

12:7-72

LEGISLATIVE HISTORY CHECKLIST

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(Watercraft--boat safety)

NJSA: 12:7-72

LAWS OF: 1997 CHAPTER: 152

BILL NO: S1312

SPONSOR(S): Ciesla and others

DATE INTRODUCED: June 13, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: May 22, 1997

DATE OF APPROVAL: July 1, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached; statement adopted
6-26-97 & 6-23-97

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[Third Reprint]

SENATE, No. 1312

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senator CIESLA, Assemblymen Wolfe,
Holzapfel and Moran

1 AN ACT concerning the operation of personal watercraft and ³ certain
2 power vessels,³ amending P.L.1995, c.401 ¹ and ³ P.L.1987, c.453,
3 and³ supplementing chapter 7 of Title 12 of the Revised Statutes¹.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 3 of P.L.1995, c.401 (C.12:7-72) is amended to read as
9 follows:

10 3. a. Upon proper application therefor, the director shall license
11 a person to operate a power vessel on the nontidal waters of this State.
12 A person shall not make any misstatement of fact in an application for
13 a power vessel operator's license.

14 b. Except as provided pursuant to ² **[subsection c.]** subsections c.
15 and g.² of this section:

16 (1) A person shall not operate a power vessel on the nontidal
17 waters of this State without being licensed by the director; and

18 (2) A person under 16 years of age shall not be licensed to operate
19 a power vessel on the nontidal waters of this State.

20 c. A person is not required to be licensed pursuant to subsection
21 b. of this section when operating a power vessel:

22 (1) powered solely by a motor of less than one horsepower or an
23 electric motor of 12 volts or less;

24 (2) that is 12 feet or greater in length and powered by a motor, or
25 combination of motors, of less than 10 horsepower;

26 (3) while actually competing in an authorized race held under the

EXPLANATION - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted January 23, 1997.

² Assembly floor amendments adopted June 23, 1997.

³ Assembly floor amendments adopted June 26, 1997.

1 auspices of a duly incorporated yacht club or racing association in
2 accordance with rules and regulations prescribed by the Division of
3 State Police in the Department of Law and Public Safety and pursuant
4 to a permit duly issued by that division;

5 (4) ² [pursuant to the provisions of subsection a. of section 2 of
6 P.L.1987, c.453 (C.12:7-61);

7 (5) ² if the person is an out-of-State resident [, the person's vessel]
8 ² [who brings a vessel into this State, provided that the vessel is
9 registered in the person's state of residence and the person has
10 successfully completed] and has written proof, while operating the
11 power vessel, of successful completion of² a boat safety course
12 substantially similar to the boat safety course administered pursuant to
13 section 1 of P.L.1987, c.453 (C.12:7-60) ² [, and provided that the
14 person enters New Jersey with the intent to operate a vessel, and that
15 the person operates the vessel for no more than 30 days between May
16 1 and September 30 of any year [.]:

17 (6) if the person is an out-of State resident and has successfully
18 completed a boat safety course substantially similar to the boat safety
19 course administered pursuant to section 1 of P.L.1987, c.453
20 (C.12:7-60), provided that the person enters New Jersey with the
21 intent to operate a vessel, and that the person operates the vessel for
22 no more than 30 days between May 1 and September 30 of any year]².

23 d. Except as provided pursuant to subsection c. of this section, a
24 person shall have in his possession a proper license at all times when
25 operating a power vessel on nontidal waters and shall exhibit the
26 license to any law enforcement officer upon request. Failure of a
27 person to exhibit such license upon request shall be presumptive
28 evidence that the person is not a licensed operator.

29 e. A person who violates the provisions of subsection b. of this
30 section shall be subject to a fine of not more than \$500 or to a term of
31 imprisonment not to exceed 60 days, or both, except that:

32 (1) A person who has never been licensed to operate a power
33 vessel on the nontidal waters of this State or any other jurisdiction
34 shall be subject to a fine of not less than \$200 and, in addition, the
35 court shall issue an order to the Director of the Division of Motor
36 Vehicles requiring the director to refuse to issue a license to operate
37 a power vessel on the nontidal waters of this State to that person for
38 a period of not less than 180 days; and

39 (2) A person who can exhibit to the court before which the person
40 is summoned to answer to the charge a valid operator's license issued
41 to that person which was valid on the day that person was charged
42 shall be subject to a fine of not more than \$100, in addition to any
43 reasonable court costs the court may impose. Notwithstanding the
44 provisions of this subsection, the court may, in its discretion, dismiss
45 a charge regarding the failure to exhibit an operator's license brought
46 pursuant to the provisions of this section.

1 f. The penalties provided for pursuant to subsection e. of this
2 section shall not be applicable in cases where failure to have actual
3 possession of the operator's license is due to an administrative or
4 technical error by the Division of Motor Vehicles.

5 ²g. A person who is under 16 years of age and was issued an
6 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
7 34.7) before July 1, 1996 may operate a power vessel equipped with
8 an outboard motor until the expiration date of that license.²

9 (cf: P.L.1995, c.401, s.3)

10

11 2. Section 18 of P.L.1995, c.401 (C.12:7-86) is amended to read
12 as follows:

13 18. ²**[a.]²** A person ²who is 16 years of age or older² may operate
14 a personal watercraft without having completed a boat safety course
15 required pursuant to subsection c. of section 2 of P.L.1987, c.453
16 (C.12:7-61) or a written test administered pursuant to section 17 of
17 P.L.1995, c.401, under the following conditions:

18 ²**a.²** (1) the person operates the personal watercraft within the
19 boundaries of an area designated solely for the operation of personal
20 watercraft by a business engaged in renting personal watercraft for use
21 on the waters of the State;

22 (2) the area designated for such operation is supervised by a person
23 who is experienced in the operation of personal watercraft and who
24 has successfully completed a boat safety course approved pursuant to
25 section 1 of P.L.1987, c.453 (C.12:7-60); and

26 (3) the person has successfully completed an instruction course
27 provided by the owner or lessee of the personal watercraft prior to
28 operating the personal watercraft within the designated area.

29 b. ²**[The Superintendent of State Police shall adopt, pursuant to**
30 **the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et**
31 **seq.), any rules or regulations necessary to implement the provisions**
32 **of this section.**

33 c. A person may operate a personal watercraft without having
34 completed a boat safety course required pursuant to subsection c. of
35 section 2 of P.L.1987, c.453 (C.12:7-61) or a written test administered
36 pursuant to section 17 of P.L.1995, c.401, under the following
37 conditions:

38 ²**(1)]²** For the first 21 days following the purchase of a personal
39 watercraft, provided that:

40 ²**[(a)] (1)²** the operator of the personal watercraft is the person
41 who purchased the personal watercraft or a member of that person's
42 immediate family;

43 ²**[(b)] (2)²** the operator of the personal watercraft is at least 16
44 years of age;

45 ²**[(c)] (3)²** the personal watercraft that has been purchased is the
46 only personal watercraft being operated pursuant to this subsection;

1 ²[(d)] (4)² the seller of the personal watercraft has provided
2 educational materials regarding the safe operation of the personal
3 watercraft at the time of sale; and

4 ²[(e)] (5)² the purchaser and the seller of the personal watercraft
5 have signed a certificate acknowledging that the information required
6 pursuant to paragraph 4 of this subsection has been provided by the
7 seller and received by the purchaser at the time of purchase of the
8 personal watercraft.

9 ²[(2) the] c. The² person has ²[successfully completed] written
10 proof, while operating the personal watercraft, of successful
11 completion of² a boat safety course ²[or written test]² substantially
12 similar to the boat safety course required pursuant to the boat safety
13 course administered pursuant to section 1 of P.L.1987, c.453
14 (C.12:7-60)² [or the written test authorized pursuant to section 17 of
15 P.L.1995, c.401 in another state].

16 d. (1) The person does not own a personal watercraft and the
17 owner of the personal watercraft possesses a certificate showing the
18 successful completion of a boat safety course required pursuant to
19 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
20 test administered pursuant to section 17 of P.L.1995, c.401;

21 (2) the owner of the personal watercraft instructs the owner in the
22 proper operation of the personal watercraft;

23 (3) the person is accompanied by the owner of the personal
24 watercraft and they remain within 150 feet and in sight of each other;

25 (4) the cumulative number of days of operation by a person under
26 this subsection does not exceed five days during a calendar year; and

27 (5) the person has not violated any provision of chapter 7 of this
28 title.

29 A person who violates this subsection shall be subject to a penalty
30 of not less than \$200 and not more than \$500 for each violation.

31 Pursuant to the provisions of the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of State
33 Police shall adopt any rules or regulations necessary to implement the
34 provisions of this section.²

35 (cf: P.L.1995, c.401, s.18)

36
37 ²[¹3. (New section) a. A non-owner infrequent operator shall be
38 subject to all provisions of law regarding power vessel operation on
39 the waters of this State and the applicable penalties for violations. If
40 a personal watercraft owner permits a non-owner infrequent operator
41 to operate a personal watercraft and thate non-owner infrequent
42 operator violates any provision of law concerning operation of a
43 power vessel, the owner shall be subject to a penalty of not less than
44 \$200 and not more than \$500 for each violation. In addition, the
45 owner shall be liable for all damages or injuries resulting from the
46 negligent operation of the personal watercraft by the non-owner

1 infrequent operator.

2 b. For purposes of this section, a non-owner infrequent operator
3 shall be defined as a person at least 16 years of age who:

4 (1) does not own a personal watercraft and has not completed a
5 boat safety course; and

6 (2) has obtained permission from the personal watercraft owner to
7 operate the personal watercraft within the line of sight of the owner,
8 has been instructed by the owner as to safe operating procedures and
9 has been informed and understands that the owner shall be liable for
10 all damages or injuries resulting from the negligent operation of the
11 personal watercraft by the non-owner infrequent operator. ¹ ²

12

13 ²3. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
14 as follows:

15 2. a. A person who is under 16 years of age shall not operate a
16 power vessel on the waters of this State, except that:

17 (1) a person who is under 16 years of age but at least 13 years of
18 age and possesses a certificate certifying that person's successful
19 completion of a boat safety course approved by the Superintendent of
20 State Police in the Department of Law and Public Safety may operate:

21 (a) a power vessel powered solely by a motor of less than one
22 horsepower or an electric motor of 12 volts or less; or

23 (b) a power vessel which is 12 feet or greater in length and
24 powered by a motor, or combination of motors, of less than 10
25 horsepower and;

26 (2) A person who is under 16 years of age and has successfully
27 completed an approved boat safety course prior to July 1, 1996 may
28 operate a power vessel on the tidal waters of this State, provided that
29 the person complies with all other requirements of law, rule and
30 regulation **];** and

31 (3) A person who is under 16 years of age and was issued an
32 operator's license pursuant to section 7 of P.L.1954, c.236
33 (C.12:7-34.7) before July 1, 1996 may operate a power vessel
34 equipped with an outboard motor until the expiration date of that
35 license**].**

36 b. A person who is 16 years of age or older and was born after
37 December 31, 1978 shall not operate a power vessel on the waters of
38 this State without having completed a boat safety course approved by
39 the Superintendent of State Police in the Department of Law and
40 Public Safety.

41 c. Except as provided pursuant to section 18 of P.L.1995, c.401
42 (C.12:7-86), a person shall not operate a personal watercraft on the
43 waters of this State after July 1, 1997, without having successfully
44 completed a boat safety course approved by the Superintendent of
45 State Police in the Department of Law and Public Safety or a written
46 test pursuant to section 17 of P.L. 1995, c.401.

1 d. Whenever a person who is required by this section or by section
2 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
3 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
4 to have completed a boat safety course operates a power vessel or
5 personal watercraft, as appropriate, on the waters of this State, that
6 person shall have in possession a certificate certifying that person's
7 successful completion of a boat safety course approved by the
8 superintendent and shall, when requested to do so, exhibit the
9 certificate to a law enforcement or peace officer of this State. Failure
10 of the person to exhibit the certificate is presumptive evidence that the
11 person has not completed an approved boat safety course.

12 e. A person who violates subsection a., b., c. or d. of this section
13 or who exhibits to a law enforcement or peace officer a certificate of
14 completion of an approved boat safety course of another person is
15 subject to a fine of not less than \$100 nor more than \$500.

16 f. A person who owns or has control or custody of a power vessel
17 and allows the power vessel to be operated on the waters of this State
18 by a person who is required pursuant to the provisions of this section
19 to possess a certificate certifying successful completion of a boat
20 safety course but who does not possess such certificate is subject to
21 a fine of not more than \$100.

22 g. A person making application to the Director of the Division of
23 Motor Vehicles for a power vessel operator's license issued pursuant
24 to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant
25 to the provisions of this section to possess a certificate certifying
26 successful completion of a boat safety course shall submit the original
27 or a copy of the certificate with the application. The director shall not
28 issue a power vessel operator's license to such person who fails to
29 submit the original or a copy of the certificate.²

30 (cf: P.L.1996, c.59, s.1)

31

32 ²4. (New section) In addition to all other remedies permitted and
33 duties required by law, the owner of a personal watercraft shall be
34 jointly liable for damage incurred by another person operating the
35 owner's personal watercraft if the owner knowingly allows the person
36 to operate the owner's personal watercraft, the operator has not
37 successfully completed a boat safety course required pursuant to
38 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
39 test administered pursuant to section 17 of P.L.1995, c.401 and the
40 operator is not exempt from the boat safety certificate requirement
41 pursuant to subsection a. or c. of section 18 of P.L.1995, c.401
42 (C.12:7-86).²

43

44 ³5. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
45 as follows:

46 2. a. A person who is under 16 years of age shall not operate a

1 power vessel on the waters of this State, except that:

2 (1) a person who is under 16 years of age but at least 13 years of
3 age and possesses a certificate certifying that person's successful
4 completion of a boat safety course approved by the Superintendent of
5 State Police in the Department of Law and Public Safety may operate:

6 (a) a power vessel powered solely by a motor of less than one
7 horsepower or an electric motor of 12 volts or less; or

8 (b) a power vessel which is 12 feet or greater in length and
9 powered by a motor, or combination of motors, of less than 10
10 horsepower;

11 (2) A person who is under 16 years of age and has successfully
12 completed an approved boat safety course prior to July 1, 1996 may
13 operate a power vessel on the tidal waters of this State, provided that
14 the person complies with all other requirements of law, rule and
15 regulation; and

16 (3) A person who is under 16 years of age and was issued an
17 operator's license pursuant to section 7 of P.L.1954, c.236
18 (C.12:7-34.7) before July 1, 1996 may operate a power vessel
19 equipped with an outboard motor until the expiration date of that
20 license.

21 b. A person who is 16 years of age or older and was born after
22 December 31, 1978 shall not operate a power vessel on the waters of
23 this State without having completed a boat safety course approved by
24 the Superintendent of State Police in the Department of Law and
25 Public Safety, except that:

26 (1) a person who is 18 years of age or older, and who has in his
27 possession a valid motor vehicle operator's license issued pursuant to
28 R.S.39:3-10, may operate on the waters of this State, without having
29 completed a boat safety course approved by the Superintendent of
30 State Police in the Department of Law and Public Safety, a power
31 vessel that is (a) powered solely by an electric motor or a motor, or
32 combination of motors, of 10 horsepower or less, and (b) not a
33 personal watercraft;

34 (2) an out-of-State resident, or a resident of a foreign country, who
35 is 18 years of age or older and who will be in this State for less than
36 90 days may operate on the waters of this State, without having
37 completed a boat safety course approved by the Superintendent of
38 State Police in the Department of Law and Public Safety, a power
39 vessel that is (a) registered in that person's State or country of
40 residence and (b) not a personal watercraft; and

41 (3) a person who is 18 years of age or older may operate on the
42 waters of this State, without having completed a boat safety course
43 approved by the Superintendent of State Police in the Department of
44 Law and Public Safety, a rented power vessel that is powered by a
45 motor, or combination of motors, of more than 10 horsepower, and
46 that is not a personal watercraft, under the following conditions:

1 (a) the person rents the power vessel from a business engaged in
2 renting power vessels for use on the waters of the State;

3 (b) the person has successfully completed a State-approved pre-
4 rental instruction course provided by the owner or lessor of the power
5 vessel prior to operating the power vessel on the waters of the State;

6 and

7 (c) the owner of the power vessel rental business is experienced in
8 the operation of power vessels and has successfully completed a boat
9 safety course approved by the Superintendent of State Police in the
10 Department of Law and Public Safety.

11 The Superintendent of State Police shall establish appropriate
12 guidelines to implement the provisions of this subsection.

13 c. Except as provided pursuant to section 18 of P.L.1995, c.401
14 (C.12:7-86), a person shall not operate a personal watercraft on the
15 waters of this State after July 1, 1997, without having successfully
16 completed a boat safety course approved by the Superintendent of
17 State Police in the Department of Law and Public Safety or a written
18 test pursuant to section 17 of P.L.1995, c.401.

19 d. Whenever a person who is required by this section or by section
20 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
21 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
22 to have completed a boat safety course operates a power vessel or
23 personal watercraft, as appropriate, on the waters of this State, that
24 person shall have in possession a certificate certifying that person's
25 successful completion of a boat safety course approved by the
26 superintendent and shall, when requested to do so, exhibit the
27 certificate to a law enforcement or peace officer of this State. Failure
28 of the person to exhibit the certificate is presumptive evidence that the
29 person has not completed an approved boat safety course.

30 e. A person who violates subsection a., b., c. or d. of this section
31 or who exhibits to a law enforcement or peace officer a certificate of
32 completion of an approved boat safety course of another person is
33 subject to a fine of not less than \$100 nor more than \$500.

34 f. A person who owns or has control or custody of a power vessel
35 and allows the power vessel to be operated on the waters of this State
36 by a person who is required pursuant to the provisions of this section
37 to possess a certificate certifying successful completion of a boat
38 safety course but who does not possess such certificate is subject to
39 a fine of not more than \$100.

40 g. A person making application to the Director of the Division of
41 Motor Vehicles for a power vessel operator's license issued pursuant
42 to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant
43 to the provisions of this section to possess a certificate certifying
44 successful completion of a boat safety course shall submit the original
45 or a copy of the certificate with the application. The director shall not
46 issue a power vessel operator's license to such person who fails to

1 submit the original or a copy of the certificate.³

2 (cf: P.L.1996, c.59, s.1)

3

4 ¹[3.] ²[4.1] ³[5.2] 6.³ This act shall take effect immediately.

5

6

7

8

9 Revises law governing operation of personal watercraft and power
10 vessels in certain cases.

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would amend current law regarding the licensing and
7 operating requirements for power vessels and personal watercraft to
8 clarify and expand the exemptions from these requirements. First, the
9 bill would amend the licensing exemption provision accorded pursuant
10 to section 3 of P.L.1995, c.401 (C.12:7-72) to clarify that an out-of-
11 State resident who operates the power vessel of another person need
12 not be licensed provided that he has successfully completed a boat
13 safety course substantially similar to New Jersey's boat safety course.
14 Current law only exempts out-of-State owners of power vessels who
15 have registered their vessels and meet the safety course requirement.

16 The bill would also exempt buyers of personal watercraft, and their
17 immediate family who are at least 16 years of age, from the
18 requirement to take a boat safety course pursuant to R.S.12:7-61 or a
19 written test pursuant to section 17 of P.L.1995, c.401 prior to
20 operating the personal watercraft for the first 21 days subsequent to the
21 purchase. The bill stipulates that the exemption only applies if the
22 personal watercraft that has been purchased is the one being operated,
23 the seller has provided educational materials regarding the safe
24 operation of the personal watercraft at the time of sale, and the buyer
25 and seller of the personal watercraft have signed a certificate
26 acknowledging that the educational materials have been provided and
27 received.

28 The bill also allows persons who have successfully completed, in
29 another state, a boat safety course or written test substantially similar
30 to a course or test required in New Jersey to operate a personal
31 watercraft in New Jersey.

32

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34

35

36 Revises law regarding licensing and operation of personal watercraft.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1312

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1312.

This bill would amend current law regarding the licensing and operating requirements for power vessels and personal watercraft to clarify and expand the exemptions from these requirements. First, the bill would amend the licensing exemption provision accorded pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) to clarify that an out-of-State resident who operates the power vessel of another person need not be licensed provided that he has successfully completed a boat safety course substantially similar to New Jersey's boat safety course. Current law only exempts out-of-State owners of power vessels who have registered their vessels and meet the safety course requirement.

The bill would also exempt buyers of personal watercraft and members of their immediate families who are at least 16 years of age from taking the required boat safety course pursuant to R.S.12:7-61 or written test pursuant to section 17 of P.L.1995, c.401 prior to operating the personal watercraft in the first 21 days subsequent to the purchase. The bill stipulates that the exemption only applies if the personal watercraft that has been purchased is the one being operated, the seller has provided educational materials regarding the safe operation of the personal watercraft at the time of sale and the buyer and seller of the personal watercraft have signed a certificate acknowledging that the educational materials have been provided and received.

The bill also allows persons who have successfully completed in another state a boat safety course or written test substantially similar to a course or test required in New Jersey to operate a personal watercraft in New Jersey.

The committee amended the bill to provide that a non-owner infrequent operator would be subject to all provisions of law regarding power vessel operation on waters of this State and the applicable penalties for violations. If a personal watercraft owner permits a non-owner infrequent operator to operate a personal watercraft and that non-owner infrequent operator violates any law concerning power

vessel operations, the owner would be subject to a penalty of at least \$200 and up to \$500 for each violation. In addition, the owner would be liable for all damages or injuries resulting from the negligent operation of the watercraft by the non-owner infrequent operator.

The amendments define a non-owner infrequent operator as a person age 16 or more who (1) does not own a personal watercraft and has not completed a boat safety course and (2) has obtained permission from the personal watercraft owner to operate it within the line of sight of the owner, has been instructed by the owner as to safe operating procedures and has been informed by and understands that the owner would be liable for all damages or injuries resulting from the negligent operation of the watercraft by that non-owner infrequent operator.

STATEMENT TO
[First Reprint]
SENATE, No. 1312

with Assembly Floor Amendments
(Proposed By Assemblymen WOLFE and HOLZAPFEL)

ADOPTED: JUNE 23, 1997

Senate Bill No. 1312 (R) amends current law regarding the licensing and operating requirements for power vessels and personal watercraft to clarify and expand the exemptions from those requirements.

These Assembly amendments require out-of-state operators of power vessels to have in their possession written proof of successful completion of a boat safety course. The amendments also further clarify the operating privileges, liabilities and responsibilities of owners and operators of personal watercraft under the following conditions: 1) a person renting a personal watercraft; 2) a purchaser during the first 21 days of ownership; 3) a person licensed to operate a personal watercraft in another state or under another licensing scheme; and 4) an operator who is neither an owner or renter of the personal watercraft.

STATEMENT TO
[Second Reprint]
SENATE, No. 1312

with Assembly Floor Amendments
(Proposed By Assemblyman WOLFE)

ADOPTED: JUNE 26, 1997

These Assembly amendments provide limited exemptions from the current statutory requirement that persons born after December 31, 1978 must successfully complete a boat safety course prior to operating a power vessel on the waters of the State. These amendments would allow persons 18 years of age or older to operate a power vessel that is not a personal watercraft (e.g., jet ski, waverunner) on the waters of the State without completing the boat safety course if:

- 1) the person possesses a valid driver's license and operates a power vessel powered by a motor of 10 horsepower or less;
 - 2) the person is not a New Jersey resident, is in this State for less than 90 days and possesses a power vessel registered in another state or country; or
 - 3) the person rents a power vessel powered by a motor of more than 10 horsepower from a boat rental business and the person has successfully completed a State-approved pre-rental instruction course administered by the owner of the boat rental business prior to operating the vessel, provided that the owner of the business is an experienced boater and has successfully completed the State boat safety course.
-

9/4/90
661



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-004

TRENTON, NJ 08625

CONTACT: PETE MCDONOUGH RELEASE: WEDNESDAY
609-777-2600 July 2, 1997

Gov. Whitman signed into law the 13th tax cut of her administration reducing the alcoholic beverage tax rate on certain apple cider from 70 cents per gallon to 12 cents per gallon. The legislation makes the tax rate on cider consistent with the tax rate on beer.

S-1946 was sponsored by Senator Robert Littell (R-Sussex/Hunterdon/Morris) and Assembly Member Leonard Lance (R-Warren/Hunterdon/Mercer).

Gov. Whitman also signed **S-1312**, sponsored by Senator Andrew Ciesla (R-Monmouth/Ocean), which revises the law regarding licensing and operation of personal watercraft commonly known as jet skis and power boats to clarify exemptions from safety training requirements.

A requirement went into effect on July 1, which mandated that individuals who operate personal watercraft must successfully complete an eight hour boating safety course. The new law provides for the following exemptions from the requirements:

- Buyers of personal watercraft and their family members who are at least 16 years of age are exempt from taking the course until 21 days following the purchase of the watercraft.
 - Individuals who have successfully completed an out-of-state boat safety course substantially similar to New Jersey's course are deemed to have met the requirement.
 - A person who owns a personal watercraft and has completed the required course is allowed to permit another person, who has not completed the course, to use the watercraft for no more
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than five days per year. The owner must accompany the individual while that individual operates the craft.

Additionally, this bill provides for certain exemptions from the current requirements for power boat operators which apply to persons born after December 31, 1978.

- Individuals 18 years of age or older with a valid driver's license can operate a power vessel with a motor of 10 horsepower or less without taking a boating safety course.
- An out-of-state resident in this state for less than 90 days, who owns a power vessel registered in another state or country, would be able to operate that boat in New Jersey without completing the required safety course.
- A person who rents a power vessel with a motor of more than 10 horsepower would not have to take the required course if he or she has completed a state-approved pre-rental instruction course provided by the owner of the boat rental business, as long as that owner has successfully completed the required state course.