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No

GOVERNOR'S PRESS RELEASE ON SIGNING:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Gov. Christie signs safe boating law," Asbury Park Press, 4-4-14

"Stiffer penalties for boaters who leave accidents," Daily Record, 7-4-14

LAW/KR

P.L.2014, CHAPTER 17, *approved July 3, 2014*
Senate Committee Substitute for
Senate, Nos. 846 and 504

1 **AN ACT** concerning accidents involving vessels operating on the
2 waters of this State and supplementing Title 2C of the New
3 Jersey Statutes and amending P.L.1962, c.73.

4

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

7

8 1. (New section) a. Whenever any vessel, as defined in section
9 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident upon
10 the waters of this State, and the operator of that vessel knows he is
11 involved in an accident and knowingly leaves the scene of that
12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any
30 other provisions of law, when the court imposes multiple sentences
31 of imprisonment for more than one offense, those sentences shall
32 run consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
35 violation shall not be elements of the offense and it shall not be a
36 defense that the operator of the vessel was unaware of the death or
37 of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).

38

39 2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to
40 read as follows:

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 underlined thus is new matter.

1 11. (a) Whenever any vessel upon the waters of this State is
2 involved in an accident, it shall be the duty of the operator, so far as
3 he can do so without serious danger to his own passengers, guests,
4 crew, himself or his vessel, to render to all other persons affected
5 by the accident such assistance as may be necessary in order to save
6 them from or to minimize any danger caused by the accident. He
7 shall also give his name, address, and identifying information
8 regarding his vessel to any person injured and to the owner of any
9 property damaged in the accident. Any person who shall violate
10 this subsection shall be fined not less than \$200 or more than \$400,
11 or be imprisoned for a period of not more than 30 days, or both, for
12 the first offense, and for a subsequent offense, shall be fined not
13 less than \$400 or more than \$600, or be imprisoned for a period of
14 not less than 30 days or more than 90 days, or both.

15 (b) Whenever an accident involves any vessel subject to this act
16 and results in the death, disappearance, or injury of any person, or
17 in property damage in excess of the federal standard for filing an
18 accident report as established pursuant to 33 C.F.R. s.173.55, the
19 operator or operators thereof shall file, with the Division of State
20 Police, a full description of the accident, including such information
21 as that division may, by regulation, require within the times
22 specified in subsection (c) of this section. The Superintendent of
23 State Police shall notify operators, in a manner deemed appropriate,
24 of a change in the federal standard for filing an accident report.

25 (c) A boating accident that occurs on the waters of this State
26 shall be reported to the Division of State Police by the quickest
27 means of communication possible, if the accident has caused the
28 death or the disappearance of any person; any other reportable
29 boating accident that may result in personal injury or property
30 damage shall be reported within 10 days to the Division of State
31 Police.

32 (d) The report of a boating accident herein required to be made
33 by the operator of the vessel involved in the boating accident shall
34 not, during any judicial proceeding, be referred to in any way; it
35 shall not be subject to subpoena nor admissible as evidence in any
36 proceeding. Subject to these restrictions, information contained in a
37 boating accident report and any statistical information based
38 thereon will be made available upon request for official purposes to
39 the United States Coast Guard or any federal agency successor
40 thereto.

41 (cf: P.L.2005, c.292, s.3)

42

43 3. This act shall take effect immediately.

44

45

46

47 _____
Enhances penalty for leaving the scene of boating accident.

SENATE, No. 846

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator DONALD NORCROSS
District 5 (Camden and Gloucester)
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

Co-Sponsored by:

Senators Bateman and A.R.Bucco

SYNOPSIS

Enhances penalty for leaving the scene of boating accident.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2 waters of this State and supplementing Title 2C of the New
3 Jersey Statutes and amending P.L.1962, c.73.
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8 1. (New section) a. Whenever any vessel, as defined in section
9 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident upon
10 the waters of this State, and the operator of that vessel knows he is
11 involved in an accident and knowingly leaves the scene of that
12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any
30 other provisions of law, when the court imposes multiple sentences
31 of imprisonment for more than one offense, those sentences shall
32 run consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
35 violation shall not be elements of the offense and it shall not be a
36 defense that the operator of the vessel was unaware of the death or
37 of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).
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39 2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to
40 read as follows:

41 11. (a) Whenever any vessel upon the waters of this State is
42 involved in an accident, it shall be the duty of the operator, so far as
43 he can do so without serious danger to his own passengers, guests,
44 crew, himself or his vessel, to render to all other persons affected
45 by the accident such assistance as may be necessary in order to save

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 underlined thus is new matter.

1 them from or to minimize any danger caused by the accident. He
2 shall also give his name, address, and identifying information
3 regarding his vessel to any person injured and to the owner of any
4 property damaged in the accident. Any person who shall violate
5 this subsection shall be fined not less than \$200 or more than \$400,
6 or be imprisoned for a period of not more than 30 days, or both, for
7 the first offense, and for a subsequent offense, shall be fined not
8 less than \$400 or more than \$600, or be imprisoned for a period of
9 not less than 30 days or more than 90 days, or both.

10 (b) Whenever an accident involves any vessel subject to this act
11 and results in the death, disappearance, or injury of any person, or
12 in property damage in excess of the federal standard for filing an
13 accident report as established pursuant to 33 C.F.R. s.173.55, the
14 operator or operators thereof shall file, with the Division of State
15 Police, a full description of the accident, including such information
16 as that division may, by regulation, require within the times
17 specified in subsection (c) of this section. The Superintendent of
18 State Police shall notify operators, in a manner deemed appropriate,
19 of a change in the federal standard for filing an accident report.

20 (c) A boating accident that occurs on the waters of this State
21 shall be reported to the Division of State Police by the quickest
22 means of communication possible, if the accident has caused the
23 death or the disappearance of any person; any other reportable
24 boating accident that may result in personal injury or property
25 damage shall be reported within 10 days to the Division of State
26 Police.

27 (d) The report of a boating accident herein required to be made
28 by the operator of the vessel involved in the boating accident shall
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31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

37

38 3. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 Under current law, the operator of a vessel is required to provide
44 assistance to people affected by an accident so long as that operator
45 is able to do so without endangering passengers. This bill makes it
46 a second degree crime if a vessel operator knowingly leaves the
47 scene of an accident that results in the death of another person, and

S846 NORCROSS, HOLZAPFEL

1 a crime of the third degree if the accident results in serious bodily
2 harm. The bill is modeled after current law, which makes it a
3 second degree crime to leave the scene of a motor vehicle accident
4 that results in the death of a passenger, and a third degree crime
5 when the accident results in serious bodily injury. A second degree
6 crime is punishable by five to 10 years imprisonment, a fine of up
7 to \$150,000, or both. A crime of the third degree is punishable by
8 three to five years imprisonment, a fine of up to \$15,000, or both.
9 Current law defines “serious bodily injury” as bodily injury which
10 creates a substantial risk of death or which causes serious,
11 permanent disfigurement, or protracted loss or impairment of the
12 function of any bodily member or organ.

13 The bill specifies that its provisions do not preclude an
14 indictment and conviction for aggravated manslaughter or vehicular
15 homicide. The bill further specifies that its provisions shall not
16 merge with a conviction for aggravated manslaughter or vehicular
17 homicide. Convictions for multiple offenses arising under this bill
18 are to run consecutively.

19 In addition, the bill states that it is not a defense that the vessel
20 operator lacked knowledge of the death or injury, or knowledge of
21 the violation under the bill.

22 Finally, the bill amends current law to enhance the penalties for
23 failure of an operator to assist persons affected by an accident.
24 Under the bill, the penalties are a fine of not less than \$200 or more
25 than \$400, imprisonment for a period of not more than 30 days, or
26 both, for the first offense. For subsequent offense, the bill imposes a
27 fine of not less than \$400 or more than \$600, imprisonment for a
28 period of not less than 30 days or more than 90 days, or both.

SENATE, No. 504

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Enhances penalty for leaving the scene of a boating accident.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning accidents involving vessels operating on the
2 waters of this State and supplementing Title 2C of the New
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12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any
30 other provisions of law, when the court imposes multiple sentences
31 of imprisonment for more than one offense, those sentences shall
32 run consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
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S504 HOLZAPFEL

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31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

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38 3. This act shall take effect immediately.

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STATEMENT

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43 Under current law, the operator of a vessel is required to provide
44 assistance to people affected by an accident so long as that operator
45 is able to do so without endangering passengers. This bill makes it
46 a second degree crime if a vessel operator knowingly leaves the
47 scene of an accident that results in the death of another person, and

S504 HOLZAPFEL

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12 function of any bodily member or organ.

13 The bill specifies that its provisions do not preclude an
14 indictment and conviction for aggravated manslaughter or vehicular
15 homicide. The bill further specifies that its provisions shall not
16 merge with a conviction for aggravated manslaughter or vehicular
17 homicide. Convictions for multiple offenses arising under this bill
18 are to run consecutively.

19 In addition, the bill states that it is not a defense that the vessel
20 operator lacked knowledge of the death or injury, or knowledge of
21 the violation under the bill.

22 Finally, the bill amends current law to enhance the penalties for
23 failure of an operator to assist persons affected by an accident.
24 Under the bill the penalties are a fine of not less than \$200 or more
25 than \$400, imprisonment for a period of not more than 30 days, or
26 both, for the first offense. For subsequent offense, the bill imposes a
27 fine of not less than \$400 or more than \$600, imprisonment for a
28 period of not less than 30 days or more than 90 days, or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 846 and 504**

STATE OF NEW JERSEY

DATED: JANUARY 30, 2014

The Senate Law and Public Safety Committee reports favorably Senate Committee Substitute Nos. 846 and 504.

Under current law, the operator of a vessel is required to provide assistance to people affected by an accident so long as that operator is able to do so without endangering passengers. This committee substitute makes it a second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily injury.

The committee substitute is modeled after current motor vehicle law, which makes it a second degree crime to leave the scene of an accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines "serious bodily injury" as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The committee substitute specifies that its provisions do not preclude an indictment and conviction for aggravated manslaughter or vehicular homicide. The committee substitute further specifies that its provisions are not to merge with a conviction for aggravated manslaughter or vehicular homicide. Convictions for multiple offenses arising under this committee substitute are to run consecutively.

In addition, the committee substitute provides that it is not a defense that the vessel operator lacked knowledge of the death or injury, or knowledge of the violation under the committee substitute.

Finally, the committee substitute amends current law to enhance the penalties for failure of an operator to assist persons affected by an accident. Under the committee substitute, the penalties for a first offense are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both. For a

subsequent offense, the committee substitute imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 846 and 504**

STATE OF NEW JERSEY

DATED: MAY 8, 2014

The Assembly Law and Public Safety Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 846 and 504.

Under current law, the operator of a vessel is required to provide assistance to people affected by an accident so long as that operator is able to do so without endangering passengers. This committee substitute makes it a second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily injury.

The committee substitute is modeled after current motor vehicle law, which makes it a second degree crime to leave the scene of an accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines "serious bodily injury" as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

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subsequent offense, the committee substitute imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

As reported by the committee, this Senate Committee Substitute for Senate Bill Nos. 846 and 504 is identical to the Assembly Committee Substitute for Assembly Bill Nos. 2725 and 1185 also reported by the committee on this same date.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 846 and 504

STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED JANUARY 30, 2014

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

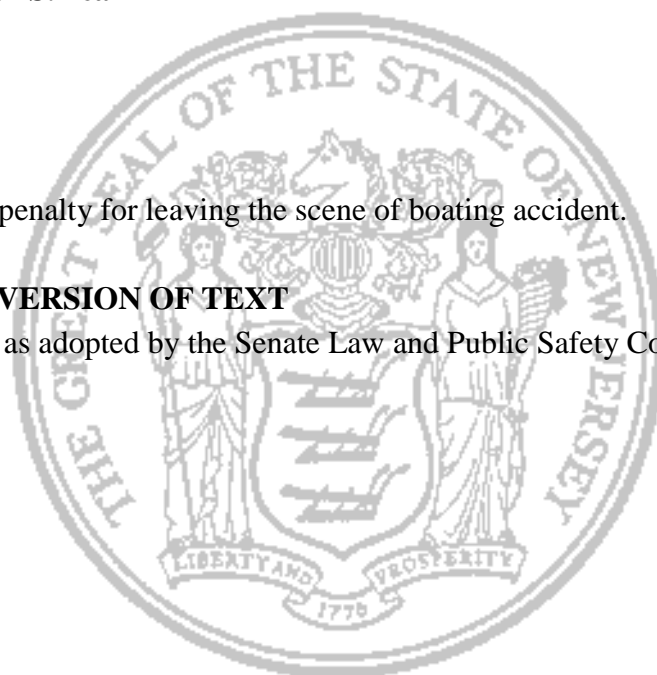
**Senators Bateman, A.R.Bucco, Beck, Assemblywomen Sumter, Pinkin,
Assemblymen Eustace, Chivukula, Assemblywoman Vainieri Huttel,
Assemblymen Cryan, Benson, Wilson, Assemblywoman Angelini and
Assemblyman S.Kean**

SYNOPSIS

Enhances penalty for leaving the scene of boating accident.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



(Sponsorship Updated As Of: 5/23/2014)

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27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
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6 or be imprisoned for a period of not more than 30 days, or both, for
7 the first offense, and for a subsequent offense, shall be fined not
8 less than \$400 or more than \$600, or be imprisoned for a period of
9 not less than 30 days or more than 90 days, or both.

10 (b) Whenever an accident involves any vessel subject to this act
11 and results in the death, disappearance, or injury of any person, or
12 in property damage in excess of the federal standard for filing an
13 accident report as established pursuant to 33 C.F.R. s.173.55, the
14 operator or operators thereof shall file, with the Division of State
15 Police, a full description of the accident, including such information
16 as that division may, by regulation, require within the times
17 specified in subsection (c) of this section. The Superintendent of
18 State Police shall notify operators, in a manner deemed appropriate,
19 of a change in the federal standard for filing an accident report.

20 (c) A boating accident that occurs on the waters of this State
21 shall be reported to the Division of State Police by the quickest
22 means of communication possible, if the accident has caused the
23 death or the disappearance of any person; any other reportable
24 boating accident that may result in personal injury or property
25 damage shall be reported within 10 days to the Division of State
26 Police.

27 (d) The report of a boating accident herein required to be made
28 by the operator of the vessel involved in the boating accident shall
29 not, during any judicial proceeding, be referred to in any way; it
30 shall not be subject to subpoena nor admissible as evidence in any
31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

37

38 3. This act shall take effect immediately.

ASSEMBLY, No. 2725

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2014

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

**Assemblywomen Sumter, Pinkin, Assemblymen Eustace, Chivukula,
Assemblywoman Vainieri Huttel, Assemblymen Cryan, Benson and
Wilson**

SYNOPSIS

Enhances penalty for leaving the scene of boating accident.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning accidents involving vessels operating on the
2 waters of this State and supplementing Title 2C of the New
3 Jersey Statutes and amending P.L.1962, c.73.

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

7
8 1. (New section) a. Whenever any vessel, as defined in
9 section 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident
10 upon the waters of this State, and the operator of that vessel knows
11 he is involved in an accident and knowingly leaves the scene of that
12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any
30 other provisions of law, when the court imposes multiple sentences
31 of imprisonment for more than one offense, those sentences shall
32 run consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
35 violation shall not be elements of the offense and it shall not be a
36 defense that the operator of the vessel was unaware of the death or
37 of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).

38
39 2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to
40 read as follows:

41 11. (a) Whenever any vessel upon the waters of this State is
42 involved in an accident, it shall be the duty of the operator, so far as
43 he can do so without serious danger to his own passengers, guests,
44 crew, himself or his vessel, to render to all other persons affected
45 by the accident such assistance as may be necessary in order to save

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 underlined thus is new matter.

1 them from or to minimize any danger caused by the accident. He
2 shall also give his name, address, and identifying information
3 regarding his vessel to any person injured and to the owner of any
4 property damaged in the accident. Any person who shall violate
5 this subsection shall be fined not less than \$200 or more than \$400,
6 or be imprisoned for a period of not more than 30 days, or both, for
7 the first offense, and for a subsequent offense, shall be fined not
8 less than \$400 or more than \$600, or be imprisoned for a period of
9 not less than 30 days or more than 90 days, or both.

10 (b) Whenever an accident involves any vessel subject to this act
11 and results in the death, disappearance, or injury of any person, or
12 in property damage in excess of the federal standard for filing an
13 accident report as established pursuant to 33 C.F.R. s.173.55, the
14 operator or operators thereof shall file, with the Division of State
15 Police, a full description of the accident, including such information
16 as that division may, by regulation, require within the times
17 specified in subsection (c) of this section. The Superintendent of
18 State Police shall notify operators, in a manner deemed appropriate,
19 of a change in the federal standard for filing an accident report.

20 (c) A boating accident that occurs on the waters of this State
21 shall be reported to the Division of State Police by the quickest
22 means of communication possible, if the accident has caused the
23 death or the disappearance of any person; any other reportable
24 boating accident that may result in personal injury or property
25 damage shall be reported within 10 days to the Division of State
26 Police.

27 (d) The report of a boating accident herein required to be made
28 by the operator of the vessel involved in the boating accident shall
29 not, during any judicial proceeding, be referred to in any way; it
30 shall not be subject to subpoena nor admissible as evidence in any
31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

37

38 3. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 Under current law, the operator of a vessel is required to provide
44 assistance to people affected by an accident so long as that operator
45 is able to do so without endangering passengers. This bill makes it
46 a second degree crime if a vessel operator knowingly leaves the
47 scene of an accident that results in the death of another person, and

1 a crime of the third degree if the accident results in serious bodily
2 injury.

3 The bill is modeled after current motor vehicle law, which makes
4 it a second degree crime to leave the scene of an accident that
5 results in the death of a passenger, and a third degree crime when
6 the accident results in serious bodily injury. A second degree crime
7 is punishable by five to 10 years imprisonment, a fine of up to
8 \$150,000, or both. A third degree crime is punishable by three to
9 five years imprisonment, a fine of up to \$15,000, or both. Current
10 law defines "serious bodily injury" as bodily injury which creates a
11 substantial risk of death or which causes serious, permanent
12 disfigurement, or protracted loss or impairment of the function of
13 any bodily member or organ.

14 The bill specifies that its provisions do not preclude an
15 indictment and conviction for aggravated manslaughter or vehicular
16 homicide. The bill further specifies that its provisions are not to
17 merge with a conviction for aggravated manslaughter or vehicular
18 homicide. Convictions for multiple offenses arising under this bill
19 are to run consecutively.

20 In addition, the bill provides that it is not a defense that the
21 vessel operator lacked knowledge of the death or injury, or
22 knowledge of the violation under the committee substitute.

23 Finally, the bill amends current law to enhance the penalties for
24 failure of an operator to assist persons affected by an accident.
25 Under the bill, the penalties for a first offense are a fine of not less
26 than \$200 or more than \$400, imprisonment for a period of not
27 more than 30 days, or both. For a subsequent offense, the bill
28 imposes a fine of not less than \$400 or more than \$600,
29 imprisonment for a period of not less than 30 days or more than 90
30 days, or both.

ASSEMBLY, No. 1185

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Co-Sponsored by:

Assemblywoman Angelini and Assemblyman S.Kean

SYNOPSIS

Enhances penalty for leaving the scene of a boating accident.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning accidents involving vessels operating on the
2 waters of this State and supplementing Title 2C of the New
3 Jersey Statutes and amending P.L.1962, c.73.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. Whenever any vessel, as defined in section
9 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident upon
10 the waters of this State, and the operator of that vessel knows he is
11 involved in an accident and knowingly leaves the scene of that
12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any other
30 provisions of law, when the court imposes multiple sentences of
31 imprisonment for more than one offense, those sentences shall run
32 consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
35 violation shall not be elements of the offense and it shall not be a
36 defense that the operator of the vessel was unaware of the death or
37 of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).
38

39 2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to
40 read as follows:

41 11. (a) Whenever any vessel upon the waters of this State is
42 involved in an accident, it shall be the duty of the operator, so far as
43 he can do so without serious danger to his own passengers, guests,
44 crew, himself or his vessel, to render to all other persons affected
45 by the accident such assistance as may be necessary in order to save

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 underlined thus is new matter.

1 them from or to minimize any danger caused by the accident. He
2 shall also give his name, address, and identifying information
3 regarding his vessel to any person injured and to the owner of any
4 property damaged in the accident. Any person who shall violate
5 this subsection shall be fined not less than \$200 or more than \$400,
6 or be imprisoned for a period of not more than 30 days, or both, for
7 the first offense, and for a subsequent offense, shall be fined not
8 less than \$400 or more than \$600, or be imprisoned for a period of
9 not less than 30 days or more than 90 days, or both.

10 (b) Whenever an accident involves any vessel subject to this act
11 and results in the death, disappearance, or injury of any person, or
12 in property damage in excess of the federal standard for filing an
13 accident report as established pursuant to 33 C.F.R. s.173.55, the
14 operator or operators thereof shall file, with the Division of State
15 Police, a full description of the accident, including such information
16 as that division may, by regulation, require within the times
17 specified in subsection (c) of this section. The Superintendent of
18 State Police shall notify operators, in a manner deemed appropriate,
19 of a change in the federal standard for filing an accident report.

20 (c) A boating accident that occurs on the waters of this State
21 shall be reported to the Division of State Police by the quickest
22 means of communication possible, if the accident has caused the
23 death or the disappearance of any person; any other reportable
24 boating accident that may result in personal injury or property
25 damage shall be reported within 10 days to the Division of State
26 Police.

27 (d) The report of a boating accident herein required to be made
28 by the operator of the vessel involved in the boating accident shall
29 not, during any judicial proceeding, be referred to in any way; it
30 shall not be subject to subpoena nor admissible as evidence in any
31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

37

38 3. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 Under current law, the operator of a vessel is required to provide
44 assistance to people affected by an accident so long as that operator
45 is able to do so without endangering passengers. This bill makes it
46 a second degree crime if a vessel operator knowingly leaves the
47 scene of an accident that results in the death of another person, and

1 a crime of the third degree if the accident results in serious bodily
2 harm. The bill is modeled after current law, which makes it a
3 second degree crime to leave the scene of a motor vehicle accident
4 that results in the death of a passenger, and a third degree crime
5 when the accident results in serious bodily injury. A second degree
6 crime is punishable by five to 10 years imprisonment, a fine of up to
7 to \$150,000, or both. A crime of the third degree is punishable by
8 three to five years imprisonment, a fine of up to \$15,000, or both.
9 Current law defines “serious bodily injury” as bodily injury which
10 creates a substantial risk of death or which causes serious,
11 permanent disfigurement, or protracted loss or impairment of the
12 function of any bodily member or organ.

13 The bill specifies that its provisions do not preclude an
14 indictment and conviction for aggravated manslaughter or vehicular
15 homicide. The bill further specifies that its provisions shall not
16 merge with a conviction for aggravated manslaughter or vehicular
17 homicide. Convictions for multiple offenses arising under this bill
18 are to run consecutively.

19 In addition, the bill states that it is not a defense that the vessel
20 operator lacked knowledge of the death or injury, or knowledge of
21 the violation under the bill.

22 Finally, the bill amends current law to enhance the penalties for
23 failure of an operator to assist persons affected by an accident.
24 Under the bill the penalties are a fine of not less than \$200 or more
25 than \$400, imprisonment for a period of not more than 30 days, or
26 both, for the first offense. For subsequent offense, the bill imposes a
27 fine of not less than \$400 or more than \$600, imprisonment for a
28 period of not less than 30 days or more than 90 days, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 2725 and 1185

STATE OF NEW JERSEY

DATED: MAY 8, 2014

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2725 and 1185.

The Assembly Committee Substitute for Assembly Bill Nos. 2725 and 1185 makes it a second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily injury. Under current law, the operator of a vessel is required to provide assistance to people affected by an accident so long as that operator is able to do so without endangering passengers.

The committee substitute is modeled after current motor vehicle law, which makes it a second degree crime to leave the scene of an accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines “serious bodily injury” as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The committee substitute specifies that its provisions do not preclude an indictment and conviction for aggravated manslaughter or vehicular homicide. The committee substitute further specifies that its provisions are not to merge with a conviction for aggravated manslaughter or vehicular homicide. Sentences for multiple offenses arising under this committee substitute are to run consecutively.

In addition, the committee substitute provides that it is not a defense that the vessel operator lacked knowledge of the death or injury, or knowledge of the violation under the committee substitute.

Finally, the committee substitute amends current law to enhance the penalties for failure of an operator to assist persons affected by an accident. Under the committee substitute, the penalties for a first offense are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both. For a

subsequent offense, the committee substitute imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

As reported by the committee, this Assembly Committee Substitute for Assembly Bill Nos. 2725 and 1185 is identical to the Senate Committee Substitute for Senate Bill Nos. 846 and 504 also reported by the committee on this same date.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2725 and 1185

STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED MAY 8, 2014

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

Assemblywomen Sumter, Pinkin, Assemblymen Eustace, Chivukula,

Assemblywoman Vainieri Huttle, Assemblymen Cryan, Benson, Wilson,

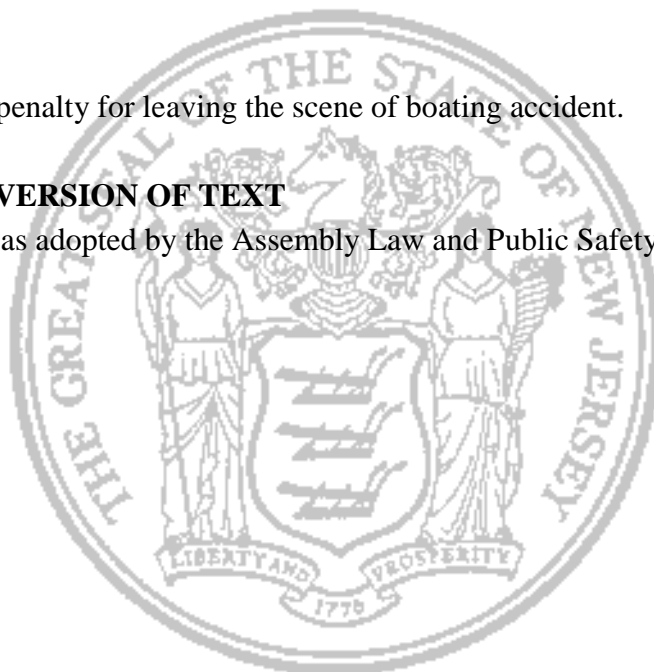
Assemblywoman Angelini and Assemblyman S. Kean

SYNOPSIS

Enhances penalty for leaving the scene of boating accident.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Law and Public Safety Committee.



1 AN ACT concerning accidents involving vessels operating on the
2 waters of this State and supplementing Title 2C of the New
3 Jersey Statutes and amending P.L.1962, c.73.

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

7
8 1. (New section) a. Whenever any vessel, as defined in
9 section 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident
10 upon the waters of this State, and the operator of that vessel knows
11 he is involved in an accident and knowingly leaves the scene of that
12 accident under circumstances that violate the provisions of section
13 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of
14 a crime of the second degree if the accident results in the death of
15 another person, and shall be guilty of a crime of the third degree if
16 the accident results in serious bodily injury to another person. The
17 presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall
18 not apply to persons convicted under the provisions of this section.

19 b. If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
22 homicide under the provisions of N.J.S.2C:11-5.

23 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for aggravated manslaughter under the
26 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
27 provisions of N.J.S.2C:11-5 and a separate sentence shall be
28 imposed upon each such conviction.

29 d. Notwithstanding the provisions of N.J.S.2C:44-5 or any
30 other provisions of law, when the court imposes multiple sentences
31 of imprisonment for more than one offense, those sentences shall
32 run consecutively.

33 e. For the purposes of this section, knowledge of the death,
34 knowledge of the serious bodily injury, or knowledge of the
35 violation shall not be elements of the offense and it shall not be a
36 defense that the operator of the vessel was unaware of the death or
37 of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).

38
39 2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to
40 read as follows:

41 11. (a) Whenever any vessel upon the waters of this State is
42 involved in an accident, it shall be the duty of the operator, so far as
43 he can do so without serious danger to his own passengers, guests,
44 crew, himself or his vessel, to render to all other persons affected
45 by the accident such assistance as may be necessary in order to save

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 underlined thus is new matter.

1 them from or to minimize any danger caused by the accident. He
2 shall also give his name, address, and identifying information
3 regarding his vessel to any person injured and to the owner of any
4 property damaged in the accident. Any person who shall violate
5 this subsection shall be fined not less than \$200 or more than \$400,
6 or be imprisoned for a period of not more than 30 days, or both, for
7 the first offense, and for a subsequent offense, shall be fined not
8 less than \$400 or more than \$600, or be imprisoned for a period of
9 not less than 30 days or more than 90 days, or both.

10 (b) Whenever an accident involves any vessel subject to this act
11 and results in the death, disappearance, or injury of any person, or
12 in property damage in excess of the federal standard for filing an
13 accident report as established pursuant to 33 C.F.R. s.173.55, the
14 operator or operators thereof shall file, with the Division of State
15 Police, a full description of the accident, including such information
16 as that division may, by regulation, require within the times
17 specified in subsection (c) of this section. The Superintendent of
18 State Police shall notify operators, in a manner deemed appropriate,
19 of a change in the federal standard for filing an accident report.

20 (c) A boating accident that occurs on the waters of this State
21 shall be reported to the Division of State Police by the quickest
22 means of communication possible, if the accident has caused the
23 death or the disappearance of any person; any other reportable
24 boating accident that may result in personal injury or property
25 damage shall be reported within 10 days to the Division of State
26 Police.

27 (d) The report of a boating accident herein required to be made
28 by the operator of the vessel involved in the boating accident shall
29 not, during any judicial proceeding, be referred to in any way; it
30 shall not be subject to subpoena nor admissible as evidence in any
31 proceeding. Subject to these restrictions, information contained in a
32 boating accident report and any statistical information based
33 thereon will be made available upon request for official purposes to
34 the United States Coast Guard or any federal agency successor
35 thereto.

36 (cf: P.L.2005, c.292, s.3)

37

38 3. This act shall take effect immediately.

Governor Christie Signs Legislation To Promote Safe Boating In New Jersey

Thursday, July 3, 2014

Tags: [Bill Action](#)

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Trenton, NJ – Governor Chris Christie today signed into law legislation aimed at increasing safe boating practices on New Jersey’s inland lakes and waterways. The bipartisan legislation increases the penalty for anyone leaving the scene of a boating accident in New Jersey waters or for failing to assist anyone injured in a boating-related accident as required by law. S-846 will raise the penalty to a second degree offense to leave the scene if the accident results in the death of anyone involved. Second degree offenses will now be punishable by a prison term of five to ten years, up to \$150,000 in fines, or both. New Jersey law currently requires the operator of a boat involved in an accident to stop the boat immediately and assist any injured parties as long as they can do so safely.

“With the summer season underway, New Jerseyans need to take all safety precautions into consideration as they enjoy recreational boating around the state,” said Governor Chris Christie. “Boating is about enjoying the summer and relaxing with your family and friends, but it also comes with a responsibility to the people you’re with and others on the water to be vigilant, responsible, and safe, and to help stop accidents from happening to begin with. This law will serve as another reminder to implement necessary practices to ensure the safety of everyone on the water.”

“Boats are powerful vehicles that can do tremendous damage if handled improperly. Following safe boating practices is crucial, especially on our busier waterways,” Senator Donald Norcross said. “Bad drivers should be treated equally, whether they’re on land or on water. This law makes sure that an offender who leaves the scene of any accident is held accountable for his or her actions.”

The Governor was joined for the bill signing by Bonnie Post, a victim of a boating related hit-and-run accident that resulted in the death of her husband. Since that tragedy, Mrs. Post has been an advocate for this legislation to increase penalties and accountability for boating-related accidents and to help similar tragedies from occurring to other people from reckless boating.

Last year, New Jersey experienced a slight increase in boating-related accidents - 126 compared with 124 in 2012. In addition, there were eight fatalities, a casualty rate consistent with the six to eight deaths seen annually on New Jersey waters since 2009. For 2014, there have been 36 accidents so far, with one fatality.

Additionally, with this legislation:

If the accident results in serious injury, leaving the scene would be considered a third degree crime punishable by three to five years in prison, a fine of up to \$15,000, or both;

In addition, there are increased penalties for failing to assist injured parties at the scene of the accident.

Penalties for a first offense are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both.

For a subsequent offense, the penalty is a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

Primary sponsors of S-846 include Senators Donald Norcross (D-Camden/Gloucester), James W. Holzapfel (R-Ocean), Assembly members Raj Mukherji (D-Hudson), David W. Wolfe (R-Ocean/Monmouth), Gregory P. McGuckin (R-Ocean), and Charles Mainor (D-Hudson).

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Press Contact:
Michael Drewniak
Kevin Roberts
609-777-2600

