

SENATE, No. 229

(Revised Statutes, section 12:7-1.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 28, 1938

By Mr. SCOTT

(By Request)

Referred to Committee on Commerce and Navigation

AN ACT for the regulation of power vessels, providing for the registration of the same and the licensing of the operators thereof, fixing the amount of license and registration fees and penalties for violations, and supplementing Title 12 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. In addition to the powers conferred upon the Board of Commerce
2 and Navigation by the provisions of Title 12 of the Revised Statutes, the
3 said Board of Commerce and Navigation is hereby authorized and em-
4 powered to establish these rules and regulations to govern the operation, dock-
5 ing, mooring and anchoring of power vessels and all other craft navigating
6 the Inland Waterway within the confines of the State of New Jersey.

7 (a) The speed of power vessels shall at all times be regulated so as to
8 avoid danger or injury to all manner of floating craft either by the effect
9 of the wave or wash raised by power vessels through excessive speed or
10 otherwise.

11 (b) All boats shall reduce their speed to six miles per hour when pass-
12 ing within two hundred feet of a wharf or dock at which boats are berthed.

13 (c) All boats navigating the Bay Head-Manasquan canal in Ocean

14 county between Barnegat bay and the Manasquan river shall be operated at
15 a speed not exceeding six miles per hour.

16 (d) No person shall operate a power vessel while under the influence of
17 any intoxicating liquor or any narcotic or habit-producing drugs, or permit
18 any person who may be under the influence of intoxicating liquor or nar-
19 cotic or habit-producing drugs to operate any power boat owned by him or
20 her or in his or her custody and control.

21 (e) No dredge operator shall tow excessive lines of pontoons and other
22 equipment and thereby endanger buoys, lights and other aids to navigation.
23 A length of pontoon or other tow exceeding one hundred feet measured
24 from the stern of the towing vessel shall be deemed for the purpose of this
25 act presumptive evidence of guilt of damage to any aids to navigation cer-
26 tified to have occurred within twenty-four hours after the passage of such
27 pontoon line.

28 (f) In all cases, no power vessel shall be operated in a reckless manner.
29 Reckless operation shall include operating a vessel in a manner which un-
30 necessarily interferes with the free and proper use of any waters, or unneces-
31 sarily endangers other craft therein, or the life or limb of any person upon
32 such other craft or in the water.

33 (g) No power vessel shall be utilized to moor, ground or abandon any
34 hulk or derelict on State lands below mean high water mark.

1 2. The board may, whenever in its discretion it shall be necessary, ap-
2 point harbor masters who shall have controlling jurisdiction under the law
3 governing said Board of Commerce and Navigation to supervise the use of
4 the inland waterways within the limits of this act. Such harbor masters
5 shall be appointed for one year and shall serve without salary or other com-
6 pensation. Harbor masters appointed under this act shall be supplied with a
7 shield or badge indicating their office and with an insignia to be carried on
8 their boats while used on official duty in discharging the requirements of this
9 statute.

1 3. Any complaint having been made in writing and duly verified that any
2 person has violated any of the provisions of this act, any magistrate of the
3 county or recorder or police magistrate of any municipality in which the
4 offense is committed may within thirty days after the commission of said
5 offense issue either a summons or a warrant directed to any constable,
6 police officer or harbor master appointed under the provisions of this act for
7 the appearance or arrest of the person so charged and the complaint shall
8 state what section or provision of the act has been violated by the de-
9 fendant, and the time, place and nature of said violation, and upon the re-
10 turn of said summons or warrant, the said magistrate or recorder shall pre-
11 ceed with or without a jury, to hear and determine the guilt or innocence of
12 such person and upon conviction may impose on the person so convicted the
13 penalty by this act prescribed, together with the cost of prosecution for
14 such offense, and upon the return day of any summons or warrant issued in
15 accordance with the provisions of this act, said defendant may demand and
16 have a trial by a jury of twelve men: when a demand is made by the said
17 defendant for a trial by jury, said defendant shall pay the costs of all pro-
18 ceedings of said jury trial.

1 4. Such magistrate or recorder upon receiving the complaint in writing,
2 duly verified, of the violation of any provision of this act by any corpora-
3 tion, is hereby authorized and required to issue a summons directed to any
4 constable, police officer or harbor master appointed under the provisions of
5 this act, requiring such corporation to be and appear before such magistrate
6 or recorder on the date therein named to answer to said complaint, which said
7 summons shall be served on the president, vice-president, secretary, super-
8 intendent or manager of said corporation or upon the captain or acting cap-
9 tain of any boat, dredge, scow or other craft by which the offense is com-
10 mitted, at least five days before the time and appearance mentioned therein,
11 and thereafter all proceedings shall be the same as against an individual.

1 5. Any hearing to be held pursuant to this act shall on the request of the
2 defendant be adjourned for a period not exceeding thirty days from the re-

3 turn date named in any summons or from the return of any warrant or
4 from the date of any arrest without warrant as the case may be. But in
5 such case it shall be the duty of the magistrate or recorder to detain the de-
6 fendant in safe custody unless he shall make a cash deposit or enter into a
7 bond with the State of New Jersey, with at least one sufficient surety to all
8 and in amount not to exceed five hundred dollars (\$500.00), conditioned for
9 his appearance on the day to which the hearing may be adjourned and thence
10 from day to day until the case is disposed of; and such bond if forfeited
11 may be prosecuted by the Board of Commerce and Navigation or by the
12 Attorney-General of the State of New Jersey in any court of competent
13 jurisdiction and such cash deposit if forfeited shall be paid to said Board
14 of Commerce and Navigation by said magistrate or recorder with whom the
15 said cash shall have been deposited, to be by said board paid over to the
16 State Treasurer; *provided, however,* that in lieu of said bond or cash deposit
17 the person under arrest may leave with the magistrate or recorder the vessel
18 owned or operated by the said person or corporation at the time of the com-
19 mission of said offense.

1 6. The defendant in any proceeding instituted under this act may ap-
2 peal from the judgment or sentence of the magistrate or recorder to the
3 court of common pleas of the county in which such proceedings shall have
4 taken place; *provided,* said defendant shall within ten days after the date of
5 said judgment, deliver to the magistrate or recorder a bond to the State of
6 New Jersey with at least one sufficient surety or make a cash deposit with
7 said magistrate or recorder of such amount as the magistrate or recorder
8 shall direct, not exceeding the sum of five hundred dollars (\$500.00), condi-
9 tioned to stand and to abide by such further order or judgment, as may
10 thereafter be made against said party.

1 7. Proceedings under this act may be instituted on any day of the week.
2 Any process served on Sunday will be as valid as if served on any other day
3 of the week.

1 8. A summons or warrant issued by any magistrate in accordance with
2 the provisions of this act shall be valid throughout the State and any of-
3 ficer who has power to serve the said summons, or to serve said warrant
4 and make arrest thereon, in the county where the same shall have been
5 issued, shall have like power to serve said summons and to serve said war-
6 rant and make arrest thereon in any of the several counties of the State.

1 9. Any person who shall be guilty of violating the provisions of this act
2 shall be subject to a fine not exceeding one hundred dollars (\$100.00), in
3 default of the payment of such fine there shall be imposed an imprisonment
4 in the county jail for a period not exceeding ten days; *provided*, that any
5 offender shall be convicted of a second offense of the same violation will
6 be fined double the amount herein prescribed for the first offense, and may,
7 in default of the payment thereof, be punished by imprisonment in the
8 county jail for a period not exceeding twenty (20) days.

1 10. This act shall take effect immediately.