

events for a period of at least six months, but not more than one year; and

3. For a fourth or subsequent offense, the Committee shall, after a hearing, suspend the owner or operator of the winery from conducting special occasion events for a period of at least one year, but not more than two years.

(c) Any penalty imposed pursuant to this section may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the Penalty Enforcement Law of 1999 in connection with N.J.S.A. 4:1C-32.7 et seq.

CHILDREN AND FAMILIES

(a)

DIVISION OF CHILD PROTECTION AND PERMANENCY

Adoptions

Proposed Amendments: N.J.A.C. 3A:23-1.1, 1.2, and 1.3

Proposed Repeals: N.J.A.C. 3A:23-2 and 3

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner, Department of Children and Families.

Authority: N.J.S.A. 9:3-54.1, 9:3A-7.f, 30:4C-4(h), and 30:4C-49.

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

Proposal Number: PRN 2017-141.

Submit written comments by October 6, 2017, to:

Pamela Wentworth
Department of Children and Families
PO Box 717
Trenton, New Jersey 08625 or
rules@dcf.state.nj.us

The agency proposal follows:

Summary

The Department of Children and Families (“DCF” or “Department”) proposes amendments to N.J.A.C. 3A:23, Adoptions.

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

The Department proposes to delete the definition of “DYFS Director” from N.J.A.C. 3A:23-1.1 and replace it with a definition of “CP&P Director” and to replace “Division of Youth and Family Services (DYFS)” with “Division of Child Protection and Permanency (CP&P)” at N.J.A.C. 3A:23-1.2(a)10, pursuant to the amendment of N.J.S.A. 30:4C-2, effective June 29, 2012.

In accordance with the language in N.J.A.C. 3A:51, Manual of Requirements for Resource Family Parents, the Department is proposing to amend the language in N.J.A.C. 3A:23-1.1 and 1.3(a) and (g) from the term “resource parent” to “resource family parent,” which is the term widely used by the Department. No changes are being made to the definition of the term “resource family parent.”

The Department is proposing to modify N.J.A.C. 3A:23-1.2 to align criteria for determining that a child is a child with special needs with Federal requirements as articulated in ACYF-CB-PA-01-01, specifically by making clear that qualifying special needs must substantially burden the placement of the child in an adoptive home, and that a reasonable but unsuccessful effort to make such a placement is a prerequisite for the determination. Since the Department revised the introduction in N.J.A.C. 3A:23-1.2(a), the beginning of N.J.A.C. 3A:23-1.2(a)1, 2, 3, and 4 is proposed for amendment to coordinate with the introduction in (a).

The Department proposes to amend N.J.A.C. 3A:23-1.2(a)1 to add that a child must have a serious medical condition, rather than a medical

condition, as not all medical conditions render a child hard to place. The Department also proposes to remove a dental condition as one making the child a special needs child, as dental conditions are subsumed under serious medical conditions.

The Department is proposing to add to the qualifying reasons that a child may be determined to be a special needs child in N.J.A.C. 3A:23-1.2(a)8, which states that the child has suffered child abuse or neglect that resulted in the child’s out-of-home placement by the Division. The National Council for Adoption and others have noted that there is a stigma associated with the adoption of children having experienced early childhood abuse or neglect, resulting in markedly greater difficulty in achieving placement for these children. The Department, by this amendment, is seeking to recognize this reality and accommodate accordingly.

The Department proposes to add new N.J.A.C. 3A:23-1.2(a)9 to include children who meet the Supplemental Security Income requirements pursuant to 42 U.S.C. § 673(c)(2)(B)(ii), which identifies such children as special needs children.

In furtherance of the Federal mandate, the Department is proposing new N.J.A.C. 3A:23-1.2(b), specifying that private agency adoptions, in which placement occurs prior to the agency notifying the Division of an anticipated need for subsidy payments, are rebuttably presumed not to meet these requirements, except, as required in the Federal rules, if it meets the medical and disability requirements to be eligible for Supplemental Security Income benefits.

The Department is also proposing new N.J.A.C. 3A:23-1.2(c) to specify that the determination that children belonging to a specific racial or ethnic group or children who are members of a minority or ethnic group within a specific age range are difficult to place is a decision to be made exclusively by the Division. Only the Division is privy to fluctuating information on the relative availability of homes, patterns in families’ willingness or refusal to accommodate children of varying ethnic or racial backgrounds, and other information relevant to the decision making. Allowing this to become a fact-specific inquiry risks needless litigation and dispute resolution contrary to the interests of children being placed for adoption and families seeking to provide homes for those children.

As the Department proposes to add new subsection (c), which addresses the determination that a child is a special needs child based on the child’s ethnic or minority group and age, the specific determination of special needs status based on a child’s age is no longer necessary or appropriate in the Department’s rules. The Department proposes to delete this information from N.J.A.C. 3A:23-1.2(a)7 and to delete all of paragraph (a)8. A reference to the limitations in N.J.A.C. 3A:23-1.2(c) is added to 1.2(a)7 for clarity. The Department is also amending “a member of” with “belonging to an ethnic or minority group” for clarity.

The Department is proposing to amend N.J.A.C. 3A:23-1.3(a) to include adoption subsidy payments to adoptive parents who received a subsidy-eligible child, not under Department supervision, but through a private adoption agency licensed to practice adoption within New Jersey pursuant to N.J.S.A. 30:4C-46.

The Department is also proposing to amend N.J.A.C. 3A:23-1.3(b)1, to clarify that an adoptive family may re-apply for an adoption subsidy only on behalf of a child who was placed by the Department and initially found ineligible for the subsidy benefit.

In addition, the Department is proposing to amend N.J.A.C. 3A:23-1.3(f)8 to address a change in language from “annual certification” to annual “notice for subsidy.” Adoptive parent(s) receiving subsidy shall comply annually with the notice for subsidy for the purpose of notifying 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.

The Department proposes to repeal Subchapter 2, Adoption Complaint Investigation Fees. While the Division of Child Protection and Permanency is an approved adoption agency that is authorized to complete adoption complaint investigations pursuant to N.J.S.A. 9:3-48, the Division believes that it has been at least 20 years since the Division did adoption complaint investigations. New Jersey’s approved private sector adoption agencies have been handling these investigations for the court, pursuant to N.J.S.A. 9:3-48.a. The Division can charge fees to the

plaintiffs without this rule, pursuant to N.J.S.A. 9:3-53, if the Division resumes completing adoption complaint investigations in the future.

The Department proposes to repeal Subchapter 3, Medical Information. Adoption agencies are approved under N.J.A.C. 3A:50, Manual of Requirements for Adoption Agencies. They are required to provide a written developmental and medical history to the adoptive parents at N.J.A.C. 3A:50-5.7(b)1. Therefore, Subchapter 3 is not necessary.

Social Impact

The Department believes the proposed amendment to N.J.A.C. 3A:23-1.1, Division of Youth and Family Services to the Division of Child Protection and Permanency, pursuant to amendments to N.J.S.A. 30:4C-2, effective June 29, 2012, will have no social impact on the population receiving or applying for adoption subsidy.

The Department further believes the proposed amendment to the language in N.J.A.C. 3A:23-1.1 and 1.3(a) and (g) from “resource parent” to “resource family parent” will have no social impact on an adoptive or prospective adoptive parent nor an adopted or prospective adopted child.

The Department believes that changes proposed to the special needs criteria in N.J.A.C. 3A:23-1.2 will give vital clarification to the regulated community, improve access to available benefits, and ease the adoption and placement processes.

The Department believes the proposed amendment to N.J.A.C. 3A:23-1.3(a), will have little to no impact on the majority of families already receiving adoption subsidy, with the exception of the approximately five private adoptions processed annually through private agencies where adoptive parents received a subsidy-eligible child, not under Department supervision. For these few adoptions, the Department believes adoption subsidy can provide additional means by which adopted children can obtain quality of life services that will have a positive impact on the adopted child. Services can include, but are not limited to: individual or family counseling (not always covered under Medicaid or private insurance); day or overnight summer camps; instructional or educational activities not available in traditional school settings; and/or athletic and social activities that promote physical, emotional, or cognitive development and overall well-being.

The Department believes the proposed amendment to N.J.A.C. 3A:23-1.3(b)1 does not have any social impact on the majority of the children adopted through the Department each year. However, the Department believes by clarifying who is eligible to re-apply for adoption subsidy on behalf of the child, who was initially found ineligible for subsidy benefits, will have a positive social impact on the adopted child and his or her family. If the adopted child is found eligible for subsidy benefits, the funds and in-kind services (Medicaid) can be used to enhance the child’s educational, social, environmental, and developmental well-being.

The Department further believes the proposed amendment to N.J.A.C. 3A:23-1.3(f)8, addressing a change in Division language from annual certification to annual notice for subsidy, will have little to no social impact on adoptive parent(s) receiving subsidy who shall comply annually for the purpose of notifying 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.

The Department does not anticipate any social impact from the repeal of Subchapters 2 and 3, as the content of these subchapters is addressed elsewhere in statute and rule.

Economic Impact

The families who adopt special needs children are assured a permanent subsidy and medical insurance to support the child until the child reaches age 18. Since the adoption subsidy payments are equal to the payments to care for children receiving foster care in a resource family home, there is no financial disincentive to adoption. A family receives the same amount of financial support and medical insurance whether the family provides foster care or adoptive care to a child.

The Department processed an estimated five private adoption subsidy payments in fiscal year (FY) 2012. The cost for those five private subsidy payments totaled approximately \$55,872 in FY 2012.

The Department continues to provide subsidy to the private adoption agency children receiving subsidy payments until each child reaches 18 years of age.

The Department’s FY 2017 Title IV-E funding is \$168.2 million.

The repeal of Subchapter 2 should not have an economic impact on either the Division or those adopting children not received from an approved adoption agency. The Division no longer completes adoption complaint investigations, so it has not received this income for at least 20 years. People adopting children will still pay the costs of the approved agency pursuant to statute.

The repeal of Subchapter 3 will not have an economic impact on either approved adoption agencies or on prospective adoptive parents. The approved adoption agency will still provide the child’s and birth parent’s histories to the adoptive parents in accordance with N.J.A.C. 3A:50-5.7(b)1.

Federal Standards Analysis

N.J.A.C. 3A:23-1 is consistent with Title IV-E of the Social Security Act, 42 U.S.C. §§ 673 et seq., Adoption and Guardianship Assistance Program, and the definition of “adoption assistance agreement” at 42 U.S.C. § 675(3).

The proposed changes to N.J.A.C. 3A:23-1.2(b) bring the Department into greater compliance with the provisions of 42 U.S.C. § 673(c) by specifically mandating the reasonable but unsuccessful effort to place a child without providing adoption assistance, and requiring a determination that a child’s adoption placement cannot be made without providing adoption subsidy.

Proposed new N.J.A.C. 3A:23-1.2(a)9, which defines a special needs child as one who meets the Supplemental Security Income requirements, also reflects, but does not exceed, Federal eligibility standards for adoption subsidy at 42 U.S.C. § 673(c)(2)(B)(ii).

The proposed amendment of N.J.A.C. 3A:23-1.3(f)8 supports, but does not exceed, the Federal requirement at 42 U.S.C. § 673(a)(4)(B) for the adoptive parents receiving adoption subsidy to notify the State agency of circumstances that would affect their eligibility for adoption subsidy payments.

The Department exceeds Federal standards by operating an identical State-funded adoption subsidy program for special needs children who are not eligible for the Title IV-E Adoption Assistance program, as set forth in N.J.S.A. 30:4C-45 through 49. This program ensures that all special needs children have an equal opportunity to have a permanent adoptive family.

If the State-funded subsidy program were not available, the majority of these children would remain in the foster care system, to the detriment of their emotional well-being and at an increased expense to the State. Not only would all of the direct costs paid through subsidy be incurred by the Division while the children are in foster care, but the administrative costs that arise from the supervision of these children in their foster homes would have to be assumed by the State as well. In addition, most children who are adopted are provided with a familial support system that assists them emotionally and financially after they reach 18 and are no longer eligible for subsidy. In contrast, most children with special needs, who age out of the foster care system, seek out assistance from the public service delivery system at an additional expense to the State. The provision of the State subsidy program is neither administratively, nor financially onerous, as it operates in the same way as the Federal Title IV-E adoption assistance program, using the same staff, procedures, and technology.

There are no Federal standards regarding the topics of Subchapter 2, Adoption Complaint Investigation Fees, or Subchapter 3, Medical Information.

Jobs Impact

The Division anticipates no impact, either positive or negative, on job creation due to the adoption of these proposed amendments and repeals.

Agriculture Industry Impact

The proposed amendments and repeals have no impact on the agriculture industry.

Regulatory Flexibility Statement

Neither the Department, the Department's clients, nor the adoptive parents who apply for or receive adoption subsidy payments are considered small businesses within the meaning of N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. Agencies approved or licensed either by New Jersey or another state to provide adoption services may be small businesses. The proposed amendments to and repeals of N.J.A.C. 3A:23 do not impose reporting, recordkeeping, or compliance requirements on any small businesses. The proposed amendments provide information on adoption subsidy payments to adoptive parents who received a subsidy-eligible child, not under Department supervision, but through a private adoption agency licensed to practice within New Jersey. Therefore, a regulatory flexibility analysis is not necessary.

Adoption subsidy is available for a special needs child under the care of New Jersey private agencies certified to practice adoption pursuant to State adoption law, N.J.S.A. 9:3-37 et seq. In order to be certified, these agencies must meet the requirements for certification as contained in N.J.A.C. 3A:50. No additional compliance requirements are imposed on these agencies through the adoption subsidy program.

The proposed repeal of Subchapter 2 has no impact on small businesses as it relates only to the Division.

The proposed repeal of Subchapter 3 has no effect on small businesses. While some approved adoption agencies are small businesses, there will be no change to the requirement that they share developmental and medical history with the prospective adoptive parents, since this remains a requirement in N.J.A.C. 3A:50-5.7(b)1.

Housing Affordability Impact Analysis

The Division does not believe the proposed amendments to and repeals of N.J.A.C. 3A:23 will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to the Division's adoption subsidy program.

Smart Growth Development Impact Analysis

The proposed amendments and repeals to N.J.A.C. 3A:23 have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the Division's adoption subsidy program.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 3A:23-2 and 3.

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

SUBCHAPTER 1. ADOPTION SUBSIDY

3A:23-1.1 Definitions

The following words and terms used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

...
"CP&P Director" means the Director of the Division of Child Protection and Permanency in the Department of Children and Families.
 ...

["DYFS Director" means the Director of the Division of Youth and Family Services in the Department of Children and Families.]

"Resource **family** parent" means a person who has received a resource **family** parent license from the State of New Jersey in order to provide foster, adoptive, or kinship care.

"Special needs child" means any child who the State of New Jersey or a private adoption agency licensed to operate in New Jersey has the legal right to place for adoption but who is reasonably expected to be hard to place (due to a difficulty in finding a prospective adoptive home) as specified in N.J.A.C. 3A:23-1.2.

3A:23-1.2 Determining that a child is a special needs child

(a) [A Department representative shall determine that a child is a special needs child for any of the following reasons:] **A child is a**

special needs child, subject to the limitations in (b) and (c) below, if the CP&P Director or designee determines that the adoptive placement of that child is significantly burdened or prevented as a result of:

1. [Any] **The child's having a serious** medical [or dental] condition [which] **that** will require repeated or frequent hospitalization or treatment;

2. [Any] **The child's having any** physical handicap, by reason of physical defect or deformity, whether congenital or acquired by accident, injury, or disease, which makes or may be expected to make a child totally or partially incapacitated for education or for remunerative occupation;

3. [Any] **The child's having any** substantial disfigurement, such as the loss or deformation of facial features, torso, or extremities;

4. [A] **The child's having a** diagnosed emotional, mental health, or behavioral problem, psychiatric disorder, serious intellectual incapacity, or brain damage [which] **that** seriously affects the child's ability to relate to his or her peers or authority figures, including, but not limited to, a developmental disability;

5.-6. (No change.)

7. The child [is over two years of age and a member of] **belonging to** an ethnic or minority group for whom adoptive homes are not readily available, **subject to the limitations in (c) below.** Information regarding availability of homes may be obtained from the Department;

[8. The child is over five years of age and has been living with a resource parent for at least 12 months and adoption by the resource parent is the most appropriate plan for the child. A child under five may be deemed special needs and qualify for subsidy under this subsection if he or she is a member of an ethnic or minority group for whom adoptive homes are not readily available; or]

8. The child's having suffered child abuse or neglect that resulted in out-of-home placement by the Division;

9. The child's meeting the medical or disability requirements for Supplemental Security Income pursuant to 42 U.S.C. § 673(c); or

[9.] **10.** Any other condition of a specific child [which] **that** may be approved by the [DYFS] CP&P Director or designee.

(b) A child shall not be considered a special needs child unless the CP&P Director or designee determines that a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption subsidy. Private adoption agencies shall bear the burden of demonstrating to the satisfaction of the CP&P Director or designee that a child placed by that adoption agency could not be placed with appropriate adoptive parents without adoption subsidy.

1. A child placed in an adoptive home prior to the Department being notified of a need for adoption subsidy shall be presumed to have been placed without the need for such assistance unless compelling evidence to the contrary is provided.

2. This subsection shall not apply to a child determined to meet the medical and disability requirements to be eligible for Supplemental Security Income under 42 U.S.C. § 673(c).

(c) The determination that homes are not readily available for a minority or ethnic group or for members of a minority or ethnic group within a specific age range shall be made by the CP&P Director or designee and subject to continuous reevaluation based on the fluctuating availability of adoptive homes.

3A:23-1.3 Payments for the care and maintenance of a special needs child (adoption subsidy)

(a) The Department shall make payments for the care and maintenance of a special needs child to the person(s) with whom the child has been placed for adoption or by whom the child has been adopted when such payments are applied for prior to adoption according to such forms and procedures as may be established by the Department. The Department shall make adoption subsidy payments only to a person who, at the time the adoption is finalized, is a licensed resource **family** parent in accordance with N.J.A.C. 3A:51, [or] to a person who has been approved as an out-of-State adoptive parent, **or to an adoptive parent who received a subsidy-eligible child, not under Department**

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

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