

12:7-60

LEGISLATIVE HISTORY CHECKLIST

NJSA: 12:7-60,12:7-61

(Boating safety
courses--require
for operations
under 16)

LAWS OF: 1987

CHAPTER: 453

Bill No: A2250

Sponsor(s): Cooper and others

Date Introduced: March 10, 1986

Committee: Assembly: Law, Public Safety & Defense & Corrections

Senate: Law, Public Safety & Defense

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 25, 1987

Senate: January 11, 1988

Date of Approval: January 19, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 2250

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1986

By Assemblywoman COOPER, Assemblymen KLINE, CHINNICI,
FOY, GORMAN, FELICE, ROONEY, PENN and ZECKER

AN ACT concerning boat safety courses and supplementing P. L.
[1954, c. 236 (C. 12:7-34.1 et seq.)] *1962, c. 73 (C. 12:7-34.36
et seq.) and amending P. L. 1982, c. 77*.

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

1 1. The Superintendent of State Police in the Department of Law
2 and Public Safety shall establish a list of approved boat safety
3 courses offered by public or private persons or agencies for profit
4 or otherwise. Approved courses shall provide formal instruction
5 **in** power vessel handling and safety. The superintendent may
6 approve a boat safety course upon his own initiative or by applica-
7 tion on a form to be created by the superintendent. The super-
8 intendent shall, pursuant to the "Administrative Procedure Act,"
9 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations
10 to implement this section.

1 2. a. No person 16 years of age or younger shall operate a power
2 vessel on the tidal or nontidal waters of this State without having
3 completed a boat safety course approved by the Superintendent of
4 State Police in the Department of Law and Public Safety.

5 b. A person 16 years of age or younger, when operating a power
6 vessel on the tidal or nontidal waters of this State, shall have in
7 his possession a certificate certifying that person's successful com-
8 pletion of a boat safety course approved by the superintendent
9 and shall, when requested to do so, exhibit the certificate to a law
10 enforcement or peace officer of this State. Failure of the person to

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted June 11, 1987.

11 exhibit the certificate is presumptive evidence that the person has
12 not completed an approved boat safety course.

13 c. A person 16 years of age or younger who operates a power
14 vessel on the tidal or nontidal waters of this State without having
15 completed a boat safety course approved by the superintendent or
16 who exhibits to a law enforcement or peace officer a certificate of
17 completion of an approved boat safety course of another person is
18 subject to a fine of not less than *~~[\$25.00]~~* *\$100.00* nor more
19 than *~~[\$100.00]~~* to be collected in a summary proceeding pursuant
20 to "the penalty enforcement law," N. J. S. 2A:58-1 et seq.*.

1 *3. Section 4 of P. L. 1982, c. 77 (C. 2A:4A-23) is amended to
2 read as follows:

3 4. Definition of delinquency. As used in this act, "delinquency"
4 means the commission of an act by a juvenile which if committed
5 by an adult would constitute:

6 a. A crime;

7 b. A disorderly persons offense or petty disorderly persons
8 offense; or

9 c. A violation of any other penal statute, ordinance or regulation.

10 But, the commission of (1) an act which constitutes a violation
11 of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a
12 juvenile of or over the age of 17 years; (2) an act relating to the
13 ownership or operation of a motorized bicycle which constitutes a
14 violation of chapter 3 or 4 of Title 39 of the Revised Statutes
15 by a juvenile of any age; (3) an act which constitutes a violation
16 of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes
17 pertaining to pedestrians and bicycles, by a juvenile of any age; or
18 (4) the commission of an act which constitutes a violation of P. L.
19 1981, c. 318 (C. 26:3D-1 et seq.), P. L. 1981, c. 319 (C. 26:3D-7
20 et seq.), P. L. 1981, c. 320 (C. 26:3D-15 et seq.), P. L. 1985, c. 185
21 (C. 26:3E-7 et seq.), P. L. 1985, c. 186 (C. 26:3D-32 et seq.), N. J. S.
22 2C:33-13, P. L. 1985, c. 318 (C. 26:3D-38 et seq.), P. L. 1985, c. 381
23 (C. 26:3D-46 et seq.), or of any amendment or supplement thereof,
24 by a juvenile of any age; or (5) an act which constitutes a violation
25 of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19), section 3 of P. L.
26 1952, c. 157 (C. 12:7-46) **[or]**, section 9 of P. L. 1986, c. 39 (C.
27 12:7-59) or section 2 of P. L. . . . , c. . . . (C.) (now
28 pending before the Legislature as this bill) shall not constitute
29 delinquency as defined in this act. The municipal court having juris-
30 diction over a case involving a violation by a juvenile of a section
31 of Title 26 listed in this subsection, or N. J. S. 2C:33-13, shall
32 forward a copy of the record of conviction in that case to the

33 Family Part intake service of the county where the municipal court
34 is located.*

1 ***[3.]*** *4.*This act shall take effect immediately*, *but sections*
2 *2 and 3 of this bill shall not become operative until the 366th day*
3 *following enactment*.*

BOATS, VESSELS, WATERWAYS

Requires persons under 16 years of age to complete a boat safety
course as a condition of operating a power vessel.

13 c. A person 16 years of age or younger who operates a power
14 vessel on the tidal or nontidal waters of this State without having
15 completed a boat safety course approved by the superintendent or
16 who exhibits to a law enforcement or peace officer a certificate of
17 completion of an approved boat safety course of another person is
18 subject to a fine of not less than \$25.00 nor more than \$100.00 to
19 be collected in a summary proceeding pursuant to "the penalty
20 enforcement law," N. J. S. 2A:58-1 et seq.

1 3. This act shall take effect immediately.

STATEMENT

There is currently no requirement for children who operate power vessels on the waters of this State to take a boat safety course. Because of the crowded conditions existing at many of the State's lakes, rivers, and bays, the high horsepower of many vessels, and the dangerous conditions that these two factors create, it is imperative that children learn the safe and proper use of a power vessel before they are allowed to operate them on the State's waters.

This bill requires all persons 16 years of age or younger to complete a boat safety course approved by the Superintendent of State Police before they may operate a power vessel on the State's waters. Certificates of completion must be carried with these children when they operate a power vessel.

BOATS, VESSELS, WATERWAYS

Requires persons under 16 years of age to complete a boat safety course as a condition of operating a power vessel.

A2250

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ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2250

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 1987

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Assembly Bill No. 2250 with amendments.

Assembly Bill No. 2250, as amended by the committee, supplements P. L. 1962, c. 73 (C. 12:7-34.36 et seq.) to require that all persons 16 years of age or younger complete a boat safety course approved by the Superintendent of State Police before they may operate a power vessel on State waters. Under the provisions of the bill, the superintendent of State Police is directed to establish a list of approved boat safety courses offered by public or private persons or agencies, either on a profit or a nonprofit basis, which provide formal instruction in power vessel safety and operation.

The bill further requires that a certificate indicating that the young person has successfully completed the course must be carried by the young person when operating a power vessel. Failure to present the certificate when required is, under the provisions of the bill, presumptive evidence that the operator has not completed the safety course. Any person 16 years of age or younger who operates a power vessel on State waters without having completed an approved boat safety course is subject to a fine. A "power vessel," as used in this bill, means a vessel either temporarily or permanently equipped with a motor. It does not include sailboats or boats propelled by muscle power.

The committee adopted three additional amendments to the bill. The first increased the amount of the fines which may be imposed. As amended, a violator is subject to a fine of not less than \$100.00 or more than \$500.00. The second was to specify that a violation of the provisions of this bill does not constitute an act of "delinquency," as defined in section 4 of P. L. 1982, c. 77 (C. 2A:4A-23), and, therefore, is within jurisdiction of the municipal court rather than the family part of the Superior Court. The third was to provide that the penalty sections of the bill, sections 2 and 3, are not to become operative until one year after the bill's effective date.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2250

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STATE OF NEW JERSEY

DATED AUGUST 6, 1987

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 2250 OCR.

Assembly Bill No. 2250 supplements P. L. 1972, c. 73 (C. 12:7-34.36 et seq.) to require that all persons 16 years of age or younger complete a boat safety course approved by the Superintendent of the Division of State Police before they operate a power vessel on the tidal or nontidal waters of this State. Under the provisions of the bill, the superintendent is directed to compile a list of approved boat safety courses offered by public or private persons or agencies which provide formal instruction in power vessel safety and operation either on a profit or a nonprofit basis. After the effective date of this bill, no person 16 years or younger could operate a power vessel on State waters without having completed such a course.

The bill further requires that a certificate indicating that the young person has successfully completed the course must be carried by that person when operating a power vessel. Failure to present the certificate when required is, under the provisions of the bill, presumptive evidence that the operator had not completed the safety course. Any person 16 years of age or younger who operates a power vessel on State waters without having completed an approved boat safety course is subject to a fine of not less than \$100.00 nor more than \$500.00. A "power vessel," as used in this bill, means a vessel either temporarily or permanently equipped with a motor. It does not include sail boats or boats propelled by muscle power.

Section 3 of the bill provides that a violation of section 1 or 2 would not be considered an act of delinquency under the Juvenile Justice Code; therefore, such a violation could be dealt with in the municipal courts.

As released by the committee, the bill is identical to Senate Bill No. 3293 with Senate committee amendments adopted June 11, 1987.