTM F 698 with ASTM F 1193. ASTM is no longer updating the ASTM F 698 standard and those requirements have been moved to ASTM F 1193.

At N.J.A.C. 5:14A-7.8, a proposed amendment deletes the reference to ASTM F 846 and substitutes ASTM F 1193 in its place. The ASTM F 846 standard is no longer updated by ASTM and those requirements have been moved to ASTM F 1193. Therefore, the proposed amendment substitutes the ASTM F 1193 standard.

At N.J.A.C. 5:14A-9.11, 10.7, 10.8, and 13.3, proposed amendments allow people who have qualifications equivalent to a New Jersey professional engineer to make submissions when the design is performed out of state. As stated above, many carnival and amusement rides are designed in foreign countries. The term "professional engineer" is not used universally and many countries use other terminology to describe a person with qualifications that are equivalent to a professional engineer under New Jersey licensing law.

At N.J.A.C. 5:14A-13.8, a proposed amendment deletes the reference to the International Building Code and substitutes a reference to the building subcode of the Uniform Construction Code. The building subcode of the Uniform Construction Code is the International Building Code with amendments. The proposed amendment would help ensure consistency between the regulations.

At N.J.A.C. 5:14A-13.9, a proposed amendment corrects a cross-reference.

At N.J.A.C. 5:14A-14.5, a proposed amendment deletes the year of the EN 12572 standard referenced. The year referenced can be found at N.J.A.C. 5:14A-1.3. The proposed amendment will make updating the standards easier and will reduce the likelihood of referencing different editions of the same standard in the regulations.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The proposed amendments would ensure that New Jersey is using current standards that reflect the state-of-the-art in ride safety. The changes will simplify the process of updating standards in the future allowing New Jersey to have rules that match the current industry standards and practices. The changes will help to avoid future conflicts in the rules making the rules easier for the public and industry to use.

The proposed amendments regarding the qualifications of those submitting plans and calculations will have no social impact. The change

simply reflects the fact that the term "professional engineer" is not used universally.

The proposed amendments that allow owners to operate on the previous year's permit only where there are no potential safety concerns will help ensure that public safety is maintained while still providing ride operators the ability to operate should the Department not be able to perform an annual inspection prior to the date of first use.

The Department anticipates that the proposed amendment that would eliminate the need for owners to report cases where there was an injury on a ride that required only first aid will not result in any adverse effects on public safety. There are numerous injuries requiring first aid that do not reflect any problem with the ride or its operation. The Department does not have the resources to cull through potentially thousands of first aid reports to try to identify trends that may or may not be attributable to the ride or how it is being operated. Having this information onsite while the inspector is performing his or her inspection is a much more efficient and appropriate way of recording the information.

#### **Economic Impact**

The proposed amendments should have a positive economic impact by ensuring that New Jersey's requirements conform to the current consensus standards for the design, operation, and maintenance of amusement rides. Manufacturers typically design their rides using the latest available standards. Using outdated standards can, in some cases, cause conflicts. In those cases, manufacturers could potentially be required to apply for variances or make modifications to their rides to comply with New Jersey's rules. Using current standards eliminates these conflicts, reducing time for approvals, avoiding modifications to rides, and eliminating the need for variances.

The proposed amendments that recognize qualifications equivalent to a New Jersey professional engineer for designs performed out of state will not have an economic impact since they reflect the current practice of the Department to recognize individuals whose qualifications are equivalent to a New Jersey professional engineer in qualifications, but not in name.

Preventing owners from operating on last year's permit would have an adverse economic impact on owners. The Department does not anticipate that this will be a common occurrence. In addition, regardless of the economic impact, the restriction is important for public safety.

The proposed amendments, which would change the accident/incident reporting requirements should be of economic benefit to ride owners by reducing the amount of time and effort required to report.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments are not being proposed for amendment under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The Department does not anticipate that the proposed amendments would result in either the creation or loss of jobs.

#### **Agriculture Industry Impact**

It is not anticipated that the proposed amendments will have any impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Analysis**

The proposed amendments would apply to owners of amusement rides, many of which would be considered small businesses as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules update the standards referenced in the rules, which in large measure apply to the design of new amusement rides. ASTM F 1193, which is being updated and in some cases used as a replacement for standards that are no longer being updated by ASTM, does contain provisions that apply to the operation and maintenance of existing rides. However, the provisions of the standard duplicate the provisions in the standards that it replaces and will not result in additional recordkeeping or financial burden on businesses of any size.

The proposed amendments concerning individuals with qualifications that are equivalent to New Jersey professional engineer for designs

performed outside the State will not have an adverse effect on businesses, regardless of size, and may benefit businesses, inasmuch as it expands the pool of individuals whose designs will be accepted.

The proposed amendments to the provisions that allow ride owners to operate on last year's permit will not require any additional recordkeeping or professional services. In some cases these provisions might impact businesses but these cases are limited to cases where there is a legitimate public safety concern and cannot be adjusted based on business size.

The proposed amendments to the accident/incident reporting requirements will reduce paperwork and reporting requirements for businesses of all sizes.

#### Housing Affordability Impact Analysis

Because the proposed amendments only update the standard for the design of carnival and amusement rides, there is an extreme unlikelihood that they would have any impact on the affordability of housing or evoke a change in the average costs of housing.

#### Smart Growth Development Impact Analysis

Because the proposed amendments only update the design and operation of carnival and amusement rides, there is an extreme unlikelihood that they would evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 5:14A-1.2 Definitions

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

... [“High speed” means greater than 37.5 mph, 55 ft/sec or 16.8 m/sec.]

... “Super ride” means a ride designed to propel riders at high speed **(speed greater than 37.5 mph), required to have a class-five restraint by ASTM F 2291 or found to have accelerations in [any direction which requires an accelerometer test according to the provisions of N.J.A.C. 5:14A-7.5] excess of 75 percent of the limits specified in ASTM F 2291, as amended by N.J.A.C. 5:14A-7.2.**

#### 5:14A-1.3 Standards adopted

(a) The standards listed below are adopted and incorporated as part of this chapter. In the event that any provision in any of the following standards conflicts with a provision of this chapter, this chapter shall govern.

[1. The following standards are adopted and are available from the American Concrete Institute, P.O. Box 19150, Detroit, Michigan 48219:

- i. ACI 301-99, “Specifications for Structural Concrete for Buildings”;
- ii. ACI 318-02, “Building Code Requirements for Reinforced Concrete”

2. The following standards are adopted and are available from the American Institute of Steel Construction, 400 North Michigan Ave., Chicago, Illinois 60611:

- i. AISC, “Manual of Steel Construction ASD, 9th Edition”;
- ii. AISC 316 (1989) Manual on Steel Construction, Allowable Stress Design (ASD); and
- iii. AISC M015 (1986) Manual on Steel Construction, Load and Resistance Factor Design (LRFD);]

[3.] **1.** The following standards are adopted and are available from the American National Standards Institute, [11 West 42nd] **25 West 43rd** Street, New York, NY 10036:

- [i. ANSI B11.TR3 (2000), “Technical Report on Risk Assessment and Reduction”];
- [ii.] **i.** ANSI B77.1-[1999]**2011**, “American National Standard for Passenger Ropeways, [Aerial] **Aerial** Tramways, [Aerial] **Aerial** Lifts, Surface Lifts, Tows and [Conveyers] **Conveyors—Safety Requirements**”;

[iii. ANSI/ASME B15.1, “Safety Standards for Mechanical Power Transmission and Conveyors and Related Equipment”];

iv. ANSI B93.114M (1987), “Pneumatic Fluid Power System Standard for Industrial Machinery”]; and]

[v.] **ii.** (No change in text.)

[4. The following standards are adopted and are available from the American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, Virginia 20191-4400:

- i. ASCE 7 (1998), Minimum Design Loads for Buildings and Other Structures; and
- ii. ASCE 16 (1995) Standard for Load and Resistance Factor Design (LRFD) for Engineered Wood Construction;]

[5.] **2.** The following standards are adopted and are available from the ASTM International, 100 Barr Harbor Drive, [P.O.] **PO** Box C700, W. Conshohocken, PA 19428-2959:

i. ASTM E [84] **84-16**, “Test Method for Surface Burning Characteristics of Building Materials”;

[ii. ASTM F 698-94, “Specification for Physical Information to be Provided for Amusement Rides and Devices”];

**ii. ASTM E 543-15, “Specification for Agencies Performing Nondestructive Testing”;**

iii. ASTM F 747-[97]**15**, “Terminology Relating to Amusement Rides and Devices”;

iv. ASTM F 770-[93]**15**, Practice for [Operation Procedures for] **Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices**”;

[v. ASTM F 846-92, “Guide for Testing Performance of Amusement Rides and Devices”;

vi. ASTM F 853-04, “Practice for Maintenance Procedures for Amusement Rides and Devices”;

vii. ASTM F 893-04, “Guide for Inspection of Amusement Rides and Devices”];

[viii.] v. ASTM F 1159-[03a]**15b**, “Practice for Design [and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures] **of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards**”;

[ix.] vi. ASTM F 1193-[04]**16**, “Practice for **Quality, Manufacture, and Construction of Amusement Ride and Device** [Manufacturer Quality Assurance Program and Manufacturing Requirements]”;

vii. ASTM F 1292-13, “**Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment**”;

viii. ASTM F 1487-01, “**Consumer Safety Performance Specification for Playground Equipment for Public Use**”;

ix. ASTM F 1772-12, “**Specification for Harnesses for Rescue, Safety, and Sport Activity**”;

x. ASTM F 1773-97, “**Standard Terminology Relating to Climbing and Mountaineering Equipment**”;

xi. ASTM F 1774-13, “**Standard Specifications for Climbing and Mountaineering Carabiners**”;

xii. ASTM F 1775-97, “**Standard Specification for Labeling of Climbing and Mountaineering Equipment**”;

[x.] **xiii.** ASTM F 1918-[98]**12**, “Standard Safety Performance Specification for Soft Contained Play Equipment”;

Recodify existing xi.-xii. as **xiv.-xv.** (No change in text.)

[xiii.] **xvi.** ASTM F 2137-[01]**15a**, “Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices”;

[xiv. ASTM F 1305-94, “Guide for the Classification of Amusement Ride and Device Related Injuries and Illnesses”;

xv. ASTM F 1950-99, “Specifications for Physical Information to be Transferred with Used Amusement Rides and Devices”];

[xvi.] **xvii.** ASTM F 2291-[04]**14**, “Practice for Design of Amusement Rides and Devices”;

[xvii.] **xviii.** ASTM F 2374-[04]**10**, “Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices”;

[xviii. MIL-STD-17 (2000), “The Composite Material Handbook”;

xix. MIL-STD-882C (1993), “System Safety Program Requirements”;

xx. STP-1330, "Composite Materials: Fatigue and Fracture, 7th Volume";

xxi. ASTM F 1292-99, "Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment";

xxii. ASTM F 1772-99, "Standard Specification for Climbing Harnesses";

xxiii. ASTM F 1773-97, "Standard Terminology Relating to Climbing and Mountaineering Equipment";

xxiv. ASTM F 1774-99, "Standard Specifications for Climbing and Mountaineering Carabiners";

xxv. ASTM F 1775-97, "Standard Specifications for Labeling of Climbing and Mountaineering Equipment";

xxvi. ASTM F1487-01, "Consumer Safety Performance Specification for Playground Equipment for Public Use";

xxvii. ASTM F 2376-06, "Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems"; and

xxviii. ASTM F1292-99, "Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment";]

**xix. ASTM F 2375-09, "Practice for Design, Manufacture, Installation and Testing of Climbing Nets and Netting/Mesh used in Amusement Rides, Devices, Play Areas and Attractions";**

**xx. ASTM F 2376-06, "Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems";**

**xxi. ASTM F 2460-11, "Practice for Special Requirements for Bumper Boats";**

**xxii. ASTM F 2461-09, "Practice for Manufacture, Construction, Operation, and Maintenance of Aquatic Play Equipment";**

**xxiii. ASTM F 2960-15, "Practice for Permanent Amusement Railway Ride Tracks and Related Devices"; and**

**xxiv. ASTM F 2974-15, "Guide for Auditing Amusement Rides and Devices";**

[6.] 3. The following standards are adopted and are available from the American Welding Society, 550 N.W. LeJeune Road, Miami, Florida 33126:

i. ANSI/AWS D1.1/D1.1M [(2002)] (2015), "Structural Welding Code-Steel"; and

ii. ANSI/AWS D14.4 [(1997)] (2012) "Specification for Welded Joints in Machinery and Equipment";

[7. CDC 95th Percentile is adopted and is available from the National Center for Health Statistics at <http://www.cdc.gov/growthcharts>;

8. The following standards are adopted and are available from the MIT Press, 5 Cambridge Center, Cambridge, MA 02142-1493:

i. Dreyfuss Human Scale 4/5/6;

ii. Dreyfuss Human Scale 7/8/9;]

[9.] 4. The following standards are adopted and are available from the European Committee for Standardization, Central Secretariat, rue de Stassart 36, B-1050 Brussels, Belgium:

[i. EN 954-1 (1996), "Safety of Machinery-Safety-related parts of control systems-Part 1: General principles for design";

ii. EN 1050 (1996), "Safety of Machinery-Principles for Risk Assessment;

iii. EN 61496, "Safety of Machinery-Electro-sensitive protective equipment";

iv. EN 1993-1-9 (2001), "Eurocode 3 Design of Steel Structures. Part 1.9 Fatigue Strength of Steel Structures";

v. EN 1993-1-9 (2001), "Eurocode 3 Design of Steel Structures. Part 6.9 Crane Support Structures-Fatigue Strength";

vi. EN 60947-1 (1999), "Low Voltage Switchgear and Controlgear";

vii. EN 280 (2001), "Mobile Elevating Work Platforms-Design Calculations, Stability Criteria, Construction, Safety, Examination and Test";]

Recodify existing viii.-xii. as i.-v. (No change in text.)

[10.] 5. [IBC-2000,] **IBC-NJ edition, the edition of the "International Building Code" is adopted as the building subcode of the Uniform Construction Code (N.J.A.C. 5:23-3.14) and available from the [Building Officials and Code Administrators International, Inc.]**

**International Code Council, Inc.**, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795;

[11. The following standards are adopted and are available from the International Electrotechnical Commission 3, rue de Varembe, P.O. Box 131, CH-1211 Geneva 20, Switzerland:

i. IEC-61508-1 (1999), "Functional safety of electrical/electronic/programmable electronic safety-related systems";

ii. IEC-60204-1 (2000), "Safety of Machinery-Electrical Equipment of Machines-Part 1 General Requirements";

iii. IEC-61496-1 (1998), "Safety of Machinery-Electrosensitive Protective Equipment-General Requirements and Tests";

iv. IEC-61511, "Functional Safety: Safety Instrumented Systems for the Process Industry Sector"; and

v. IEC-62061, "Safety of Machinery-Functional Safety-Electrical, Electronic, and Programmable Electronic Systems";

12. ISO 4414 (1998), "Pneumatic Fluid power-General rules relating to systems," is adopted and is available from the National Fluid Power Association, 3333 North Mayfair Road, Milwaukee, Wisconsin 53222-3219;

13. NDS-91, "National Design Specifications for Wood Construction," is adopted and is available from the American Forest and Paper Association, 1250 Connecticut Avenue/Suite 200, Washington, DC 20036;]

[14.] 6. The following standards are adopted and are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101:

i. NFPA 10 [1998] (2013), "Portable Fire Extinguishers";

ii. NFPA 70 [(2005)] (2014), "National Electrical Code";

iii. NFPA 79 [(2007)] (2015), "Electrical Standard for Industrial Machinery";

iv. NFPA 261 [1998] (2013), "Standard Method of Test for Determining Resistance of Mock Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes[.];"

v. NFPA 701 [1996] (2015), "Methods of Fire Tests for Flame [Resistant] Propagation of Textiles and Films";

vi. NFPA 705 [1997] (2013), "Recommended Practice for a Field Flame Test for Textiles and Films"; and

vii. [NFPA-10] **NFPA 101 [(2000)] (2015)**, "Life Safety Code"; and

[15. The following standards are adopted and are available from the National Fluid Power Association, 3333 North Mayfair Road, Milwaukee, Wisconsin 53222-3219:

i. NFPA/T2.24.1R1-2000, "Hydraulic fluid power-Systems Standards for Stationary Industrial Machinery";

ii. NFPA/JIC T2.25.1M-1986, "Pneumatic fluid power-Systems Standard for Industrial Machinery";

16. OIPEEC Standards, Organisation Internationale Pour L'Etude De L'Endurance Des Cables International, are adopted and are available from The University of Reading, Department of Engineering, P.O. Box 225, Reading RG6 6AY, UK;

17. The following standards are adopted and are available from the SAE World Headquarters, 400 Commonwealth Drive, Warrendale, PA 15096-0001:

i. SAE J211 (1995), "Instrumentation for Impact Test-Part 1-Electronic Instrumentation";

ii. SAE J833 (1989), "Human Physical Dimensions"; and

iii. SAE HS 4000 (1999), "Fastener Standards";

18. The following standards are adopted and are available from the Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062-2096.

i. UL 508 (2000), "Industrial Control Equipment"; and

ii. UL 508A (2000), "Industrial Control Panels";

19. The following standards are adopted and are available from the American Society of Metals International, 9639 Kinsman Road, Materials Park, OH 44073-0002.

i. ASM Atlas of Fatigue Curves (1986); and

ii. ASM Handbook Volume 19: Fatigue and Fracture;

20. The following standards are adopted and are available from the American Society of Mechanical Engineers, ASME International Headquarters, Three Park Avenue, NY, NY 10016-5990:

i. ASME B15.1-2000, "Safety Standard for Mechanical Power Transmission Apparatus"; and

ii. ASME A17.1-2002, "Safety Code for Elevators and Escalators";

21. The following standards are adopted and are available from the British Standards Institute, 389 Chiswick Road, London W4 4AL, UK.

i. BS 5400-10 (1980), "Steel, Concrete and Composite Bridges—Code of Practice for Fatigue"; and

ii. BS 7608 (1993), "Code for Practice for Fatigue Design and of Steel Structures";

22. "DIN 15018-1 Cranes; Steel Structures Verification and Analysis Data" is adopted and is available from the Beuth Verlag GmbH (DIN-DIN Deutsches Institut für Normung e.V.), Burggrafenstraße 6, 10787 Berlin, Germany;

23. "Hollow Structural Section Connection and Trusses—A Design Guide," J.A. Parker and J.E. Henderson, is adopted and is available from Canadian Institute of Steel Construction;

24. "USDA-72 (U.S. Department of Agriculture) The Wood Handbook—Wood as an Engineering Material, Forest Service, Forest Products Laboratory," is adopted and is available from Federal Documents;

25. "NEMA 250 (1997) Enclosures for Electrical Equipment" is adopted and is available from National Electric Manufacturers Association (NEMA), 1300 N. 17th St., Suite 1847, Rosslyn, VA 22209; and

[26.] 7. (No change in text.)

[27. The following standards are adopted and are available from the U.S. Government Printing Office (GPO), 732 N. Capital Street N.W., Washington, D.C. 20401:

i. 16 CFR Part 1303(1/04), "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint."]

## SUBCHAPTER 2. GENERAL ADMINISTRATIVE PROVISIONS

### 5:14A-2.4 Type certification

(a) (No change.)

(b) An application for a type certification for a new ride shall contain the following:

1.-2. (No change.)

3. One complete set of ride design calculations signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**. These ride design calculations shall include:

i.-iv. (No change.)

4.-9. (No change.)

(c)-(e) (No change.)

### 5:14A-2.5 Individual approval

(a) (No change.)

(b) An application for an individual approval for a new ride shall contain the following:

1.-2. (No change.)

3. One complete set of ride design calculations signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**. These ride design calculations shall include:

i.-iv. (No change.)

4.-9. (No change.)

(c)-(h) (No change.)

### 5:14A-2.6 Amended type certification

(a) (No change.)

(b) The application for an amended type certification shall include the following:

1.-2. (No change.)

3. One full set of drawings, designs, specifications, and other construction documents, signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**, that demonstrate compliance with

the design requirements of N.J.A.C. 5:14A-7, that comply with N.J.A.C. 5:14A-2.12, and are necessary for full and complete review of the major modification;

4.-5. (No change.)

(c)-(d) (No change.)

### 5:14A-2.7 Supplemental modification certification

(a) (No change.)

(b) The application for a supplemental modification certification shall include the following:

1.-2. (No change.)

3. One full set of drawings, designs, specifications, and other construction documents, signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**, that demonstrate compliance with the design requirements of N.J.A.C. 5:14A-7, that comply with N.J.A.C. 5:14A-2.12, and are necessary for full and complete review of the major modification;

4.-5. (No change.)

(c) Within 30 calendar days of receipt of a complete application, the Department shall send to the applicant either [an amended type certification] **a supplemental modification certification**, temporary [amended type certification] **supplemental modification certification**, or a denial of the application.

1.-2. (No change.)

(d) (No change.)

### 5:14A-2.10 Annual permit[s] and [issuance of] serial number plate[s]

(a) An annual permit shall be issued for the current calendar year or for a period of one year from the expiration of the last permit. No amusement ride shall be operated without a current, valid annual permit, except when:

1. The ride [is covered by] **has a valid annual permit from the prior year, the owner of the ride has applied for an annual permit in the current year, there are no outstanding orders against the ride, [there is no outstanding documentation or fee] all required documentation and fees have been received, reviewed, and accepted, and an annual inspection by the Department has been requested for a date prior to operation, but the Department cannot accommodate that request and a later date is scheduled[; or]. The Department may refuse to allow an owner to operate on the prior year permit where there may be conditions that affect the safety of the ride, such as outstanding manufacturer's bulletins, known or suspected damage to the ride, or an accident or incident involving a ride of the same type. In such cases, it shall be the Department's responsibility to notify the owner in writing that they may not operate on the prior year permit; or**

2. An application for an annual permit for the ride has been submitted in the current year, there are no outstanding orders against the ride, all required documentation and fees have been received, reviewed, and accepted, and the ride has passed **an annual inspection by the Department**, but the operator has not received the permit.

(b)-(e) (No change.)

(f) For rides without a New Jersey serial number:

1. An application for an annual permit shall include the following information and shall be submitted on a form provided by the Department:

i.-iii. (No change.)

iv. A copy of certification that the [manufacture] **manufacturer** has tested the ride in accordance with ASTM [F 846] **F 1193** and determined that the ride is satisfactory. (Certification of testing from the ride owner shall be acceptable for a used ride, when the ride manufacturer does not provide a certificate.);

v.-vii. (No change.)

2.-3. (No change.)

(g)-(l) (No change.)

### 5:14A-2.11 Inspections

(a)-(b) (No change.)

(c) Annual inspection: [An] **Except as provided for in N.J.A.C. 5:14A-2.10(a)1, an annual inspection shall be performed before a ride**

operates each year. The annual inspection shall include, but not be limited to:

- 1.-6. (No change.)
- (d)-(g) (No change.)

#### 5:14A-2.14 Manuals

(a) For each ride for which type certification/amended type certification, individual approval/supplemental modification certification, or an annual permit application is submitted, the applicant shall provide maintenance requirements, maintenance schedules, inspection requirements, and inspection schedules, each in a checklist format, as follows:

- 1. Operation Manual as per ASTM [F 770-93 (Reapproved 2000)] **F 1193**;
- 2. Maintenance Manual as per ASTM [F 853-98] **F 1193**;
- 3. (No change.)
- 4. A quality assurance manual as per ASTM F 1193[-97].
- (b)-(d) (No change.)

#### 5:14A-2.15 Non-destructive testing requirements and reports

(a) An application for a type certification/amended type certification or individual approval/supplemental modification certification shall include a copy of the non-destructive testing plan and operating instructions provided by the manufacturer. The non-destructive testing plan shall identify the components to be tested and the frequency for testing. The non-destructive testing requirements and schedules shall be in a checklist format and shall contain, at a minimum, the information required at N.J.A.C. 5:14A-9.24. All documentation submitted shall comply with ASTM [F 846-92 (Reapproved 1998)] **F 1193**.

- 1.-2. (No change.)
- (b)-(c) (No change.)

### SUBCHAPTER 4. OWNER RESPONSIBILITY

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

(a) Shut down and report: When any incident occurs involving a death or serious injury, ejection from the ride, or failure of a critical structural or mechanical component, regardless of cause, the owner shall:

- 1.-3. (No change.)

4. Prepare a written incident report and send it to the Department by telefacsimile at the telefacsimile number **or electronic mail at the e-mail address** provided for this purpose within 24 hours of the incident.

- i. (No change.)

(b) Report within 24 hours: When any incident occurs involving [a ride-related injury requiring first aid, or] any mechanical malfunction, or an emergency evacuation of the ride, the owner shall:

1. Report the incident to the Department within 24 hours of the incident by telephone, [or by] telefacsimile, **or electronic mail** at the [numbers] **numbers/e-mail address** provided for this purpose;

2. Prepare a written incident report and send it to the Department by facsimile at a number provided for this purpose within five days of the incident or by mail at PO Box [808] **816**, Trenton, NJ 08625 postmarked within five days of the incident **or by electronic mail at an address provided for this purpose**. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and

- 3.-4. (No change.)

- (c) (No change.)

### SUBCHAPTER 5. MANUFACTURER RESPONSIBILITY

#### 5:14A-5.5 Quality assurance manual

For rides being issued a type certified or individual approval, the manufacturer shall provide a quality assurance manual that is in compliance with ASTM F 1193[-97].

### SUBCHAPTER 7. DESIGN AND CONSTRUCTION

#### 5:14A-7.1 Title; scope; intent

- (a)-(c) (No change.)

- (d) The scope of this subchapter shall not include:

- 1.-2. (No change.)

3. Soft-play equipment, subject to [these rules] **this chapter** because of its location with other amusement rides, which shall meet ASTM F 1918[-98], Standard Safety Performance Specification for Soft Contained Play Equipment, and all applicable rules.

4. Passenger [tramways] **ropeways**, which shall comply with ANSI B77.1[-1999], [Aerial Passenger Tramways, with the following amendments:

- i. Section 1.1 through 1.3 and section 8 shall be deleted.

ii. Any section or provision relating to administration or to reporting shall be deleted.] **“American National Standard for Passenger Ropeways–Aerial Tramways, Aerial Lifts, Tows, and Conveyors–Safety Requirements.”**

- (e)-(f) (No change.)

#### 5:14A-7.7 Identification, data plates, and manufacturer’s information

(a) Amusement rides and devices shall be identified and have an Information Plate as required by ASTM [F 698] **F 1193**.

- (b) (No change.)

#### 5:14A-7.8 Quality assurance program

(a) The quality assurance program for manufacture, assembly, erection, modification, or reconditioning, shall contain, at a minimum, all of the following:

- 1.-6. (No change.)

7. Testing shall be performed, in accordance with ASTM [F 846-92] **F 1193**, on the ride, and subassemblies and parts, if necessary; and

- 8. (No change.)

### SUBCHAPTER 9. OPERATION

#### 5:14A-9.11 Maintenance and repair

- (a) (No change.)

(b) Rides shall be operated and maintained in compliance with the manufacturer’s specifications for fatigue loading. No holes shall be drilled into tubing that might compromise the integrity of the structure without written permission from the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey **or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials** shall review and approve, in writing, the actions and reasons for said actions. The manufacturer or the professional engineer shall show, from materials standards or from the maintenance manual, that the proposed hole sizes and locations will not compromise the integrity of the structure.

(c) No structural shaft may be cross-drilled or welded without the written permission of the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey **or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials** shall review and approve, in writing, the actions and reasons for said actions.

- (d)-(f) (No change.)

(g) Any and all work performed by a machine shop, repair facility, or a third party of any kind for any reason shall be done to the documented specifications of the manufacturer or of a professional engineer licensed to practice in the State of New Jersey **or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**, as appropriate, based on the approved written repair plan.

- (h)-(j) (No change.)

### SUBCHAPTER 10. SPECIAL PROVISIONS FOR BUNGEE JUMPING OPERATIONS

#### 5:14A-10.7 Engineering review

(a) Before an engineering review can be conducted, the following shall be submitted to the Department:

1. One complete set of ride drawings signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**;

2. One complete set of ride design calculations signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**, including local environmental conditions;

3.-4. (No change.)

5:14A-10.8 Engineering certification

(a) (No change.)

(b) An application for an engineering certification for a bungee jumping operation shall include two copies of the following documents, signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**:

1.-8. (No change.)

9. A definitive statement by a professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials** that the bungee jumping operation is safe and acceptable to operate with the equipment identified in the submittal.

### SUBCHAPTER 13. INFLATABLE RIDES

5:14A-13.3 Type certification

(a)-(b) (No change.)

(c) Manufacturers shall submit the following documentation for each inflatable ride:

1.-4. (No change.)

5. Design calculations per inflatable ride, or class of ride if the wind load areas are comparable, indicating the number of anchorage points and anchor size based upon live and wind loads. The calculations shall be signed and sealed by a [licensed] professional engineer **licensed to practice in the State of New Jersey or, when the design is performed out-of-State, another qualified individual with substantially equivalent credentials**; and

6. (No change.)

5:14A-13.8 Ride loading and unloading

(a) (No change.)

(b) For completely enclosed, dark structures:

1. Exits shall be marked by readily visible signs in compliance with [IBC 2000,] Section [1003.2.10] **1013 of the building subcode, Uniform Construction Code of New Jersey (N.J.A.C. 5:23)**, in all cases where it is not immediately visible to the riders;

2.-4. (No change.)

(c) (No change.)

5:14A-13.9 Materials

(a) (No change.)

(b) Foam padding shall meet the requirements of ASTM F 1918, Section [11.5.2] **12.5.2**.

### SUBCHAPTER 14. CLIMBING WALL AMUSEMENT RIDES

5:14A-14.5 Design and construction

(a)-(e) (No change.)

(f) Design of an artificial climbing wall shall be in accordance with EN 12572[:1999], Artificial climbing structures—Protection points, stability requirements, and test methods.

(g)-(k) (No change.)

(a)

## DIVISION OF CODES AND STANDARDS Liquefied Petroleum Gas

### Proposed Amendment: N.J.A.C. 5:18-1.6

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 21:1B-2, 21:1B-15, 34:1-20, and 34:1A-3(e); and Reorganization Plan No. 002-1998.

Calendar: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-169.

Submit written comments by October 6, 2017, to:

Kathleen Asher  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625  
Fax No. (609) 984-6696  
[kathleen.asher@dca.nj.gov](mailto:kathleen.asher@dca.nj.gov)

#### Summary

The proposed amendment would change the labeling requirements for liquefied petroleum gas (LPG) cylinders. Currently the rules require that those filling LPG cylinders that are between four and 40 pounds capacity affix a warning in Spanish and English that advises the consumer not to bring the cylinder indoors. The proposed amendment would require a label that graphically depicts the warning in addition to the current labeling requirements. The Department believes that the graphic symbol will be more apparent to consumers and will allow those that do not read Spanish or English to be warned.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed amendment at N.J.A.C. 5:18-1.6 would have a clear social benefit. The proposed amendment further protects the safety of people that use propane gas cylinders by ensuring that these cylinders be kept outdoors.

#### Economic Impact

The requirement to maintain a text-based warning was mandated pursuant to N.J.A.C. 5:18-1.6 prior to this rulemaking, therefore, the proposed amendment, which would require an additional warning, would not result in any substantial changes or cost increases. The Department does not expect the proposed amendment to have a noticeable economic impact.

#### Federal Standards Statement

No Federal standards analysis is required because the proposed amendment is not proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

#### Jobs Impact

The Department does not anticipate that the proposed amendment would result in the creation or loss of any jobs.

#### Agriculture Industry Impact

The Department does not anticipate that the proposed amendment would impact the agriculture industry.

#### Regulatory Flexibility Analysis

The proposed amendment requires that an additional label be affixed to LPG cylinders when they are filled. Though many companies who fill LPG cylinders are categorized as "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the intent of the rule is to educate and protect consumers and this goal can only be achieved by applying the rule to all businesses. The proposed amendment does not impose reporting or recordkeeping, nor does the proposed amendment create a need for other professional services.