

N.J.A.C. 13:61

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TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 61. BOAT SAFETY COURSE

N.J.A.C. 13:61 (2007)

Title 13, Chapter 61 -- Chapter Notes

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

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2005 d.270, effective July 21, 2005.

See: 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.

Subchapter 2, Boat Safety Instructors, was adopted as new rules by R.2007 d.191, effective June 18, 2007. See: 39 N.J.R. 756(a), 39 N.J.R. 2364(b).

TITLE 13. LAW AND PUBLIC SAFETY

N.J.A.C. 13:61-1.1

CHAPTER 61. BOAT SAFETY COURSE
SUBCHAPTER 1. BOAT SAFETY COURSE REQUIREMENTS

N.J.A.C. 13:61-1.1 (2007)

§ 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.

N.J.A.C. 13:61-1.2 (2007)

§ 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.

"Boat safety instructor" means an individual who is a State of New Jersey boating safety course provider, or a person who is employed by, is a volunteer for or is retained under contract to any boating safety course provider, either public or private, and who will be taking part in the instruction or testing of students in a boating safety course approved by the State of New Jersey for the issuance of a New Jersey Boat Safety Certificate, or who may have contact with class participants in a manner that may be construed by class participants as an official capacity.

"Marine Services Bureau" means the Marine Services Bureau in the Division of State Police, Department of Law and Public 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.

N.J.A.C. 13:61-1.3 (2007)

§ 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 list of the names and identification numbers of all approved boat safety instructors employed or authorized to teach the course.

(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

N.J.A.C. 13:61-1.4 (2007)

§ 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) Except as provided in (c)3 below for Internet courses, the written text of the course 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) Except as provided in (c)3 below, an approved course shall be a minimum of eight hours in length. The eight hours shall consist of at least six hours of in-person formal instruction by an approved boat safety instructor. A 10 minute, non-cumulative break within each hour of instruction is permitted. The remaining two 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.

3. An Internet course that is submitted for approval is subject to all requirements of this chapter, except the requirement for in-person classroom instruction.

i. The Internet course shall provide the equivalent of eight hours of instruction. The Internet course shall be constructed in a way that does not allow the student to skip any sections. The course shall be so constructed as to allow

the student to stop and re-start, and return to complete the course at a later time, thus, not requiring that the course be completed without pause. Courses may include graphics, and when possible, include animation (video, etc) to demonstrate various concepts.

ii. The provider shall establish procedures to ensure the integrity of the course and to verify the identity of the student.

iii. The course shall consist of multiple sections or chapters, having all required New Jersey specific content integrated into the text. A comprehensive review quiz shall follow the completion of each section or chapter. The review quiz shall contain questions relating to pertinent information contained within that section or chapter. There shall be at least one question drawn from each page of the section or chapter with a minimum of 10 questions drawn from each section or chapter. A minimum of 50 review questions shall be provided for each course. More questions may be required for approval if it is deemed necessary to adequately cover the required subject matter. At least five of the questions shall be on topics related to New Jersey specific statutes and regulations, there shall be a minimum of five questions pertaining to "navigation rules," and five questions pertaining to "safety equipment." The questions shall be randomly selected from a larger pool of questions and shall not be constructed in such a way that makes an answer obvious. The minimum passing score for each comprehensive review quiz is 70 percent. Successful completion of the Internet course requires the student to pass every comprehensive review quiz. If, at the discretion of the Internet course provider, a final examination is also provided, the student shall be required to pass the final examination with a minimum score of 70 percent.

iv. All Internet course pages that contain information on required boating safety topics specified in (a) above shall be in a format that would allow them to be printed by the student and retained for that student's future reference, except that any quiz or test associated with the course shall not be in a format that would allow printing.

v. Upon successful completion of the Internet course, the Internet course provider shall provide the student with written proof of successful completion of the course.

vi. The Internet course shall culminate with an in-person, proctored examination that meets the requirements of (d) below. The test may be administered by the Internet course provider or by arrangement with another approved boat safety course provider. An approved boat safety course provider shall require that a student present proof of successful completion of the approved Internet course prior to taking the written examination. The approved boat safety course provider administering the examination shall make note of the Internet course provider on the Application for Boat Safety Certificate, and forward the application to the Marine Services Bureau upon successful completion of the examination.

(d) Upon completion of the formal instruction, and any assigned homework, the provider shall administer an approved closed book 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 include at least five questions on navigation rules, five questions on State specific statutes and regulations, and five questions on safety equipment. The examination shall be proctored in person by an approved boat safety instructor.

(e) Students who successfully complete an approved course and examination as set forth in (d) above, 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, or, if the student took an Internet course, completed all requirements as set forth in (c)3 above and scored a minimum of 70 percent on the examination required in (d) above.

In (b), substituted "Except as provided in (c)3 below for Internet courses, the written text of the course" for "The written text"; in the introductory paragraph of (c), substituted "Except as provided in (c)3 below, an" for "An", "six" for the first occurrence of "four", "an approved boat safety" for "a qualified" and "two" for the second occurrence of "four"; added (c)3; in (d), inserted "include" and rewrote the last sentence; and in (e), inserted "as set forth in (d) above,", "or, if the student took an Internet course, completed all requirements as set forth in (c)3 above" and "required in (d) above".

N.J.A.C. 13:61-1.5

§ 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.

N.J.A.C. 13:61-1.6 (2007)

§ 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.

N.J.A.C. 13:61-1.7 (2007)

§ 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.

(e) The Marine Services Bureau shall not process any applications for a boat safety certificate for any course in which it is found that the course was administered or instructed in a manner inconsistent with the provisions of the course certification, or in a manner inconsistent with New Jersey statutes and rules.

(f) The Marine Services Bureau shall not process any applications for a boat safety certificate for any course or course provider whose course has been suspended or revoked, for courses that were administered or instructed, in whole or in part, during the period of time that the course suspension or revocation was in effect.

N.J.A.C. 13:61-1.8 (2007)

N.J.A.C. 13:61-1.8

§ 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.

N.J.A.C. 13:61-1.9 (2007)

§ 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.

N.J.A.C. 13:61-1.10 (2007)

§ 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, including records of all boat safety instructors who have taken part in the instruction of any boat safety course administered by the provider for a period of three years.

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

N.J.A.C. 13:61-2.1 (2007)

§ 13:61-2.1 Applicability

The rules in this subchapter apply to all public or private entities that provide approved boat safety courses to the

N.J.A.C. 13:61-1.9

public for the purpose of issuance of a boat safety certificate required by N.J.S.A. 12:7-61.

N.J.A.C. 13:61-2.2 (2007)

§ 13:61-2.2 Boat safety instructor approval required

No public or private entity approved to offer a boat safety course pursuant to N.J.S.A. 12:7-60 and N.J.A.C. 13:61-1 shall employ an individual to provide instruction in an approved boat safety course who is not approved by the Marine Services Bureau as a boat safety instructor pursuant to this subchapter.

N.J.A.C. 13:61-2.3 (2007)

§ 13:61-2.3 Qualifications and application process

(a) To be qualified as an approved boat safety instructor, an applicant must hold:

1. A United States Coast Guard operators license; or
2. A boat safety certificate issued by the Superintendent and certification as an instructor provided by:
 - i. The United States Coast Guard Auxiliary;
 - ii. The United States Power Squadron;
 - iii. The National Safe Boating Council; or
 - iv. Other certification program determined acceptable by the Superintendent.

(b) Applicants shall submit an application to the Marine Services Bureau on a form and in a manner determined by the Superintendent. The application shall include:

1. The applicant's name;
2. The applicant's street address;
3. The applicant's telephone number;
4. The applicant's email address, if any;
5. Information describing the applicant's experience and training in the art and science of navigation and seamanship; and
6. Any other information deemed necessary by the Superintendent after review of the initial application.

(c) The applicant shall submit supporting documentation to verify requirements as set forth in (a) above. The applicant may be required to appear in person to present verifying documentation.

(d) Applicants shall submit fingerprints and a written consent for a criminal history background check in a manner prescribed by the Superintendent in accordance with N.J.A.C. 13:59. Applicants for approval shall bear the cost for the criminal history background check as set forth in N.J.A.C. 13:59-1.3.

N.J.A.C. 13:61-2.4 (2007)

N.J.A.C. 13:61-1.9

§ 13:61-2.4 Denial of approval

(a) The Marine Services Bureau shall deny an application to become an approved boat safety instructor for any of the following reasons:

1. An applicant provides any forged documents, presents documents of another or makes any false or misleading statements on any part of the application whether that false or misleading statement was made verbally, in writing, or by some other means;

2. An applicant does not meet the qualifications in N.J.A.C. 13:61-2.3(a); or

3. An applicant has been convicted of any of the following crimes and offenses as evidenced by a criminal history background check:

i. In New Jersey, any crime or disorderly persons offense:

(1) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., 2C:12-1 et seq., 2C:13-1 et seq., 2C:14-1 et seq. or 2C:15-1 et seq.;

(2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;

(3) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(4) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except N.J.S.A. 2C:35-10a.(4);

(5) Involving weapons or firearms, meaning those crimes and disorderly persons offenses set forth in Chapters 39 and 58 of Title 2C of the New Jersey Statutes; or

(6) Involving falsification of records under N.J.S.A. 2C:21-4 or tampering with public records or information under N.J.S.A. 2C:28-7; or

ii. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in (a)3i above.

N.J.A.C. 13:61-2.5 (2007)

§ 13:61-2.5 Approval of instructors

(a) The Marine Services Bureau shall review the application and the results of the criminal history record background check and determine the qualifications of the individual as an instructor.

(b) Upon approval, the Marine Services Bureau shall issue an instructor number and identification card to the applicant. The boat safety instructor approval shall be valid for a period of three years from the date of issuance. If the instructor is also an approved boat safety course provider, the instructor approval shall expire at the same time as the course approval as provided in N.J.A.C. 13:61-1.5.

(c) The applicant shall retain the identification card and present it to the boat safety course provider prior to engaging in any instructional activities. The Superintendent or designee may revoke or suspend the approval of any instructor who allows another to use or exhibit the instructor identification number or card.

(d) If an approved boat safety instructor is convicted of any of the offenses in N.J.A.C. 13:61-2.4(a)3, approval as a boat safety instructor in the State of New Jersey shall terminate immediately upon conviction, with or without notice from the Superintendent.

1. Upon conviction, the instructor shall cease providing instruction and shall surrender the identification card to the Marine Services Bureau. Upon termination of instructor status the Marine Services Bureau shall not process any applications for boat safety certificates forwarded by the provider, if any part of the course was administered after the date of conviction.

N.J.A.C. 13:61-1.9

N.J.A.C. 13:61-2.6 (2007)

§ 13:61-2.6 Suspension or revocation of approval

(a) If an approved boating safety instructor is found to have administered or instructed the boating safety course in a manner inconsistent with the provisions of the course certification, or in a manner inconsistent with New Jersey statutes and regulations, the Superintendent or designee may suspend or revoke approval. Any person whose approval as a boating safety instructor is suspended or revoked may request a hearing in accordance with N.J.A.C. 13:61-1.9.

(b) If the boating safety course provider knowingly allows an instructor to administer or instruct the boating safety course in a manner inconsistent with the provisions of the course certification, or in a manner inconsistent with New Jersey statutes and rules, the Superintendent may revoke or refuse to approve a provider as provided in N.J.A.C. 13:61-1.8.