

2. The disinfecting of the equipment and devices and any environmental barriers or other physical controls used in association therewith after each use.

8:43-17.6 Use of and training of residents in acquired technology

(a) Facilities must develop policies and procedures addressing a resident's:

1. Requisition of devices and equipment;
2. Timely provision of devices and equipment; and
3. Return of devices and equipment.

(b) Facilities must designate and require appropriate staff to communicate the policies and procedures at (a) above to residents.

8:43-17.7 Facility responsibility for training residents in use of equipment

(a) Each facility shall designate at least one member of the therapeutic recreation or activities department, or, if the facility does not have such a department, designate at least one senior staff member, as determined by the facility administrator, to train other appropriate facility employees to provide direct assistance to residents, upon request, and on an as-needed basis, as necessary, to ensure that each resident is able to successfully access and use the technology, devices, and equipment acquired. These facility employees who are appropriate to be trained to assist residents include, but are not limited to:

1. Activities professionals;
2. Activities volunteers;
3. Social workers;
4. Occupational therapists; and
5. Therapy assistants.

8:43-17.8 Resident assessments

(a) The facility shall develop and implement policies and procedures to ensure that appropriate staff assess and regularly reassess the individual needs and preferences of facility residents with respect to the residents' participation in social interactions and religious and recreational activities.

1. These assessments and reassessments are to be documented in the resident's medical record.

(b) The facility must ensure that the quantity of devices and equipment maintained on-site at the facility at all times are sufficient to meet the assessed social and activities needs and preferences of each facility resident.

8:43-17.9 Individualized visitation plan

(a) A facility shall develop and implement policies and procedures to ensure that upon the request of a resident or a resident's family member or guardian, appropriate facility staff must develop an individualized visitation plan for the resident. The individualized visitation plan shall:

1. Identify the assessed needs and visitation preferences of the resident;
2. Identify the visitation preferences specified by the resident's family members, if any;
3. Address the need for a visitation schedule and establish a visitation schedule, if deemed to be appropriate;
4. Describe the location and modalities to be used in visitation; and
5. Describe the respective responsibilities of staff, visitors, and the resident when engaging in visitation pursuant to the individualized visitation plan.

8:43-17.10 Funding

Information on the process for facilities seeking to request funding for communicative technologies and accessories necessary to comply with this subchapter from civil monetary penalty (CMP) funds, as approved by the Federal Centers for Medicare and Medicaid Services, is available on the Department's website at: <https://www.nj.gov/health/healthfacilities/cmp>.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF STATE POLICE

Boating Safety Course

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

Authorized By: Colonel Patrick Callahan, Office of the Superintendent, Division of State Police, with the approval of Matthew J. Platkin, Attorney General.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-122.

Submit comments by December 20, 2024, to:

Colonel Patrick Callahan, Office of the Superintendent
Attn: Marine Services Bureau
New Jersey State Police
PO Box 7068
West Trenton, New Jersey 08628
or electronically at: BoatingRegulations@njsp.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1.b, N.J.A.C. 13:61 expired on August 30, 2024. The Division of State Police (Division) has reviewed these rules and determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. In addition, the expired rules proposed herein as new rules are proposed for amendment to update the application procedure described in the chapter. The expired rules proposed herein as new rules with amendments seek to streamline the application process for the New Jersey Boating Safety Instructor Course by allowing applications to be submitted electronically. Also, interactive course materials are to be implemented, as well as online testing through the internet. Moving forward, students will not be monetarily responsible for any oversight of a boat safety course provider or instructor if that provider or instructor fails to follow the rules set forth at N.J.A.C. 13:61. Applicants shall complete electronically and pass a Triennial In-Service Exam with a score of 80 percent or higher. Any course provider or instructor who fails to pass the exam will be subject to suspension or revocation. Boat rental companies will have the opportunity to provide pre-rental instruction to boat rental customers, who are over 18 years of age and do not possess a boater safety card, by completing the proper application. These amendments will update and clarify the language at N.J.A.C. 13:61. The amendments proposed by the Division are designed to benefit the applicant by providing an efficient application process and promoting uniformity within course training materials.

N.J.A.C. 13:61-1.1 details the chapter's purpose, which includes 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, which sets forth words and terms in the chapter, is being amended to include a definition for "New Jersey State Police pre-approved course."

N.J.A.C. 13:61-1.3, which sets forth the application process, is being amended to make changes to the application procedure, including the addition of online interactive course material and a requirement that applications be submitted electronically to MSBCourseAdmins@njsp.gov to streamline the application process.

N.J.A.C. 13:61-1.4, which sets forth course requirements and requirements for approval of courses, is being amended to allow course providers to use the National Association of State Boating Law Administrators (NASBLA) approved course materials, which are pre-approved by the New Jersey State Police (NJSP) for consistency purposes. The Marine Services Bureau wants to ensure the New Jersey Boating Safety Course meets the national boating education standard, in addition to meeting State requirements. Currently, all of the New Jersey approved

Boating Safety Course providers instruct a Boater Safety Course approved by the NASBLA.

N.J.A.C. 13:61-1.5, which sets forth course requirements and requirements for approval of courses, is being amended to include an online interactive course for every boating safety course or proctored test. This section is also providing clarification language by amending “week” to “seven days.”

N.J.A.C. 13:61-1.6, which sets forth course requirements and requirements for approval of courses, is being amended to include an online interactive course for every boating safety course or proctored test. This section is also providing clarification language by amending “week” to “seven days.”

N.J.A.C. 13:61-1.7, which sets forth course requirements and requirements for approval of courses, is being amended to include a grammatical correction.

N.J.A.C. 13:61-1.8 details that the Superintendent may revoke, suspend, or refuse to approve or re-approve a provider for failure to comply with any requirements of this chapter, or for other good cause, including, but not limited to, fraud or misrepresentation in an application for approval or a certification of completion, or for administering or instructing courses, or allowing an instructor to administer or instruct courses in a manner inconsistent with the provisions of the course certification, or in a manner inconsistent with New Jersey statutes and rules, or for providing inferior service to boating safety class participants.

N.J.A.C. 13:61-1.9 details that an applicant or approved provider may be granted an opportunity for reconsideration and to submit additional information, or in the case of a revocation, suspension, or denial of approval or re-approval, an explanation of corrective action taken, and procedures instituted to prevent a recurrence.

N.J.A.C. 13:61-1.10 details that the Superintendent shall maintain administrative records of applications, approvals, revocations of approvals, and certifications of eligibility for boat safety certificates.

N.J.A.C. 13:61-2.1 details that the rules at Subchapter 2 apply to public or private entities that provide approved boat safety courses to the public, or proctor tests for approved internet courses, for the purpose of issuance of a boat safety certificate required pursuant to N.J.S.A. 12:7-61.

N.J.A.C. 13:61-2.2 details that boat safety instructor approval is required to provide instruction in an approved boat safety course.

N.J.A.C. 13:61-2.3, which sets forth course requirements and requirements for approval of courses, is being amended to require applicants to complete an electronic Triennial In-Service Exam with a score of 80 percent or higher. Any course provider or instructor who fails to pass the exam is subject to a suspension of up to a year or revocation by the Superintendent or designee. Applicants shall provide documentation to the Marine Service Bureau electronically, and 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. The addition of the online testing requirement would eliminate in-person training and promote efficiency.

N.J.A.C. 13:61-2.4, which sets forth course requirements and requirements for approval of courses, is being amended to enable the Marine Service Bureau to deny an application if 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). This would eliminate the requirements for the applicants to appear in-person at the Marine Services Bureau for training.

N.J.A.C. 13:61-2.5 details the process of the application, approval, and expiration of a boat safety instructor.

N.J.A.C. 13:61-2.6, which sets forth course requirements and requirements for approval of courses, is being amended to require the course provider to furnish monetary reimbursement for the course, or reschedule a new course with a valid instructor for no additional fee to the student, if the student was completing the course from an instructor who was not approved to administer the boating safety course. This would ensure that the student is not monetarily responsible for any oversight of a provider or instructor if that provider or instructor fails to follow the rules set forth in this chapter.

N.J.A.C. 13:61-2.7, which sets forth course requirements and requirements for approval of courses, is being amended to require applications for re-approval to be submitted to [MSBCourseAdmins@](mailto:MSBCourseAdmins@njsp.gov)

njsp.gov at least 60 days prior to the expiration of the current approval or a lapse in approval may occur, to promote expedition and promote the organization of file keeping.

N.J.A.C. 13:61-2.8 details that in the case of a revocation or suspension, the Superintendent shall afford the applicant or approved instructor an opportunity for reconsideration.

N.J.A.C. 13:61-3.1 notes that the subchapter establishes standards for pre-rental boat safety instruction to persons who do not have a valid boat safety certificate pursuant to N.J.S.A. 12:7-61(b)3.

N.J.A.C. 13:61-3.2, which sets forth course requirements and requirements for approval of courses, is being amended to address the issues of renting power vessels based on pre-rental and pre-purchase instruction courses, as well as addressing that an operator holding a United States Coast Guard’s 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. This amendment would promote greater clarity.

N.J.A.C. 13:61-3.3, which sets forth course requirements and requirements for approval of courses, is being amended to replace “waterskiing” with “towed watersports” in reference to a rental business content of instruction to clarify the term.

N.J.A.C. 13:61-3.4 details that a boat rental business shall maintain a written record of the proof of completion for all individuals who receive approved pre-rental instruction provided by that business.

Proposed new N.J.A.C. 13:61-3.5 is being added to detail the Pre-Rental Instruction Course application procedure, specifically, what the application shall consist of, where the application shall be submitted, and how long the boat safety card is valid upon issuance, to allow the Marine Services Bureau to possess greater oversight of boat rental companies.

As the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Division believes the expired rules proposed herein as new rules with amendments will have a positive social impact on the regulated public by implementing an electronic application procedure designed to make the application process more efficient, clarifying the application procedure by clearly defining terms, and establishing a Triennial Inservice Exam, which will promote professional development. Eliminating the requirement for the applicant to appear in-person at the Marine Services Bureau will provide greater convenience to the applicant. Also, allowing course providers to use the NASBLA approved course materials, which are pre-approved course materials by the Division, will promote consistency in safety and training, which will, in turn, benefit applicants. Lastly, boat rental companies will have the opportunity to provide pre-rental instruction to boat rental customers, who are over 18 years of age and do not possess a boater safety card, by completing the proper application. This pre-rental instruction will promote safety by reducing the risk of accidents, which may decrease damage to boat rentals, and enhance the experience of the individual renter through a basic understanding of how to operate the equipment.

Economic Impact

The expired rules proposed herein as new rules with amendments will not impose an adverse economic impact upon the public. The proposed amendments seek to transform the application into an electronic application, which will eliminate the applicant’s need to purchase postage for mailing a written application. The proposed amendments also seek to alleviate any financial burden placed upon the applicant in the event of any Marine Services Bureau oversight in reference to rescheduling courses with a valid instructor if there were discrepancies found with the instructor’s credentials.

The expired rules proposed herein as new rules with amendments will impose an adverse impact on Boating Safety Course providers. 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.

Federal Standards Statement

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

Jobs Impact

The expired rules proposed herein as new rules with amendments will not result in the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The expired rules proposed herein as new rules with amendments will not have an impact on the agriculture industry of the State.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is required because the proposed amendments do impose recordkeeping and compliance requirements, but do not impose any reporting requirement on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Within the State of New Jersey, there are approximately 45 course provider businesses, including individuals, that are currently active boat safety instructors. The proposed amendments state that it is the responsibility of the applicant to present all documentation required to prove that the 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. To comply with this recordkeeping requirement, small businesses are likely to require file keeping hardware and or file keeping software. An estimate of the initial capital costs to store and organize copies of records will range from approximately \$20.00 for basic file organizers to approximately \$200.00 for file management software. The estimated annual cost to maintain these records through a cloud-based storage system ranges from approximately \$120.00 to \$1,200. The estimated annual cost to maintain these records through basic file keeping shelves is minimal as the initial cost of file storage shelving is approximately \$300.00 with minimal annual maintenance required. This amendment is designed to minimize any adverse economic impact on small businesses by ensuring that these businesses maintain proper records so that an instructor whose approval has been revoked, suspended, 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 does not instruct a course. This will aid small businesses by helping to eliminate the need for small businesses to refund an applicant's fee when an instructor taught a course without the proper certification.

Housing Affordability Impact Analysis

The expired rules proposed herein as new rules with amendments will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood the rules would evoke a change in the average costs associated with housing because the rulemaking concerns streamlining the application process for the New Jersey Boating Safety Instructor Course by allowing applications to be submitted electronically.

Smart Growth Development Impact Analysis

The expired rules proposed herein as new rules with amendments will have no impact on the achievement of smart growth and State Development and Redevelopment Plan and there is an extreme unlikelihood that the rulemaking would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the implementation of the State Development and Redevelopment Plan because the rulemaking concerns streamlining the application process for the New Jersey Boating Safety Instructor Course by allowing applications to be submitted electronically.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Division has evaluated the rulemaking and determined that they will not have an impact on pretrial detention, sentencing, probation, or

parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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**.

[New Jersey State Police

Division Headquarters

c/o Marine Services Bureau

River Road

PO Box 7068

West Trenton, NJ 08628-0068]

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/>.

[(a)](b) [Course materials submitted for approval shall comply with] 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) [boat safety course standards 1.1 through 8.2.14, and R1 through R4, as published in the 2016 version of the “National Boating Education Standards,” incorporated herein by reference, as amended and supplemented, in effect at the time the course is submitted]. The standards may be obtained from the National Association of State Boating Law Administrators, [1648 McGrathiana Parkway, Lexington, KY 40511] **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.**

[(b)](c) [In addition to the requirements in (a) above, course materials] 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.)

[(c)](d) Except as provided [in (d)3] **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.

[(d)](e) Except as provided [in (d)3] **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 [under (a)] **pursuant to (b)** and [(b)] **(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 [in (d)3iii] **at (e)3iii** below or the in-person proctored test required [by (e)] **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 [in (a) and] **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 [of (d)] **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.

[(e)](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] **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 [in (e)] **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 [in (e)] **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.

[(f)](g) Students who successfully complete an approved course and examination as set forth [in (e)] **at (f)** above, shall be eligible for a boat safety certificate, subject to the requirements [of] **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 [in (d)] **at (e)3** above and scored a minimum of 80 percent on the examination required [in (e)] **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 [90] **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 [in] **at N.J.A.C. 13:61-1.4[(e)](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 [one week] **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 [in] **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 [in] **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 [in] **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.

[(e)](f) It is the responsibility of the applicant to [appear, in-person, and] present all documentation required to prove that the provision of this section [have] **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. [Unless otherwise specified,] **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.**

[(f)](g) An individual, who is not an approved boat safety instructor as required [by] **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 [under] **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 [in (f)5] **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 [in (f)5] **at (g)5** and 6 above, administered [under] **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 [in] **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 [of] **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 [good] 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 **MSBCourseAdmins@njsp.gov** at least [90] **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).

[(c)](d) (No change in text.)

[(d)](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 [in] **at** N.J.S.A. 12:7-61[b(2)(i),.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.

[(e)](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 [in] **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. Waterskiing;]

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.
