

of this chapter, impose a penalty that is retroactive to the date the notice of violation at (d)1 above was issued; and

6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

HEALTH

(a)

LABOR AND WORKFORCE DEVELOPMENT

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH

Notice of Readoption

Asbestos Licenses and Permits

Joint Readoption: N.J.A.C. 8:60 and 12:120

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development, and Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health.

Authority: N.J.S.A. 34:5A-32 et seq., specifically, 34:5A-39; and Reorganization Plan No. 002-2002.

Effective Date: February 3, 2025.

New Expiration Date: February 3, 2032.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1.c, the Commissioner of the Department of Health (DOH) and the Commissioner of the Department of Labor and Workforce Development (DLWD) hereby readopt N.J.A.C. 8:60, Asbestos Licenses and Permits, and N.J.A.C. 12:120, also known as Asbestos Licenses and Permits. These rules are a joint readoption of the DOH and the DLWD rules and were scheduled to expire on March 21, 2025.

N.J.A.C. 8:60 and 12:120 are intended to ensure that only qualified people are involved in asbestos abatement work. The rules establish licensing and/or permitting requirements for employers, supervisors, and workers. In addition, the rules establish standards for certification of training courses and training agencies that provide education regarding asbestos removal and encapsulation to licensees. This readoption would continue to impose requirements on applicants for and holders of licenses, permits, and certificates issued pursuant to the rules. The readopted rules would continue to establish standards for general provisions, definitions, administration, licensing of employers, requirements and procedures for obtaining an asbestos worker or an asbestos supervisor permit, certification of training courses, asbestos work notification requirements, appeals and complaints, and standards and publications referred to in these chapters.

DOH and DLWD have reviewed N.J.A.C. 8:60 and 12:120 and have determined that the existing chapters remain necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which they were originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:60 and 12:120 are readopted and shall continue in effect for a seven-year period.

(b)

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

OFFICE OF HEALTH CARE FINANCING

Notice of Administrative Correction

Hospital Financial Transparency

N.J.A.C. 8:96 Notice of Readoption

Take notice that the Department of Health (Department) discovered an error in the text of the notice of readoption of N.J.A.C. 8:96 published at 57 N.J.R. 192(b) on January 21, 2025. The notice of readoption states that Subchapter 4 “establishes requirements for hospitals’ disclosure of participation in insurance networks.” This is incorrect. The text should state, “Subchapter 4 is reserved.”

LAW AND PUBLIC SAFETY

(c)

DIVISION OF STATE POLICE

Boating Safety Course

Adopted New Rules: N.J.A.C. 13:61

Proposed: October 21, 2024, at 56 N.J.R. 2072(a).

Adopted: January 27, 2025, by Colonel Patrick J. Callahan, Office of the Superintendent, Division of State Police, with the approval of Matthew J. Platkin, Attorney General.

Filed: February 3, 2025, as R.2025 d.029, **without change**.

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

Effective Date: March 3, 2025.

Expiration Date: March 3, 2032.

Summary of Public Comments and Agency Responses:

The official comment period ended on December 20, 2024. The Division of State Police (Division) received one comment from a member of the public, Robert G.

COMMENT: Robert G comments that boating courses completed in one state should be recognized in others, as well as feeling it is unnecessary to retake courses, suggesting a system where experience can certify safety instead of requiring another class.

RESPONSE: The Division thanks Robert G for the comment on these subjects; however, the comment is outside the scope of this rulemaking.

Federal Standards Statement

A Federal standard analysis is not required. The expired rules adopted herein as new rules with amendments are not subject to any Federal standards.

Full text of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:61.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

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:

...

“New Jersey State Police pre-approved course” means a course that is approved by the National Association of State Boating Law Administrators and the New Jersey State Police. The course will set forth State specific material as set forth at N.J.A.C. 13:61-1.4(c) and may be made available through a third-party vendor.

...

13:61-1.3 Application procedure

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

1. (No change.)
2. A written outline, teaching guide, and full course text containing the minimum requirements set forth at N.J.A.C. 13:61-1.4, which may be compiled by the provider or a commercially available product, a sample examination and description of examination security protocols, and a list of reference material;
3. Any visual and/or audio learning aid(s) that is/are to be utilized while administering an approved boat safety course. This shall include, but is not limited to, instructional videos, slide presentations, computer programs, and online interactive course material, etc.; and
4. A list of the names and identification numbers of all approved boat safety instructors employed or authorized to teach the course. The approved boat safety provider shall notify the Marine Services Bureau, in writing, of any additions or deletions to the list. An updated list of all instructors authorized to teach the course will be supplied upon each renewal period. The application shall be submitted electronically to MSBCourseAdmins@njsp.gov.

13:61-1.4 Course requirements; requirements for approval

(a) Course providers may choose to use the National Association of State Boating Law Administrators approved course materials, which are also pre-approved by the New Jersey State Police by contacting Kalkomey Enterprises, LLC, 224 W. Campbell Road #512, Richardson, TX 75080, 1-800-830-2268, <http://www.kalkomey.com/>.

(b) If course providers elect to utilize alternative course materials, as set forth at (a) above, those course materials shall be submitted for approval to the National Association of State Boating Law Administrators (NASBLA). The standards may be obtained from the National Association of State Boating Law Administrators, 1020 Monarch Street, Suite 200, Lexington, KY 40513 or online at www.nasbla.org. Delivery of approved courses shall comply with the standards in effect at the time that the course is taught.

(c) If the course provider elects to submit an alternative course as set forth at (b) above, they shall include comprehensive information on the following New Jersey State specific topics:

1. (No change.)
2. New Jersey specific laws and rules that pertain to vessel operation, speed, and safety equipment requirements;
3. New Jersey specific laws and rules that pertain to towed watersports, including wake surfing and waterskiing;
- 4.-8. (No change.)

(d) Except as provided at (e)3 below for Internet and online interactive courses, the written text of the course, or internet access, 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.

(e) Except as provided at (e)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. All instruction required pursuant to (b) and (c) above shall be covered through in-person formal instruction and may be supplemented through written homework.

1.-2. (No change.)

3. An Internet, including an online interactive, 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 pages or sections, or complete the online portion of the course in less than five hours. Each section or page of an Internet course shall be displayed for an amount of time appropriate for the complexity and amount of content found in that section or page. The five hours shall not include the time required to complete the comprehensive review quizzes set forth at (e)3iii below or the in-person

proctored test required pursuant to (f) below. 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.-iii. (No change.)

iv. All Internet course pages that contain information on required boating safety topics specified at (b) and (c) above shall be in a format that would allow them to be printed by the student, or granted unrestricted online access, 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. (No change.)

vi. The Internet course shall culminate with an in-person, proctored examination that meets the requirements at (e) 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.

(f) Upon completion of the formal instruction, and any assigned homework, the provider shall administer an approved closed book, four-answer option, multiple choice examination, consisting of at least 50 questions, 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 rules, and five questions on safety equipment. The examination shall be proctored in-person by an approved boat safety instructor.

1. An individual who fails on the first attempt to successfully complete the approved closed book exam as set forth at (f) above, shall wait at least 24 hours before attempting the test a second time.

2. An individual who fails on the second attempt to successfully complete the approved closed book exam as set forth at (f) above, shall re-take and successfully complete another approved boating safety course in order to be eligible to receive a New Jersey boat safety certificate.

(g) Students who successfully complete an approved course and examination as set forth at (f) above, shall be eligible for a boat safety certificate, subject to the requirements at 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 completed an Internet course, completed all requirements as set forth at (e)3 above and scored a minimum of 80 percent on the examination required at (f) above.

13:61-1.5 Duration of approval

(a)-(b) (No change.)

(c) An application for approval or reapproval of a course shall be submitted electronically to MSBCourseAdmins@njsp.gov pursuant to N.J.A.C. 13:61-1.3 and 1.4 at least 60 days prior to commencement of instruction or expiration of the current approval, as applicable.

13:61-1.6 Inspection of approved courses

(a)-(c) (No change.)

(d) Every boating safety course or proctored test for an Internet, including an online interactive, course administered for the issuance of New Jersey boat safety certificates shall be administered within the State or within 20 miles of the borders of the State. The Internet portion of an Internet course is not required to be completed within the State or within 20 miles of the borders of New Jersey, however, the final exam required at N.J.A.C. 13:61-1.4(f) shall be completed within the State or within 20 miles of the borders of New Jersey.

(e) (No change.)

(f) The approved course provider shall file, with the Marine Services Bureau, in a manner deemed appropriate by the Superintendent, notice of every boating safety course or proctored test for an Internet course, to be administered for the issuance of New Jersey boat safety certificates,

including those courses and tests that are administered within private residences and/or out-of-State. Notice shall be provided at least seven days prior to the scheduled date and time in which the course or test is to commence. The notice shall include the location of the course or test, including address, which cannot be a Post Office box; name of business or organization on whose property the course or test will be administered, or the name of the property owner if the course or test is to be administered on private property, such as at a private residence; telephone number; name of instructor(s); date(s) of the course or test; and time(s) in which the course or test will be administered, including start and finish dates and times, of the course or test.

(g) Any changes in course or test schedule or location after the initial filing shall be reported immediately to the Marine Services Bureau. Changes in course or test location or schedule, other than cancelling the course or test or substituting an instructor, may not be made within three days, not counting weekends or legal holidays, of the scheduled course or test date, without the prior written approval of the Marine Services Bureau.

(h)-(i) (No change.)

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 at N.J.A.C. 13:61-1.4, by submitting an Application for Boat Safety Certificate Form S.P. 421 in a manner deemed appropriate by the Superintendent. The application shall include the student's name, address, telephone number, age, date(s) of attendance, the name of the approved instructor administering the course, and the name of the approved course provider. The Superintendent, or designee, may verify the accuracy of the information provided. Except as provided at (d) below, the provider shall issue the student a temporary boat safety certificate in a manner prescribed by, and on forms provided by the Superintendent. The temporary certificate shall be valid for a period of one year from the date of successful completion.

1.-2. (No change.)

3. Course providers shall report to the Marine Services Bureau the names, certificate numbers, and any other appropriate information of all undeliverable certificate(s). The Superintendent may require that the provider return the undeliverable certificate(s) to the Marine Services Bureau.

4. (No change.)

(b)-(f) (No change.)

SUBCHAPTER 2. BOAT SAFETY INSTRUCTORS

13:61-2.3 Qualifications and application process

(a)-(c) (No change.)

(d) Applicants shall consent to and 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 at N.J.A.C. 13:59-1.3.

(e) Applicants shall complete electronically and pass a Triennial In-Service Exam with a score of 80 percent or higher. Exam study materials will be provided to the applicants. Any course provider or instructor who fails to pass the exam is subject to suspension up to a year or revocation by the Superintendent, or designee.

(f) It is the responsibility of the applicant to present all documentation required to prove that the provision of this section has been met, and that, that individual has met the qualifications necessary to become an approved boating safety instructor in the State of New Jersey. A copy of original documents shall be provided electronically for viewing by Marine Services Bureau personnel and copies shall be furnished for retention in the Marine Services Bureau files. All copies shall be authenticated and signed by the applicant and shall be notarized and maintained by the applicant for a period of three years.

(g) An individual, who is not an approved boat safety instructor as required pursuant to N.J.S.A. 12:7-60 and this chapter, but who is considered, by the provider, to be an "expert" in a particular field, may provide lectures to students taking part in an approved boating safety course only pursuant to the following conditions:

1.-5. (No change.)

6. Individuals who are not approved boat safety instructors, and who are not providing lectures or other activities as set forth at (g)5 above, may provide classroom assistance to an approved boat safety instructor during the administration of an approved boat safety course or during testing, provided that they are not providing classroom instruction, and they are not responsible for monitoring classroom activities. Individuals performing these functions shall be directly monitored by an approved instructor; and

7. The provider and the approved boat safety instructor shall be responsible for the conduct of an individual who is not an approved boat safety instructor, who has taken part in the administration of an approved boat safety course, as set forth at (g)5 and 6 above, administered pursuant to their authority, whether that conduct is directly related to occurrences within the classroom, or to events that take place elsewhere, as a result of occurrences within the classroom.

13:61-2.4 Denial of approval; boat safety instructor

(a) The Marine Services Bureau may deny an application to become an approved boat safety instructor, or refuse to approve or re-approve an applicant, for any of the following reasons:

1.-2. (No change.)

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

i. (No change.)

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 at (a)3i above; or

4. An applicant fails to pass the required Triennial In-Service Exam with a score of 80 percent or higher as set forth at N.J.A.C. 13:61-2.3(e).

13:61-2.6 Suspension or revocation of instructor approval; denial of application for approval; denial of application for re-approval

(a) (No change.)

(b) The Superintendent may suspend, revoke, or refuse to approve or re-approve an instructor that has a history of instructing boat safety courses in a manner inconsistent with the provisions at N.J.S.A. 12:7-60 or this chapter or of providing inferior service to boat safety class participants. This shall include, but is not limited to, creating an unnecessary delay in forwarding applications for boat safety certificate to the Marine Services Bureau, or in forwarding certificates to class participants, and shall also include failure to conduct administrative duties in a manner prescribed by the Marine Services Bureau, and generally practiced by course providers and approved boat safety instructors in the State of New Jersey. Other cause, including, but not limited to, fraud or misrepresentation in an application for approval or re-approval or a certification of completion.

(c) Students completing courses conducted by an instructor whose approval has been revoked, suspended, has expired, who has been denied approval or re-approval or who is otherwise not approved to administer boating safety courses in the State of New Jersey, shall not be eligible for issuance of a boat safety certificate. The provider shall provide monetary reimbursement for the course or reschedule a new course with a valid instructor for no additional fee.

(d) (No change.)

13:61-2.7 Re-approval of instructors

(a)-(b) (No change.)

(c) Applications for re-approval shall be submitted to MSB CourseAdmins@njsp.gov at least 60 days prior to the expiration of the current approval or a lapse in approval may occur.

SUBCHAPTER 3. PRE-RENTAL BOAT SAFETY INSTRUCTION

13:61-3.2 Applicability

(a) (No change.)

(b) Upon successful completion of an approved pre-rental course, the renter will be permitted to operate the rented power vessel for the duration of the rental period, not to exceed 30 days, as specified at N.J.S.A. 12:7-61.b(3).

(c) Upon successful completion of a State-approved pre-purchase instruction course, the purchaser will be permitted to operate the newly

purchased power vessel for a duration not to exceed 30 days, as specified at N.J.S.A. 12:7-61.b(4).

(d) (No change in text.)

(e) The contents of this section do not apply to New Jersey residents who are in possession of a New Jersey boat safety certificate and out-of-State residents who are in possession of a New Jersey boat safety certificate or who are 16 years of age or older and are in possession of one or more of the documents specified at N.J.S.A. 12:7-61.b(2)(i), (ii), or (iii).

(f) The contents of this section do not apply to persons who hold a valid United States Coast Guard operator's license as specified at N.J.S.A. 12:7-61.b(5). An operator who holds a United States Coast Guard operator's license cannot legally operate a personal watercraft on the waters of this State without taking an approved New Jersey boat safety course, as specified at N.J.S.A. 12:7-61.c.

(g) Nothing in this section shall modify or change, or be construed to modify or change, the age restrictions for power vessel operators as specified at N.J.S.A. 12:7-61 et seq.

13:61-3.3 Content of instruction

(a) The rental business shall instruct each renter in boating safety prior to allowing such renter to operate. Instruction shall include at least the following topics:

1.-15. (No change.)

16. Procedures and practices pertaining to:

i. Towed watersports;

ii.-iii. (No change.)

17. (No change.)

(b)-(c) (No change.)

13:61-3.5 Application procedure

(a) An application requesting to utilize the New Jersey State Power Vessel (Non-Personal Watercraft) Pre-Rental Instruction Course, shall be completed by the owner or representative of the boat rental company that will be providing pre-rental instruction to boat rental customers, who are over 18 years of age and do not possess a boater safety card. A letter of approval shall be issued, and the course will be valid for three years from the date of issuance.

(b) An application for approval or reapproval of a Pre-Rental Instruction Course shall be submitted to MSBCourseAdmins@njsp.gov pursuant to N.J.S.A. 12:7-61.b(4) at least 60 days prior to commencement of expiration of the current approval, as applicable.

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

1. A completed New Jersey State Police Marine Services Bureau New Jersey State Power Vessel (Non-Personal Watercraft) Pre-Rental Course Instructor Application signed by the owner or representative of the boat rental company;

2. A written outline, teaching guide, and full course text containing the minimum requirements set forth at N.J.A.C. 13:61-3.3(a), which may be compiled by the owner or representative of the boat rental company or a commercially available product;

3. Any visual and/or audio learning aid(s) that is/are to be utilized while administering a pre-rental boat safety course. This shall include, but is not limited to, instructional videos, slide presentations, computer programs, and online interactive course materials, etc.;

4. Proof that the applicant or the applicant's chief executive officer, president, or individual of equal authority of the power vessel rental business has experience in the operation of power vessels and has completed a boat safety course approved by the Superintendent of the New Jersey State Police; and

5. Signed acknowledgement from the owner or representative of the power vessel rental business that all employees of the rental business who are designated to provide the pre-rental instructions, must also hold a valid New Jersey Boating Safety Certificate, and have experience operating the vessel being rented.

(a)

DIVISION OF HIGHWAY TRAFFIC SAFETY

Drunk Driving Enforcement Fund

Readoption with Amendments: N.J.A.C. 13:86

Proposed: August 5, 2024, at 56 N.J.R. 1547(a).

Adopted: February 3, 2025, by Michael J. Rizol, Director, Division of Highway Traffic Safety.

Filed: February 6, 2025, as R.2025 d.030, **without change**.

Authority: N.J.S.A. 27:5F-35, 39:4-50.8, 52:17B-4, and 52:17B-27; and Reorganization Plan No. 004-1992.

Effective Dates: February 6, 2025, Readoption;
March 3, 2025, Amendments.

Expiration Date: February 6, 2032.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 and N.J.S.A. 52:14B-22 through 24 is not required because there is no Federal standard or regulation applicable to the Drunk Driving Enforcement Fund. Rulemaking requirements are dictated pursuant to N.J.S.A. 39:4-50.8.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:86.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:86-1.2 Definitions

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

...

"DHTS" means the New Jersey Division of Highway Traffic Safety in the Department of Law and Public Safety, Office of the Attorney General.

"Director" means the Director of the Division of Highway Traffic Safety, or their designee.

...

"Eligible entity" means an entity that is deemed to have contributed monies to the DDEF pursuant to N.J.S.A. 39:4-50.8.

"Entity" means the Division of State Police, a county, municipal, or interstate agency composed of sworn law enforcement officers empowered to conduct DWI enforcement on New Jersey roads.

...

"Unallocated DDEF funds" means funds that are collected on behalf of organizations without sworn officers empowered to conduct DWI enforcement on New Jersey roads and, thus, not qualified for DDEF funding.

SUBCHAPTER 2. CRITERIA FOR AWARD OF ANNUAL GRANT AND EXPENDITURE

13:86-2.1 Funding

Funding is to be used to maintain effective increased enforcement of N.J.S.A. 39:4-50. The Division of State Police, municipal, interstate, or county law enforcement agencies shall use grants from the Fund to subsidize additional law enforcement patrols and for other measures approved by the Attorney General in support of these objectives in accordance with N.J.A.C. 13:86-2.3.

13:86-2.2 Availability of funds

(a) All of the monies deposited into the Fund from the preceding SFY shall be made available for one grant to each eligible entity on an annual basis. Grants shall be made available from all monies deposited in the Fund during the previous SFY. An entity is eligible to receive a grant if it is deemed to have contributed to the Fund pursuant to N.J.S.A. 39:4-50.8 during the SFY from which the grant monies are made available. The amount of monies available to each eligible entity as a grant shall be determined in accordance with (a)1 and 2 below, subject to the approval