

CHAPTER 61**BOAT SAFETY COURSE****Authority**

N.J.S.A. 12:7-60.

Source and Effective DateR.2005 d.270, effective July 21, 2005.
37 N.J.R. 1684(a), 37 N.J.R. 3046(a).**Chapter Expiration Date**

Chapter 61, Boat Safety Course, expires on July 21, 2010.

Chapter Historical Note

Chapter 61, Boat Safety Course, was adopted as R.1990 d.142, effective March 5, 1990. See: 21 N.J.R. 3434(a), 22 N.J.R. 831(c). Pursuant to Executive Order No. 66(1978), Chapter 61 expired on March 5, 1995.

Chapter 61, Boat Safety Course, adopted as new rules by R.1995 d.238, effective May 1, 1995. See: 27 N.J.R. 642(a), 27 N.J.R. 1807(b).

Pursuant to Executive Order No. 66(1978), Chapter 61, Boat Safety Course, was readopted as R.2000 d.188, effective April 7, 2000. See: 32 N.J.R. 780(b), 32 N.J.R. 1622(a).

Chapter 61, Boat Safety Course, was readopted as R.2005 d.270, effective July 21, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. BOAT SAFETY COURSE REQUIREMENTS**13:61-1.1 Purpose**

This chapter prescribes the procedure and conditions for obtaining approval of a boat safety course for formal instruction in power vessel handling and safety, and the establishment of a list of approved boat safety courses pursuant to N.J.S.A. 12:7-60.

Amended by R.2003 d.376, effective October 6, 2003.
See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

13:61-1.2 Definitions

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

“Approved course” means a boat safety course given by a provider approved by the Superintendent of the Division of State Police pursuant to N.J.S.A. 12:7-60 and this chapter.

“Boat safety course” means formal instruction in power vessel handling and safety.

“Provider” means a public or private person or agency offering a boat safety course, for profit or otherwise.

“Superintendent” means the Superintendent of State Police.

Amended by R.2003 d.376, effective October 6, 2003.
See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote introductory paragraph, “Approved course”, “Boat safety course”, and “Superintendent”; deleted “Notice of approval” and “Notice of Intent to Revoke”; added “Provider”.

13:61-1.3 Application procedure

(a) An application for approval shall consist of and be submitted in the following manner:

1. A cover letter on the applicant’s letterhead containing a request for approval and a description of the manner in which and, if known, the location(s) where the course will be provided signed by applicant or the applicant’s chief executive officer, president or individual of equal authority;

2. A written outline and full course text containing the minimum requirements set forth at N.J.A.C. 13:61-1.4, which may be compiled by provider or a commercially available product, a sample examination and description of examination security protocols, and a list of reference material; and

3. A statement certifying that all instructors who teach the course possess a valid New Jersey boat safety certificate or equivalent.

(b) The application shall be submitted to:

New Jersey State Police
Division Headquarters
c/o Marine Services Bureau
River Road
PO Box 7068
West Trenton, NJ 08628–0068

Amended by R.2000 d.188, effective May 1, 2000.
See: 32 N.J.R. 780(b), 32 N.J.R. 1622(a).

In (a)3, substituted a reference to the Marine Services Unit for references to the Marine Law Enforcement Bureau.
Amended by R.2003 d.376, effective October 6, 2003.
See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.
Amended by R.2005 d.270, effective August 15, 2005.
37 N.J.R. 1684(a), 37 N.J.R. 3046(a).
Rewrote the section.

13:61-1.4 Course requirements

(a) An approved course shall include the following material:

1. Vessel Description:
 - i. Definition/classification;
 - ii. Types; and
 - iii. Hull designs.
2. New Jersey Vessel Registration:
 - i. Boat titling law;
 - ii. Registration law;
 - iii. Registration numbers;
 - iv. Documented vessels; and
 - v. Hull identification number.
3. Equipment:
 - i. Personal flotation devices;
 - ii. Fire extinguishers;
 - iii. Sound producing devices;
 - iv. Navigational lights;
 - v. Visual distress signals;
 - vi. Ventilation;
 - vii. Flame arrestors;
 - viii. Mufflers;
 - ix. Capacity;
 - x. Marine sanitation devices; and
 - xi. Anchors.
4. Preparation:
 - i. Trailers;
 - ii. Weather and sea conditions;
 - iii. Float plan;
 - iv. Check local hazards;
 - v. Pre-departure checklist; and
 - vi. Safety discussion with passengers including, for example, personal flotation devices (PFDs), falls overboard procedures, capsizing, and emergency communications.
5. Operation:

- i. Navigation rules;
 - ii. Aids to navigation;
 - iii. Accidents, reporting and common causes;
 - iv. Operator's responsibilities;
 - v. Mooring;
 - vi. Operating under the influence of alcoholic and/or drugs; and
 - vii. Carbon monoxide awareness.
6. Procedures and Practices:
 - i. Fueling;
 - ii. Anchoring;
 - iii. Loading;
 - iv. Waterskiing, diving/snorkeling;
 - v. Security; and
 - vi. Preventative maintenance.
 7. Personal Watercraft:
 - i. Handling characteristics; and
 - ii. Environmental impact.
 8. New Jersey statutes and regulations.

(b) The written text shall be provided to each student at the beginning of each course and shall remain the property of the student for the purpose of future reference.

(c) An approved course shall be a minimum of eight hours in length. The eight hours shall consist of at least four hours of in-person formal instruction by a qualified instructor. A 10 minute, non-cumulative break within each hour of instruction is permitted. The remaining four hours shall consist of either in-person formal instruction or home study assigned by the instructor, which shall require the completion of written homework, and up to one hour for testing. The topics specified in (a)3, 5, 8 and 9 above shall be covered through in-person formal instruction. The remaining topics may be covered through in-person classroom instruction or assigned as home study.

1. When the course consists of seven or more hours of in-person classroom instruction, the approved examination may be administered immediately following the instruction.

2. When the course consists of less than seven hours of in-person classroom instruction, the approved examination may not be administered until the homework portion has been completed and 24 hours have elapsed since the beginning of the in-person classroom instruction.

(d) Upon the completion of the formal instruction, and any assigned homework, the provider shall administer an

approved 50 question, four answer option, multiple choice examination to each student. Each question shall be of equal value. The provider shall establish procedures to ensure the integrity of the test and the testing process and prevent cheating. The examination shall be comprehensive and shall at least include five questions on navigation rules, five questions on State specific statutes and regulations, and five questions on safety equipment. The examination shall be proctored by the instructor or other representative of the provider.

(e) Students who successfully complete an approved course and examination shall be eligible for a boat safety certificate, subject to the requirements of N.J.A.C. 13:61-1.7. "Successfully complete" means that the student was present for all classroom instruction, completed any assigned home study, and scored a minimum of 70 percent on the examination.

Amended by R.2000 d.188, effective May 1, 2000.

See: 32 N.J.R. 780(b), 32 N.J.R. 1622(a).

Rewrote the section.

Petition for Rulemaking.

See: 34 N.J.R. 1557(c), 1871(a).

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.

Amended by R.2005 d.270, effective August 15, 2005.

37 N.J.R. 1684(a), 37 N.J.R. 3046(a).

Rewrote the section.

13:61-1.5 Duration of approval

(a) The Superintendent's approval of a boat safety course will be documented by the issuance of a Letter of Approval to the provider.

(b) A Letter of Approval shall be valid for three years from the date of issuance and shall expire on the last day of the month.

(c) An application for approval or reapproval of a course shall be submitted pursuant to N.J.A.C. 13:61-1.3 and 1.4 at least 90 days prior to commencement of instruction or expiration of the current approval, as applicable.

Amended by R.2000 d.188, effective May 1, 2000.

See: 32 N.J.R. 780(b), 32 N.J.R. 1622(a).

In (b), substituted a reference to three years for a reference to two years.

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.

13:61-1.6 Inspection of approved courses

The Superintendent or designee may inspect the records or facilities of any approved provider to verify compliance with these rules. The Superintendent or designee may also require the provider or a representative to attend an annual information session on boat safety education standards and procedures conducted by the Marine Services Unit.

Petition for Rulemaking.

See: 34 N.J.R. 1557(c), 1871(a).

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.

13:61-1.7 Application for boat safety certificate

(a) The provider shall certify that the student successfully completed the course and examination, as defined in N.J.A.C. 13:61-1.4, by submitting the application form provided by the Superintendent, which shall include the student's name, address, telephone number, age, and date(s) of attendance. The Superintendent or designee may verify the accuracy of the information provided. Except as provided in (d) below, the provider shall give the student a copy of the completed application, which shall serve as a temporary boat safety certificate. The temporary certificate shall be valid for a period of one year from the date of issuance.

(b) The Superintendent or designee shall determine the student's eligibility for issuance of a permanent boat safety certificate based on the rules in this chapter.

(c) Upon determination that the student is eligible for a permanent boat safety certificate, the Superintendent shall issue a laminated boat safety certificate, in a form determined by the Superintendent.

(d) Any person less than 10 years old at the time of the approved examination will not receive credit toward the issuance of a boat safety certificate. The provider may issue a certificate of completion to any student between the ages of 10 and 13 who successfully completes a boat safety course, but shall not give the student a copy of the application for a permanent boat safety certificate. The Superintendent shall issue a permanent boat safety certificate to the student on request when the student reaches the age of 13, subject to the provisions of this section.

Repeal and New Rule, R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Section was "Approval of out-of-State boat safety courses".

Amended by R.2005 d.270, effective August 15, 2005.

37 N.J.R. 1684(a), 37 N.J.R. 3046(a).

In (a), added "and" following "age," and deleted "and examination score" following "of attendance".

13:61-1.8 Intent to revoke; revocation

(a) The Superintendent may revoke or refuse to approve or re-approve a provider for failure to comply with any requirements of these rules, or for other good cause, including, but not limited to, fraud or misrepresentation in an application for approval or a certification of completion. Students completing courses conducted by a provider whose approval has been revoked shall not be eligible for issuance of a boat safety certificate.

(b) A notice of intent to revoke or deny a provider's approval shall be in writing from the Superintendent, stating the reason(s) and effective date thereof.

(c) A notice of revocation or denial of an approved course provider shall be in writing from the Superintendent stating the reason(s) for revocation or denial and the effective date.

(d) Any provider whose approval was revoked or denied by the Superintendent may seek future approval pursuant to N.J.A.C. 13:61-1.3 and 1.4.

Petition for Rulemaking.

See: 34 N.J.R. 1557(c), 1871(a).

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.

13:61-1.9 Hearings

(a) The Superintendent shall afford the applicant or approved party, an opportunity for reconsideration and to submit additional information or, in the case of a revocation, an explanation of corrective action taken and procedures instituted to prevent a recurrence. A request for such reconsideration shall be made in writing to the Superintendent within 15 days from the receipt of notice provided under N.J.A.C. 13:61-1.8.

(b) If a request for reconsideration is timely received, the Superintendent shall set a date for submission of additional information and notify the parties of the time limit. The Superintendent or designee shall promptly review any additional information submitted and, upon verification of the information or corrective action taken, notify the provider of the Superintendent's final decision. The Superintendent or designee may conduct an informal fact finding conference to aid in making a determination.

(c) The provider may request a formal hearing by notifying the Superintendent in writing within 15 days of

receipt of notice of the Superintendent's determination. Upon receipt of such notice, the Superintendent shall consider the matter as a contested case. All hearings shall be held in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.

13:61-1.10 Records

(a) The Superintendent shall maintain administrative records of applications, approvals, revocations of approvals and certifications of eligibility for boat safety certificates.

(b) Providers shall maintain and make available to the Superintendent or designee on request all course and student records for a period of three years.

(c) The Superintendent shall make available to the public an annual list of all approved courses and providers.

Amended by R.1995 d.238, effective May 1, 1995.

See: 27 N.J.R. 642(a), 27 N.J.R. 1807(b).

Amended by R.2000 d.188, effective May 1, 2000.

See: 32 N.J.R. 780(b), 32 N.J.R. 1622(a).

In (a) and (b), substituted references to the Division of State Police for references to the Division of State Police, Marine Law Enforcement Bureau.

Petition for Rulemaking.

See: 34 N.J.R. 1557(c), 1871(a).

Amended by R.2003 d.376, effective October 6, 2003.

See: 35 N.J.R. 1792(a), 35 N.J.R. 4729(a).

Rewrote the section.