

CHAPTER 194**MODEL ROCKETRY****Authority**

N.J.S.A. 21:1C-1 et seq., specifically 21:1C-6.

Source and Effective Date

R.1997 d.468, effective November 3, 1997.
See: 29 N.J.R. 3702(a), 29 N.J.R. 4702(b).

Executive Order No. 66(1978) Expiration Date

Chapter 194, Model Rocketry, expires on November 3, 2002.

Chapter Historical Note

Chapter 194, Rocket Experimentation by Amateurs, was adopted by the Commissioner of Labor and Industry, pursuant to authority at N.J.S.A. 21:1A-131, and was filed and became effective prior to September 1, 1969.

Chapter 194, Rocket Experimentation by Amateurs, was repealed, and a new Chapter 194, Model Rocketry, was adopted by R.1997 d.468, effective November 3, 1997. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL STANDARDS**12:194-1.1 Purpose**

This chapter is promulgated to establish minimum safety requirements and standards for the manufacture and use of explosives in model and amateur rocketry.

12:194-1.2 Scope

This chapter is applicable to rocket experimentation by amateurs, including the mixing of rocket propellants, and the sale, storage, transportation and use of rocket propellants and preloaded, factory-made commercial model rocket engines that do not require mixing the propellant, as set forth in the National Fire Protection Association 1122 Code.

12:194-1.3 Adoption by reference

(a) The standards of the National Fire Protection Association (NFPA) 1122, "Code for Model Rocketry," 1994 edition and subsequent amendments thereto are hereby incorporated by reference as the rules for the manufacture and use of explosives in model and amateur rocketry. Copies of the NFPA 1122 may be obtained from the U.S. Government Publications, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) In addition to the standards incorporated by reference, this chapter sets forth additional rules governing the use of model and amateur rocketry.

SUBCHAPTER 2. DEFINITIONS**12:194-2.1 Definitions**

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

"Act" means N.J.S.A. 21:1C-1 et seq.

"Approved" means approved by the New Jersey Commissioner of Labor.

"Authority having jurisdiction" means in the New Jersey Commissioner of Labor.

"Commissioner" means the New Jersey Commissioner of Labor or his or her authorized representative.

"Department" means the New Jersey Department of Labor.

"Model rocket" means a commercially made rocket that is propelled by a rocket motor:

1. That contains a device for returning it to the ground in a condition to fly again;
2. Whose structural parts are made of paper, wood, or breakable plastic and contain no substantial metal parts; and

3. Whose primary usage for the purposes of education, recreation, and sporting competition.

“NFPA 1122 Code” shall mean the National Fire Protection Association 1122 Code for model rocketry.

“Rocket motor” means a device that provides the necessary force or thrust to cause a rocket to move and the force or thrust is created by the discharge of gas generated by combustion, decomposition, change of state, or other operation of materials completely stored within the rocket motor during the commercial manufacturing process and requiring no mixing of propellants.

SUBCHAPTER 3. AGE RESTRICTIONS

12:194-3.1 Age restrictions

(a) A person at least 12 years of age, but less than 14 years of age, who is a participant in a bona fide model rocket education program may fire a model rocket bearing the standardized engine coding 1/4A, 1/2A, A, B and C only when under the direct supervision and control of a person who is at least 21 years of age and only during the course of the model rocket education program.

(b) A person at least 14 years of age, but less than 18 years of age, shall be eligible to purchase and use a model rocket bearing the standardized engine coding 1/4A, 1/2A, A, B and C provided that the person has a consent form signed by a parent or legal guardian.

(c) A person at least 18 years of age shall be permitted to purchase and use a model rocket of any type or size.

SUBCHAPTER 4. CERTIFICATIONS

12:194-4.1 Certification requirements

(a) A model rocket shall not be sold, offered for sale, made available to the public, or used in this State unless it has been certified by the Commissioner of Labor.

(b) Any model rockets certified by the National Association of Rocketry is deemed certified by the Commissioner of Labor for sale and use.

(c) The Department shall maintain a current and complete list of all model rockets which have been certified by the Commissioner of Labor for sale and use and shall make such list available to the public upon request.

SUBCHAPTER 5. PERMITS

12:194-5.1 Permit restrictions

A person shall be required to obtain a permit for the storage of more than 100 kilograms (220 pounds) of solid propellant model rockets. No other permit shall be required for the possession, use, purchase, transportation, or sale of model rockets.

12:194-5.2 Storage permits

(a) Applications for a storage permit shall be made to the Commissioner on forms provided by him or her and shall contain such information including the applicant's name, address and amount of model rockets being stored.

(b) Any permit is revocable by the Commissioner for any violation of the Act or any rules or codes adopted thereunder.

SUBCHAPTER 6. VIOLATIONS/PENALTIES AND HEARINGS

12:194-6.1 Violations/penalties

(a) A person who violates any of the provisions of the Act or any rules or codes adopted thereunder, shall be liable for an administrative penalty of \$100.00.

(b) Each incident in violation of the provisions of this Act, or any rules or code adopted thereunder shall constitute an additional separate and distinct offense.

(c) Unsatisfied penalties shall be recovered by the Commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. in the county or municipality where the violation occurred.

12:194-6.2 Hearings

(a) No administrative penalty shall be levied pursuant to this chapter unless the alleged violator is provided with:

1. Notification of the violation;
2. The amount of the penalty to be imposed;
3. An opportunity to request a formal hearing.

(b) A request for formal hearing must be made in writing and received within 10 calendar days following service of the Notice of Violation.

(c) All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. in the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) If a hearing is not requested, the Notice of Violation shall become the final order upon expiration of the 10-day period following receipt thereof.

(e) The operator may request the initiation of a settlement conference at the time that the request for formal hearing is made. If a settlement conference is requested, or if the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of their request for a formal hearing.

(f) If a settlement is not agreed upon or no settlement conference is scheduled, the request for a formal hearing

shall be transmitted to the Office of Administrative Law (OAL).

(g) Payment of the penalty shall be due when the final agency determination is issued or when notification becomes the final decision because no appeal has been filed.

(h) All payments shall be made payable to the Department of Labor in the form of a certified check or money order, or such other form that the Department deems suitable.

(i) Upon entry of the final order the penalty imposed may be recovered with the cost and the summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.