

APPENDIX II-J

INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number _____ Rule Number Saf-C 1400 various

1. Agency Name & Address:

**Department of Safety
Division of Fire Safety
110 Smokey Bear Blvd.
Concord, NH 03301**

2. RSA Authority: RSA 321-A:2

3. Federal Authority: N/A

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption X

Readoption w/amendment _____

5. Filing Date: **May 5, 2022**

6. Short Title: **Readoption of Various Carnival-Amusement Rules**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David M. Hilts, Esq.**

Title: **Senior Staff Counsel**

Address: **Department of Safety
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Concord, NH 03301**

Phone #: **(603) 227-4032**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Summary explaining the effect of the rule: **The proposed rules limit the period of expiration of the rules in question, which will expire on May 18, 2022.**

9. Listing of people, enterprises, and government agencies affected by the rule: **The proposed rules affect owners or operators of carnival or amusement rides or devices, passengers and users of those rides or devices, and the Department of Safety, Division of Fire Safety.**

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule	Specific State or Federal Statutes the Rule Implements
Saf-C 1401.01	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.02	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.04	RSA 321-A:1, RSA 321-A:2 and RSA 541-A:16
Saf-C 1401.05	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.081	RSA 321-A:1, I and RSA 541-A:1, XV
Saf-C 1401.09	RSA 321-A:1, II
Saf-C 1401.10	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.12	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.25	RSA 541-A:1, XV
Saf-C 1401.32	RSA 321-A:1, I, RSA 321-A:2 and RSA 541-A:16
Saf-C 1401.33	RSA 541-A:7
Saf-C 1402.03(a)	RSA 321-A:2
Saf-C 1402.03(b)	RSA 155-A:1; RSA 155-A:10; RSA 321-A:2
Saf-C 1402.03(c)	RSA 321-A:2
Saf-C 1402.06	RSA 321-A:2
Saf-C 1402.07	RSA 321-A:2
Saf-C 1402.10(a); (c); (d); and (e)	RSA 155-A:1; RSA 155-A:10; RSA 321-A:2
Saf-C 1402.10(b)-(e)	RSA 321-A:2
Saf-C 1405.09	RSA 321-A:2

11. Summary of the effect upon the state if the rule were not adopted: **The rules whose period of expiration would be limited by this rulemaking pertain to the definitions of terms within the Department’s program to regulate carnival and amusement rides and devices, as well as safety factors for the consideration of the locations and installations of carnival and amusement rides and devices, regulations governing the use of parts and tools in installation or repair, and written plans for emergency situations. The Department’s ability to regulate industry participants in a consistent and uniform manner would be lessened with the inability to enforce expired rules during their period of expiration.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules: **May 20, 2022**

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable. **N/A**

Readopt Saf-C 1401.01, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.01 Construction. Wherever used in these rules, the following terms shall be defined as set forth in this part, unless a different meaning is clearly apparent from the text, or is specifically set forth therein.

Readopt Saf-C 1401.02, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.02 “Alpine slide” means a sled with brakes that travels in a trough.

Readopt Saf-C 1401.04, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.04 “Body harness” means a safety assembly worn on the user's torso.

Readopt Saf-C 1401.05, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.05 “Bumper boats” means boats of the same configuration, that are designed to collide with other bumper boats and are located in an enclosed body of water, such as a pool.

Readopt Saf-C 1401.081, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.081 “Carnival or amusement ride” means “carnival or amusement ride” as defined in RSA 321-A:1, I.

Readopt Saf-C 1401.09, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.09 “Commissioner” means the commissioner of the New Hampshire department of safety.

Readopt Saf-C 1401.10, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.10 “Director” means the director of the division of fire safety of the New Hampshire department of safety.

Readopt Saf-C 1401.12, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.12 “Go carts” means any small motorized vehicles that are driven on a track specifically designed for the defined.

Readopt Saf-C 1401.25, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1401.25 “Mountain coaster” means a sled with brakes that travels on metal rails.

Readopt Saf-C 1401.32, effective 5-18-12 (Doc. #10131) and renumbered in Doc. #11151, as follows:

Saf-C 1401.32 “Water rides or conveyances” means any ride where the participant is seated in or on a component that is conveyed through troughs of water.

Readopt Saf-C 1401.33, effective 5-18-12 (Doc. #10131) and renumbered in Doc. #11151, as follows:

Saf-C 1401.33 “Water slide” means a slide with water circulating through troughs and in which participant sits on a mat or on the slide surface itself and is carried down the slide on the water.

Readopt Saf-C 1402.03, effective 5-18-12 (Doc. #10131) and amended effective 8-28-18 (Doc. #12615), as follows:

Saf-C 1402.03 Safety Factors.

(a) All consideration for public safety shall be given in designating the location of each carnival or amusement ride and the safe installation thereof, including but not limited to the following:

- (1) The physical nature of surrounding objects or surfaces that might produce undesirable contact for the riders of the carnival or ride;
- (2) The reasonably foreseeable changes that are likely to occur in the location or nature of the surroundings;
- (3) Site to be free from large rocks, debris or any holes; and
- (4) Site to be sufficiently level to provide safe operation of the ride or device.

(b) Conductors shall have a vertical clearance to ground in accordance with Article 525.5 of the National Electrical Code, NFPA 70, 2017 edition published by the National Fire Protection Association (NFPA), as adopted pursuant to RSA 155-A:1 and as amended by the building code review board and ratified by the legislature in accordance with RSA 155-A:10. These clearances shall apply only to wiring installed outside of tents and concessions.

(c) Amusement rides or devices shall be maintained not less than 4.5 m (15 ft) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or device. Amusement rides or devices shall not be located under or within 4.5 m (15 ft) horizontally and extending vertically to grade of conductors operating in excess of 600 volts.

Readopt Saf-C 1402.06, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1402.06 Assembly Parts. In assembling parts of a carnival or amusement ride, no part shall be bent, distorted, cut or otherwise altered to make it fit its original intended position by design.

Readopt Saf-C 1402.07, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1402.07 Tools Used.

(a) All persons engaged in the assembly or disassembly of carnival or amusement ride shall be provided with and shall use tools of proper size and design to enable said work to be performed safely and properly.

(b) The owner or operator shall be responsible for providing said tools.

Readopt Saf-C 1402.10, effective 5-18-12 (Doc. #10131) and amended effective 8-28-18 (Doc. #12615), as follows:

Saf-C 1402.10 Electrical Wiring.

(a) Under the authority provided by RSA 321-A:2, the commissioner hereby adopts as a rule, the National Electrical Code, NFPA 70, 2017 edition, published by the National Fire Protection Association (NFPA), as adopted pursuant to RSA 155-A:1 and as amended by the building code review board and ratified by the legislature in accordance with RSA 155-A:10.

(b) All electrical wiring associated with any carnival or amusement ride shall comply with all relevant provisions of said code.

(c) All generating plants shall be designed and maintained in accordance with the provisions of the National Electrical Code, NFPA 70, 2017 edition, published by the National Fire Protection Association (NFPA), as adopted pursuant to RSA 155-A:1 and as amended by the building code review board and ratified by the legislature in accordance with RSA 155-A:10. Each plant shall be individually identified by a unique identification number.

(d) All generators shall be inspected and certified annually by a licensed New Hampshire electrician to comply with the National Electrical Code, NFPA 70, 2017 edition, or listed by a third party testing agency published by the National Fire Protection Association (NFPA), as adopted pursuant to RSA 155-A:1 and as amended by the building code review board and ratified by the legislature in accordance with RSA 155-A:10. This certification shall contain the unique identification number required in (c) above and shall remain with the generator and be presented in hand to any authorized agent of the commissioner upon request.

(e) All distribution boxes shall be designed and maintained in accordance with the provisions of the National Electrical Code, NFPA 70, 2017 edition, published by the National Fire Protection Association (NFPA), as adopted pursuant to RSA 155-A:1 and as amended by the building code review board and ratified by the legislature in accordance with RSA 155-A:10. Each box shall be individually identified by a unique identification number. All distribution boxes shall be individually certified by a third party testing agency or a licensed New Hampshire electrical engineer.

Readopt Saf-C 1405.09, effective 5-18-12 (Doc. #10131), as follows:

Saf-C 1405.09 Emergency Situation.

(a) Each park or carnival shall have a written plan setting out procedures to be followed when an emergency situation occurs.

(b) The plan shall include, but not be limited to, the following emergency situations:

- (1) Fires;
- (2) Power failure;
- (3) Hurricanes;
- (4) Electrical storms;
- (5) Riots;
- (6) Need for medical care;
- (7) Floods; and
- (8) Chemical spills or explosions.

(c) The plan shall be available for inspection by the commissioner or his agent during normal business hours.

APPENDIX A

Rule	Specific State or Federal Statutes the Rule Implements
Saf-C 1401.01	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.02	RSA 321-A:2 and RSA 541-A:1, XV
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Saf-C 1401.12	RSA 321-A:2 and RSA 541-A:1, XV
Saf-C 1401.25	RSA 541-A:1, XV
Saf-C 1401.32	RSA 321-A:1, I, RSA 321-A:2 and RSA 541-A:16
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Saf-C 1402.10(b)-(e)	RSA 321-A:2
Saf-C 1405.09	RSA 321-A:2

APPENDIX B

Rule	Material Incorporated	How Material May be Obtained
Saf-C 1402.03(b); Saf-C 1402.10(a), (c), (d), (e)	National Electric Code, NFPA 70, 2017 edition	National Fire Protection Association (NFPA) 1 Batterymarch Park Quincy, MA 02169 Telephone: 800-344-3555 \$121.50 Non-Members \$109.35 Members Free access edition available online with registered profile