

**RULE ADOPTIONS
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LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF WEIGHTS AND MEASURES**

Readoption with Amendments: N.J.A.C. 13:47C

Standard Containers for Farm Products; Weights and Measures

Proposed: December 7, 2009 at 41 N.J.R. 4404(a).

Adopted: April 13, 2010 by Louis Greenleaf, State Superintendent, Office of Weights and Measures.

Filed: April 21, 2010 as R.2010 d.071, **without change** .

Authority: N.J.S.A. 51:1-61.

Effective Date: April 21, 2010, Readoption; May 17, 2010, Amendments.

Expiration Date: April 21, 2015.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are subject to State statutory requirements. Although the rules are not subject to any mandated Federal requirements or standards, OWM has voluntarily adopted by reference the standards developed by the National Institute of Standards and Technology (NIST) Handbook 44 for weighing and measuring devices in the State.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:47C.

Full text of the adopted amendments follows:

SUBCHAPTER 1. DEFINITIONS

13:47C-1.1 Words and phrases defined

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

...

"Equipped dealer" means any person who is regularly engaged in the business of selling or selling and delivering building materials to consumers in the State of New Jersey and who maintains unloading or loading, storage, transportation, communication, sales, services or other facilities therefor, with an office accessible to the public with a competent person on duty, commensurate with the nature and other requirements of the business.

...

"Unequipped dealer" means any person who is regularly engaged in the business of selling building materials at retail in the State of New Jersey to consumers in this State who does not maintain loading, unloading or storage facilities.

...

SUBCHAPTER 3. NONFOODSTUFFS

13:47C-3.6 Standard for treated lumber

(a) All preservatives, commodities, analysis methods, miscellaneous standards, conversion factors and correction tables for treated lumber so contained in the "Book of Standards" published by the American Wood Protection Association (AWPA), P.O. Box 361784, Birmingham, Alabama 35236-1784, together with all amendments and supplements thereto, are hereby adopted by reference as the legal requirements for treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey.

(b) Treated lumber sold, sold and delivered, offered or advertised for sale to consumers as building materials in the State of New Jersey, except for lumber which has been treated for "Above ground use only" or which has not been treated in compliance with the "Book of Standards," [page=952] published by the American Wood Protection Association, together with all amendments and supplements thereto, or equivalent standards, as are accepted by the State Superintendent, shall in addition to being graded, measured and labeled in accordance with the requirements of N.J.S.A. 51:4-27 bear legible treatment marks that contain the following minimum information:

1.-7. (No change.)

(c) (No change.)

(d) Any treated lumber product, which has been treated for "Above Ground use only" or which has not been treated in compliance with the "Book of Standards," published by the American Wood Protection Association, together with all amendments and supplements thereto, or equivalent standards, as are accepted by the State Superintendent, which is sold and delivered, offered or advertised for sale to consumers by use of any media exclusively for landscaping or gardening purposes need not be grademarked but must be labeled with the following minimum information:

1.-6. (No change.)

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

SUBCHAPTER 6. REQUIREMENTS FOR SECURITY BOND REQUIRED BY TRANSIENT BUYERS OF PRECIOUS METALS

13:47C-6.1 Transient buyer bond requirements

(a) A transient buyer of precious metals shall file with the State Superintendent a good and sufficient surety bond executed by a surety company authorized to transact business in the State of New Jersey in an amount of not less than \$ 5,000. The bond shall run to the State for the benefit of any person injured by the wrongful act, default, fraud or misrepresentation of the transient buyer of precious metals. The bond shall be approved as to form and sufficiency by the State Superintendent, shall be given to the State Superintendent in his or her official capacity and shall be conditioned for the faithful compliance by the precious metals transient buyer with all of the provisions of N.J.S.A. 51:6A-1 et seq., and for the payment of all amounts due to sellers of precious metals during the period the bond is in force.

(b) (No change.)

13:47C-6.2 Notice of Intention

(a) (No change.)

(b) After the Notice of Intention is filed with the State Superintendent, the transient buyer shall make no further purchases of precious metals in the State of New Jersey.

