

(d) The Station Commander shall consider the following factors to determine whether or not to issue a permit for the event:

1. Inherent hazards of the event;
2. Customary presence of commercial or pleasure craft in the area;
3. Any obstruction of a navigable channel that may reasonably be expected to result;
4. The expected accumulation of spectator craft;
5. Previous history of the event or sponsor;
6. Other events for which a permit has been issued that may be affected; and
7. The need for conditions or restrictions.

(e) The Station Commander shall issue the permit, with or without restrictions, or shall deny the request and advise the sponsor of the reasons. At the discretion of the Station Commander, a single permit may be requested and issued for recurring events by the same sponsor or organizer for a period not to exceed six months.

(f) The Station Commander or Shift Supervisor may terminate any event due to circumstances that were unforeseen at the time of issuance of the permit that may present a safety hazard, including weather conditions, or if the event is being conducted in a manner that is inconsistent with the laws of this State, or restrictions of the permit.

New Rule, R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).
Sec: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

SUBCHAPTER 2. REPORTING OF BOATING ACCIDENTS

13:82-2.1 Reporting of boating accidents

(a) Pursuant to N.J.S.A. 12:7-34.46 and 33 C.F.R. § 173.1 et seq., when, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel the operator shall, without delay, by the quickest means available, notify the nearest State Police station of the following:

1. The date, time and exact location of the occurrence;
2. The name of each person who died or disappeared;
3. The number and name of the vessel; and
4. The name and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice or file the report required by (a) above, each person on board the vessel shall notify the State Police station or determine that the notice has been given.

(c) If as a result of an occurrence that involves a vessel or its equipment, a person dies; a person is injured and requires medical treatment beyond first aid; damage to the vessel and other property totals more than \$500.00, or there is the complete loss of any vessel; or a person disappears from a vessel under circumstances that indicate death or injury, the operator or operators shall file a written report on forms furnished by the State Police within:

1. Forty-eight hours of the occurrence if a person dies within 24 hours of the occurrence or if a person is injured and requires medical treatment beyond first aid; or
2. Within 10 days of the occurrence or death if an earlier report is not required under (c)1 above.

(d) The written report required in (c) above shall include the following information:

1. The numbers and names of each vessel involved;
2. The name and address of each owner of each vessel involved;
3. The name of the nearest city or town, the county, the State and the body of water;
4. The time and the date the casualty or accident occurred;
5. The location on the water;
6. The visibility, weather and water conditions;
7. The estimated air and water temperatures;
8. The name, address, age or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;
9. The name and address of each operator of each vessel involved;
10. The number of persons on board or towed on skis by each vessel;
11. The name, address, and date of birth of each person injured or killed;
12. The cause of each death;
13. Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel;
14. The name and address of each owner of property involved;
15. The availability and use of personal flotation devices;

16. The type and amount of each fire extinguisher used;
17. The nature and extent of each injury;
18. A description of all property damage with an estimate of the cost of all repairs;
19. A description of each equipment failure that caused or contributed to the cause of the casualty;
20. A description of the vessel casualty or accident;
21. The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire or explosion or other);
22. The opinion of the person making the report as to the cause of the casualty;
23. The make, model, type (open cabin, house or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel;
24. The name, address, and telephone number of each witness;
25. The manufacturer's hull identification number, if any of the reporting operator's vessel; and
26. The name, address, and telephone number of the person submitting the report.

(e) When the operator of a vessel cannot submit the casualty or accident report required in (d) above, the owner of the vessel shall submit the casualty or accident report.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Rewrote (a) and (d); and in the introductory paragraph of (b) and in (c), substituted "State Police" for "Bureau" preceding "station".

Amended by R.2001 d.129, effective April 16, 2001.

See: 32 N.J.R. 4047(a), 33 N.J.R. 1204(b).

In (d), substituted "10" for "15".

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

Rewrote the section.

SUBCHAPTER 3. OPERATIONAL REGULATIONS

13:82-3.1 Waterskiing

(a) "Waterskiing" means anything with a rider being towed by a power vessel by means of a tow rope, tow line, or training boom, except another vessel being towed.

(b) All power vessels (including vessel, towline and skier) conducting waterskiing operations shall, while underway, keep at least 200 feet distant from any wharf, marina, dock, pier, bridge structure, abutment, or persons in the water, and 100 feet from other vessels, any shore, approved aid to navigation or mooring except specifically provided otherwise in these regulations.

(c) All power vessels conducting waterskiing operations shall have a crew of at least two persons, one of whom shall be a competent observer, and shall have adequate space on the vessel for the waterskiing participant.

(d) Tow lines shall be not less than 35 feet nor more than 75 feet in length, except as specifically provided otherwise in these regulations.

(e) Waterskiing is permitted only between sunrise and sunset, except as specifically provided otherwise in these regulations.

(f) Waterskiers shall wear a United States Coast Guard approved Type I, II, III or Type V Hybrid personal flotation device, except that a barefoot wetsuit may be worn during sanctioned competitions or shows and while training for such events, as long as there is a United States Coast Guard approved wearable personal flotation device on board the vessel for each skier.

(g) All ski boats shall display a signal pennant, which shall be orange in color and triangular in shape and not less than 12 inches on any dimension.

1. Said pennant shall be displayed at least four feet above the highest structure on the boat during each of the following activities:

- i. While pulling or retrieving a skier;
- ii. While a skier is in the water; or
- iii. While a tow line is in the water.

2. A person shall not display the pennant at any time other than while conducting any of the activities described in this subsection.

(h) The Commission shall, upon application, waive any one or more of the above requirements for events of public entertainment on any wholly-owned private lake, provided that it finds the event to be consistent with the interests of boating safety.

Amended by R.1998 d.198, effective April 20, 1998.

See: 30 N.J.R. 26(a), 30 N.J.R. 1422(b).

In (h), substituted "shall" for "may" following "Commission".

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

In (b), inserted "(including vessel, towline and skier)" following "All power vessels".