

LEGISLATIVE HISTORY OF R.S.12:7-34.36 et seq.

(New Jersey Boat Act of 1962)

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Previous Bills:

1960 - A15 2
 Jan.25 - Introduced by Matthews and/others.
 Feb.8 - Passed Assembly.
 Feb.15 - Received in Senate.
 Feb.15 - Agriculture, Conservation and Economic Development
 Committee.
 Mar.21 - Reported by Committee Substitute.
 Mar.21 - 2nd Reading.
 Mar.28 - Recommitted.
 Bill has no statement
 Public hearing held.

1961 - A450
 Mar.13 - Introduced by Matthews, Barkalow.
 Mar.13 - Judiciary Committee.
 Mar.27 - Reported with committee amendment.
 Mar.27 - 2nd Reading.
 Apr.24 - Passed in Assembly, amended.
 May 1 - Received in Senate.
 May 1 - Agriculture, Conservation and Economic Development
 Committee
 Bill had Statement. (Encl.)
 No hearings and reports located.

L.1962 - chap.73 - A273.
 Jan.29 - Introduced by Matthews, Barkalow.
 Apr.30 - Passed Assembly.
 May 7 - Committee Substitute passed in Senate under
 Emergency resolution.
 May 14 - Senate Committee Substitute passed in Assembly
 under Emergency Resolution.
 May 14 - Assembly amendment passed in Senate under Emergency
 Resolution
 June 11 -- Approved, Chapter 73.
 Bill had no statement
 No hearings or reports located.

Amended by:

L.1965 - chap.206 - S371
 Nov.29 - Introduced by Sandman.
 Dec.13 - Passed in Senate under Emergency Resolution, amended.

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Dec.13 - Passed Assembly under Emergency Resolution.
Dec.21 - Approved chap.206.
Bill had no statement.
No hearings or reports located.

Current bill to amend act:

1971 - A1159
Sept.17 - Introduced by Margetts and 11 others.
Sept.17 - No reference 2nd reading.
Sept.28 - Appropriations Committee.
Oct.8 - Reported, 2nd reading.
Oct.8 - Passed Assembly under emergency resolution.
Oct.8 - Received in Senate.
Oct.8 - Appropriations committee
Bill had statement.
Public hearing held.

Hearings and reports:

974.90 N.J. Legislature. Public Hearing on
N325 Assembly no.15 1960.
1960

974.90 N.J. Boat Study Group
N325 Report. Trenton, N.J. Department of
1961 Conservation and Economic Development. 1961

974.90 N.J. Legislature. Senate
N325 Public Hearings on Assembly no.1159
1971

AGD/EH

- 6 (a) Registration of a privately operated vessel, \$2.50.
- 7 (b) Registration of a detachable or outboard motor, including an electric
- 8 outboard motor, \$2.00.
- 9 (c) Operator's license, \$1.50.
- 10 (d) Learner's permit, \$0.50.
- 11 (e) Dealer's license, \$5.00.
- 12 (f) A power vessel carrying passengers for hire, \$0.25 for each passenger
- 13 which the vessel is licensed to carry, but not less than \$15.00 for each such
- 14 vessel.
- 15 (g) A power vessel used for the sale or delivery of merchandise or
- 16 engaged in any commerce other than the carriage of passengers, \$5.00.
- 17 (h) A power vessel or outboard motor for hire or rent to any individual
- 18 for private use, including a u-drive vessel, \$10.00.]

19 *The annual fee payable to the department for an operator's license shall*
 20 *be \$1.50.*

1 21. The following sections of P. L. 1954, c. 236 are repealed: Sections 5,
 2 11, 12, 15, 16, 17, 21 and 32.

1 22. This act shall take effect immediately.

STATEMENT

It is the intent of this legislation that all undocumented power vessels principally used in New Jersey shall be numbered by this State for the purpose of identification; that the numbering system to be established hereunder shall be compatible with the national uniform system established pursuant to the Federal Boating Act of 1958, which system includes a standardized method of reporting boating accidents and the tabulating of statistical information in such reports.

It is also intended that this numbering system shall be operative upon all the waters of this State, both tidal and nontidal, but that those provisions of existing law which now pertain solely to nontidal waters and which are not in

conflict with this act shall continue in full force and effect upon such waters.

Another principal objective of this legislation is to enable and to encourage the fullest possible co-operation with neighboring States and the Federal Government in search, assistance and rescue operations, boating safety education, the recovery of lost and stolen boats, and the enforcement of boating laws and regulations.

The Department of Conservation and Economic Development shall and to the fullest extent practicable:

(a) Make and develop plans, within the limits of available income, for the improvement and promotion of all the waters of New Jersey;

(b) Promote the safety of life and property through an educational program directed to boat owners, boat operators and others, as to the inherent hazards of the water, precautions to be observed, and emergency action;

(c) Plan a regulatory program and its related co-operation with the officials of other States and Federal Government, and with local agencies;

(d) Plan the improvement of the waterways of New Jersey through the deepening of channels, the acquisition and development of access areas, the removal of obstructions, and clearing waters of aquatic vegetation.

The bill establishes a Boating Regulation Council with power to review all rules and regulations and the authority to find that emergency rules and regulations are necessary during the period from May 1 to September 30 of any year.

12: 7- 34.39

LEGISLATIVE NOTES ON R. S. 12:7-34.39

(Boat Numbering)

Laws 1962, Chapter 73, sec. 4 - A-273 - Introduced Jan. 27 by Matthews & Barkalow
No statement on the bill.

May 7th - Senate Committee Substitute adopted
May 14th - Senate Committee Substitute passed Assembly with Assembly amendment

Section 4 (c) was amended by Senate Committee Substitute to change "carried on the bow" to "displayed on the bow".

No hearings were held on this bill.

According to a newspaper account (Newark News, May 8, 1962) the Senate Committee Substitute version of this bill was "the overhaul fashioned by Senator W. Steelman Mathis, R-Ocean".

Earlier bills introduced:

- 1958 - A-540 (copy enclosed)
- 1959 - A-15 (copy enclosed)
- 1960 - A-15 (copy enclosed)
- 1961 - A-450 (copy enclosed)
- 1962 - A-273 (copy enclosed)

Hearings and reports on earlier bills:

1. Public Hearing on A-15 (Proposed New Jersey Marine Navigation Act, 1959) (copy enclosed)
2. In re: Public Hearing on A-15 of 1959 (copy enclosed)
3. Report of the Boat Study Group, 1961 (copy enclosed)

RS/325

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ASSEMBLY, No. 540

STATE OF NEW JERSEY

INTRODUCED MAY 26, 1958

By Assemblyman KURTZ

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT providing for the registration of certain vessels measuring 16 feet or less in length and operating on tidal waters, fixing the amount of registration fees and penalties for violations, repealing "An act concerning the regulation and registration of power vessels, and supplementing Title 12, chapter 7, of the Revised Statutes of New Jersey," approved December 23, 1941 (P. L. 1941, c. 396), 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 Department of Conser-
2 vation and Economic Development by the provisions of Title 12 of the Re-
3 vised Statutes of New Jersey, the said department is hereby authorized to
4 regulate the registration of outboard powered vessels measuring 16 feet or
5 less in length operating on the tidal waters of the State of New Jersey.

1 2. The terms used in this act shall be construed as follows unless an-
2 other meaning is clearly apparent from the language or context, or unless
3 such construction is inconsistent with the manifest intention of the Legisla-
4 ture:

5 (a) The short title of this act shall be the "Outboard Powered Vessel
6 Registration Act."

7 (b) The term "outboard powered vessel" shall mean a vessel equipped
8 with 1 or more outboard motors.

9 (c) The term "department" shall mean the Department of Conserva-
10 tion and Economic Development, or its duly constituted successor.

1 3. Except as is hereinafter provided, every person who is the owner of
2 an outboard powered vessel measuring 16 feet or less shall register same with
3 the department before operating it or permitting it to be operated on the
4 tidal waters of this State; and no person shall operate such a vessel on those
5 waters unless it has been registered and the registration remains in force.

1 4. The department shall have the power to grant a registration certifi-
2 cate to any such owner after a written application is made on a form pre-
3 scribed by the department and executed by the owner and a fee of \$3.00 is
4 paid. The registration certificate shall bear a number which shall constitute
5 the registration number assigned to such owner who shall display the num-
6 ber by painting or attaching it in numerals at least 3 inches high on both
7 sides of the vessel 3 feet aft of the bow, or such other size and location as
8 may be established later by departmental rule or regulation, before operat-
9 ing or permitting the operation of it. Such registration shall be valid for a
10 period of 3 years from the date of its issuance unless sooner terminated as
11 is hereinafter provided; but such registration may not be transferred or re-
12 assigned.

1 5. Certificate shall be pocket size and shall be required to be at all times
2 available for inspection on the vessel for which issued, whenever such ves-
3 sel is in use.

1 6. In case of a sale or destruction of any registered outboard powered
2 vessel, its registration shall expire; and in the event of a sale the party to
3 whom such registration was issued, before delivering possession of the ves-
4 sel to the purchaser, shall remove or obliterate the numbers therefrom and
5 shall within 10 days from the date of the sale notify the department of the
6 name and address of the purchaser.

1 7. The department is hereby authorized and empowered to prescribe
2 such rules and regulations, not inconsistent with this act, governing the
3 forms and procedures to be followed in the registration of outboard pow-
4 ered vessels as are reasonably necessary to execute the authority conferred

5 upon the department by this act, and to fix the times and to designate the
6 places for the issuance of the registration certificates, and for maintaining the
7 proper record of all registrations made.

1 8. No persons shall operate a vessel registered under this act whenever
2 the registration numbers on the vessel have been so defaced or worn as to
3 render them illegible or when in any manner their usefulness as a means of
4 ready identification has been destroyed; nor shall any person operate such a
5 vessel which displays a fictitious number other than that designated for
6 such vessel in the registration certificate for it.

1 9. All moneys received as fees and registrations or reregistrations, or re-
2 newals of registrations, shall be paid over to the Treasurer of the State of
3 New Jersey for the use of the State.

1 10. No fee shall be charged for the registration of an outboard powered
2 vessel operating in the tidal waters of the State of New Jersey and owned by
3 the State, or any county or municipality or other political subdivision thereof,
4 nor shall any fee be charged for the registration of an outboard powered ves-
5 sel so operated which is owned by any other State, or any county or munic-
6 ipality or political subdivision thereof, provided said State or county or
7 municipality or any political subdivision thereof, does not require the reg-
8 istration of any outboard powered vessels owned by the State of New Jersey,
9 or any county, municipality or any political subdivision thereof, operating in
10 such waters.

1 11. Any person who shall violate any provision of this act or of any rule
2 or regulation issued thereunder, where the penalty therefor is not specifi-
3 cally prescribed, shall be a disorderly person and for a first offense shall be
4 punishable by a fine not exceeding \$200.00 or by imprisonment for not ex-
5 ceeding 90 days, or both, and for any subsequent offense shall be punishable
6 by a fine not exceeding \$500.00 or by imprisonment for not exceeding
7 6 months, or both.

1 12. The Department of Conservation and Economic Development shall
2 have the duty of enforcing the provisions of this act. The procedure for
3 such enforcement shall be the same as in the case of other violations under

4 Title 12 of the Revised Statutes relating to power vessels and motors and
5 certain boats and craft operating in other than tidal waters.

1 13. Every County Court, county district court, county criminal judicial
2 court, and every municipal court shall have jurisdiction to enforce the pro-
3 visions of this act and every judge and magistrate of said courts shall have
4 jurisdiction to receive complaints, order arrests, issue summonses and war-
5 rants, admit to bail, and take any action required of a judge or magistrate
6 in the enforcement of the provisions of this act within their respective ter-
7 ritorial jurisdictions.

1 14. "An act concerning the regulation and registration of power vessels,
2 and supplementing Title 12, chapter 7, of the Revised Statutes of New
3 Jersey," approved December 23, 1941, is repealed.

1 15. This act shall take effect January 1, 1959.

STATEMENT

1. The effective date of January 1, 1959 is suggested to allow time for de-
partment to arrange for proper procedure in processing applications and as-
signment of numbers.

2. This measure is in conformance with pending Federal legislation request-
ing States to adopt numbering legislation.

3. Inboard powered vessels are not covered hereunder since Federal identi-
fication numbers are required on *all* inboard powered vessels.

4. The use and operation of outboard powered vessels has increased tre-
mendously in the last few years. While the use and operation is regulated by
statute, it has been difficult to apprehend offenders operating boats without
identifying numbers because of the large number of boats traveling the water-
ways. The Federal Government requires registration numbers only on outboard
powered boats over 16 feet in length. The requirement under this statute now
makes it mandatory for all outboard powered boats operating on tidal waters to
bear identifying numbers.

ASSEMBLY, No. 15

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1959

By Assemblymen MATTHEWS, D'ALOIA, FRANKLIN, CRABIEL

and MARAZITI

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT concerning the registration and numbering of vessels and motors and the licensing of vessel operators and dealers, providing for the regulation of certain marine activities, providing for the administration and enforcement thereof, repealing certain acts and statutes relating thereto 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. It is hereby declared to be the policy of this State to promote safety
2 for persons and property in and connected with the use, operation and
3 equipment of vessels and to promote uniformity of laws relating thereto.

1 2. This act may be cited as the "New Jersey Marine Navigation Act, 1959."

1 3. As used in this act, unless the context clearly requires a definite
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" means any vessel equipped with machinery for
6 propulsion, whether or not such machinery is the principal source of pro-
7 pulsion, but shall not include a vessel which has a valid marine document
8 issued by the Bureau of Customs of the United States Government or any
9 Federal agency successor thereto.

10 (c) "Owner" means a person, other than a lien holder, having the prop-
11 erty in or title to a power vessel or outboard motor. The term includes a
12 person entitled to use or possession subject to an interest in another person,
13 reserved or created by agreement and securing payment or performance of
14 an obligation, but the term excludes a lessee under a lease not intended as
15 security.

16 (d) "Waters of this State" means any waters within the territorial limits
17 of this State, and the marginal sea adjacent to this State.

18 (e) "Person" means an individual, partnership, firm, corporation, as-
19 sociation or other entity.

20 (f) "Operate" means to navigate or otherwise use a vessel or a power
21 vessel.

22 (g) The term "Department" means the Department of Conservation and
23 Economic Development or its duly constituted successor.

24 (h) The term "outboard motor" means a self-contained and detachable
25 mechanism by which a vessel is or may be propelled, whatever form of energy
26 is used.

1 4. Every power vessel, except as herein provided, which is used or op-
2 erated on the waters of this State shall be registered with the department
3 and numbered in accordance with the provisions of this act, and no person
4 shall operate or give permission to operate any power vessel on such waters
5 unless it is so registered and numbered and the operator thereof shall have
6 been duly licensed to operate a power vessel under the provisions of this act
7 or by any other State or the Federal Government.

8 A power vessel shall not be required to be registered and numbered
9 under the provisions of this act if it is:

10 (a) Already covered by a number in full force and effect which has been
11 awarded to it pursuant to Federal law or a Federally-approved numbering
12 system of another State: Provided, That such vessel shall not have been
13 within this State for a period in excess of 90 consecutive days;

14 (b) From a country other than the United States temporarily using the
15 waters of this State;

16 (c) Owned by the United States, a State or a subdivision or agency
17 thereof;

18 (d) A ship's lifeboat;

19 (e) Belonging to a class of power vessel which has been exempted from
20 registration and numbering by the department after it has found that the
21 numbering of power vessels of such class will not materially aid in their
22 identification; and, that such power vessel would also be exempt from num-
23 bering if it were subject to Federal law.

1 5. Every outboard motor used on the waters of this State shall be regis-
2 tered with the department unless such outboard motor is used exclusively on
3 a power vessel exempt from registration and numbering under the provisions
4 of this act.

1 6. The owner of a power vessel or an outboard motor required to be
2 registered in this State shall file an application with the department on
3 forms approved by it. The application shall be signed by the owner of the
4 power vessel or outboard motor and shall be accompanied by the fee pre-
5 scribed by this act for such power vessel or outboard motor. Upon receipt of
6 the application in approved form and the prescribed fee, the department
7 shall enter the same upon the records of its office and issue to the applicant
8 a certificate of registration which shall state the name and address of the
9 owner, a description of the power vessel or outboard motor and, in the case
10 of a power vessel, the number allotted to the power vessel.

11 The certificate of registration shall be available at all times for inspec-
12 tion on the power vessel for which issued whenever such power vessel is in
13 operation or on the vessel on which the outboard motor is in use.

1 7. The department shall make and promulgate rules and regulations con-
2 cerning the numbering system to be used which system shall conform as near
3 as possible with any over-all system of identification numbering for power
4 vessels which is being used by the United States Government or its agencies.

5 The owner of a power vessel required to be numbered under the provisions
6 of this act shall paint or attach the identification number to both sides of the

7 bow of the power vessel in such manner as may be prescribed by the rules
8 and regulations of the department in order that it may be clearly visible. The
9 number shall be maintained in legible condition.

1 8. The owner of any power vessel covered by a number in full force and
2 effect which has been awarded to it pursuant to then operative Federal law or
3 a Federally-approved numbering system of another State shall register the
4 power vessel and the number prior to operating such power vessel on the
5 waters of this State in excess of the 90-day reciprocity period provided for
6 in section 4 of this act. Such registration shall be in the manner and pursuant
7 to the procedure provided in section 6 of this act except that no additional
8 or substitute number shall be issued.

1 9. No person shall be licensed by the department to operate a power vessel
2 until he shall have satisfactorily passed an examination as to his ability as
3 such an operator. Such examination shall include a test of the knowledge
4 of the mechanism of power vessels necessary to insure safe operation of
5 vessels or motors and of the laws and ordinary usages of the waterways. The
6 applicant for a license shall also demonstrate his ability to operate a power
7 vessel to the satisfaction of the department. Application for an operator's
8 license certificate shall be made to the department upon forms approved by it,
9 and shall be accompanied by the prescribed fee.

1 10. The department, upon application on forms approved by it, may, in
2 its discretion, issue to any person entitled thereto a learner's permit, to
3 operate a power vessel of the kind designated therein, for a period of not more
4 than 30 days from the date thereof, while in the company and under the
5 supervision of a licensed operator. Any such permittee and such licensed power
6 vessel operator shall be jointly and severally liable for any violation committed
7 by the said permittee while in the presence of such licensed power vessel
8 operator. The department, in its discretion, may require an applicant for an
9 operator's license, to first secure a learner's permit.

1 11. Every registration and license shall expire and the certificate thereof
2 become void on the last day of the twelfth calendar month following the

3 calendar month in which the certificate was issued; provided, however, that
4 the department may, at its discretion and for good cause shown, issue regis-
5 trations and licenses which shall expire, and issue certificates thereof which
6 shall become void, on a date fixed by it, which date shall not be sooner than 3
7 months nor later than 16 months after the date of issuance of such certificates,
8 and the fees for such registrations and licenses shall be prorated by the
9 department in amounts proportionately less or greater than the fees estab-
10 lished in this act.

11 The department, upon receipt of an application in approved form and
12 the prescribed fee, shall issue registration and license certificates for the
13 following registration or license period, on and after the first day of the
14 calendar month immediately preceding the commencement of such registra-
15 tion license period, such registration certificates to be effective immediately.

1 12. No person shall make any misstatement of fact in an application for
2 registration of a power vessel or outboard motor or for a license or permit
3 or give a fictitious name or address.

1 13. Any holder of a registration or license certificate shall notify the
2 department within 30 days after any change of address and shall, as a part
3 of such notification, furnish the department with his new address. The de-
4 partment may provide in its rules and regulations for the surrender of the
5 certificate bearing the former address and its replacement with a certificate
6 bearing the new address or for the alteration of an outstanding certificate
7 to show the new address of the holder.

1 14. Upon the transfer of ownership or the destruction of any power
2 vessel or outboard motor, its registration shall expire; and in the event of
3 the sale of the power vessel or outboard motor, the original owner shall re-
4 move the registration certificate therefrom and shall, within 5 days, notify
5 the department of the name and address of the purchaser. The original
6 owner may, however, by proper application on a form approved by the de-
7 partment, register another power vessel or outboard motor upon payment
8 of \$1.00, and such owner shall be assigned the registration number previ-
9 ously issued to him and shall receive a new registration certificate.

1 15. The following fees shall be paid annually to the department upon
2 the registration or reregistration of a power vessel or outboard motor or
3 upon the issuance of a license certificate or permit:

4 (a) Registration of a noncommercially used power vessel under 16 feet,
5 \$2.50;

6 (b) Registration of a noncommercially used power vessel 16 feet or over
7 and less than 26 feet, \$3.50;

8 (c) Registration of a noncommercially used power vessel 26 feet or over
9 and less than 40 feet, \$4.50;

10 (d) Registration of a noncommercially used power vessel 40 feet or over,
11 \$5.50;

12 (e) Registration of an outboard motor, \$2.00;

13 (f) Registration of a power vessel carrying passengers for hire, \$0.35
14 for each passenger which the vessel is licensed to carry, but not less than
15 \$20.00;

16 (g) Registration of a power vessel used for the sale or delivery of mer-
17 chandise or engaged in any commerce other than the carriage of passengers,
18 \$10.00;

19 (h) Registration of a power vessel used for hire or rent to any indi-
20 vidual for private use, including a U-drive motorboat, \$10.00;

21 (i) Dealer's license, \$10.00;

22 (j) Operator's license, \$1.50;

23 (k) Learner's permit, \$0.50.

1 16. Every operator shall at all times when operating any power vessel
2 or motor have in his possession a proper license certificate and shall, when
3 requested so to do, exhibit the same to any peace officer of this State. Fail-
4 ure of an operator to so exhibit such license certificate upon demand, shall
5 be presumptive evidence that such person is not a licensed operator.

1 17. No person shall operate or use any power vessel or outboard motor
2 without permission of the owner.

1 18. Any person who shall have in his possession any motor, the motor
2 number of which has been altered or mutilated, or who shall come into pos-
3 session of such a motor, shall file with the department a statement setting
4 forth all the circumstances on a form approved by the department and within
5 the time fixed by rule or regulation.

1 19. Every power vessel required to be registered under the provisions
2 of this act shall carry such lights and equipment designed to promote the
3 safety of navigation and of persons as the department may find to be appro-
4 priate and for which it has provided in its rules and regulations and no per-
5 son shall operate or give permission for the operation of a power vessel
6 which is not so equipped.

1 20. (a) No person shall operate or use any power vessel or outboard
2 motor, or manipulate any water skis, surfboard, or similar device in a reck-
3 less or negligent manner so as to endanger the life, limb, or property of any
4 person.

5 (b) No person shall operate or use any power vessel or outboard motor,
6 or manipulate any water skis, aquaplane, or similar device while intoxicated
7 or under the influence of any narcotic, drug, barbituate or marijuana.

1 21. No power vessel shall be used to moor, ground or abandon any hulk
2 or derelict on State lands or where such hulk or derelict can become a hazard
3 to navigation.

1 22. (a) It shall be the duty of the operator of a vessel involved in a col-
2 lision, accident, or other casualty, so far as he can do so without danger to his
3 own vessel, crew, or passengers, to render to other persons affected by the
4 collision, accident, or other casualty such assistance as may be practicable in
5 order to save them from or minimize any danger caused by the collision,
6 accident, or other casualty, and also to give his name, address and identifica-
7 tion of his vessel in writing to any person injured and to the owner or
8 possessor of any property damaged in the collision, accident, or other
9 casualty.

10 (b) In the case of collision, accident, or other casualty involving a
11 vessel, the operator thereof, if the collision, accident, or other casualty re-
12 sults in death or injury to a person or damage to property in excess of \$100.00
13 shall file with the department a full description of the collision, accident or
14 other casualty, including such information as said agency may, by rule or
15 regulation require.

16 (c) In accordance with any request duly made by an authorized official
17 or agency of the United States, any information compiled or otherwise avail-
18 able to the department shall be transmitted to said office or agency.

1 23. The department may make, adopt and promulgate rules and regu-
2 lations authorizing the holding of regattas, motorboat or other boat races,
3 marine parades, tournaments or exhibitions on any waters of this State and
4 governing their conduct.

1 24. The owner of a boat livery shall cause to be kept a record of the
2 name and address of the person or persons hiring any vessel which is designed
3 or permitted by him to be operated as a power vessel; the identification num-
4 ber thereof; and the departure date and time, and the expected time of return.
5 The record shall be preserved for at least 6 months.

6 Neither the owner of a boat livery, nor his agent or employee shall permit
7 any power vessel or any vessel designed or permitted by him to be operated
8 as a power vessel to depart from his premises unless it shall have been pro-
9 vided, either by owner or renter, with such lights and equipment which may
10 be required by this act and any rules and regulations made pursuant thereto.

1 25. No person shall operate a dredge which shall have in tow excessive
2 lines of pontoons and other equipment and thereby endanger any buoy, light,
3 or other aid to navigation, or any cable or pipe. A length of pontoon or other
4 tow exceeding 150 feet measured from the stern of the towing vessel shall be
5 deemed for the purposes of this act presumptive evidence of a violation of
6 this section where damage is shown to have occurred within 24 hours after
7 the passage of such pontoon or tow.

1 26. The commissioner of the department shall appoint a chief of marine
2 police and as many officers and marine patrolmen as the commissioner deems
3 necessary, whose powers and duties shall be such as prescribed by the rules
4 and regulations of the department. The department may also appoint as
5 many special marine patrolmen as in the judgment of the commissioner of
6 the department may be necessary and appropriate for detecting violations
7 and otherwise assisting in the enforcement of this act. Regardless of the pro-
8 visions of any other law, their appointment may be revoked at the pleasure of
9 the commissioner of the department. Said special marine patrolmen shall
10 serve without compensation except that for every power vessel registration
11 and for every operator's license a special marine policeman shall issue, he
12 shall be paid by the department the sum of \$0.25.

1 27. The chief power vessel inspector now in the employ of the depart-
2 ment shall be retained and continued without diminution in salary as a
3 deputy chief of marine police and shall perform such duties as the commis-
4 sioner may from time to time designate.

1 28. The assistant inspectors now in the employment of the department
2 shall be retained and continued as officers of marine police or as marine patrol-
3 men as the commissioner may designate, unless removed in accordance with
4 the provisions of Title 11, Civil Service, of the Revised Statutes. The depart-
5 ment, however, may abolish any office or position it may deem unnecessary.

1 29. Harbormasters now on the rolls of the department shall be retained
2 and continue as heretofore as special marine patrolmen. Regardless of the
3 provisions of any other law, they shall serve at the pleasure of the com-
4 missioner of the department and shall serve without salary.

1 30. The commissioner of the department, the Director of the Division of
2 Planning and Development in the department, the Chief of the Bureau of
3 Navigation in the department, the chief of marine police, marine policemen
4 and special marine policemen appointed under the provisions of this act, and
5 every peace officer of this State and its subdivisions shall each have the
6 authority to enforce the provisions of this act and in the exercise thereof

7 shall have the authority to stop and board any vessel subject to this act, th
8 authority to regulate and direct all vessel traffic on the waters of this S^t ...,
9 and the right to make complaints hereunder and to arrest without warrant
10 any person violating any provision of this act in his presence and bring the
11 offender before any judge or magistrate having jurisdiction hereunder to
12 receive the complaint for such violation.

1 31. The commissioner of the department as well as such officers or em-
2 ployees as shall be designated for the purpose by him, and the Chief of the
3 Bureau of Navigation of the department, shall each be vested with all the
4 powers of a magistrate conferred in this act.

1 32. Every County Court, county district court and municipal court shall
2 have jurisdiction to enforce the provisions of this act. Any prosecution for a
3 violation of this act may be brought in the county or municipality where the
4 offense is committed or where the offender is first apprehended or where he
5 may reside.

1 33. Any judge or municipal magistrate or person having the powers of a
2 magistrate conferred in this act, or the commissioner of the department or the
3 Director of the Division of Planning and Development, or the Chief of the
4 Bureau of Navigation of the department, shall revoke or suspend a license
5 to operate a power vessel of any person, and in the case of an owner, the
6 certificate of registration, where the holder is, or shall have been convicted
7 of homicide or of violating the provisions of section 20 of this act. Such
8 licenses and certificates of registration may be suspended or revoked for any
9 violation of any of the provisions of this act or of any rule or regulation pre-
10 scribed by the department. A conviction by a court of competent jurisdic-
11 tion shall not be essential to sustain a suspension or a revocation, except as
12 hereinbefore expressly provided. Where revocation or suspension is permis-
13 sive, the holder shall have an opportunity to be heard. A license or certificate
14 of registration may be temporarily suspended without notice, pending hearing
15 and any prosecution or investigation. Attendance of witnesses may be com-
16 pelled by subpœna. Failure of the holder or any other person possessing the

17 license card or registration certificate, or number plates, to deliver the same
18 to the suspending or revoking officer shall constitute a violation of this act.
19 Officers suspending or revoking licenses or certificates shall promptly place
20 such license cards, registration certificates and number plates in the custody
21 of the department except where the department shall otherwise direct.
22 Power to restore a license or registration shall be exclusively in the depart-
23 ment. Wherever revocation is mandatory hereunder, no new license or
24 certificate shall be issued to the person whose license or certificate is revoked
25 for at least 6 months after the date of such revocation, nor thereafter except
26 at the direction of the department. Where revocation is permissive, no new
27 license or certificate shall be issued until after the expiration of 30 days from
28 the date of the revocation, nor thereafter except at the direction of the
29 department.

1 34. Upon the suspension or revocation of any license or certificate of
2 registration, the judge, magistrate or officer suspending or revoking the same
3 shall forthwith transmit to the department a certificate of the fact and the
4 ground upon which the license or certificate was suspended or revoked.

1 35. The department shall have the power to authorize the seizure of any
2 power vessel or outboard motor when in its judgment it has reason to be-
3 lieve that such power vessel or outboard motor has been stolen or being
4 operated under suspicious circumstances and to retain the same in the name
5 of the department until such time as the identity of ownership or right to
6 possession is established, whereupon the department shall order the release
7 of such power vessel or outboard motor to the owner or other person entitled
8 to the possession thereof. Whenever any stolen power vessel or outboard
9 motor shall come into the possession of the department by seizure or other-
10 wise, said department may, after the expiration of 90 days from the date
11 such power vessel or outboard motor came into its possession, sell such
12 power vessel or outboard motor at public sale if such identity is not estab-
13 lished. Notice of such sale shall be first published at least twice, each time in
14 a separate week, in 1 or more newspapers published and circulating in this

15 State, and also by posting such notice in 5 public places in this State, said
16 newspapers and places of posting to be designated by the department. Up-
17 the sale of such power vessel or outboard motor all claims for interest in
18 such vessel or motor shall be forever barred and the proceeds realized there-
19 from shall become the sole property of the State.

1 36. (a) The provisions of this act, and of other applicable laws of this
2 State shall govern the operation, equipment, numbering and all other mat-
3 ters relating thereto whenever any vessel shall be operated on the waters of
4 this State, or when any activity regulated by this act shall take place thereon;
5 but nothing in this act shall be construed to prevent the adoption of any
6 ordinance or local law relating to operation and equipment of vessels the
7 provisions of which are identical to the provisions of this act, amendments
8 thereto or regulations issued thereunder: Provided, that such ordinance or
9 local laws shall be operative only so long as and to the extent that they con-
10 tinue to be identical to provisions of this act, amendments thereto or regu-
11 lations issued thereunder.

12 (b) Any subdivision of this State may, at any time, but only after public
13 notice, make formal application to the department for special rules and reg-
14 ulations with reference to the operation of vessels on any waters within its
15 territorial limits and shall set forth therein the reasons which make such
16 special rules or regulations necessary or appropriate.

17 (c) The department is hereby authorized to make, adopt and promulgate
18 special rules and regulations with reference to the operation of vessels on
19 any waters within the territorial limits of any subdivision of this State.

1 37. The department is hereby authorized and empowered to make, adopt
2 and promulgate such rules and regulations, not inconsistent with this act, as
3 shall be necessary for the proper implementation of this act governing the
4 registration, licensing, inspection, operation, equipping, anchoring and racing
5 of power vessels upon the waters of this State. Said rules and regulations
6 shall be such as are reasonably necessary for the protection of the health,

7 safety and welfare of the public and for the free and proper use of said
waters by any persons or vessels in, on or about such waters. Said regula-
9 tions, shall, insofar as practicable, be in substantial conformity with regula-
10 tions issued by the agency or agencies of the United States having jurisdic-
11 tion with respect to power vessels upon the tidal waters of this State.

1 38. A copy of the rules and regulations adopted pursuant to this act,
2 and of any amendments thereto, shall be filed in the office of the Secretary
3 of State.

1 39. Any person who violates any provision of this act shall be a dis-
2 orderly person and shall be subject to a fine not to exceed \$250.00 for the first
3 offense or imprisonment for a period not to exceed 90 days or both. Any
4 person who violates any provision of this act for a second time, and for all
5 subsequent offenses, shall be subject to a fine not to exceed \$500.00 or impri-
6 sonment for a period not to exceed 6 months or both.

1 40. All fines imposed and fees received pursuant to this act shall be de-
2 posited as part of the State's general funds with the State Treasurer, who
3 shall keep a record of the same. The said sums shall be credited to a
4 permanent revolving fund for the then current fiscal year and thereafter,
5 from year to year, as a replacement thereof, without further appropriation,
6 and shall not lapse into the unappropriated funds of the State Treasury, for
7 the purposes of meeting necessary expenses to assure a continuous enforce-
8 ment of this act, except that at the end of each fiscal year all revenues in ex-
9 cess of a sum calculated to meet the projected annual costs for its enforce-
10 ment, shall be used and are hereby appropriated for the purpose of dredging
11 and maintaining of the lakes, waterways and streams of this State as deter-
12 mined necessary by the commissioner of the department. The commissioner
13 of the department shall submit monthly statements of account to the State
14 Treasurer showing all expenses incurred in connection with the enforcement
15 of this act, and the dredging and maintaining of the waterways of the State,
16 which shall be paid by the State Treasurer in the same manner and upon the
17 same conditions as other governmental expense items and all such payments
18 shall be charged to said account.

1 41. The following statutes, together with all amendments thereof, a
2 hereby repealed:

- 3 Section 12:6-4 of the Revised Statutes
- 4 Section 12:6-5 of the Revised Statutes
- 5 Section 12:6-6 of the Revised Statutes
- 6 Section 12:6-7 of the Revised Statutes
- 7 Section 12:7-44 of the Revised Statutes
- 8 Section 12:7-45 of the Revised Statutes
- 9 Section 12:7-46 of the Revised Statutes
- 10 Section 12:7-47 of the Revised Statutes
- 11 Section 12:7-48 of the Revised Statutes
- 12 Section 12:7-49 of the Revised Statutes
- 13 Section 12:7-50 of the Revised Statutes
- 14 Section 12:7-51 of the Revised Statutes
- 15 Section 12:7-52 of the Revised Statutes
- 16 P. L. 1941, c. 367, approved December 23, 1941
- 17 P. L. 1953, c. 12, approved March 19, 1953
- 18 P. L. 1954, c. 236, approved December 8, 1954

1 42. This act shall take effect immediately except for the provisions in
2 sections 4, 5, and 15 which shall take effect 30 days thereafter.

A FURTHER ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 15

STATE OF NEW JERSEY

ADOPTED MAY 18, 1959

AN ACT concerning the registration and numbering of power vessels on the tidal waters of the State and the licensing of dealers, providing for the regulation of certain marine activities, providing for the administration and enforcement thereof, repealing certain acts and statutes relating thereto 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. It is hereby declared to be the policy of this State to promote safety
2 for persons and property in and connected with the use, operation and
3 equipment of vessels on the tidal waters of the State and to promote uni-
4 formity of laws relating thereto.

1 2. This act may be cited as the "New Jersey Marine Navigation Act, 1959."

1 3. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" means any vessel equipped with machinery for
6-9 propulsion.

10 (c) "Owner" means a person, other than a lien holder, having the prop-
11 erty in or title to a power vessel. The term includes a person entitled to use
12 or possession subject to an interest in another person, reserved or created by
13 agreement and securing payment or performance of an obligation, but the
14 term excludes a lessee under a lease not intended as security.

15 (d) "Person" means an individual, partnership, firm, corporation, as-
16 sociation or other entity.

17 (e) "Operate" means to navigate or otherwise use a vessel or a power
18 vessel.

19 (f) The term "department" means the Department of Conservation and
20 Economic Development or its duly constituted successor.

1 4. Every power vessel, except as herein provided, which is used or op-
2 erated on the tidal waters of this State shall be registered with the depart-
3 ment and numbered in accordance with the provisions of this act, and no
4 person shall operate or give permission to operate any power vessel on such
5 waters unless it is so registered and numbered under the provisions of this
6 act or by any other State or the Federal Government.

7 A power vessel shall not be required to be registered and numbered
8 under the provisions of this act if it is:

9 (a) Propelled by machinery of 10 horsepower or less;

10 (b) A vessel which has a valid Marine Document issued by the Bureau
11 of Customs of the United States Government or any Federal Agency suc-
12 cessor thereto;

13 (c) Already covered by a number in full force and effect which has been
14 awarded to it pursuant to Federal law or a Federally-approved numbering
15 system of another State: Provided, That such vessel shall not have been
16 within this State for a period in excess of 90 consecutive days;

17 (d) From a country other than the United States temporarily using the
18 waters of this State;

19 (e) Owned by the United States, a State or a subdivision or agency
20 thereof;

21 (f) A ship's lifeboat;

22 (g) Belonging to a class of power vessel which has been exempted from
23 registration and numbering by the department after it has found that the
24 numbering of power vessels of such class will not materially aid in their
25 identification; and, that such power vessel would also be exempt from num-
26 bering if it were subject to Federal law.

1 5. The owner of a power vessel required to be registered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner of the power vessel and shall be
4 accompanied by the fee prescribed by this act for such power vessel. Upon
5 receipt of the application in approved form and the prescribed fee, the de-
6 partment shall enter the same upon the records of its office and issue to the
7 applicant a certificate of registration which shall state the name and address
8 of the owner, a description of the power vessel and the number allotted to
9 the power vessel.

10 The certificate of registration shall be available at all times for inspec-
11 tion on the power vessel for which issued whenever such power vessel is in
12 operation.

1 6. The department shall make and promulgate rules and regulations con-
2 cerning the numbering system to be used which system shall conform as near
3 as possible with any over-all system of identification numbering for power
4 vessels which is being used by the United States Government or its agencies.

5 The owner of a power vessel required to be numbered under the provisions
6 of this act shall paint or attach the identification number to both sides of the
7 bow of the power vessel in such manner as may be prescribed by the rules
8 and regulations of the department in order that it may be clearly visible. The
9 number shall be maintained in legible condition.

1 7. The owner of any power vessel covered by a number in full force and
2 effect which has been awarded to it pursuant to then operative Federal law or
3 a Federally-approved numbering system of another State shall register the
4 power vessel and the number prior to operating such power vessel on the
5 waters of this State in excess of the 90-day reciprocity period provided for
6 in section 4 of this act. Such registration shall be in the manner and pursuant
7 to the procedure provided in section 6 of this act except that no additional
8 or substitute number shall be issued.

1 8. Every registration shall expire and the certificate thereof become
2 void on the last day of the thirty-sixth calendar month following the calen-
3 dar month in which the certificate was issued; provided, however, that the

4 department may, at its discretion and for good cause shown, issue regis-
5 trations which shall expire, and issue certificates thereof which shall be-
6 come void, on a date fixed by it, which date shall not be sooner than 3 months
7 nor later than 16 months after the date of issuance of such certificates, and
8 the fees for such registrations shall be prorated by the department in
9 amounts proportionately less or greater than the fees established in this act.

10 The department, upon receipt of an application in approved form and
11 the prescribed fee, shall issue registration certificates for the following
12 registration period, on and after the first day of the calendar month imme-
13 diately preceding the commencement of such registration period, such regis-
14 tration certificates to be effective immediately.

1 9. No person shall make any misstatement of fact in an application for
2 registration of a power vessel or give a fictitious name or address.

1 10. Any holder of a registration certificate shall notify the depart-
2 ment within 30 days after any change of address and shall, as a part
3 of such notification, furnish the department with his new address. The de-
4 partment may provide in its rules and regulations for the surrender of the
5 certificate bearing the former address and its replacement with a certificate
6 bearing the new address or for the alteration of an outstanding certificate
7 to show the new address of the holder.

1 11. Upon the transfer of ownership or the destruction of any power
2 vessel, its registration shall expire; and in the event of the sale of the power
3 vessel, the original owner shall remove the registration certificate therefrom
4 and shall, within 5 days, notify the department of the name and address of the
5 purchaser. The original owner may, however, by proper application on a
6 form approved by the department, register another power vessel upon pay-
7 ment of \$1.00.

1 12. The following fees shall be paid to the department upon the registra-
2 tion or reregistration of a power vessel:

3 (a) Original registration of a power vessel under 16 feet, \$5.00; renewal
4 of registration, \$3.00;

5 (b) Original registration of a power vessel 16 feet or over and less than
6 26 feet, \$10.00; renewal of registration, \$6.00;

7 (c) Original registration of a power vessel 26 feet or over, \$20.00;
8 renewal of registration, \$12.00;

9 (d) Dealer's license, \$25.00;

1 13. No person shall operate or use any power vessel without permission
2 of the owner.

1 14. Every power vessel required to be registered under the provisions
2 of this act shall carry such lights and equipment designed to promote the
3 safety of navigation and of persons as the department may find to be appro-
4 priate and for which it has provided in its rules and regulations. Said
5 regulations shall be in conformity with and not exceed the requirements of
6 regulations issued by the agency or agencies of the United States having juris-
7 diction with respect to power vessels upon the tidal waters of this State.
8 No person shall operate or give permission for the operation of a power
9 vessel which is not so equipped.

1 15. (a) No person shall operate or use any vessel, or manipulate any
2 water skis, surfboard, or similar device in a reckless or negligent manner
3 so as to endanger the life, limb, or property of any person.

4 (b) No person shall operate or use any vessel, or manipulate any water
5 skis, aquaplane, or similar device while intoxicated or under the influence of
6 any narcotic, drug, barbituate or marijuana.

1 16. No vessel shall be used to moor, ground or abandon any hulk or
2 derelict on State lands or where such hulk or derelict can become a hazard to
3 navigation.

1 17. (a) It shall be the duty of the operator of a vessel involved in a col-
2 lision, accident, or other casualty, so far as he can do so without danger to his
3 own vessel, crew, or passengers, to render to other persons affected by the
4 collision, accident, or other casualty such assistance as may be practicable in
5 order to save them from or minimize any danger caused by the collision,
6 accident, or other casualty, and also to give his name, address and identifica-

7 tion of his vessel in writing to any person injured and to the owner or
8 possessor of any property damaged in the collision, accident, or other
9 casualty.

10 (b) In the case of collision, accident, or other casualty involving a
11 vessel, the operator thereof, if the collision, accident, or other casualty re-
12 sults in death or injury to a person or damage to property in excess of \$100.00
13 shall file with the department a full description of the collision, accident or
14 other casualty, including such information as said agency may, by rule or
15 regulation require.

16 (c) In accordance with any request duly made by an authorized official
17 or agency of the United States, any information compiled or otherwise avail-
18 able to the department shall be transmitted to said office or agency.

1 18. The department may make, adopt and promulgate rules and regu-
2 lations authorizing the holding of regattas, motorboat or other boat races,
3 marine parades, tournaments or exhibitions on any waters of this State and
4 governing their conduct.

1 19. The owner of a boat livery shall cause to be kept a record of the
2 name and address of the person or persons hiring any vessel which is designed
3 or permitted by him to be operated as a power vessel; the identification num-
4 ber thereof; and the departure date and time, and the expected time of return.
5 The record shall be preserved for at least 30 days.

6 Neither the owner of a boat livery, nor his agent or employee shall permit
7 any power vessel or any vessel designed or permitted by him to be operated
8 as a power vessel to depart from his premises unless it shall have been pro-
9 vided, either by owner or renter, with such lights and equipment which may
10 be required by this act and any rules and regulations made pursuant thereto.

1 20. No person shall operate a dredge which shall have in tow excessive
2 lines of pontoons and other equipment and thereby endanger any buoy, light,
3 or other aid to navigation, or any cable or pipe. A length of pontoon or other
4 tow exceeding 150 feet measured from the stern of the towing vessel shall be
5 deemed for the purposes of this act presumptive evidence of a violation of

6 this section where damage is shown to have occurred within 24 hours after
7 the passage of such pontoon or tow.

1 21. The commissioner of the department shall appoint a chief of marine
2 police and as many officers and marine patrolmen as the commissioner deems
3 necessary, whose powers and duties shall be such as prescribed by the rules
4 and regulations of the department. The department may also appoint as
5 many special marine patrolmen as in the judgment of the commissioner of
6 the department may be necessary and appropriate for detecting violations
7 and otherwise assisting in the enforcement of this act. Regardless of the pro-
8 visions of any other law, their appointment may be revoked at the pleasure of
9 the commissioner of the department. Said special marine patrolmen shall
10 serve without compensation except that for every power vessel registration
11 a special marine patrolman or other person so designated by the commis-
12 sioner of the department shall issue, he shall be paid by the department the
13 sum of \$0.25.

1 22. The chief power vessel inspector now in the employ of the depart-
2 ment shall be retained and continued without diminution in salary as a
3 deputy chief of marine police and shall perform such duties as the commis-
4 sioner may from time to time designate.

1 23. The assistant inspectors now in the employment of the department
2 may be retained and continued as officers of marine police or as marine
3 patrolmen as the commissioner may designate. The department, however,
4 may abolish any office or position it may deem unnecessary.

1 24. Harbormasters now on the rolls of the department may be retained
2 and continue as heretofore as officers of marine police, marine patrolmen or
3 special marine patrolmen. Regardless of the provisions of any other law,
4 they shall serve at the pleasure of the commissioner of the department.

1 25. The commissioner of the department, the Director of the Division of
2 Planning and Development in the department, the Chief of the Bureau of
3 Navigation in the department, the chief of marine police, officers of marine
4 police, marine patrolmen and special marine patrolmen appointed under the

5 provisions of this act and any other law, rule or regulation of the depart-
6 ment, and every peace officer of this State and its subdivisions shall each
7 have the authority to enforce the provisions of this act and any other law,
8 rule or regulation of the department, and in the exercise thereof shall have
9 the authority to stop and board any vessel subject to this act, and any other
10 law, rule or regulation of the department, the authority to regulate and di-
11 rect all vessel traffic on the waters of this State, and the right to make com-
12 plaints hereunder and to arrest without warrant any person violating any
13 provision of this act and any other law, rule or regulation of the department
14 in his presence and bring the offender before any judge or magistrate hav-
15 ing jurisdiction hereunder to receive the complaint for such violation.

1 26. The commissioner of the department and such officers or employees
2 as shall be designated for the purpose by him shall each be vested with all
3 the powers of a magistrate conferred in this act.

1 27. Every County Court, county district court and municipal court shall
2 have jurisdiction to enforce the provisions of this act. Any prosecution for a
3 violation of this act may be brought in the county or municipality where the
4 offense is committed or where the offender is first apprehended or where he
5 may reside.

1 28. Any judge or municipal magistrate or person having the powers of a
2 magistrate conferred in this act, or the commissioner of the department or the
3 Director of the Division of Planning and Development, or the Chief of the
4-5 Bureau of Navigation of the department, shall revoke or suspend the
6 certificate of registration, where the holder is, or shall have been convicted
7 of homicide or of violating the provisions of section 19 (b) of this act. Such
8 certificates of registration may be suspended or revoked for any
9 violation of any of the provisions of this act or of any rule or regulation pre-
10 scribed by the department. A conviction by a court of competent jurisdic-
11 tion shall not be essential to sustain a suspension or a revocation, except as
12 hereinbefore expressly provided. Where revocation or suspension is permis-
13 sive, the holder shall have an opportunity to be heard. Attendance of wit-

14 nesses may be compelled by subpoena. Failure of the holder or any other
15 person possessing the registration certificate, or number plates, to
16 deliver the same to the suspending or revoking officer shall constitute a viola-
17 tion of this act. Officers suspending or revoking certificates shall
18 promptly place such registration certificates and number plates in
19 the custody of the department except where the department shall otherwise
20 direct. Power to restore a registration shall be exclusively in the depart-
21 ment. Wherever revocation is mandatory hereunder, no new certificate shall
22 be issued to the person whose certificate is revoked for at least 6 months
23 after the date of such revocation, nor thereafter except at the direction of
24 the department. Where revocation is permissive, no new certificate shall be
25 issued until after the expiration of 30 days from the date of the revocation,
26 nor thereafter except at the direction of the department.

1 29. Upon the suspension or revocation of any certificate of registration,
2 the judge, magistrate or officer suspending or revoking the same shall
3 forthwith transmit to the department a certificate of the fact and the ground
4 upon which the certificate was suspended or revoked.

1 30. The department shall have the power to authorize the seizure of any
2 power vessel or outboard motor when in its judgment it has reason to be-
3 lieve that such power vessel or outboard motor has been stolen or being
4 operated under suspicious circumstances and to retain the same in the name
5 of the department until such time as the identity of ownership or right to
6 possession is established, whereupon the department shall order the release
7 of such power vessel or outboard motor to the owner or other person entitled
8 to the possession thereof. Whenever any stolen power vessel or outboard
9 motor shall come into the possession of the department by seizure or other-
10 wise, said department may, after the expiration of 90 days from the date
11 such power vessel or outboard motor came into its possession, sell such
12 power vessel or outboard motor at public sale if such identity is not estab-
13 lished. Notice of such sale shall be first published at least twice, each time in
14 a separate week, in 1 or more newspapers published and circulating in this

15 State, and also by posting such notice in 5 public places in this State, said
16 newspapers and places of posting to be designated by the department. Upon
17 the sale of such power vessel or outboard motor all claims for interest in
18 such vessel or motor shall be forever barred and the proceeds realized there-
19 from shall become the sole property of the State.

1 31. (a) The provisions of this act, and of other applicable laws of this
2 State shall govern the operation, equipment, numbering and all other matters
3 relating thereto whenever any vessel shall be operated on the tidal waters of
4 this State, or when any activity regulated by this act shall take place thereon;
5 but nothing in this act shall be construed to prevent the adoption of any
6 ordinance or local law relating to operation and equipment of vessels the
7 provisions of which are identical to the provisions of this act, amendments
8 thereto or regulations issued thereunder: Provided, that such ordinance or
9 local laws shall be operative only so long as and to the extent that they con-
10 tinue to be identical to provisions of this act, amendments thereto or regu-
11 lations issued thereunder.

12 (b) Any subdivision of this State may, at any time, but only after public
13 notice, make formal application to the department for special rules and reg-
14 ulations with reference to the operation of vessels on any tidal waters within
15 its territorial limits and shall set forth therein the reasons which make such
16 special rules or regulations necessary or appropriate.

17 (c) The department is hereby authorized to make, adopt and promulgate
18 special rules and regulations with reference to the operation of vessels on
19 any tidal waters within the territorial limits of any subdivision of this State.

1 32. The department is hereby authorized and empowered to make, adopt
2 and promulgate such rules and regulations, not inconsistent with this act, as
3 shall be necessary for the proper implementation of this act governing the
4 registration, inspection, operation, equipping, anchoring and racing of
5 vessels upon the tidal waters of this State. Said rules and regulations
6 shall be such as are reasonably necessary for the protection of the health,
7 safety and welfare of the public and for the free and proper use of said

8 waters by any persons or vessels in, on or about such waters. Said regula-
9 tions shall be in conformity with regulations issued by the agency or agen-
10 cies of the United States having jurisdiction with respect to power vessels
11 upon the tidal waters of this State.

1 33. A copy of the rules and regulations adopted pursuant to this act,
2 and of any amendments thereto, shall be filed in the office of the Secretary
3 of State.

1 34. Any person who violates any provision of this act shall be a dis-
2 orderly person and shall be subject to a fine not to exceed \$250.00 for the first
3 offense or imprisonment for a period not to exceed 90 days or both. Any
4 person who violates any provision of this act for a second time, and for all
5 subsequent offenses, shall be subject to a fine not to exceed \$500.00 or impri-
6 sonment for a period not to exceed 6 months or both.

1 35. All fines imposed and fees received pursuant to this act shall be de-
2 posited as part of the State's general funds with the State Treasurer, who
3 shall keep a record of the same. The said sums shall be credited to a
4 permanent revolving fund for the then current fiscal year and thereafter,
5 from year to year, as a replacement thereof, without further appropriation,
6 and shall not lapse into the unappropriated funds of the State Treasury, for
7 the purposes of meeting necessary expenses to assure a continuous enforce-
8 ment of this act, except that at the end of each fiscal year all revenues in ex-
9 cess of a sum calculated to meet the projected annual costs for its enforce-
10 ment, shall be used and are hereby appropriated for the purpose of dredging
11 and maintaining of the lakes, waterways and streams of this State as deter-
12 mined necessary by the commissioner of the department. The commissioner
13 of the department shall submit monthly statements of account to the State
14 Treasurer showing all expenses incurred in connection with the enforcement
15 of this act, and the dredging and maintaining of the waterways of the State,
16 which shall be paid by the State Treasurer in the same manner and upon the
17 same conditions as other governmental expense items and all such payments
18 shall be charged to said account.

1 40. The following statutes, together with all amendments thereof, are
2 hereby repealed:

- 3 Section 12:6-4 of the Revised Statutes
4 Section 12:6-5 of the Revised Statutes
5 Section 12:6-6 of the Revised Statutes
6 Section 12:6-7 of the Revised Statutes
7 Section 12:7-44 of the Revised Statutes
8 Section 12:7-45 of the Revised Statutes
9 Section 12:7-46 of the Revised Statutes
10 Section 12:7-47 of the Revised Statutes
11 Section 12:7-48 of the Revised Statutes
12 Section 12:7-49 of the Revised Statutes
13 Section 12:7-50 of the Revised Statutes
14 Section 12:7-51 of the Revised Statutes
15 Section 12:7-52 of the Revised Statutes
16 P. L. 1941, c. 396, approved December 23, 1941
1 41. This act shall take effect March 31, 1960.

STATEMENT

This second substitute for Assembly Bill No. 15 conforms completely with the Federal Boating Act of 1958, known as the Bonner Bill.

As now submitted, the bill calls only for the registration and numbering of power boats propelled by machinery of more than 10 horsepower.

Furthermore, the bill provides for the registration and numbering of power vessels on the tidal waters of the State, the registration numbering of power vessels on non-tidal waters to be continued under provisions of the law passed in 1954.

This second substitute:

1. Eliminates the requirement for registration and numbering of power boats propelled by machinery of 10 horsepower or less.

2. Eliminates registration and numbering of outboard motors.
3. Eliminates the requirement of a permit to operate a power boat.
4. Revises the fee schedule so as to eliminate special registration fees for commercial vessels, vessels carrying passengers for hire and U-drive motor boats.
5. Reduces time during which the owner of a boat livery must keep records from 6 months to 30 days.

The bill as now written is the bare minimum acceptable to the Coast Guard under the Bonner Act. If New Jersey does not pass such a bill by April 1, 1960, the regulation called for in this bill will be automatically assumed by the Coast Guard.

More important, the Coast Guard registration program provides only for registration and numbering, with no provision for safety measures or policing.

If passed, this bill will provide money which will enable the State to give services to boatmen which it cannot now give. Such services include additional dredging, a safety education program, a full-time staffing of a marine police organization—all functions which commercial and private boatmen alike agree need to be provided.

ASSEMBLY, No. 15

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1960

By Assemblymen MATTHEWS, MARAZITI and CRABIEL

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT concerning the registration and numbering of power vessels on water of the State and the licensing of dealers, providing for the regulation and development of certain marine activities, providing for the administration and enforcement thereof, establishing an effective operator educational program, repealing certain acts and statutes relating thereto 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. It is hereby declared to be the policy of this State to promote safety
2 for persons and property in and connected with the use, operation and equip-
3 ment of vessels on waters of the State, to promote the development of boat-
4 ing facilities, and to promote uniformity of laws relating thereto.

1 2. This act may be cited as the "New Jersey Boating Act, 1960."

1 3. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" means any vessel equipped with machinery for
6-9 propulsion.

10 (c) "Owner" means a person, other than a lien holder, having the prop-
11 erty in or title to a power vessel. The term includes a person entitled to use

12 or possession subject to an interest in another person, reserved or created by
 13 agreement and securing payment or performance of an obligation, but the
 14 term excludes a lessee under a lease not intended as security.

15 (d) "Person" means an individual, partnership, firm, corporation, as-
 16 sociation or other entity.

17 (e) "Operate" means to navigate or otherwise use a vessel or a power
 18 vessel, except when it is secured at dock or at a permanent mooring.

19 (f) The term "department" means the Department of Conservation and
 20 Economic Development or its duly constituted successor.

21 (g) "Dealer" includes every person actively engaged in the business of
 22 buying, selling or exchanging power vessels and who has an established
 23 place of business.

1 4. Every power vessel, except as herein provided, which is used or op-
 2 erated on waters of this State shall be registered with the department and
 3 numbered in accordance with the provisions of this act, and no person shall
 4 operate or give permission to operate any power vessel on such waters un-
 5 less it is so registered and numbered under the provisions of this act or by
 6 any other State or the Federal Government.

7 A power vessel shall not be required to be registered and numbered
 8 under the provisions of this act if it is:

9 (a) Propelled by machinery of 10 horsepower or less;

10 (b) A vessel which has a valid Marine Document issued by the Bureau
 11 of Customs of the United States Government or any Federal Agency suc-
 12 cessor thereto;

13 (c) Already covered by a number in full force and effect which has been
 14 awarded to it pursuant to Federal law or a Federally-approved numbering
 15 system of another State: Provided, That such vessel shall not have been
 16 within this State for a period in excess of 90 consecutive days;

17 (d) From a country other than the United States temporarily using the
 18 waters of this State;

19 (e) Owned by the United States, a State or a subdivision or agency
20 thereof;

21 (f) A ship's lifeboat or seineboat;

22 (g) Belonging to a class of power vessel which has been exempted from
23 registration and numbering by the department after it has found that the
24 numbering of power vessels of such class will not materially aid in their
25 identification; and, that such power vessel would also be exempt from num-
26 bering if it were subject to Federal law.

27 (h) Any power vessel while actually competing in an authorized race
28 held under the auspices of a duly incorporated yacht club or racing associa-
29 tion in accordance with rules and regulations prescribed by the department
30 and pursuant to a permit duly issued by the department.

1 5. The owner of a power vessel required to be registered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner of the power vessel and shall be
4 accompanied by the fee prescribed by this act for such power vessel. Upon
5 receipt of the application in approved form and the prescribed fee, the de-
6 partment shall enter the same upon the records of its office and issue to the
7 applicant a pocket-size, waterproof, certificate of registration which shall
8 state the name and address of the owner, a description of the power vessel
9 and the number allotted to the power vessel.

10 The certificate of registration shall be available at all times for inspec-
11 tion on the power vessel for which issued whenever such power vessel is in
12 operation.

1 6. The department shall make and promulgate rules and regulations con-
2 cerning the numbering system to be used which system shall conform as near
3 as possible with any over-all system of identification numbering for power
4 vessels which is being used by the United States Government or its agencies.

5 The owner of a power vessel required to be numbered under the provisions
6 of this act shall paint or attach the identification number to both sides of the

7 bow of the power vessel in such manner as may be clearly visible. The num-
8 ber shall be maintained in legible condition.

1 7. The owner of any power vessel covered by a number in full force and
2 effect which has been awarded to it pursuant to then operative Federal law or
3 a Federally-approved numbering system of another State shall register the
4 power vessel and the number prior to operating such power vessel on
5 waters of this State in excess of the 90-day reciprocity period provided for
6 in section 4 of this act. Such registration shall be in the manner and pursuant
7 to the procedure provided in section 6 of this act except that no additional
8 or substitute number shall be issued.

1 8. Every registration shall expire and the certificate thereof become
2 void on the last day of the thirty-sixth calendar month following the calen-
3 dar month in which the certificate was issued; provided, however, that the
4 department may, at its discretion and for good cause shown, issue regis-
5 trations which shall expire, and issue certificates thereof which shall be-
6 come void, on a date fixed by it, which date shall not be sooner than 3 months
7 nor later than 16 months after the date of issuance of such certificates, and
8 the fees for such registrations shall be prorated by the department in
9 amounts proportionately less or greater than the fees established in this act.

10 The department, upon receipt of an application in approved form and
11 the prescribed fee, shall issue a registration certificate in accordance with
12 the provisions of this act.

1 9. No person shall make any misstatement of fact in an application for
2 registration of a power vessel or give a fictitious name or address.

1 10. Any holder of a registration certificate shall notify the depart-
2 ment within 30 days after any change of address and shall, as a part
3 of such notification, furnish the department with his new address. The de-
4 partment may provide in its rules and regulations for the surrender of the
5 certificate bearing the former address and its replacement with a certificate
6 bearing the new address or for the alteration of an outstanding certificate
7 to show the new address of the holder.

1 11. Upon the transfer of ownership or the destruction of any power
2 vessel, its registration shall expire; and in the event of the sale of the power
3 vessel, the original owner shall remove the registration certificate therefrom
4 and shall, within 10 days, notify the department of the name and address of the
5 purchaser. The original owner may, however, by proper application on a
6 form approved by the department, register another power vessel upon pay-
7 ment of \$1.00.

1 12. The following fees shall be paid to the department upon the registra-
2 tion or reregistration of a power vessel:

3 (a) Original registration of a power vessel under 16 feet, \$5.00; renewal
4 of registration, \$3.00;

5 (b) Original registration of a power vessel 16 feet or over and less than
6 26 feet, \$10.00; renewal of registration, \$6.00;

7 (c) Original registration of a power vessel 26 feet or over, \$20.00;
8 renewal of registration, \$12.00;

9 (d) Dealer's license, \$25.00.

1 13. No person shall operate or use any power vessel without permission
2 of the owner.

1 14. Every power vessel required to be registered under the provisions
2 of this act shall carry such lights and equipment designed to promote the
3 safety of navigation and of persons as the department may find to be appro-
4 priate and for which it has provided in its rules and regulations. Said
5 regulations shall be in conformity with and not exceed the requirements of
6 regulations issued by the agency or agencies of the United States having juris-
7 diction with respect to power vessels upon waters of this State. No person
8 shall operate or give permission for the operation of a power vessel which
9 is not so equipped except as hereinafter provided.

1 15. (a) No person shall operate or use any vessel, or manipulate any
2 water skis, surfboard, or similar device in a reckless or negligent manner
3 so as to endanger the life, limb, or property of any person.

4 (b) No person shall operate or use any vessel, or manipulate any water
5 skis, aquaplane, or similar device while intoxicated or under the influence of
6 any narcotic, drug, barbituate or marijuana.

1 16. No vessel shall be used to moor, ground or abandon any hulk or
2 derelict on State lands or where such hulk or derelict can become a hazard to
3 navigation.

1 17. (a) It shall be the duty of the operator of a vessel involved in a col-
2 lision, accident, or other casualty, so far as he can do so without danger to his
3 own vessel, crew, or passengers, to render to other persons affected by the
4 collision, accident, or other casualty such assistance as may be practicable in
5 order to save them from or minimize any danger caused by the collision,
6 accident, or other casualty, and also to give his name, address and identifica-
7 tion of his vessel in writing to any person injured and to the owner or
8 possessor of any property damaged in the collision, accident, or other
9 casualty.

10 (b) In the case of collision, accident, or other casualty involving a
11 vessel, the operator thereof, if the collision, accident, or other casualty re-
12 sults in death or disabling of any person for a period of 24 hours or more,
13 or damage to property, other than the operator's, in excess of \$100.00 shall
14 file within 15 days with the department a full description of the collision,
15 accident or other casualty, including such information as said agency may,
16 by rule or regulation require. Such reports shall not be released to the
17 public and shall not be used as evidence.

18 (c) In accordance with any request duly made by an authorized official
19 or agency of the United States, any information compiled or otherwise avail-
20 able to the department shall be transmitted to said office or agency.

1 18. The department may make, adopt and promulgate rules and regu-
2 lations authorizing the holding of regattas, motorboat or other boat races,
3 marine parades, tournaments or exhibitions on any waters of this State and
4 governing their conduct.

1 19. The owner of a boat livery shall cause to be kept a record of the
2 name and address of the person or persons hiring any vessel which is designed

3 or permitted by him to be operated as a power vessel; the identification num-
4 ber thereof; and the departure date and time, and the expected time of return.
5 The record shall be preserved for at least 30 days.

6 Neither the owner of a boat livery, nor his agent or employee shall permit
7 any power vessel or any vessel designed or permitted by him to be operated
8 as a power vessel to depart from his premises unless it shall have been pro-
9 vided, with such lights and equipment which may be required by this act and
10 any rules and regulations made pursuant thereto.

1 20. No person shall operate a dredge which shall have in tow excessive
2 lines of pontoons and other equipment and thereby endanger any buoy, light,
3 or other aid to navigation, or any cable or pipe. A length of pontoon or other
4 tow exceeding 150 feet measured from the stern of the towing vessel shall be
5 deemed for the purposes of this act presumptive evidence of a violation of
6 this section where damage is shown to have occurred within 24 hours after
7 the passage of such pontoon or tow.

1 21. The commissioner of the department shall appoint a chief of marine
2 patrol and as many officers and marine patrolmen as the commissioner deems
3 necessary, whose powers and duties shall be such as prescribed by the rules
4 and regulations of the department. The department may also appoint as
5 many special marine patrolmen as in the judgment of the commissioner of
6 the department may be necessary and appropriate for assisting boat opera-
7 tors and enforcing the provisions of this act. Regardless of the provisions
8 of any other law, the appointment of any special marine patrolmen may
9 be revoked at the pleasure of the commissioner of the department. Said
10 special marine patrolmen shall serve without compensation except that for
11 every power vessel registration a special marine patrolman or other person
12 so designated by the commissioner of the department shall issue, he shall
13 be paid by the department the sum of \$0.25. All marine patrolmen and spe-
14 cial marine patrolmen shall be experienced boatmen and shall pass an ex-
15 amination prescribed by the department.

1 22. The chief power vessel inspector now in the employ of the depart-
2 ment shall be retained and continued without diminution in salary as a

3 deputy chief of marine patrol and shall perform such duties as the commis-
4 sioner may from time to time designate.

1 23. The inspectors now in the employment of the department may be
2 retained and continued as marine patrolmen or special marine patrolmen as
3 the commissioner may designate. The department, however, may abolish any
4 office or position it may deem unnecessary.

1 24. The commissioner of the department, the Director of the Division of
2 Planning and Development in the department, the Chief of the Bureau of
3 Navigation in the department, the chief of marine patrol, officers of marine
4 patrol, marine patrolmen and special marine patrolmen appointed under the
5 provisions of this act and any other law, rule or regulation of the depart-
6 ment shall each have the authority to enforce the provisions of this act and
7 any other law, rule or regulation of the department, and in the exercise thereof
8 shall have the authority to stop and board any vessel subject to this act,
9 and any other law, rule or regulation of the department and the right to
10 make complaints hereunder and to arrest without warrant any person violat-
11 ing any provision of this act and any other law, rule or regulation of the
12 department in his presence and bring the offender before any judge or magis-
13 trate having jurisdiction hereunder to receive the complaint for such viola-
14 tion; provided: that vessels lying at dock or secured at permanent moorings
15 shall not be boarded without legal warrant or the owners' permission.

1 25. The procedure for such enforcement shall be the same as in the case
2 of other violations under Title 12 of the Revised Statutes relating to power
3 vessels and motors and certain boats and craft operating in other than tidal
4 waters.

1 26. Any judge or municipal magistrate or the commissioner of the de-
2 partment or the Director of the Division of Planning and Development, or
3 the Chief of the Bureau of Navigation of the department may suspend a cer-
4 tificate of registration, when the vessel is operated in violation of the pro-
5 visions of this act. The holder of a suspended certificate shall be given an
6 opportunity of a hearing before the commissioner of the department or his

7 authorized representative. Failure of the holder or any other person possess-
8 ing the registration certificate, or number plates, to deliver the same to the
9 suspending or revoking officer shall constitute a violation of this act. Officers
10 suspending or revoking certificates shall promptly place such registration cer-
11 tificates or number plates in the custody of the department except where the
12 department shall otherwise direct. The department shall restore the sus-
13 pended certificate after a period not to exceed 1 year.

1 27. The department shall have the power to authorize the seizure of any
2 power vessel or outboard motor when in its judgment it has reason to believe
3 that such power vessel or outboard motor has been stolen or being operated
4 under suspicious circumstances and to retain the same in the name of the de-
5 partment until such time as the identity of ownership or right to possession
6 is established, whereupon the department shall order the release of such
7 power vessel or outboard motor to the owner or other person entitled to the
8 possession thereof. Whenever any stolen power vessel or outboard motor
9 shall come into the possession of the department by seizure or otherwise,
10 said department may, after the expiration of 180 days from the date such power
11 vessel or outboard motor came into its possession, sell such power vessel or
12 outboard motor at public sale if such identity is not established after inquiry
13 through police channels. Notice of such sale shall be first published at least
14 3 times, each time in a separate week, in 1 or more newspapers published
15 and circulating in this State, and also by posting such notice in 5 public
16 places in this State, said newspapers and places of posting to be designated
17 by the department. Upon the sale of such power vessel or outboard motor
18 all claims for interest in such vessel or motor shall be forever barred and
19 the proceeds realized therefrom shall become the sole property of the State.

1 28. (a) The provisions of this act, and of other applicable laws of this
2 State shall govern the operation, equipment, numbering and all other mat-
3 ters relating thereto whenever any vessel shall be operated on waters of this
4 State, or when any activity regulated by this act shall take place thereon;
5 but nothing in this act shall be construed to prevent the adoption of any or-

6 dinance or local law relating to operation and equipment of vessels the pro-
7 visions of which are identical to the provisions of this act, amendments
8 thereto or regulations issued thereunder: Provided, that such ordinance or
9 local laws shall be operative only so long as and to the extent that they con-
10 tinue to be identical to provisions of this act, amendments thereto or regula-
11 tions issued thereunder.

12 (b) Any subdivision of this State may, at any time, but only after public
13 notice, make formal application to the department for special rules and regu-
14 lations with reference to the operation of vessels on any waters within its
15 territorial limits and shall set forth herein the reasons which make such
16 special rules or regulations necessary or appropriate.

17 (c) The department is hereby authorized to make, adopt and promulgate
18 special rules and regulations with reference to the operation of vessels on any
19 waters within the territorial limits of any subdivision of this State.

1 29. The department is hereby authorized and empowered to make, adopt
2 and promulgate such rules and regulations, not inconsistent with this act, as
3 shall be necessary for the proper implementation of this act governing the
4 registration, inspection, operation, equipping, anchoring and racing of ves-
5 sels upon the waters of this State. Said rules and regulations shall be such
6 as are reasonably necessary for the protection of the health, safety and wel-
7 fare of the public and for the free and proper use of said waters by any per-
8 sons or vessels in, on or about such waters. Said regulations shall be in
9 conformity with regulations issued by the agency or agencies of the United
10 States having jurisdiction with respect to power vessels upon the waters of
11 this State.

1 30. A copy of the rules and regulations adopted pursuant to this act, and
2 of any amendments thereto, shall be filed in the office of the Secretary of
3 State.

1 31. Any person who violates any provision of this act or rule or regula-
2 tion promulgated thereto other than section 17 (a) shall be adjudged a dis-
3 orderly person and shall be subject to a fine of not less than \$15.00 or more

4 than \$50.00 for the first or second offense or imprisoned for not more than
5 30 days or both. Any person who violates section 17 (a) of this act or is
6 convicted of a third or subsequent offense under this act or rule or regula-
7 tion promulgated thereto shall be adjudged a disorderly person and shall be
8 fined not less than \$50.00 or more than \$250.00 or imprisoned for not more
9 than 60 days or both. In any prosecution for a third or subsequent offense
10 it shall not be necessary that the defendant be so charged, provided that his
11 prior offenses are shown before sentencing.

1 32. All fines imposed and fees received pursuant to this act shall be de-
2 posited as part of the State's general funds with the State Treasurer, who
3 shall keep a record of the same. The said sums shall be credited to a
4 permanent revolving fund for the then current fiscal year and thereafter,
5 from year to year, as a replacement thereof, without further appropriation,
6 and shall not lapse into the unappropriated funds of the State Treasury, for
7 the purposes of meeting necessary expenses to assure a continuous enforce-
8 ment of this act, except that at the end of each fiscal year all revenues in ex-
9 cess of a sum calculated to meet the projected annual costs for its enforce-
10 ment, shall be used and are hereby appropriated for the purpose of dredging
11 and maintaining lakes, waterways and streams of this State as deter-
12 mined necessary by the commissioner of the department. The commissioner
13 of the department shall submit monthly statements of account to the State
14 Treasurer showing all expenses incurred in connection with the enforcement
15 of this act, and the dredging and maintaining of the waterways of the State,
16 which shall be paid by the State Treasurer in the same manner and upon the
17 same conditions as other governmental expense items and all such payments
18 shall be charged to said account.

1 33. The department shall from time to time but in any event at least
2 once in every year, hold, after such public notice as the commissioner of the
3 department shall deem adequate, a public hearing at which it shall ascertain
4 the opinion of owners and operators of vessels governed by this act and of
5 other persons desiring to be heard pertaining to the administration and en-

6 enforcement of this act and the rules and regulations promulgated pursuant to
7 this act. The hearing shall continue for such time as the commissioner of
8 the department or his designate shall determine and may be adjourned from
9 time to time. Failure to hold such a hearing shall not result in the invalida-
10 tion or suspension of any rule or regulation promulgated pursuant to the
11 act nor shall it result in the invalidation of any action taken pursuant to
12 the act or rules or regulations or of any prosecution.

1 34. The following statutes, together with all amendments thereof, are
2 hereby repealed:

3 P. L. 1941, c. 396, approved December 23, 1941;

4 P. L. 1952, c. 157, approved April 9, 1952;

5 P. L. 1953, c. 12, approved March 19, 1953;

6 Sections 18, 19, 20, 21, 22, 24 and 25 of P. L. 1954, c. 236, approved De-
7 cember 8, 1954.

8 The repeal of any statute herein shall not be deemed to revive any act
9 previously repealed by any such statute.

1 35. This act shall take effect immediately except for the provisions in
2 sections 4, 5 and 12 which shall take effect on March 31, 1960.

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 15

STATE OF NEW JERSEY

ADOPTED MARCH 21, 1960

AN ACT concerning the registration and numbering of power vessels on water
of the State.

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

1 1. That the Department of Conservation and Economic Development is
2 hereby authorized and empowered to register and number power vessels on
3 water of the State of New Jersey in conformance with the provisions and re-
4 quirements of the Federal Boating Act of 1958— known as the “Bonner Act.”

1 2. All fees received pursuant to this act shall be deposited as part of
2 the State’s general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a re-
5 placement thereof and shall not lapse into the unappropriated funds of the
6 State Treasury, for the purposes of meeting necessary expenses to assure a
7 continuous administration of this act, except that at the end of each fiscal
8 year all revenues in excess of a sum calculated to meet the projected an-
9 nual costs for its administration, shall be used and are hereby appropriated
10 for the purpose of dredging and maintaining lakes, waterways and streams
11 of this State.

12 The fees for registration of all power vessels shall be \$3.00 for a 3-year
13 period.

1 3. This act shall take effect immediately.

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 15

STATE OF NEW JERSEY

ADOPTED FEBRUARY 8, 1960

Amend page 12, section 34, line 5, at the beginning of line 5, insert "Section 11 of".

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 15

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1960

By Assemblymen MATTHEWS, MARAZITI and CRABIEL

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT concerning the registration and numbering of power vessels on water of the State and the licensing of dealers, providing for the regulation and development of certain marine activities, providing for the administration and enforcement thereof, establishing an effective operator educational program, repealing certain acts and statutes relating thereto 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. It is hereby declared to be the policy of this State to promote safety
2 for persons and property in and connected with the use, operation and equip-
3 ment of vessels on waters of the State, to promote the development of boat-
4 ing facilities, and to promote uniformity of laws relating thereto.

1 2. This act may be cited as the "New Jersey Boating Act, 1960."

1 3. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" means any vessel equipped with machinery for
6-9 propulsion.

10 (c) "Owner" means a person, other than a lien holder, having the prop-
11 erty in or title to a power vessel. The term includes a person entitled to use

12 or possession subject to an interest in another person, reserved or created by
13 agreement and securing payment or performance of an obligation, but the
14 term excludes a lessee under a lease not intended as security.

15 (d) "Person" means an individual, partnership, firm, corporation, as-
16 sociation or other entity.

17 (e) "Operate" means to navigate or otherwise use a vessel or a power
18 vessel, except when it is secured at dock or at a permanent mooring.

19 (f) The term "department" means the Department of Conservation and
20 Economic Development or its duly constituted successor.

21 (g) "Dealer" includes every person actively engaged in the business of
22 buying, selling or exchanging power vessels and who has an established
23 place of business.

1 4. Every power vessel, except as herein provided, which is used or op-
2 erated on waters of this State shall be registered with the department and
3 numbered in accordance with the provisions of this act, and no person shall
4 operate or give permission to operate any power vessel on such waters un-
5 less it is so registered and numbered under the provisions of this act or by
6 any other State or the Federal Government.

7 A power vessel shall not be required to be registered and numbered
8 under the provisions of this act if it is:

9 (a) Propelled by machinery of 10 horsepower or less;

10 (b) A vessel which has a valid Marine Document issued by the Bureau
11 of Customs of the United States Government or any Federal Agency suc-
12 cessor thereto;

13 (c) Already covered by a number in full force and effect which has been
14 awarded to it pursuant to Federal law or a Federally-approved numbering
15 system of another State: Provided, That such vessel shall not have been
16 within this State for a period in excess of 90 consecutive days;

17 (d) From a country other than the United States temporarily using the
18 waters of this State;

19 (e) Owned by the United States, a State or a subdivision or agency
20 thereof;

21 (f) A ship's lifeboat or seineboat;

22 (g) Belonging to a class of power vessel which has been exempted from
23 registration and numbering by the department after it has found that the
24 numbering of power vessels of such class will not materially aid in their
25 identification; and, that such power vessel would also be exempt from num-
26 bering if it were subject to Federal law.

27 (h) Any power vessel while actually competing in an authorized race
28 held under the auspices of a duly incorporated yacht club or racing associa-
29 tion in accordance with rules and regulations prescribed by the department
30 and pursuant to a permit duly issued by the department.

1 5. The owner of a power vessel required to be registered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner of the power vessel and shall be
4 accompanied by the fee prescribed by this act for such power vessel. Upon
5 receipt of the application in approved form and the prescribed fee, the de-
6 partment shall enter the same upon the records of its office and issue to the
7 applicant a pocket-size, waterproof, certificate of registration which shall
8 state the name and address of the owner, a description of the power vessel
9 and the number allotted to the power vessel.

10 The certificate of registration shall be available at all times for inspec-
11 tion on the power vessel for which issued whenever such power vessel is in
12 operation.

1 6. The department shall make and promulgate rules and regulations con-
2 cerning the numbering system to be used which system shall conform as near
3 as possible with any over-all system of identification numbering for power
4 vessels which is being used by the United States Government or its agencies.

5 The owner of a power vessel required to be numbered under the provisions
6 of this act shall paint or attach the identification number to both sides of the

7 bow of the power vessel in such manner as may be clearly visible. The num-
8 ber shall be maintained in legible condition.

1 7. The owner of any power vessel covered by a number in full force and
2 effect which has been awarded to it pursuant to then operative Federal law or
3 a Federally-approved numbering system of another State shall register the
4 power vessel and the number prior to operating such power vessel on
5 waters of this State in excess of the 90-day reciprocity period provided for
6 in section 4 of this act. Such registration shall be in the manner and pursuant
7 to the procedure provided in section 6 of this act except that no additional
8 or substitute number shall be issued.

1 8. Every registration shall expire and the certificate thereof become
2 void on the last day of the thirty-sixth calendar month following the calen-
3 dar month in which the certificate was issued; provided, however, that the
4 department may, at its discretion and for good cause shown, issue regis-
5 trations which shall expire, and issue certificates thereof which shall be-
6 come void, on a date fixed by it, which date shall not be sooner than 3 months
7 nor later than 16 months after the date of issuance of such certificates, and
8 the fees for such registrations shall be prorated by the department in
9 amounts proportionately less or greater than the fees established in this act.

10 The department, upon receipt of an application in approved form and
11 the prescribed fee, shall issue a registration certificate in accordance with
12 the provisions of this act.

1 9. No person shall make any misstatement of fact in an application for
2 registration of a power vessel or give a fictitious name or address.

1 10. Any holder of a registration certificate shall notify the depart-
2 ment within 30 days after any change of address and shall, as a part
3 of such notification, furnish the department with his new address. The de-
4 partment may provide in its rules and regulations for the surrender of the
5 certificate bearing the former address and its replacement with a certificate
6 bearing the new address or for the alteration of an outstanding certificate
7 to show the new address of the holder.

1 11. Upon the transfer of ownership or the destruction of any power
2 vessel, its registration shall expire; and in the event of the sale of the power
3 vessel, the original owner shall remove the registration certificate therefrom
4 and shall, within 10 days, notify the department of the name and address of the
5 purchaser. The original owner may, however, by proper application on a
6 form approved by the department, register another power vessel upon pay-
7 ment of \$1.00.

1 12. The following fees shall be paid to the department upon the registra-
2 tion or reregistration of a power vessel:

3 (a) Original registration of a power vessel under 16 feet, \$5.00; renewal
4 of registration, \$3.00;

5 (b) Original registration of a power vessel 16 feet or over and less than
6 26 feet, \$10.00; renewal of registration, \$6.00;

7 (c) Original registration of a power vessel 26 feet or over, \$20.00;
8 renewal of registration, \$12.00;

9 (d) Dealer's license, \$25.00.

1 13. No person shall operate or use any power vessel without permission
2 of the owner.

1 14. Every power vessel required to be registered under the provisions
2 of this act shall carry such lights and equipment designed to promote the
3 safety of navigation and of persons as the department may find to be appro-
4 priate and for which it has provided in its rules and regulations. Said
5 regulations shall be in conformity with and not exceed the requirements of
6 regulations issued by the agency or agencies of the United States having juris-
7 diction with respect to power vessels upon waters of this State. No person
8 shall operate or give permission for the operation of a power vessel which
9 is not so equipped except as hereinafter provided.

1 15. (a) No person shall operate or use any vessel, or manipulate any
2 water skis, surfboard, or similar device in a reckless or negligent manner
3 so as to endanger the life, limb, or property of any person.

4 (b) No person shall operate or use any vessel, or manipulate any water
5 skis, aquaplane, or similar device while intoxicated or under the influence of
6 any narcotic, drug, barbituate or marijuana.

1 16. No vessel shall be used to moor, ground or abandon any hulk or
2 derelict on State lands or where such hulk or derelict can become a hazard to
3 navigation.

1 17. (a) It shall be the duty of the operator of a vessel involved in a col-
2 lision, accident, or other casualty, so far as he can do so without danger to his
3 own vessel, crew, or passengers, to render to other persons affected by the
4 collision, accident, or other casualty such assistance as may be practicable in
5 order to save them from or minimize any danger caused by the collision,
6 accident, or other casualty, and also to give his name, address and identifica-
7 tion of his vessel in writing to any person injured and to the owner or
8 possessor of any property damaged in the collision, accident, or other
9 casualty.

10 (b) In the case of collision, accident, or other casualty involving a
11 vessel, the operator thereof, if the collision, accident, or other casualty re-
12 sults in death or disabling of any person for a period of 24 hours or more,
13 or damage to property, other than the operator's, in excess of \$100.00 shall
14 file within 15 days with the department a full description of the collision,
15 accident or other casualty, including such information as said agency may,
16 by rule or regulation require. Such reports shall not be released to the
17 public and shall not be used as evidence.

18 (c) In accordance with any request duly made by an authorized official
19 or agency of the United States, any information compiled or otherwise avail-
20 able to the department shall be transmitted to said office or agency.

1 18. The department may make, adopt and promulgate rules and regu-
2 lations authorizing the holding of regattas, motorboat or other boat races,
3 marine parades, tournaments or exhibitions on any waters of this State and
4 governing their conduct.

1 19. The owner of a boat livery shall cause to be kept a record of the
2 name and address of the person or persons hiring any vessel which is designed

3 or permitted by him to be operated as a power vessel; the identification num-
4 ber thereof; and the departure date and time, and the expected time of return.

5 The record shall be preserved for at least 30 days.

6 Neither the owner of a boat livery, nor his agent or employee shall permit
7 any power vessel or any vessel designed or permitted by him to be operated
8 as a power vessel to depart from his premises unless it shall have been pro-
9 vided, with such lights and equipment which may be required by this act and
10 any rules and regulations made pursuant thereto.

1 20. No person shall operate a dredge which shall have in tow excessive
2 lines of pontoons and other equipment and thereby endanger any buoy, light,
3 or other aid to navigation, or any cable or pipe. A length of pontoon or other
4 tow exceeding 150 feet measured from the stern of the towing vessel shall be
5 deemed for the purposes of this act presumptive evidence of a violation of
6 this section where damage is shown to have occurred within 24 hours after
7 the passage of such pontoon or tow.

1 21. The commissioner of the department shall appoint a chief of marine
2 patrol and as many officers and marine patrolmen as the commissioner deems
3 necessary, whose powers and duties shall be such as prescribed by the rules
4 and regulations of the department. The department may also appoint as
5 many special marine patrolmen as in the judgment of the commissioner of
6 the department may be necessary and appropriate for assisting boat opera-
7 tors and enforcing the provisions of this act. Regardless of the provisions
8 of any other law, the appointment of any special marine patrolmen may
9 be revoked at the pleasure of the commissioner of the department. Said
10 special marine patrolmen shall serve without compensation except that for
11 every power vessel registration a special marine patrolman or other person
12 so designated by the commissioner of the department shall issue; he shall
13 be paid by the department the sum of \$0.25. All marine patrolmen and spe-
14 cial marine patrolmen shall be experienced boatmen and shall pass an ex-
15 amination prescribed by the department.

1 22. The chief power vessel inspector now in the employ of the depart-
2 ment shall be retained and continued without diminution in salary as a

3 deputy chief of marine patrol and shall perform such duties as the commis-
4 sioner may from time to time designate.

1 23. The inspectors now in the employment of the department may be
2 retained and continued as marine patrolmen or special marine patrolmen as
3 the commissioner may designate. The department, however, may abolish any
4 office or position it may deem unnecessary.

1 24. The commissioner of the department, the Director of the Division of
2 Planning and Development in the department, the Chief of the Bureau of
3 Navigation in the department, the chief of marine patrol, officers of marine
4 patrol, marine patrolmen and special marine patrolmen appointed under the
5 provisions of this act and any other law, rule or regulation of the depart-
6 ment shall each have the authority to enforce the provisions of this act and
7 any other law, rule or regulation of the department, and in the exercise thereof
8 shall have the authority to stop and board any vessel subject to this act,
9 and any other law, rule or regulation of the department and the right to
10 make complaints hereunder and to arrest without warrant any person violat-
11 ing any provision of this act and any other law, rule or regulation of the
12 department in his presence and bring the offender before any judge or magis-
13 trate having jurisdiction hereunder to receive the complaint for such viola-
14 tion; provided: that vessels lying at dock or secured at permanent moorings
15 shall not be boarded without legal warrant or the owners' permission.

1 25. The procedure for such enforcement shall be the same as in the case
2 of other violations under Title 12 of the Revised Statutes relating to power
3 vessels and motors and certain boats and craft operating in other than tidal
4 waters.

1 26. Any judge or municipal magistrate or the commissioner of the de-
2 partment or the Director of the Division of Planning and Development, or
3 the Chief of the Bureau of Navigation of the department may suspend a cer-
4 tificate of registration, when the vessel is operated in violation of the pro-
5 visions of this act. The holder of a suspended certificate shall be given an
6 opportunity of a hearing before the commissioner of the department or his

7 authorized representative. Failure of the holder or any other person possess-
8 ing the registration certificate, or number plates, to deliver the same to the
9 suspending or revoking officer shall constitute a violation of this act. Officers
10 suspending or revoking certificates shall promptly place such registration cer-
11 tificates or number plates in the custody of the department except where the
12 department shall otherwise direct. The department shall restore the sus-
13 pended certificate after a period not to exceed 1 year.

1 27. The department shall have the power to authorize the seizure of any
2 power vessel or outboard motor when in its judgment it has reason to believe
3 that such power vessel or outboard motor has been stolen or being operated
4 under suspicious circumstances and to retain the same in the name of the de-
5 partment until such time as the identity of ownership or right to possession
6 is established, whereupon the department shall order the release of such
7 power vessel or outboard motor to the owner or other person entitled to the
8 possession thereof. Whenever any stolen power vessel or outboard motor
9 shall come into the possession of the department by seizure or otherwise,
10 said department may, after the expiration of 180 days from the date such power
11 vessel or outboard motor came into its possession, sell such power vessel or
12 outboard motor at public sale if such identity is not established after inquiry
13 through police channels. Notice of such sale shall be first published at least
14 3 times, each time in a separate week, in 1 or more newspapers published
15 and circulating in this State, and also by posting such notice in 5 public
16 places in this State, said newspapers and places of posting to be designated
17 by the department. Upon the sale of such power vessel or outboard motor
18 all claims for interest in such vessel or motor shall be forever barred and
19 the proceeds realized therefrom shall become the sole property of the State.

1 28. (a) The provisions of this act, and of other applicable laws of this
2 State shall govern the operation, equipment, numbering and all other mat-
3 ters relating thereto whenever any vessel shall be operated on waters of this
4 State, or when any activity regulated by this act shall take place thereon;
5 but nothing in this act shall be construed to prevent the adoption of any or-

6 dinance or local law relating to operation and equipment of vessels the pro-
7 visions of which are identical to the provisions of this act, amendments
8 thereto or regulations issued thereunder: Provided, that such ordinance or
9 local laws shall be operative only so long as and to the extent that they con-
10 tinue to be identical to provisions of this act, amendments thereto or regula-
11 tions issued thereunder.

12 (b) Any subdivision of this State may, at any time, but only after public
13 notice, make formal application to the department for special rules and regu-
14 lations with reference to the operation of vessels on any waters within its
15 territorial limits and shall set forth herein the reasons which make such
16 special rules or regulations necessary or appropriate.

17 (c) The department is hereby authorized to make, adopt and promulgate
18 special rules and regulations with reference to the operation of vessels on any
19 waters within the territorial limits of any subdivision of this State.

1 29. The department is hereby authorized and empowered to make, adopt
2 and promulgate such rules and regulations, not inconsistent with this act, as
3 shall be necessary for the proper implementation of this act governing the
4 registration, inspection, operation, equipping, anchoring and racing of ves-
5 sels upon the waters of this State. Said rules and regulations shall be such
6 as are reasonably necessary for the protection of the health, safety and wel-
7 fare of the public and for the free and proper use of said waters by any per-
8 sons or vessels in, on or about such waters. Said regulations shall be in
9 conformity with regulations issued by the agency or agencies of the United
10 States having jurisdiction with respect to power vessels upon the waters of
11 this State.

1 30. A copy of the rules and regulations adopted pursuant to this act, and
2 of any amendments thereto, shall be filed in the office of the Secretary of
3 State.

1 31. Any person who violates any provision of this act or rule or regula-
2 tion promulgated thereto other than section 17 (a) shall be adjudged a dis-
3 orderly person and shall be subject to a fine of not less than \$15.00 or more

4 than \$50.00 for the first or second offense or imprisoned for not more than
5 30 days or both. Any person who violates section 17 (a) of this act or is
6 convicted of a third or subsequent offense under this act or rule or regula-
7 tion promulgated thereto shall be adjudged a disorderly person and shall be
8 fined not less than \$50.00 or more than \$250.00 or imprisoned for not more
9 than 60 days or both. In any prosecution for a third or subsequent offense
10 it shall not be necessary that the defendant be so charged, provided that his
11 prior offenses are shown before sentencing.

1 32. All fines imposed and fees received pursuant to this act shall be de-
2 posited as part of the State's general funds with the State Treasurer, who
3 shall keep a record of the same. The said sums shall be credited to a
4 permanent revolving fund for the then current fiscal year and thereafter,
5 from year to year, as a replacement thereof, without further appropriation,
6 and shall not lapse into the unappropriated funds of the State Treasury, for
7 the purposes of meeting necessary expenses to assure a continuous enforce-
8 ment of this act, except that at the end of each fiscal year all revenues in ex-
9 cess of a sum calculated to meet the projected annual costs for its enforce-
10 ment, shall be used and are hereby appropriated for the purpose of dredging
11 and maintaining lakes, waterways and streams of this State as deter-
12 mined necessary by the commissioner of the department. The commissioner
13 of the department shall submit monthly statements of account to the State
14 Treasurer showing all expenses incurred in connection with the enforcement
15 of this act, and the dredging and maintaining of the waterways of the State,
16 which shall be paid by the State Treasurer in the same manner and upon the
17 same conditions as other governmental expense items and all such payments
18 shall be charged to said account.

1 33. The department shall from time to time but in any event at least
2 once in every year, hold, after such public notice as the commissioner of the
3 department shall deem adequate, a public hearing at which it shall ascertain
4 the opinion of owners and operators of vessels governed by this act and of
5 other persons desiring to be heard pertaining to the administration and en-

6 enforcement of this act and the rules and regulations promulgated pursuant to
7 this act. The hearing shall continue for such time as the commissioner of
8 the department or his designate shall determine and may be adjourned from
9 time to time. Failure to hold such a hearing shall not result in the invalida-
10 tion or suspension of any rule or regulation promulgated pursuant to the
11 act nor shall it result in the invalidation of any action taken pursuant to
12 the act or rules or regulations or of any prosecution.

1 34. The following statutes, together with all amendments thereof, are
2 hereby repealed:

3 P. L. 1941, c. 396, approved December 23, 1941;

4 P. L. 1952, c. 157, approved April 9, 1952;

5 *Section 11 of P. L. 1953, c. 12, approved March 19, 1953;*

6 Sections 18, 19, 20, 21, 22, 24 and 25 of P. L. 1954, c. 236, approved De-
7 cember 8, 1954.

8 The repeal of any statute herein shall not be deemed to revive any act
9 previously repealed by any such statute.

1 35. This act shall take effect immediately except for the provisions in
2 sections 4, 5 and 12 which shall take effect on March 31, 1960.

(CORRECTED COPY)
ASSEMBLY, No. 450

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1961

By Assemblymen MATTHEWS and BARKALOW

Referred to Committee on Judiciary

AN ACT concerning the numbering of power vessels on waters of the State, the reporting of boating accidents, the furnishing of accident statistics, amending section 3 and repealing sections 5, 11, 12, 15, 16, 17, 21 and 32 of the Power Vessel Act (1954) being chapter 236 of the laws of 1954, 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. This act may be cited as the "New Jersey Boat Numbering Act of
2 1961."

1 2. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water,
4 used or capable of being used as a means of transportation on water.

5 (b) "Power vessel" shall mean a vessel temporarily or permanently
6 equipped with machinery for propulsion, and shall not include a vessel pro-
7 pelled wholly by sails or by muscular power.

8 (c) "Owner" means a person, other than a lien holder, having the prop-
9 erty in or title to a power vessel. The term includes a person entitled to the
10 use or possession of the vessel subject to an interest of another person, re-
11 served or created by agreement and securing payment or performance of

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

12 an obligation, but the term excludes a lessee under a lease not intended as
13 security.

14 (d) "Operate" means to navigate or otherwise use a vessel.

15 (e) The term "Department" means the Department of Conservation and
16 Economic Development or its duly constituted successor.

17 (f) "Waters of this State" means all waters within the jurisdiction of
18 this State, both tidal and nontidal, the marginal sea adjacent to this State,
19 and the high seas when navigated as a part of a ride or journey to or from the
20 shore of this State.

21 (g) "Number," "Numbering" and "Certificate of number" as used in
22 this act are the equivalent of the terms "register," "registration" and "Cer-
23 tificate of Registration" as used in the Power Vessel Act (1954) being chap-
24 ter 236 of the laws of 1954.

1 3. Every power vessel, except as herein provided, which is upon the
2 waters of this State shall be numbered in accordance with the provisions of
3 this act, and no person shall operate or give permission to operate any power
4 vessel on such waters unless it is so numbered.

5 A power vessel shall not be required to be numbered under this act if it is:

6 (a) A vessel which has a valid Marine Document issued by the Bureau
7 of Customs of the United States Government or any Federal agency suc-
8 cessor thereto;

9 (b) Being legally operated pursuant to applicable Federal law or a
10 Federally-approved numbering system of another State; provided, that such
11 vessel shall not have been within this State for a period in excess of 90 con-
12 secutive days, unless it is in New Jersey for the purpose of set or dry stor-
13 age, or for repairs, in which case the actual time for said storage or repair
14 shall not be counted as included within the 90 days aforesaid.

15 (c) From a country other than the United States temporarily using the
16 waters of this State;

17 (d) Public vessels of the United States, a State or subdivision or agency
18 thereof;

19 (e) A ship's lifeboat;

20 (f) Any power vessel used exclusively for racing while actually com-
21 peting in an authorized race held under the auspices of a duly incorporated
22 yacht club or racing association in accordance with the rules and regulations
23 prescribed by the department and pursuant to a permit duly issued by the
24 department.

1 4. (a) The owner of a power vessel required to be numbered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner and shall be accompanied by the fee
4 prescribed by this act for such power vessel. Upon receipt of the applica-
5 tion in the approved form and the prescribed fee, the department shall enter
6 the same upon the records of its office and issue to the applicant, a pocket-
7 size, waterproof, certificate of number, which shall state the name and
8 address of the owner, a description of the power vessel, its use, and the
9 number assigned.

10 (b) The certificate of number shall be available at all times for inspection
11 on the power vessel for which issued whenever such vessel is in operation.

12 (c) The number assigned to a vessel shall be displayed on each side of the
13 bow thereof, as prescribed by regulations of the department, using letters and
14 numerals not less than 3 inches in height. No other number shall be carried
15 on the bow.

1 5. The department shall make and promulgate rules and regulations
2 concerning the numbering system to be used, which system shall conform as
3 near as possible with any over-all system of identification numbering for
4 power vessels which is being used by the United States Government or its
5 agencies.

1 6. The owner of any power vessel identified by a number in full force
2 and effect which has been awarded to it pursuant to a then operative Federal
3 law or Federally-approved numbering system of another State shall record

4 with the department the vessel's description and number prior to using such
5 power vessel upon the waters of this State in excess of the 90-day reciprocity
6 period provided for in section 3 of this act. Such recording shall be in the
7 same manner and pursuant to the same procedure prescribed in section 4 of
8 this act except that no additional or substitute number shall be assigned.

1 7. Unless otherwise provided herein, every certificate of number shall
2 expire and become void on the last day of the thirty-sixth calendar month
3 following the calendar month in which the certificate was issued.

1 8. Certificates of number issued by the United States Coast Guard after
2 April 1, 1960, to undocumented vessels principally used in New Jersey shall
3 be valid until the expiration date shown thereon. Upon such expiration the
4 owner of the vessel shall apply to the department in the manner prescribed
5 in section 4 of this act, and the department shall assign the same number as
6 that which had been assigned to the vessel by the coast guard.

1 9. No person shall make any misstatement of fact in an application for
2 the numbering of a power vessel or give a fictitious name or address.

1 10. (a) Whenever the owner of a vessel numbered under this act
2 changes his address from that shown on his certificate of number, he shall,
3 within 10 days thereof, notify the department, in writing, of his new address.
4 The department may provide, by regulation, for showing the new address by
5 the alteration of the certificate or for its surrender and replacement by a
6 corrected certificate.

7 (b) Whenever a vessel numbered under this act is sold, transferred,
8 lost, destroyed or abandoned, the owner of record shall, within 10 days
9 thereof, notify the department in writing of the change in the status of the
10 vessel. The department may, by regulation, also require the surrender of the
11 certificate of number, if it was not destroyed by the occurrence.

1 11. (a) Whenever any vessel upon the waters of this State is involved
2 in an accident, it shall be the duty of the operator, so far as he can do so
3 without serious danger to his own passengers, guests, crew, himself or his
4 vessel, to render to all other persons affected by the accident such assistance

5 as may be necessary in order to save them from or to minimize any danger
6 caused by the accident. He shall also give his name, address, and identify-
7 ing information regarding his vessel to any person injured and to the owner
8 of any property damaged in the accident.

9 (b) Whenever an accident involves any vessel subject to this act and
10 results in the death, disappearance, or injury of any person, or in property
11 damage in excess of \$100.00, the operator or operators thereof shall file,
12 with the department, a full description of the accident, including such in-
13 formation as the department may, by regulation, require within the times
14 specified in subsection (d) of this section.

15 (c) Whenever any vessel numbered under this act is involved in an acci-
16 dent upon waters other than the waters of this State, and the accident
17 results in the death, disappearance or injury of any person, or in property
18 damage exceeding \$100.00 the operator shall, within 30 days thereof, file
19 a complete report with the department including; such information as that
20 department may, by regulation, require. Nothing herein shall be construed
21 to exempt or excuse any operator from the requirements of any laws or regu-
22 lations of any other State or nation having jurisdiction over the waters in
23 which the accident occurs. Furthermore, no accident reporting requirement
24 in the law or regulations of any other State or nation shall exonerate or
25 excuse any failure of the operator of a vessel numbered in this State to
26 report the accident to the department.

27 (d) All boating accidents which occur on the waters of this State shall
28 be reported within 48 hours of the happening thereof, if said accident has
29 caused the death or the disappearance of any person; all other reportable
30 boating accidents that may result in personal injury or property damage
31 shall be reported within 15 days.

32 (e) The report of a boating accident herein required to be made shall
33 not, during any judicial proceeding, be referred to in any way; it shall not
34 be subject to subpoena nor admissible as evidence in any proceeding. Sub-
35 ject to these restrictions, information contained in a boating accident report

36 and any statistical information based thereon will be made available upon
37 request for official purposes to the United States Coast Guard or any Federal
38 agency successor thereto.

1 12. The fees for the initial numbering of all power vessels and for each
2 renewal of the certificate of number issued thereto, unless otherwise pro-
3 vided by law, shall be:

4 (a) \$6.00 for 3 years.

5 (b) For power vessels which are regularly rented to or hired by the
6 general public the fee shall be \$10.00 per year for 5 boats and \$1.00 per
7 year for each boat in excess of 5, provided all boats in any such fleet are
8 owned by or under the control of the same person.

9 (c) Special numbers shall be assigned to boat dealers and manufacturers,
10 as provided for under rules and regulations to be promulgated by the de-
11 partment, and such numbers shall be displayed temporarily upon boats
12 being tested, demonstrated, photographed or transported, said display to be
13 as prescribed in the rules and regulations aforementioned.

14 For each number so assigned the fee shall be \$5.00 for 1 year.

1 13. All fees received pursuant to this act shall be deposited as part of
2 the State's general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a
5 replacement thereof, and shall not lapse into the unappropriated funds of
6 the State Treasury, for the purposes of meeting necessary expenses to as-
7 sure a continuous administration of this act, except that at the end of each
8 fiscal year all revenue in excess of a sum calculated to meet the projected
9 annual costs for its administration, shall be used and are hereby appro-
10 priated for the purpose of dredging and maintaining lakes, waterways and
11 streams of this State.

1 14. (a) The department is hereby authorized and empowered to make,
2 adopt and promulgate such rules and regulations, not inconsistent with this
3 act, as shall be necessary for the proper implementation of this act govern-

4 ing the inspection, operation, equipping, anchorage and racing of vessels
5 upon the waters of this State.

6 Said rules and regulations shall be such as are reasonably necessary
7 for the protection of the health, safety and welfare of the public and for
8 the free and proper use of said waters by any persons or vessels in, on or
9 about such waters. Said regulations shall be in conformity with regulations
10 issued by the agency or agencies of the United States having jurisdiction
11 with respect to power vessels upon the waters of this State.

12 (b) Rules and regulations, other than emergency rules and regula-
13 tions, shall go into effect 60 days following promulgation or at such later
14 date as the rules and regulations shall provide provided that such rules and
15 regulations are first reviewed by the Boating Regulation Council and are
16 thereafter presented at a public hearing. The commissioner shall consult
17 and seek the advice of interested and qualified associations, agencies and
18 persons. A notice of intent to promulgate proposed rules and regulations
19 shall be published by the commissioner at least 30 days prior to the pro-
20 mulgation of such rules and regulations in at least 1 newspaper in every
21 county of this State. This notice of intent shall state briefly the purpose of
22 the proposed rules and regulations, shall state that a copy of the proposed
23 rules and regulations may be obtained by any person upon written request
24 to the department and shall fix a date and place for a public hearing. A
25 copy of the proposed rules and regulations shall be furnished to every
26 member of the council when such notice is published. Within 30 days after
27 promulgation of proposed rules and regulations and on 10 days' notice, the
28 commissioner shall call a meeting of the council for the purpose of dis-
29 cussing said proposed rules and regulations.

30 (c) No changes in the rules and regulations shall go into effect from
31 May 1 to September 30 of any year unless the Boating Regulation Council
32 shall find a need for the adoption of emergency rules and regulations. Such
33 emergency rules and regulations shall go into effect 15 days after publica-
34 tion in at least 1 newspaper in every county of the State and shall remain

35 in effect for 120 days or such shorter period as such rules and regulations
36 shall provide.

37 (d) A copy of the rules and regulations adopted pursuant to this act,
38 and of any amendments thereto, shall be filed in the office of the Secretary
39 of State.

1 15. There is established within the department a 7-member Boating
2 Regulation Council which shall consist of the commissioner of the depart-
3 ment, the Director of the Division of Fish and Game of the department,
4 and the Chief of the Bureau of Navigation of the department as ex-officio
5 members, and 4 public members. The public members shall be appointed by
6 the Governor for 4-year terms commencing on April 1 of the year of the
7 appointment, except that of those first appointed, 1 shall be appointed for a
8 term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years and 1 for a
9 term of 4 years, which term shall commence on April 1, 1961.

10 Each member shall hold over after the expiration of his term until his
11 successor has been appointed and has qualified. Vacancies shall be filled only
12 for the unexpired term.

13 The members of the council shall serve without compensation except for
14 the actual expenses incurred while engaged in their duties as members of the
15 council. It shall be the duty of the council to advise the commissioner in
16 matters relating to the administration of this act. The council shall meet
17 at least every 6 months and at such time as the commissioner may desig-
18 nate at the time and place selected by him. A meeting of the council shall
19 be called by the commissioner when requested by any 3 members of the
20 council. The Chief of the Bureau of Navigation shall serve as secretary of
21 the council.

1 16. Any person who violates any provisions of this act or any rule or
2 regulation authorized hereby, shall be a disorderly person and shall be sub-
3 ject to a fine not to exceed \$100.00 for the first offense or imprisonment of 10
4 days or both. Any person who violates any provision of this act for a second
5 time, and for all subsequent offenses, shall be subject to a fine not to exceed
6 \$200.00 or imprisonment for 20 days or both.

1 17. The department shall be responsible for the enforcement of this act.

2 A force of marine partolmen including those enforcement officers known
3 as Harbor Masters and Power Vessel Inspectors shall be formed. They shall
4 have authority to enforce the provisions of this act and all other provisions of
5 Title 12 of the Revised Statutes. Harbor Masters and Power Vessel Inspec-
6 tors shall hereafter be known as Marine Patrolmen and their appointments,
7 rank and pay, shall be regulated by the Civil Service Commission in compli-
8 ance with the provisions of Title 11.

9 The Chief Power Vessel Inspector now in the employ of the department
10 shall be retained and continued without diminution in salary.

1 18. Nothing in this act shall be construed to prevent the adoption of any
2 ordinance or local law relating to operation and equipment of vessels the pro-
3 visions of which are identical to the provisions of this act, amendments thereto
4 or regulations issued thereunder: Provided, that such ordinance or local laws
5 shall be operative only so long as and to the extent that they continue to be
6 identical to provisions of this act, amendments thereto or regulations issued
7 thereunder.

8 (a) Any subdivision of this State may, at any time, but only after public
9 notice, make formal application to the department for special rules and
10 regulations with reference to the operation of vessels on any waters within its
11 territorial limits and shall set forth herein the reasons which make such spe-
12 cial rules or regulations necessary or appropriate.

13 (b) The department is hereby authorized to make, adopt and promulgate
14 special rules and regulations with reference to the operation of vessels on any
15 waters within the territorial limits of any subdivision of this State.

1 19. The provisions of chapter 51, laws of 1960 shall not apply to power
2 vessels numbered under this act.

1 20. Section 3 of chapter 236 of the laws of 1954 is amended to read as
2 follows:

3 3. [The following fees shall be paid annually to the department upon the
4 registration or reregistration of a power vessel or motor upon the issuance
5 of a license or permit:

6 (a) Registration of a privately operated vessel, \$2.50.

7 (b) Registration of a detachable or outboard motor, including an electric
8 outboard motor, \$2.00.

9 (c) Operator's license, \$1.50.

10 (d) Learner's permit, \$0.50.

11 (e) Dealer's license, \$5.00.

12 (f) A power vessel carrying passengers for hire, \$0.25 for each passenger
13 which the vessel is licensed to carry, but not less than \$15.00 for each such
14 vessel.

15 (g) A power vessel used for the sale or delivery of merchandise or
16 engaged in any commerce other than the carriage of passengers, \$5.00.

17 (h) A power vessel or outboard motor for hire or rent to any individual
18 for private use, including a u-drive vessel, \$10.00.]

19 *The annual fee payable to the department for an operator's license shall*
20 *be \$1.50.*

1 21. The following sections of P. L. 1954, c. 236 are repealed: Sections 5,
2 11, 12, 15, 16, 17, 21 and 32.

1 22. This act shall take effect immediately.

STATEMENT

It is the intent of this legislation that all undocumented power vessels principally used in New Jersey shall be numbered by this State for the purpose of identification; that the numbering system to be established hereunder shall be compatible with the national uniform system established pursuant to the Federal Boating Act of 1958, which system includes a standardized method of reporting boating accidents and the tabulating of statistical information in such reports.

It is also intended that this numbering system shall be operative upon all the waters of this State, both tidal and nontidal, but that those provisions of existing law which now pertain solely to nontidal waters and which are not in

conflict with this act shall continue in full force and effect upon such waters.

Another principal objective of this legislation is to enable and to encourage the fullest possible co-operation with neighboring States and the Federal Government in search, assistance and rescue operations, boating safety education, the recovery of lost and stolen boats, and the enforcement of boating laws and regulations.

The Department of Conservation and Economic Development shall and to the fullest extent practicable :

(a) Make and develop plans, within the limits of available income, for the improvement and promotion of all the waters of New Jersey;

(b) Promote the safety of life and property through an educational program directed to boat owners, boat operators and others, as to the inherent hazards of the water, precautions to be observed, and emergency action;

(c) Plan a regulatory program and its related co-operation with the officials of other States and Federal Government, and with local agencies;

(d) Plan the improvement of the waterways of New Jersey through the deepening of channels, the acquisition and development of access areas, the removal of obstructions, and clearing waters of aquatic vegetation.

The bill establishes a Boating Regulation Council with power to review all rules and regulations and the authority to find that emergency rules and regulations are necessary during the period from May 1 to September 30 of any year.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 450

STATE OF NEW JERSEY

ADOPTED MARCH 27, 1961

Amend page 3, section 5, line 5, after "agencies.", insert "Such rules and regulations shall go into effect immediately upon promulgation.".

Amend page 7, section 14, line 13, after "tions", insert "or rules and regulations promulgated pursuant to the provisions of section 5 of this act.".

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 450

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1961

By Assemblymen MATTHEWS and BARKALOW

Referred to Committee on Judiciary

AN ACT concerning the numbering of power vessels on waters of the State, the reporting of boating accidents, the furnishing of accident statistics, amending section 3 and repealing sections 5, 11, 12, 15, 16, 17, 21 and 32 of the Power Vessel Act (1954) being chapter 236 of the laws of 1954, 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. This act may be cited as the "New Jersey Boat Numbering Act of
2 1961."

1 2. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water,
4 used or capable of being used as a means of transportation on water.

5 (b) "Power vessel" shall mean a vessel temporarily or permanently
6 equipped with machinery for propulsion, and shall not include a vessel pro-
7 pelled wholly by sails or by muscular power.

8 (c) "Owner" means a person, other than a lien holder, having the prop-
9 erty in or title to a power vessel. The term includes a person entitled to the
10 use or possession of the vessel subject to an interest of another person, re-
11 served or created by agreement and securing payment or performance of

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

12 an obligation, but the term excludes a lessee under a lease not intended as
13 security.

14 (d) "Operate" means to navigate or otherwise use a vessel.

15 (e) The term "Department" means the Department of Conservation and
16 Economic Development or its duly constituted successor.

17 (f) "Waters of this State" means all waters within the jurisdiction of
18 this State, both tidal and nontidal, the marginal sea adjacent to this State,
19 and the high seas when navigated as a part of a ride or journey to or from the
20 shore of this State.

21 (g) "Number," "Numbering" and "Certificate of number" as used in
22 this act are the equivalent of the terms "register," "registration" and "Cer-
23 tificate of Registration" as used in the Power Vessel Act (1954) being chap-
24 ter 236 of the laws of 1954.

1 3. Every power vessel, except as herein provided, which is upon the
2 waters of this State shall be numbered in accordance with the provisions of
3 this act, and no person shall operate or give permission to operate any power
4 vessel on such waters unless it is so numbered.

5 A power vessel shall not be required to be numbered under this act if it is:

6 (a) A vessel which has a valid Marine Document issued by the Bureau
7 of Customs of the United States Government or any Federal agency suc-
8 cessor thereto;

9 (b) Being legally operated pursuant to applicable Federal law or a
10 Federally-approved numbering system of another State; provided, that such
11 vessel shall not have been within this State for a period in excess of 90 con-
12 secutive days, unless it is in New Jersey for the purpose of set or dry stor-
13 age, or for repairs, in which case the actual time for said storage or repair
14 shall not be counted as included within the 90 days aforesaid.

15 (c) From a country other than the United States temporarily using the
16 waters of this State;

17 (d) Public vessels of the United States, a State or subdivision or agency
18 thereof;

19 (e) A ship's lifeboat;

20 (f) Any power vessel used exclusively for racing while actually com-
21 peting in an authorized race held under the auspices of a duly incorporated
22 yacht club or racing association in accordance with the rules and regulations
23 prescribed by the department and pursuant to a permit duly issued by the
24 department.

1 4. (a) The owner of a power vessel required to be numbered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner and shall be accompanied by the fee
4 prescribed by this act for such power vessel. Upon receipt of the applica-
5 tion in the approved form and the prescribed fee, the department shall enter
6 the same upon the records of its office and issue to the applicant, a pocket-
7 size, waterproof, certificate of number, which shall state the name and
8 address of the owner, a description of the power vessel, its use, and the
9 number assigned.

10 (b) The certificate of number shall be available at all times for inspection
11 on the power vessel for which issued whenever such vessel is in operation.

12 (c) The number assigned to a vessel shall be displayed on each side of the
13 bow thereof, as prescribed by regulations of the department, using letters and
14 numerals not less than 3 inches in height. No other number shall be carried
15 on the bow.

1 5. The department shall make and promulgate rules and regulations
2 concerning the numbering system to be used, which system shall conform as
3 near as possible with any over-all system of identification numbering for
4 power vessels which is being used by the United States Government or its
5 agencies. *Such rules and regulations shall go into effect immediately upon*
6 *promulgation.*

1 6. The owner of any power vessel identified by a number in full force
2 and effect which has been awarded to it pursuant to a then operative Federal

3 law or Federally-approved numbering system of another State shall record
4 with the department the vessel's description and number prior to using such
5 power vessel upon the waters of this State in excess of the 90-day reciprocity
6 period provided for in section 3 of this act. Such recording shall be in the
7 same manner and pursuant to the same procedure prescribed in section 4 of
8 this act except that no additional or substitute number shall be assigned.

1 7. Unless otherwise provided herein, every certificate of number shall
2 expire and become void on the last day of the thirty-sixth calendar month
3 following the calendar month in which the certificate was issued.

1 8. Certificates of number issued by the United States Coast Guard after
2 April 1, 1960, to undocumented vessels principally used in New Jersey shall
3 be valid until the expiration date shown thereon. Upon such expiration the
4 owner of the vessel shall apply to the department in the manner prescribed
5 in section 4 of this act, and the department shall assign the same number as
6 that which had been assigned to the vessel by the coast guard.

1 9. No person shall make any misstatement of fact in an application for
2 the numbering of a power vessel or give a fictitious name or address.

1 10. (a) Whenever the owner of a vessel numbered under this act
2 changes his address from that shown on his certificate of number, he shall,
3 within 10 days thereof, notify the department, in writing, of his new address.
4 The department may provide, by regulation, for showing the new address by
5 the alteration of the certificate or for its surrender and replacement by a
6 corrected certificate.

7 (b) Whenever a vessel numbered under this act is sold, transferred,
8 lost, destroyed or abandoned, the owner of record shall, within 10 days
9 thereof, notify the department in writing of the change in the status of the
10 vessel. The department may, by regulation, also require the surrender of the
11 certificate of number, if it was not destroyed by the occurrence.

1 11. (a) Whenever any vessel upon the waters of this State is involved
2 in an accident, it shall be the duty of the operator, so far as he can do so
3 without serious danger to his own passengers, guests, crew, himself or his

4 vessel, to render to all other persons affected by the accident such assistance
5 as may be necessary in order to save them from or to minimize any danger
6 caused by the accident. He shall also give his name, address, and identify-
7 ing information regarding his vessel to any person injured and to the owner
8 of any property damaged in the accident.

9 (b) Whenever an accident involves any vessel subject to this act and
10 results in the death, disappearance, or injury of any person, or in property
11 damage in excess of \$100.00, the operator or operators thereof shall file,
12 with the department, a full description of the accident, including such in-
13 formation as the department may, by regulation, require within the times
14 specified in subsection (d) of this section.

15 (c) Whenever any vessel numbered under this act is involved in an acci-
16 dent upon waters other than the waters of this State, and the accident
17 results in the death, disappearance or injury of any person, or in property
18 damage exceeding \$100.00 the operator shall, within 30 days thereof, file
19 a complete report with the department including; such information as that
20 department may, by regulation, require. Nothing herein shall be construed
21 to exempt or excuse any operator from the requirements of any laws or regu-
22 lations of any other State or nation having jurisdiction over the waters in
23 which the accident occurs. Furthermore, no accident reporting requirement
24 in the law or regulations of any other State or nation shall exonerate or
25 excuse any failure of the operator of a vessel numbered in this State to
26 report the accident to the department.

27 (d) All boating accidents which occur on the waters of this State shall
28 be reported within 48 hours of the happening thereof, if said accident has
29 caused the death or the disappearance of any person; all other reportable
30 boating accidents that may result in personal injury or property damage
31 shall be reported within 15 days.

32 (e) The report of a boating accident herein required to be made shall
33 not, during any judicial proceeding, be referred to in any way; it shall not
34 be subject to subpoena nor admissible as evidence in any proceeding. Sub-

35 ject to these restrictions, information contained in a boating accident report
36 and any statistical information based thereon will be made available upon
37 request for official purposes to the United States Coast Guard or any Federal
38 agency successor thereto.

1 12. The fees for the initial numbering of all power vessels and for each
2 renewal of the certificate of number issued thereto, unless otherwise pro-
3 vided by law, shall be:

4 (a) \$6.00 for 3 years.

5 (b) For power vessels which are regularly rented to or hired by the
6 general public the fee shall be \$10.00 per year for 5 boats and \$1.00 per
7 year for each boat in excess of 5, provided all boats in any such fleet are
8 owned by or under the control of the same person.

9 (c) Special numbers shall be assigned to boat dealers and manufacturers,
10 as provided for under rules and regulations to be promulgated by the de-
11 partment, and such numbers shall be displayed temporarily upon boats
12 being tested, demonstrated, photographed or transported, said display to be
13 as prescribed in the rules and regulations aforementioned.

14 For each number so assigned the fee shall be \$5.00 for 1 year.

1 13. All fees received pursuant to this act shall be deposited as part of
2 the State's general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a
5 replacement thereof, and shall not lapse into the unappropriated funds of
6 the State Treasury, for the purposes of meeting necessary expenses to as-
7 sure a continuous administration of this act, except that at the end of each
8 fiscal year all revenue in excess of a sum calculated to meet the projected
9 annual costs for its administration, shall be used and are hereby appro-
10 priated for the purpose of dredging and maintaining lakes, waterways and
11 streams of this State.

1 14. (a) The department is hereby authorized and empowered to make,
2 adopt and promulgate such rules and regulations, not inconsistent with this

3 act, as shall be necessary for the proper implementation of this act govern-
4 ing the inspection, operation, equipping, anchorage and racing of vessels
5 upon the waters of this State.

6 Said rules and regulations shall be such as are reasonably necessary
7 for the protection of the health, safety and welfare of the public and for
8 the free and proper use of said waters by any persons or vessels in, on or
9 about such waters. Said regulations shall be in conformity with regulations
10 issued by the agency or agencies of the United States having jurisdiction
11 with respect to power vessels upon the waters of this State.

12 (b) Rules and regulations, other than emergency rules and regula-
13 tions *or rules and regulations promulgated pursuant to the provisions of sec-*
14 *tion 5 of this act*, shall go into effect 60 days following promulgation or at such
15 later date as the rules and regulations shall provide provided that such rules
15A and regulations are first reviewed by the Boating Regulation Council and are
16 thereafter presented at a public hearing. The commissioner shall consult
17 and seek the advice of interested and qualified associations, agencies and
18 persons. A notice of intent to promulgate proposed rules and regulations
19 shall be published by the commissioner at least 30 days prior to the pro-
20 mulgation of such rules and regulations in at least 1 newspaper in every
21 county of this State. This notice of intent shall state briefly the purpose of
22 the proposed rules and regulations, shall state that a copy of the proposed
23 rules and regulations may be obtained by any person upon written request
24 to the department and shall fix a date and place for a public hearing. A
25 copy of the proposed rules and regulations shall be furnished to every
26 member of the council when such notice is published. Within 30 days after
27 promulgation of proposed rules and regulations and on 10 days' notice, the
28 commissioner shall call a meeting of the council for the purpose of dis-
29 cussing said proposed rules and regulations.

30 (c) No changes in the rules and regulations shall go into effect from
31 May 1 to September 30 of any year unless the Boating Regulation Council
32 shall find a need for the adoption of emergency rules and regulations. Such

33 emergency rules and regulations shall go into effect 15 days after publica-
34 tion in at least 1 newspaper in every county of the State and shall remain
35 in effect for 120 days or such shorter period as such rules and regulations
36 shall provide.

37 (d) A copy of the rules and regulations adopted pursuant to this act,
38 and of any amendments thereto, shall be filed in the office of the Secretary
39 of State.

1 15. There is established within the department a 7-member Boating
2 Regulation Council which shall consist of the commissioner of the depart-
3 ment, the Director of the Division of Fish and Game of the department,
4 and the Chief of the Bureau of Navigation of the department as ex-officio
5 members, and 4 public members. The public members shall be appointed by
6 the Governor for 4-year terms commencing on April 1 of the year of the
7 appointment, except that of those first appointed, 1 shall be appointed for a
8 term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years and 1 for a
9 term of 4 years, which term shall commence on April 1, 1961.

10 Each member shall hold over after the expiration of his term until his
11 successor has been appointed and has qualified. Vacancies shall be filled only
12 for the unexpired term.

13 The members of the council shall serve without compensation except for
14 the actual expenses incurred while engaged in their duties as members of the
15 council. It shall be the duty of the council to advise the commissioner in
16 matters relating to the administration of this act. The council shall meet
17 at least every 6 months and at such time as the commissioner may desig-
18 nate at the time and place selected by him. A meeting of the council shall
19 be called by the commissioner when requested by any 3 members of the
20 council. The Chief of the Bureau of Navigation shall serve as secretary of
21 the council.

1 16. Any person who violates any provisions of this act or any rule or
2 regulation authorized hereby, shall be a disorderly person and shall be sub-
3 ject to a fine not to exceed \$100.00 for the first offense or imprisonment of 10

4 days or both. Any person who violates any provision of this act for a second time, and for all subsequent offenses, shall be subject to a fine not to exceed \$200.00 or imprisonment for 20 days or both.

17. The department shall be responsible for the enforcement of this act.

A force of marine partolmen including those enforcement officers known as Harbor Masters and Power Vessel Inspectors shall be formed. They shall have authority to enforce the provisions of this act and all other provisions of Title 12 of the Revised Statutes. Harbor Masters and Power Vessel Inspectors shall hereafter be known as Marine Patrolmen and their appointments, rank and pay, shall be regulated by the Civil Service Commission in compliance with the provisions of Title 11.

The Chief Power Vessel Inspector now in the employ of the department shall be retained and continued without diminution in salary.

18. Nothing in this act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of this act, amendments thereto or regulations issued thereunder: Provided, that such ordinance or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this act, amendments thereto or regulations issued thereunder.

(a) Any subdivision of this State may, at any time, but only after public notice, make formal application to the department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth herein the reasons which make such special rules or regulations necessary or appropriate.

(b) The department is hereby authorized to make, adopt and promulgate special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

19. The provisions of chapter 51, laws of 1960 shall not apply to power vessels numbered under this act.

20. Section 3 of chapter 236 of the laws of 1954 is amended to read as follows:

3 3. [The following fees shall be paid annually to the department upon the
4 registration or reregistration of a power vessel or motor upon the issuance
5 of a license or permit:

6 (a) Registration of a privately operated vessel, \$2.50.

7 (b) Registration of a detachable or outboard motor, including an electric
8 outboard motor, \$2.00.

9 (c) Operator's license, \$1.50.

10 (d) Learner's permit, \$0.50.

11 (e) Dealer's license, \$5.00.

12 (f) A power vessel carrying passengers for hire, \$0.25 for each passenger
13 which the vessel is licensed to carry, but not less than \$15.00 for each such
14 vessel.

15 (g) A power vessel used for the sale or delivery of merchandise or
16 engaged in any commerce other than the carriage of passengers, \$5.00.

17 (h) A power vessel or outboard motor for hire or rent to any individual
18 for private use, including a u-drive vessel, \$10.00.]

19 *The annual fee payable to the department for an operator's license shall*
20 *be \$1.50.*

1 21. The following sections of P. L. 1954, c. 236 are repealed: Sections 5,
2 11, 12, 15, 16, 17, 21 and 32.

1 22. This act shall take effect immediately.

ASSEMBLY, No. 273

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1962

By Assemblymen MATTHEWS and BARKALOW

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT concerning the numbering of power vessels on waters of the State, the reporting of boating accidents, the furnishing of accident statistics, amending section 3 and repealing sections 5, 11, 12, 15, 16, 17, 21 and 32 of the Power Vessel Act (1954) being chapter 236 of the laws of 1954, 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. This act may be cited as the "New Jersey Boat Numbering Act of
2 1962."

1 2. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water,
4 used or capable of being used as a means of transportation on water.

5 (b) "Power vessel" shall mean a vessel temporarily or permanently
6 equipped with machinery for propulsion, and shall not include a vessel pro-
7 pelled wholly by sails or by muscular power.

8 (c) "Owner" means a person, other than a lien holder, having the prop-
9 erty in or title to a power vessel. The term includes a person entitled to the
10 use or possession of the vessel subject to an interest of another person, re-
11 served or created by agreement and securing payment or performance of

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

12 an obligation, but the term excludes a lessee under a lease not intended as
13 security.

14 (d) "Operate" means to navigate or otherwise use a vessel.

15 (e) The term "Department" means the Department of Conservation and
16 Economic Development or its duly constituted successor.

17 (f) "Waters of this State" means all waters within the jurisdiction of
18 this State, both tidal and nontidal, the marginal sea adjacent to this State,
19 and the high seas when navigated as a part of a ride or journey to or from the
20 shore of this State.

21 (g) "Number," "Numbering" and "Certificate of number" as used in
22 this act are the equivalent of the terms "register," "registration" and "Cer-
23 tificate of Registration" as used in the Power Vessel Act (1954) being chap-
24 ter 236 of the laws of 1954.

1 3. Every power vessel, except as herein provided, which is upon the
2 waters of this State shall be numbered in accordance with the provisions of
3 this act, and no person shall operate or give permission to operate any power
4 vessel on such waters unless it is so numbered.

5 A power vessel shall not be required to be numbered under this act if it is:

6 (a) A vessel which has a valid Marine Document issued by the Bureau
7 of Customs of the United States Government or any Federal agency suc-
8 cessor thereto;

9 (b) Being legally operated pursuant to applicable Federal law or a
10 Federally-approved numbering system of another State; provided, that such
11 vessel shall not have been within this State for a period in excess of 90 con-
12 secutive days, unless it is in New Jersey for the purpose of set or dry stor-
13 age, or for repairs, in which case the actual time for said storage or repair
14 shall not be counted as included within the 90 days aforesaid.

15 (c) From a country other than the United States temporarily using the
16 waters of this State;

17 (d) Public vessels of the United States, a State or subdivision or agency
18 thereof;

19 (e) A ship's lifeboat;

20 (f) Any power vessel used exclusively for racing while actually com-
21 peting in an authorized race held under the auspices of a duly incorporated
22 yacht club or racing association in accordance with the rules and regulations
23 prescribed by the department and pursuant to a permit duly issued by the
24 department.

1 4. (a) The owner of a power vessel required to be numbered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner and shall be accompanied by the fee
4 prescribed by this act for such power vessel. Upon receipt of the applica-
5 tion in the approved form and the prescribed fee, the department shall enter
6 the same upon the records of its office and issue to the applicant, a pocket-
7 size, waterproof, certificate of number, which shall state the name and
8 address of the owner, a description of the power vessel, its use, and the
9 number assigned.

10 (b) The certificate of number shall be available at all times for inspection
11 on the power vessel for which issued whenever such vessel is in operation.

12 (c) The number assigned to a vessel shall be displayed on each side of the
13 bow thereof, as prescribed by regulations of the department, using letters and
14 numerals not less than 3 inches in height. No other number shall be carried
15 on the bow.

1 5. The department shall make and promulgate rules and regulations
2 concerning the numbering system to be used, which system shall conform as
3 near as possible with any over-all system of identification numbering for
4 power vessels which is being used by the United States Government or its
5 agencies. Such rules and regulations shall go into effect immediately upon
6 promulgation.

1 6. The owner of any power vessel identified by a number in full force
2 and effect which has been awarded to it pursuant to a then operative Federal

3 law or Federally-approved numbering system of another State shall record
4 with the department the vessel's description and number prior to using such
5 power vessel upon the waters of this State in excess of the 90-day reciprocity
6 period provided for in section 3 of this act. Such recording shall be in the
7 same manner and pursuant to the same procedure prescribed in section 4 of
8 this act except that no additional or substitute number shall be assigned.

1 7. Unless otherwise provided herein, every certificate of number shall
2 expire and become void on the last day of the thirty-sixth calendar month
3 following the calendar month in which the certificate was issued.

1 8. Certificates of number issued by the United States Coast Guard after
2 April 1, 1960, to undocumented vessels principally used in New Jersey shall
3 be valid until the expiration date shown thereon. Upon such expiration the
4 owner of the vessel shall apply to the department in the manner prescribed
5 in section 4 of this act, and the department shall assign the same number as
6 that which had been assigned to the vessel by the coast guard.

1 9. No person shall make any misstatement of fact in an application for
2 the numbering of a power vessel or give a fictitious name or address.

1 10. (a) Whenever the owner of a vessel numbered under this act
2 changes his address from that shown on his certificate of number, he shall,
3 within 10 days thereof, notify the department, in writing, of his new address.
4 The department may provide, by regulation, for showing the new address by
5 the alteration of the certificate or for its surrender and replacement by a
6 corrected certificate.

7 (b) Whenever a vessel numbered under this act is sold, transferred,
8 lost, destroyed or abandoned, the owner of record shall, within 10 days
9 thereof, notify the department in writing of the change in the status of the
10 vessel. The department may, by regulation, also require the surrender of the
11 certificate of number, if it was not destroyed by the occurrence.

1 11. (a) Whenever any vessel upon the waters of this State is involved
2 in an accident, it shall be the duty of the operator, so far as he can do so
3 without serious danger to his own passengers, guests, crew, himself or his

4 vessel, to render to all other persons affected by the accident such assistance
5 as may be necessary in order to save them from or to minimize any danger
6 caused by the accident. He shall also give his name, address, and identify-
7 ing information regarding his vessel to any person injured and to the owner
8 of any property damaged in the accident.

9 (b) Whenever an accident involves any vessel subject to this act and
10 results in the death, disappearance, or injury of any person, or in property
11 damage in excess of \$100.00, the operator or operators thereof shall file,
12 with the department, a full description of the accident, including such in-
13 formation as the department may, by regulation, require within the times
14 specified in subsection (d) of this section.

15 (c) Whenever any vessel numbered under this act is involved in an acci-
16 dent upon waters other than the waters of this State, and the accident
17 results in the death, disappearance or injury of any person, or in property
18 damage exceeding \$100.00 the operator shall, within 30 days thereof, file
19 a complete report with the department including; such information as that
20 department may, by regulation, require. Nothing herein shall be construed
21 to exempt or excuse any operator from the requirements of any laws or regu-
22 lations of any other State or nation having jurisdiction over the waters in
23 which the accident occurs. Furthermore, no accident reporting requirement
24 in the law or regulations of any other State or nation shall exonerate or
25 excuse any failure of the operator of a vessel numbered in this State to
26 report the accident to the department.

27 (d) All boating accidents which occur on the waters of this State shall
28 be reported within 48 hours of the happening thereof, if said accident has
29 caused the death or the disappearance of any person; all other reportable
30 boating accidents that may result in personal injury or property damage
31 shall be reported within 15 days.

32 (e) The report of a boating accident herein required to be made shall
33 not, during any judicial proceeding, be referred to in any way; it shall not
34 be subject to subpoena nor admissible as evidence in any proceeding. Sub-

35 ject to these restrictions, information contained in a boating accident report
36 and any statistical information based thereon will be made available upon
37 request for official purposes to the United States Coast Guard or any Federal
38 agency successor thereto.

1 12. The fees for the initial numbering of all power vessels and for each
2 renewal of the certificate of number issued thereto, unless otherwise pro-
3 vided by law, shall be:

4 (a) \$6.00 for 3 years.

5 (b) For power vessels which are regularly rented to or hired by the
6 general public the fee shall be \$10.00 per year for 5 boats and \$1.00 per
7 year for each boat in excess of 5, provided all boats in any such fleet are
8 owned by or under the control of the same person.

9 (c) Special numbers shall be assigned to boat dealers and manufacturers,
10 as provided for under rules and regulations to be promulgated by the de-
11 partment, and such numbers shall be displayed temporarily upon boats
12 being tested, demonstrated, photographed or transported, said display to be
13 as prescribed in the rules and regulations aforementioned.

14 For each number so assigned the fee shall be \$5.00 for 1 year.

1 13. All fees received pursuant to this act shall be deposited as part of
2 the State's general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a
5 replacement thereof, and shall not lapse into the unappropriated funds of
6 the State Treasury, for the purposes of meeting necessary expenses to as-
7 sure a continuous administration of this act, except that at the end of each
8 fiscal year all revenue in excess of a sum calculated to meet the projected
9 annual costs for its administration, shall be used and are hereby appro-
10 priated for the purpose of dredging and maintaining lakes, waterways and
11 streams of this State.

1 14. (a) The department is hereby authorized and empowered to make,
2 adopt and promulgate such rules and regulations, not inconsistent with this

3 act, as shall be necessary for the proper implementation of this act govern-
4 ing the inspection, operation, equipping, anchorage and racing of vessels
5 upon the waters of this State.

6 Said rules and regulations shall be such as are reasonably necessary
7 for the protection of the health, safety and welfare of the public and for
8 the free and proper use of said waters by any persons or vessels in, on or
9 about such waters. Said regulations shall be in conformity with regulations
10 issued by the agency or agencies of the United States having jurisdiction
11 with respect to power vessels upon the waters of this State.

12 (b) Rules and regulations, other than emergency rules and regula-
13 tions or rules and regulations promulgated pursuant to the provisions of sec-
14 tion 5 of this act, shall go into effect 60 days following promulgation or at such
15 later date as the rules and regulations shall provide provided that such rules
15A and regulations are first reviewed by the Boating Regulation Council and are
16 thereafter presented at a public hearing. The commissioner shall consult
17 and seek the advice of interested and qualified associations, agencies and
18 persons. A notice of intent to promulgate proposed rules and regulations
19 shall be published by the commissioner at least 30 days prior to the pro-
20 mulgation of such rules and regulations in at least 1 newspaper in every
21 county of this State. This notice of intent shall state briefly the purpose of
22 the proposed rules and regulations, shall state that a copy of the proposed
23 rules and regulations may be obtained by any person upon written request
24 to the department and shall fix a date and place for a public hearing. A
25 copy of the proposed rules and regulations shall be furnished to every
26 member of the council when such notice is published. Within 30 days after
27 promulgation of proposed rules and regulations and on 10 days' notice, the
28 commissioner shall call a meeting of the council for the purpose of dis-
29 cussing said proposed rules and regulations.

30 (c) No changes in the rules and regulations shall go into effect from
31 May 1 to September 30 of any year unless the Boating Regulation Council
32 shall find a need for the adoption of emergency rules and regulations. Such

33 emergency rules and regulations shall go into effect 15 days after publica-
34 tion in at least 1 newspaper in every county of the State and shall remain
35 in effect for 120 days or such shorter period as such rules and regulations
36 shall provide.

37 (d) A copy of the rules and regulations adopted pursuant to this act,
38 and of any amendments thereto, shall be filed in the office of the Secretary
39 of State.

1 15. There is established within the department a 7-member Boating
2 Regulation Council which shall consist of the commissioner of the depart-
3 ment, the Director of the Division of Fish and Game of the department,
4 and the Chief of the Bureau of Navigation of the department as ex-officio
5 members, and 4 public members. The public members shall be appointed by
6 the Governor for 4-year terms commencing on April 1 of the year of the
7 appointment, except that of those first appointed, 1 shall be appointed for a
8 term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years and 1 for a
9 term of 4 years, which term shall commence on April 1, 1961.

10 Each member shall hold over after the expiration of his term until his
11 successor has been appointed and has qualified. Vacancies shall be filled only
12 for the unexpired term.

13 The members of the council shall serve without compensation except for
14 the actual expenses incurred while engaged in their duties as members of the
15 council. It shall be the duty of the council to advise the commissioner in
16 matters relating to the administration of this act. The council shall meet
17 at least every 6 months and at such time as the commissioner may desig-
18 nate at the time and place selected by him. A meeting of the council shall
19 be called by the commissioner when requested by any 3 members of the
20 council. The Chief of the Bureau of Navigation shall serve as secretary of
21 the council.

1 16. Any person who violates any provisions of this act or any rule or
2 regulation authorized hereby, shall be a disorderly person and shall be sub-
3 ject to a fine not to exceed \$100.00 for the first offense or imprisonment of 10

4 days or both. Any person who violates any provision of this act for a second
5 time, and for all subsequent offenses, shall be subject to a fine not to exceed
6 \$200.00 or imprisonment for 20 days or both.

1 17. The department shall be responsible for the enforcement of this act.

2 A force of marine partolmen including those enforcement officers known
3 as Harbor Masters and Power Vessel Inspectors shall be formed. They shall
4 have authority to enforce the provisions of this act and all other provisions of
5 Title 12 of the Revised Statutes. Harbor Masters and Power Vessel Inspec-
6 tors shall hereafter be known as Marine Patrolmen and their appointments,
7 rank and pay, shall be regulated by the Civil Service Commission in compli-
8 ance with the provisions of Title 11.

9 The Chief Power Vessel Inspector now in the employ of the department
10 shall be retained and continued without diminution in salary.

1 18. Nothing in this act shall be construed to prevent the adoption of any
2 ordinance or local law relating to operation and equipment of vessels the pro-
3 visions of which are identical to the provisions of this act, amendments thereto
4 or regulations issued thereunder: Provided, that such ordinance or local laws
5 shall be operative only so long as and to the extent that they continue to be
6 identical to provisions of this act, amendments thereto or regulations issued
7 thereunder.

8 (a) Any subdivision of this State may, at any time, but only after public
9 notice, make formal application to the department for special rules and
10 regulations with reference to the operation of vessels on any waters within its
11 territorial limits and shall set forth herein the reasons which make such spe-
12 cial rules or regulations necessary or appropriate.

13 (b) The department is hereby authorized to make, adopt and promulgate
14 special rules and regulations with reference to the operation of vessels on any
15 waters within the territorial limits of any subdivision of this State.

1 19. The provisions of chapter 51, laws of 1960 shall not apply to power
2 vessels numbered under this act.

1 20. Section 3 of chapter 236 of the laws of 1954 is amended to read as
2 follows:

3 3. [The following fees shall be paid annually to the department upon the
4 registration or reregistration of a power vessel or motor upon the issuance
5 of a license or permit:

6 (a) Registration of a privately operated vessel, \$2.50.

7 (b) Registration of a detachable or outboard motor, including an electric
8 outboard motor, \$2.00.

9 (c) Operator's license, \$1.50.

10 (d) Learner's permit, \$0.50.

11 (e) Dealer's license, \$5.00.

12 (f) A power vessel carrying passengers for hire, \$0.25 for each passenger
13 which the vessel is licensed to carry, but not less than \$15.00 for each such
14 vessel.

15 (g) A power vessel used for the sale or delivery of merchandise or
16 engaged in any commerce other than the carriage of passengers, \$5.00.

17 (h) A power vessel or outboard motor for hire or rent to any individual
18 for private use, including a u-drive vessel, \$10.00.]

19 *The annual fee payable to the department for an operator's license shall*
20 *be \$1.50.*

1 21. The following sections of P. L. 1954, c. 236 are repealed: Sections 5,
2 11, 12, 15, 16, 17, 21 and 32.

1 22. This act shall take effect immediately.

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 273

STATE OF NEW JERSEY

ADOPTED MAY 7, 1962

AN ACT concerning the numbering of power vessels on waters of the State, establishing a Boat Regulation Commission, establishing procedures for reporting boating accidents and furnishing accident statistics, and repealing sections 2, 3, 5, 8, 10, 11, 12, 15, 16, 17, 21, 24, 26 and 32 of the Power Vessel Act (1954) being chapter 236 of the laws of 1954, 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. This act may be cited as the "New Jersey Boat Numbering Act
2 of 1962."

1 2. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" shall mean a vessel temporarily or permanently
6 equipped with machinery for propulsion, and shall not include a vessel pro-
7 pelled wholly by sails or by muscular power.

8 (c) "Owner" means a person, other than a lien holder, having the prop-
9 erty in or title to a power vessel. The term includes a person entitled to the
10 use or possession of the vessel subject to an interest of another person,
11 reserved or created by agreement and securing payment or performance of
12 an obligation, but the term excludes a lessee under a lease not intended as
13 security.

14 (d) "Operate" means to navigate or otherwise use a vessel.

15 (e) "Department" means the Department of Conservation and Economic
16 Development or its duly constituted successor.

17 (f) "Commissioner" shall refer to the Commissioner of the Depart-
18 ment of Conservation and Economic Development.

19 (g) "Commission" shall refer to the Boat Regulation Commission estab-
20 lished in this act.

21 (h) "Waters of this State" means all waters within the jurisdiction of
22 this State, both tidal and nontidal, and the marginal sea adjacent to this
23 State.

24 (i) "Number," "Numbering" and Certificates of number" as used in
25 this act are the equivalent of the terms "register," "registration" and
26 "Certificate of Registration" as used in the Power Vessel Act (1954) being
27 chapter 236 of the laws of 1954.

1 3. Every power vessel, except as herein provided, which is upon the
2 waters of this State shall be numbered in accordance with the provisions of
3 this act, and no person shall operate or give permission to operate any
4 power vessel on such waters unless it is so numbered.

5 A power vessel shall not be required to be numbered under this act if
6 it is:

7 (a) A vessel which has a valid Marine Document issued by the Bureau of
8 Customs of the United States Government or any Federal agency successor
9 thereto;

10 (b) Being legally operated pursuant to applicable Federal law or a
11 Federally-approved numbering system of another State; provided, that such
12 vessel shall not have been within this State for a period in excess of 180
13 consecutive days, unless it is in New Jersey for the purpose of set or dry
14 storage, or for repairs, in which case the actual time for said storage or
15 repair shall not be counted as included within the 180 days aforesaid.

16 (c) From a country other than the United States temporarily using the
17 waters of this State;

18 (d) Public vessels of the United States, a State or subdivision or agency
19 thereof;

20 (e) A ship's lifeboat;

21 (f) Any power vessel used exclusively for racing while actually com-
22 peting in an authorized race held under the auspices of a duly incorporated
23 yacht club or racing association in accordance with the rules and regulations
24 prescribed by the department and pursuant to a permit duly issued by the
25 department.

26 (g) Any power vessel powered by a motor developing 10 horse power or
27 less.

1 4. (a) The owner of a power vessel required to be numbered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner and shall be accompanied by the fee
4 prescribed by this act for such power vessel. Upon receipt of the applica-
5 tion in the approved form and the prescribed fee, the department shall enter
6 the same upon the records of its office and issue to the applicant, a pocket-
7 size, waterproof, certificate of number, which shall state the name and address
8 of the owner, a description of the power vessel, its use, and the number
9 assigned.

10 (b) The certificate of number shall be available at all times for inspec-
11 tion on the power vessel for which issued whenever such vessel is in
12 operation.

13 (c) The number assigned to a vessel shall be displayed on each side of
14 the bow thereof, as prescribed by regulations of the department, using
15 letters and numerals not less than 3 inches in height. No other number shall
16 be displayed on the bow.

1 5. The department shall make and promulgate rules and regulations
2 concerning the numbering system to be used, which system shall conform as
3 near as possible with any over-all system of identification numbering for
4 power vessels which is being used by the United States Government or its
5 agencies. Such rules and regulations shall go into effect immediately upon
6 promulgation.

1 6. The owner of any power vessel identified by a number in full force
2 and effect which has been awarded to it pursuant to a then operative

3 Federal law or Federally-approved numbering system or another State shall
4 record with the department the vessel's description and number prior to
5 using such power vessel upon the waters of this State in excess of the 180-
6 day reciprocity period provided for in section 3 of this act. Such recording
7 shall be in the same manner and pursuant to the same procedure prescribed
8 in section 4 of this act except that no additional or substitute number shall
9 be assigned.

1 7. Unless otherwise provided herein, every certificate of number shall
2 expire and become void on the last day of the thirty-sixth calendar month
3 following the calendar month in which the certificate was issued.

1 8. Certificates of number issued by the United States Coast Guard after
2 April 1, 1960, to undocumented vessels principally used in New Jersey shall
3 be valid until the expiration date shown thereon. Upon such expiration the
4 owner of the vessel shall apply to the department in the manner prescribed
5 in section 4 of this act, and the department shall assign the same number
6 as that which had been assigned to the vessel by the coast guard.

1 9. No person shall make any misstatement of fact in an application for the
2 numbering of a power vessel or give a fictitious name or address.

1 10. (a) Whenever the owner of a vessel numbered under this act changes
2 his address from that shown on his certificate of number, he shall, within
3 10 days thereof, notify the department, in writing, of his new address. The
4 department may provide, by regulation, for showing the new address by the
5 alteration of the certificate or for its surrender and replacement by a cor-
6 rected certificate.

7 (b) Whenever a vessel numbered under this act is sold, transferred,
8 lost, destroyed or abandoned, the owner of record shall, within 10 days
9 thereof, notify the department in writing of the change in the status of the
10 vessel. The department may, by regulation, also require the surrender of the
11 certificate of number, if it was not destroyed by the occurrence.

1 11. (a) Whenever any vessel upon the waters of this State is involved
2 in an accident, it shall be the duty of the operator, so far as he can do so
3 without serious danger to his own passengers, guests, crew, himself or his

4 vessel, to render to all other persons affected by the accident such assistance
5 as may be necessary in order to save them from or to minimize any danger
6 caused by the accident. He shall also give his name, address, and identifying
7 information regarding his vessel to any person injured and to the owner
8 of any property damaged in the accident.

9 (b) Whenever an accident involves any vessel subject to this act and
10 results in the death, disappearance, or injury of any person, or in property
11 damage in excess of \$100.00, the operator or operators thereof shall file,
12 with the department, a full description of the accident, including such in-
13 formation as the department may, by regulation, require within the times
14 specified in subsection (c) of this section.

15 (c) All boating accidents which occur on the waters of this State shall
16 be reported within 48 hours of the happening thereof, if said accident has
17 caused the death or the disappearance of any person; all other reportable
18 boating accidents that may result in personal injury or property damage
19 shall be reported within 15 days.

20 (d) The report of a boating accident herein required to be made shall
21 not, during any judicial proceeding, be referred to in any way; it shall not
22 be subject to subpoena nor admissible as evidence in any proceeding. Sub-
23 ject to these restrictions, information contained in a boating accident report
24 and any statistical information based thereon will be made available upon
25 request for official purposes to the United States Coast Guard or any Federal
26 agency successor thereto.

1 12. The fees for the initial numbering of all power vessels and for each
2 renewal of the certificate of number issued thereto, unless otherwise pro-
3 vided by law, shall be :

4 (a) \$6.00 for 3 years.

5 (b) Special numbers shall be assigned to boat dealers and manufact-
6 urers, as provided for under rules and regulations to be promulgated by the
7 department, and such numbers shall be displayed temporarily upon boats
8 being tested, demonstrated, photographed or transported, said display to be
9 as prescribed in the rules and regulations aforementioned.

10 For each number so assigned the fee shall be \$5.00 for one year.

1 13. All fees received pursuant to this act shall be deposited as part of
2 the State's general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a re-
5 placement thereof, and shall not lapse into the unappropriated funds of the
6 State Treasury, for the purposes of meeting necessary expenses to assure a
7 continuous administration of this act, except that at the end of each fiscal
8 year all revenue in excess of a sum calculated to meet the projected annual
9 costs for its administration, shall be used and are hereby appropriated for
10 the purpose of dredging and maintaining lakes, waterways and streams of
11 this State.

1 14. (a) There is established within the department a 7 member Boat
2 Regulation Commission which shall consist of the commissioner of the de-
3 partment as ex officio member and 6 public members. The public members
4 shall be appointed by the Governor with the advice and consent of the Senate
5 for 4-year terms commencing on April 1 of the year of the appointment, except
6 that of those first appointed, 2 shall be appointed for a term of 1 year, 2 for a
7 term of 2 years, one for a term of 3 years and one for a term of 4 years. As
8 far as possible the public members shall be experienced boatmen and shall
9 represent the various geographical sections and boating interests of the State.
10 The chairman shall be designated by the Governor. Each member of the
11 commission shall serve at the pleasure of the Governor during his term and
12 until the successor of the commission member has been appointed and has
13 qualified. Vacancies shall be filled only for the unexpired term.

14 (b) The members of the commission shall serve without compensation
15 except for the actual expenses incurred while engaged in their duties as mem-
16 bers of the commission.

17 (c) The commission will promulgate rules and regulations, subject to the
18 approval of the commissioner of the department, not inconsistent with the
19 provisions of this act and including, but not limited to the inspection, oper-
20 ation, equipping, anchorage, racing and safety of vessels upon the waters of
21 this State.

22 Said rules and regulations shall be such as are reasonably necessary for
23 the protection of the health, safety and welfare of the public and for the free
24 and proper use of said waters by any persons or vessels in, on or about such
25 waters. Said regulations shall be in conformity with regulations issued by the
26 agency or agencies of the United States having jurisdiction with respect to
27 power vessels upon the waters of this State.

28 The commission shall meet monthly or at the call of the commissioner of
29 the department or the chairman of the commission or when requested by any 3
30 members of the commission. The commissioner of the department shall desig-
31 nate a staff from the department to handle administrative matters for the
32 commission.

1 15. (a) Rules and regulations, other than emergency rules and regula-
2 tions or rules and regulations promulgated pursuant to the provisions of sec-
3 tion 5 of this act, shall go into effect 60 days following promulgation or at
4 such later date as the rules and regulations shall provide.

5 (b) No changes in the rules and regulations shall go into effect from
6 May 1 to September 30 of any year unless the Boat Regulation Commission
7 shall find a need for the adoption of emergency rules and regulations. Such
8 emergency rules and regulations after approval by the commissioner shall go
9 into effect 15 days after publication in at least one newspaper in every county
10 of the State and shall remain in effect for 120 days or such shorter period as
11 such rules and regulations shall provide.

12 (c) A copy of the rules and regulations adopted pursuant to this act, and
13 of any amendments thereto, shall be filed in the office of the Secretary of
14 State.

1 16. Any person who violates any provisions of this act or any rule or
2 regulation authorized hereby, shall be a disorderly person and shall be sub-
3 ject to a fine not to exceed \$100.00 for the first offense or imprisonment of
4 10 days or both. Any person who violates any provisions of this act for a
5 second time, and for all subsequent offenses, shall be subject to a fine not
6 to exceed \$200.00 or imprisonment for 20 days or both.

1 17. The department shall be responsible for the enforcement of this act.

2 A supervisory force of marine patrolmen shall be formed and their ap-
3 pointments, rank and pay shall be regulated by the Civil Service Commission
4 in compliance with the provisions of Title 11. Harbor Masters and Power
5 Vessel Inspectors shall hereafter be known as marine patrolmen and those
6 appointed in accordance with Title 12 of the Revised Statutes will serve in
7 accordance with rules and regulations to be promulgated by the commission.

1 18. Nothing in this act shall be construed to prevent the adoption of any
2 ordinance or local law relating to operation and equipment of vessels the pro-
3 visions of which are identical to the provisions of this act, amendments thereto
4 or regulations issued thereunder: Provided, that such ordinance or local laws
5 shall be operative only so long as and to the extent that they continue to be
6 identical to provisions of this act, amendments thereto or regulations issued
7 thereunder.

8 (a) Any subdivision of this State may, at any time, but only after pub-
9 lic notice, make formal application to the department for special rules and
10 regulations with reference to the operation of vessels on any waters within
11 its territorial limits and shall set forth herein the reasons which make such
12 special rules and regulations necessary or appropriate.

13 (b) The commission is hereby authorized to make, adopt and promulgate
14 special rules and regulations, subject to the approval of the commissioner,
15 with reference to the operation of vessels on any waters within the territorial
16 limits of any subdivision of this State.

1 19. The provisions of chapter 51, laws of 1960 shall not apply to power
2 vessels numbered under this act.

1 20. The following sections of P. L. 1954, c. 236 are repealed: Sections
2 2, 3, 5, 8, 10, 11, 12, 15, 16, 17, 21, 24, 26 and 32.

1 21. The fee of \$1.50 now payable for an operator's license on nontidal
2 waters shall be continued.

1 22. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 273

STATE OF NEW JERSEY

ADOPTED MAY 14, 1962

Amend page 8, section 19, lines 1 and 2, delete entire "section 19".

Amend page 8, section 20, line 1, omit "20", insert "19".

Amend page 8, section 21, line 1, omit "21", insert "20".

Amend page 8, section 21, line 2, after the word "continued", delete the ".", and insert the following: "and the registration of any power vessel or motor operated on nontidal waters as required by section 4 of P. L. 1954, c. 236 shall be continued as heretofore."

Amend page 8, section 22, line 1, omit "2", insert "21".

[OFFICIAL COPY REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 273

STATE OF NEW JERSEY

ADOPTED MAY 7, 1962

AN Act concerning the numbering of power vessels on waters of the State, establishing a Boat Regulation Commission, establishing procedures for reporting boating accidents and furnishing accident statistics, and repealing sections 2, 3, 5, 8, 10, 11, 12, 15, 16, 17, 21, 24, 26 and 32 of the Power Vessel Act (1954) being chapter 236 of the laws of 1954, 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. This act may be cited as the "New Jersey Boat Numbering Act
2 of 1962."

1 2. As used in this act, unless the context clearly requires a different
2 meaning:

3 (a) "Vessel" means watercraft, other than a seaplane on the water, used
4 or capable of being used as a means of transportation on water.

5 (b) "Power vessel" shall mean a vessel temporarily or permanently
6 equipped with machinery for propulsion, and shall not include a vessel pro-
7 pelled wholly by sails or by muscular power.

8 (c) "Owner" means a person, other than a lien holder, having the prop-
9 erty in or title to a power vessel. The term includes a person entitled to the
10 use or possession of the vessel subject to an interest of another person,
11 reserved or created by agreement and securing payment or performance of
12 an obligation, but the term excludes a lessee under a lease not intended as
13 security.

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

14 (d) "Operate" means to navigate or otherwise use a vessel.

15 (e) "Department" means the Department of Conservation and Economic
16 Development or its duly constituted successor.

17 (f) "Commissioner" shall refer to the Commissioner of the Depart-
18 ment of Conservation and Economic Development.

19 (g) "Commission" shall refer to the Boat Regulation Commission estab-
20 lished in this act.

21 (h) "Waters of this State" means all waters within the jurisdiction of
22 this State, both tidal and nontidal, and the marginal sea adjacent to this
23 State.

24 (i) "Number," "Numbering" and Certificates of number" as used in
25 this act are the equivalent of the terms "register," "registration" and
26 "Certificate of Registration" as used in the Power Vessel Act (1954) being
27 chapter 236 of the laws of 1954.

1 3. Every power vessel, except as herein provided, which is upon the
2 waters of this State shall be numbered in accordance with the provisions of
3 this act, and no person shall operate or give permission to operate any
4 power vessel on such waters unless it is so numbered.

5 A power vessel shall not be required to be numbered under this act if
6 it is:

7 (a) A vessel which has a valid Marine Document issued by the Bureau of
8 Customs of the United States Government or any Federal agency successor
9 thereto;

10 (b) Being legally operated pursuant to applicable Federal law or a
11 Federally-approved numbering system of another State; provided, that such
12 vessel shall not have been within this State for a period in excess of 180
13 consecutive days, unless it is in New Jersey for the purpose of set or dry
14 storage, or for repairs, in which case the actual time for said storage or
15 repair shall not be counted as included within the 180 days aforesaid.

16 (c) From a country other than the United States temporarily using the
17 waters of this State;

18 (d) Public vessels of the United States, a State or subdivision or agency
19 thereof;

20 (e) A ship's lifeboat;

21 (f) Any power vessel used exclusively for racing while actually com-
22 peting in an authorized race held under the auspices of a duly incorporated
23 yacht club or racing association in accordance with the rules and regulations
24 prescribed by the department and pursuant to a permit duly issued by the
25 department.

26 (g) Any power vessel powered by a motor developing 10 horse power or
27 less.

1 4. (a) The owner of a power vessel required to be numbered in this State
2 shall file an application with the department on forms approved by it. The
3 application shall be signed by the owner and shall be accompanied by the fee
4 prescribed by this act for such power vessel. Upon receipt of the applica-
5 tion in the approved form and the prescribed fee, the department shall enter
6 the same upon the records of its office and issue to the applicant, a pocket-
7 size, waterproof, certificate of number, which shall state the name and address
8 of the owner, a description of the power vessel, its use, and the number
9 assigned.

10 (b) The certificate of number shall be available at all times for inspec-
11 tion on the power vessel for which issued whenever such vessel is in
12 operation.

13 (c) The number assigned to a vessel shall be displayed on each side of
14 the bow thereof, as prescribed by regulations of the department, using
15 letters and numerals not less than 3 inches in height. No other number shall
16 be displayed on the bow.

1 5. The department shall make and promulgate rules and regulations
2 concerning the numbering system to be used, which system shall conform as
3 near as possible with any over-all system of identification numbering for
4 power vessels which is being used by the United States Government or its
5 agencies. Such rules and regulations shall go into effect immediately upon
6 promulgation.

1 6. The owner of any power vessel identified by a number in full force
2 and effect which has been awarded to it pursuant to a then operative
3 Federal law or Federally-approved numbering system or another State shall
4 record with the department the vessel's description and number prior to
5 using such power vessel upon the waters of this State in excess of the 180-
6 day reciprocity period provided for in section 3 of this act. Such recording
7 shall be in the same manner and pursuant to the same procedure prescribed
8 in section 4 of this act except that no additional or substitute number shall
9 be assigned.

1 7. Unless otherwise provided herein, every certificate of number shall
2 expire and become void on the last day of the thirty-sixth calendar month
3 following the calendar month in which the certificate was issued.

1 8. Certificates of number issued by the United States Coast Guard after
2 April 1, 1960, to undocumented vessels principally used in New Jersey shall
3 be valid until the expiration date shown thereon. Upon such expiration the
4 owner of the vessel shall apply to the department in the manner prescribed
5 in section 4 of this act, and the department shall assign the same number
6 as that which had been assigned to the vessel by the coast guard.

1 9. No person shall make any misstatement of fact in an application for the
2 numbering of a power vessel or give a fictitious name or address.

1 10. (a) Whenever the owner of a vessel numbered under this act changes
2 his address from that shown on his certificate of number, he shall, within
3 10 days thereof, notify the department, in writing, of his new address. The
4 department may provide, by regulation, for showing the new address by the
5 alteration of the certificate or for its surrender and replacement by a cor-
6 rected certificate.

7 (b) Whenever a vessel numbered under this act is sold, transferred,
8 lost, destroyed or abandoned, the owner of record shall, within 10 days
9 thereof, notify the department in writing of the change in the status of the
10 vessel. The department may, by regulation, also require the surrender of the
11 certificate of number, if it was not destroyed by the occurrence.

1 11. (a) Whenever any vessel upon the waters of this State is involved
2 in an accident, it shall be the duty of the operator, so far as he can do so
3 without serious danger to his own passengers, guests, crew, himself or his
4 vessel, to render to all other persons affected by the accident such assistance
5 as may be necessary in order to save them from or to minimize any danger
6 caused by the accident. He shall also give his name, address, and identifying
7 information regarding his vessel to any person injured and to the owner
8 of any property damaged in the accident.

9 (b) Whenever an accident involves any vessel subject to this act and
10 results in the death, disappearance, or injury of any person, or in property
11 damage in excess of \$100.00, the operator or operators thereof shall file,
12 with the department, a full description of the accident, including such in-
13 formation as the department may, by regulation, require within the times
14 specified in subsection (c) of this section.

15 (c) All boating accidents which occur on the waters of this State shall
16 be reported within 48 hours of the happening thereof, if said accident has
17 caused the death or the disappearance of any person; all other reportable
18 boating accidents that may result in personal injury or property damage
19 shall be reported within 15 days.

20 (d) The report of a boating accident herein required to be made shall
21 not, during any judicial proceeding, be referred to in any way; it shall not
22 be subject to subpoena nor admissible as evidence in any proceeding. Sub-
23 ject to these restrictions, information contained in a boating accident report
24 and any statistical information based thereon will be made available upon
25 request for official purposes to the United States Coast Guard or any Federal
26 agency successor thereto.

1 12. The fees for the initial numbering of all power vessels and for each
2 renewal of the certificate of number issued thereto, unless otherwise pro-
3 vided by law, shall be:

4 (a) \$6.00 for 3 years.

5 (b) Special numbers shall be assigned to boat dealers and manufact-
6 urers, as provided for under rules and regulations to be promulgated by the

7 department, and such numbers shall be displayed temporarily upon boats
8 being tested, demonstrated, photographed or transported, said display to be
9 as prescribed in the rules and regulations aforementioned.

10 For each number so assigned the fee shall be \$5.00 for one year.

1 13. All fees received pursuant to this act shall be deposited as part of
2 the State's general funds with the State Treasurer, who shall keep a record
3 of the same. The said sums shall be credited to a permanent revolving fund
4 for the then current fiscal year and thereafter, from year to year, as a re-
5 placement thereof, and shall not lapse into the unappropriated funds of the
6 State Treasury, for the purposes of meeting necessary expenses to assure a
7 continuous administration of this act, except that at the end of each fiscal
8 year all revenue in excess of a sum calculated to meet the projected annual
9 costs for its administration, shall be used and are hereby appropriated for
10 the purpose of dredging and maintaining lakes, waterways and streams of
11 this State.

1 14. (a) There is established within the department a 7 member Boat
2 Regulation Commission which shall consist of the commissioner of the de-
3 partment as ex officio member and 6 public members. The public members
4 shall be appointed by the Governor with the advice and consent of the Senate
5 for 4-year terms commencing on April 1 of the year of the appointment, except
6 that of those first appointed, 2 shall be appointed for a term of 1 year, 2 for a
7 term of 2 years, one for a term of 3 years and one for a term of 4 years. As
8 far as possible the public members shall be experienced boatmen and shall
9 represent the various geographical sections and boating interests of the State.

10 The chairman shall be designated by the Governor. Each member of the
11 commission shall serve at the pleasure of the Governor during his term and
12 until the successor of the commission member has been appointed and has
13 qualified. Vacancies shall be filled only for the unexpired term.

14 (b) The members of the commission shall serve without compensation
15 except for the actual expenses incurred while engaged in their duties as mem-
16 bers of the commission.

17 (c) The commission will promulgate rules and regulations, subject to the
18 approval of the commissioner of the department, not inconsistent with the
19 provisions of this act and including, but not limited to the inspection, oper-
20 ation, equipping, anchorage, racing and safety of vessels upon the waters of
21 this State.

22 Said rules and regulations shall be such as are reasonably necessary for
23 the protection of the health, safety and welfare of the public and for the free
24 and proper use of said waters by any persons or vessels in, on or about such
25 waters. Said regulations shall be in conformity with regulations issued by the
26 agency or agencies of the United States having jurisdiction with respect to
27 power vessels upon the waters of this State.

28 The commission shall meet monthly or at the call of the commissioner of
29 the department or the chairman of the commission or when requested by any 3
30 members of the commission. The commissioner of the department shall desig-
31 nate a staff from the department to handle administrative matters for the
32 commission.

1 15. (a) Rules and regulations, other than emergency rules and regula-
2 tions or rules and regulations promulgated pursuant to the provisions of sec-
3 tion 5 of this act, shall go into effect 60 days following promulgation or at
4 such later date as the rules and regulations shall provide.

5 (b) No changes in the rules and regulations shall go into effect from
6 May 1 to September 30 of any year unless the Boat Regulation Commission
7 shall find a need for the adoption of emergency rules and regulations. Such
8 emergency rules and regulations after approval by the commissioner shall go
9 into effect 15 days after publication in at least one newspaper in every county
10 of the State and shall remain in effect for 120 days or such shorter period as
11 such rules and regulations shall provide.

12 (c) A copy of the rules and regulations adopted pursuant to this act, and
13 of any amendments thereto, shall be filed in the office of the Secretary of
14 State.

1 16. Any person who violates any provisions of this act or any rule or
2 regulation authorized hereby, shall be a disorderly person and shall be sub-

3 ject to a fine not to exceed \$100.00 for the first offense or imprisonment of
 4 10 days or both. Any person who violates any provisions of this act for a
 5 second time, and for all subsequent offenses, shall be subject to a fine not
 6 to exceed \$200.00 or imprisonment for 20 days or both.

1 17. The department shall be responsible for the enforcement of this act.

2 A supervisory force of marine patrolmen shall be formed and their ap-
 3 pointments, rank and pay shall be regulated by the Civil Service Commission
 4 in compliance with the provisions of Title 11. Harbor Masters and Power
 5 Vessel Inspectors shall hereafter be known as marine patrolmen and those
 6 appointed in accordance with Title 12 of the Revised Statutes will serve in
 7 accordance with rules and regulations to be promulgated by the commission.

1 18. Nothing in this act shall be construed to prevent the adoption of any
 2 ordinance or local law relating to operation and equipment of vessels the pro-
 3 visions of which are identical to the provisions of this act, amendments thereto
 4 or regulations issued thereunder: Provided, that such ordinance or local laws
 5 shall be operative only so long as and to the extent that they continue to be
 6 identical to provisions of this act, amendments thereto or regulations issued
 7 thereunder.

8 (a) Any subdivision of this State may, at any time, but only after pub-
 9 lic notice, make formal application to the department for special rules and
 10 regulations with reference to the operation of vessels on any waters within
 11 its territorial limits and shall set forth herein the reasons which make such
 12 special rules and regulations necessary or appropriate.

13 (b) The commission is hereby authorized to make, adopt and promulgate
 14 special rules and regulations, subject to the approval of the commissioner,
 15 with reference to the operation of vessels on any waters within the territorial
 16 limits of any subdivision of this State.

1 [19. The provisions of chapter 51, laws of 1960 shall not apply to power
 2 vessels numbered under this act.]

1 [20.] 19. The following sections of P. L. 1954, c. 236 are repealed: Sec-
 2 tions 2, 3, 5, 8, 10, 11, 12, 15, 16, 17, 21, 24, 26 and 32.

1 **[21.]** 20. The fee of \$1.50 now payable for an operator's license on non-
2 tidal waters shall be continued *and the registration of any power vessel or*
3 *motor operated on nontidal waters as required by section 4 of P. L. 1954,*
4 *c. 236, shall be continued as heretofore.*

1 **[22.]** 21. This act shall take effect immediately.