

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF CODES AND STANDARDS

#### Carnival-Amusement Rides

#### Proposed Amendments: N.J.A.C. 5:14A-1.3 and 4.13

Authorized By: Lieutenant Governor Sheila Y. Oliver,  
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 5:3-31.

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

Proposal Number: PRN 2021-035.

Submit written comments by June 18, 2021, to:

Geraldine Callahan  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625  
Fax No. (609) 984-6696  
[geraldine.callahan@dca.nj.gov](mailto:geraldine.callahan@dca.nj.gov)

The agency proposal follows:

#### Summary

The Department of Community Affairs (Department) seeks to amend Subchapter 1, General Provisions, of Carnival-Amusement Rides, N.J.A.C. 5:14A, to revise definitions; the revised definitions would align terminology with national standards, specifically ASTM F770-18. This is being done at the request of the Carnival-Amusement Ride Safety Advisory Board (CARSAB). These terms are known throughout the industry to have the meanings as set forth at ASTM F770-18, and the Department's use of such terms would ensure clarity and reduce injuries that are minor in nature from being reported as a serious incident. Amendments would also be made throughout Subchapter 4, Owner Responsibility, to incorporate the new terms into reporting requirements.

A section-by-section summary of the proposed amendments follows:

1. At N.J.A.C. 5:14A-1.3, several definitions would be added or deleted, as follows:

- The definition of "first-aid" would be deleted as a result of the inclusion of "minor injury/illness" from ASTM F770-18, which covers what was considered under first-aid treatment within these regulations.
- The definition of "illness" pursuant to ASTM F770-18 would be added.
- The definition of "injury" pursuant to ASTM F770-18 would be added.
- The definition of "minor injury/illness" pursuant to ASTM F770-18 would be added.

- The definition of "serious injury" would be deleted as a result of the inclusion of "serious injury/illness," as noted below.

- The definition of "serious injury/illness" pursuant to ASTM F770-18 would be added. This definition provides more specificity on what constitutes a serious injury at a carnival or amusement park.

2. At N.J.A.C. 5:14A-4.13(a), amendments would revise the section to incorporate the new definitions to the reporting requirements.

3. At N.J.A.C. 5:14A-4.13(b), amendments would allow for email submittal of incident reporting. N.J.A.C. 5:14A-4.13(b)4 would also be amended for clarity to ensure that rider removal due to power outages, rider behavior, or rider request are not considered evacuations, which would be an incident requiring reporting to the Department.

4. At N.J.A.C. 5:14A-4.13(c), amendments would insert the term minor injury/illness to align with the definition at N.J.A.C. 5:14A-1.3. Amendments would also delete N.J.A.C. 5:14A-4.13(c)2, as incidents that require a report to the Department are appropriately addressed within subsection (b).

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.

#### Social Impact

Because this rulemaking clarifies injury definitions and reporting standards, it is anticipated that it will have a positive social impact. These amendments will clarify to the ride industry what constitutes a serious injury and is expected to reduce the number of serious incident reports. Currently, a large number of incident reports are made because an individual requests a transport for injuries of a minor nature; the amendments would ensure that only transports resulting from a major injury/illness would occur. This will also be beneficial to the public because reporting numbers will more accurately reflect the seriousness of any incidents in a park, rather than having the numbers inflated by minor injuries where transports happened by request.

#### Economic Impact

The proposed amendments are not expected to have any economic impact. As discussed in the Summary above, these amendments revise definitions and the reporting standards. There is no cost entailed in reporting incidents to the Department.

#### Federal Standards Statement

No Federal standards analysis is required because these amendments are not being 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 proposed amendments are not expected to have an impact on the generation or loss of jobs.

**Agriculture Industry Impact**

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

**Regulatory Flexibility Statement**

The proposed amendments are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses or to require them to engage any professional services they would not otherwise need to engage. Many carnivals and amusement parks are considered to be small businesses, and clarifying the definition of serious injury/illness is expected to result in fewer reported incidents to the Department. As such, this should remove some burden from the owners and operators of carnival-amusement rides.

**Housing Affordability Impact Analysis**

It is not expected that the proposed amendments will have any impact on the affordability of housing in New Jersey or evoke a change in the costs associated with production of affordable housing, as the amendments clarify the definition of serious injury or illness.

**Smart Growth Development Impact Analysis**

It is not expected that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, as the amendments clarify the definition of serious injury or illness.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State.

**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.

...  
[“First aid” means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, contusions and minor complaints. For purposes of these rules, “first aid” shall not include first response to a serious injury.]

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

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

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

...  
[“Serious injury” means any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.]

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

...

SUBCHAPTER 4. OWNER RESPONSIBILITY

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

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

1.-3. (No change.)

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

i. [A copy of the report submitted to the Department shall be sent] **The ride owner shall send a copy of this report** to the ride manufacturer.

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

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

2. Prepare a written incident report and send it to the Department by [facsimile at a number provided for this purpose] **email** within five days of the incident or by mail at PO Box [816] **808**, 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. (No change.)

[4. An evacuation due to an area-wide power failure or an evacuation at the normal discharge location of the ride shall not be considered an emergency evacuation for purposes of this subsection.

i. The removal of an individual rider or riders at other than the normal discharge location at the rider’s request or due to rider behavior and having nothing to do with the operation or functioning of the ride shall be recorded in accordance with (c) below.]

**4. Rider removal due to an area-wide power failure, or at the request of rider, or due to rider misbehavior, shall not be considered evacuation for the purposes of this subsection.**

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

1. The information shall include at least the following:

i.-vi. (No change.)

[2. The removal of an individual rider or riders as described in (b)4i above shall be recorded.]

**(a)**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed Amendment: N.J.A.C. 5:23-6.8**

Authorized By: Lieutenant Governor Sheila Y. Oliver,  
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2021-034.

Submit written comments by June 18, 2021, to:

Geraldine Callahan  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625