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APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

Document Number _____ Rule Number Saf-C 6104.03

<p>1. Agency Name & Address:</p> <p>Department of Safety 33 Hazen Drive Concord, NH 03305</p> <p>5. Date of Filing: <u>4/8/26</u></p>	<p>2. RSA Authority: <u>RSA 270-D:20</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u>X</u></p> <p>Repeal _____</p>
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6. Short Title: **Boater Education Internet Course**

7. Contact person for copies and questions:

Name:	David M. Hiltz, Esq.	Title:	Senior Staff Counsel
Address:	33 Hazen Drive Concord, NH 03305	Phone #:	(603) 227-4032

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

- 8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.
- 9. A summary of the effect if the rule were not adopted.
- 10. A description of those affected.

***PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 4/8/26

Signature: *Robert Quinn*

Name: Robert Quinn

Title: Commissioner / Dept of Safety

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

The Department asserts that substantial fiscal harm to the state would occur if the proposed amendment were not adopted as an emergency rule. Chapter 216, Laws of 2025 (SB 40), effective January 1, 2026, amended RSA 270-D:13, I(a) to allow individuals 18 years of age or older to obtain a Safe Boater Education Certificate by passing a safe boater education course and successful completion of an online examination approved by NASBLA and meeting the US boating education standards.

Although during the COVID Emergency Declaration, during which the Governor issued Exhibit I to Emergency Order #29, temporarily suspending the requirement for an in-person, proctored, boater education course examination, boater education course applicants have been historically required to submit to in-person, proctored, written examinations only.

Due to the workloads of Department staff, unfilled positions during the general hiring freeze, and the current absence of key Department staff in the drafting of rules, interim rules have not yet been adopted to implement the aforementioned legislative amendment.

The Department asserts that the commencement of the boating season is imminent, and without an available, approved online examination option in New Hampshire, prospective boaters in New Hampshire this season will seek to obtain their boater education course through vendors who are not contracted with this State, but whose out-of-state course completion certifications are accepted in this State via reciprocity, resulting in significant lost revenue to the State.

Based upon 2025 data, the State boater education program collected \$205,207.00. This figure is comprised of \$161,213.00 in in-person classroom course fees, \$13,229.00 in online timed course fees, and \$30,765.00 in online interactive course fees.

The State estimates that the number of students who would participate in the in-person classroom curriculum would decrease by approximately 3,755 in a year as a result of the online examination authorized by the legislative amendment. As such, the Navigation Safety fund is estimated to lose \$140,812.50 in a year. Based on the State's estimate, the students taking the online timed course would increase by 1087 students, resulting in an increase of \$19,511.65 to the State in a year. The State estimates that the students taking the online interactive course would increase by 2,668 students, resulting in an increase of \$26,546.60 to the State in a year. Those projected attendance changes would generate an overall net loss of revenue to the Navigation Safety Fund of \$94,754.25, indicating projected net annual revenue in the amount of \$110,452,75, which is a projected decrease in revenue of approximately 46%.

However, statistics from the State's contracted boater education vendor indicate that during the COVID emergency when the in-person proctored examination was suspended in favor of an online examination, 30331 applicants attended an online course. That attendance figure dwarfs the largest annual online course attendance figure available outside of the COVID emergency, which was 5,169 students in 2022. The difference between those figures totals 25,162 students, which would represent \$250,361.19 of additional revenue to the State at the \$9.95 rate collected per student for the online timed course or \$451,657.90 of additional revenue to the State at the \$17.95 rate collected per student for the online interactive course.

If the drastically increased online attendance rates during COVID are a reasonable indicator of increased online attendance rates due to the newly authorized online examination, those additional attendees would increase revenues between 22% (\$250,361.19 vs. \$205,207.00) and 220% (\$451,657.90 vs. \$205,207) compared to 2025 figures. The State's vendor reported that in 2025, a total of 3,829 students took online courses, broken down at 737 students in the online timed course and

and 3092 students in the online interactive course, roughly 4:1 in favor of the online interactive course, indicating that the projected online course attendance, with an online examination, could yield revenues totaling approximately \$290,620.52, essentially a 42% increase in revenue over 2025.

9. A summary of the effect if the rule were not adopted.

If the proposed emergency rule were not adopted, the Department anticipates that prospective boaters in New Hampshire this season will seek to obtain their boater education course through vendors who are not contracted with this State, but whose out-of-state course completion certifications are accepted in this State via reciprocity, resulting in foregone revenue to the State in the amount of approximately \$290,620.52.

10. A description of those affected.

These rules would affect the residents and nonresidents of New Hampshire seeking to obtain a boater education certificate required by RSA 270-D:10 before operating a motorized vessel with any type of power motor in excess of 25 horsepower on the public waters of this state; any vendor contracted with the State to provide boater education course and examination services; and the Department of Safety, Division of State Police, Marine Patrol.

Readopt with amendment Saf-C 6104.03, effective January 25, 2018 (Doc. #12467), to read as follows:

Saf-C 6104.03 Internet Course.

(a) Pursuant to RSA 270-D:13, any person 15 years of age or older may take an internet course approved by the division as set forth in paragraph (i) below, and an equivalency examination.

(b) Persons aged 18 years or older at the time of the course may choose to take an online equivalency examination, pursuant to RSA 270-D:13, I(b), or opt for a proctored examination as set forth in RSA 270-D:13, I(a).

(c) Persons 18 years and older taking the online equivalency exam shall attest they are the person taking the examination and the information provided shall include their legal name, address, and date of birth.

(d) Persons aged 15-17 years must take an in-person proctored examination as set forth in RSA 270-D:13, (a), at the conclusion of the internet course.

(e) Persons taking the in-person proctored examination or online examination as described in this section, shall achieve a minimum score of 80% to receive their certificate.

(f) Persons failing to score a minimum score of 80% on any exam described in this section shall be required to re-test by taking an in-person proctored examination.

(g) All persons wishing to re-test pursuant to (f) above, shall be required to pay a \$10 fee for each examination.

(h) All persons completing an internet course must successfully pass an equivalency examination within 90 days of their registration date. Failure to do so requires the person to retake a classroom or internet course offered by the division or approved provider as described in Saf-C 6103.02 at their own expense.

(i) For an internet course to meet the department's standards, it shall meet the course content requirements as set forth in Saf-C 6103.02(f), and:

(1) Questions shall be pulled randomly from a database.

(2) The questions shall address each of the following areas:

a. Boating emergencies;

b. New Hampshire boating laws;

c. Boat operation;

d. Navigational rules; and

e. Safety inspection and equipment.

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~~_____ (c) The questions shall address each of the following areas:~~

- ~~(1) Boating emergencies;~~
- ~~(2) New Hampshire boating laws;~~
- ~~(3) Boat operation;~~
- ~~(4) Navigational rules; and~~
- ~~(5) Safety inspection and equipment.~~