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LAW/RWH

P.L.2015, CHAPTER 67, *approved June 26, 2015*
Assembly, No. 3465 (*First Reprint*)

1 AN ACT concerning the operation of power vessels and amending
2 P.L.1987, c.453.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
8 as follows:

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

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

16 (a) a power vessel powered solely by an electric motor; or

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

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

25 (3) A person who is under 16 years of age and was issued an
26 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
27 34.7) before July 1, 1996 may operate a power vessel equipped with
28 an outboard motor until the expiration date of that license; and

29 (4) A person who is under 16 years of age but at least 13 years
30 of age and who possesses a certificate certifying the person's
31 successful completion of a boat safety course approved by the
32 Superintendent of State Police in the Department of Law and Public
33 Safety, or a person under 16 years of age but at least 13 years of age
34 who is an out-of-State resident or resident of a foreign country who
35 possesses proof of successful completion of a boat safety course as
36 provided in paragraph (2) of subsection b. of this section may
37 operate a power vessel on the tidal and nontidal waters of this State
38 while actually competing in an authorized race held under the
39 auspices of a duly incorporated yacht club or racing association
40 conducted under the rules of a national boat racing association in
41 accordance with rules and regulations prescribed by the New Jersey
42 Boat Regulation Commission in consultation with the Division 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 24, 2015.

1 State Police in the Department of Law and Public Safety and
2 pursuant to a permit issued by that division. Such permit may
3 include limitations on age, vessel type, and horsepower.

4 b. As provided in the schedule set forth in section 7 of
5 P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is
6 16 years of age or older shall not operate a power vessel, including
7 a personal watercraft, on the waters of this State without having
8 completed a boat safety course approved by the Superintendent of
9 State Police in the Department of Law and Public Safety, except
10 that:

11 (1) (Deleted by amendment, P.L.2005, c.292).

12 (2) an out-of-State resident, or a resident of a foreign country
13 who is 16 years of age or older and who will be in this State for less
14 than 90 days may operate a power vessel on the waters of this State,
15 without having completed a boat safety course approved by the
16 Superintendent of State Police in the Department of Law and Public
17 Safety if the person presents:

18 (i) written proof of successful completion of a boat safety
19 course endorsed or approved by another state, the National
20 Association of State Boating Law Administrators or its successor
21 organization, or the United States Coast Guard;

22 (ii) written proof of successful completion of a boat safety
23 course substantially similar to the boat safety course required
24 pursuant to this section as determined by the Superintendent of
25 State Police; or

26 (iii) a boat safety certificate issued by the state or country in
27 which the person resides;

28 (3) a person who is 18 years of age or older may operate on the
29 waters of this State, without having completed a boat safety course
30 approved by the Superintendent of State Police in the Department of
31 Law and Public Safety, a rented power vessel that is not a personal
32 watercraft, under the following conditions:

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

35 (b) the person has successfully completed a State-approved pre-
36 rental instruction course provided by the owner or lessor of the
37 power vessel prior to operating the power vessel on the waters of
38 the State; and

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

43 (4) A person required to take the boat safety course pursuant to
44 this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who
45 purchases a power vessel that is not a personal watercraft at a boat
46 dealership may operate that power vessel for 30 days without
47 having completed a boat safety course approved by the
48 Superintendent of State Police in the Department of Law and Public

1 Safety provided that the person successfully completes a State-
2 approved pre-purchase instruction course provided by the owner or
3 operator of the boat dealership prior to operating the power vessel,
4 and the owner or operator of the boat dealership is experienced in
5 the operation of power vessels and has successfully completed a
6 boat safety course approved by the Superintendent of State Police.
7 The State-approved pre-purchase instruction course required by this
8 paragraph shall be a uniform, standardized course developed by the
9 Superintendent of State Police. The State-approved pre-purchase
10 instruction course shall not replace the requirement that a person
11 shall successfully complete an approved boat safety course pursuant
12 to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The
13 provisions of this paragraph shall not apply to a person purchasing a
14 power vessel from another private party.

15 (5) A person holding a United States Coast Guard operator's
16 license may operate a power vessel on the waters of this State
17 without having completed a boat safety course approved by the
18 Superintendent of State Police in the Department of Law and Public
19 Safety.

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

22 c. Except as provided pursuant to section 18 of P.L.1995, c.401
23 (C.12:7-86), a person shall not operate a personal watercraft on the
24 waters of this State without having successfully completed a boat
25 safety course approved by the Superintendent of State Police in the
26 Department of Law and Public Safety or a written test pursuant to
27 section 8 of P.L.2005, c.292 (C.12:7-61.2).

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

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

45 f. A person who owns or has control or custody of a power
46 vessel and allows the power vessel to be operated on the waters of
47 this State by a person who is required pursuant to the provisions of
48 this section to possess a certificate certifying successful completion

1 of a boat safety course but who does not possess such certificate is
2 subject to a fine of not more than \$100.

3 g. A person making application to the Chief Administrator of
4 the New Jersey Motor Vehicle Commission for a power vessel
5 operator's license issued pursuant to section 3 of P.L.1995, c.401
6 (C.12:7-72) who is required pursuant to the provisions of this
7 section to possess a certificate certifying successful completion of a
8 boat safety course shall submit proof of successful completion of
9 the course or the written examination for experienced boaters with
10 the application. The chief administrator shall not issue a power
11 vessel operator's license to such person who fails to submit this
12 proof. A permanent State of New Jersey boating safety certificate
13 or a temporary boating safety certificate issued on a Division of
14 State Police application for boating safety certificate form shall
15 satisfy this requirement.

16 (cf: P.L.2011, c.107, s.1)

17

18 2. This act shall take effect immediately.

19

20

21

22

23 Expands exceptions to minimum age requirement for operating a
24 boat to include nontidal waters.

ASSEMBLY, No. 3465

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 26, 2014

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Expands exceptions to minimum age requirement for operating a boat to include nontidal waters.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/23/2014)

1 AN ACT concerning the operation of power vessels and amending
2 P.L.1987, c.453.

3

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

6

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

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

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

16 (a) a power vessel powered solely by an electric motor; or

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

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

25 (3) A person who is under 16 years of age and was issued an
26 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
27 34.7) before July 1, 1996 may operate a power vessel equipped with
28 an outboard motor until the expiration date of that license; and

29 (4) A person who is under 16 years of age but at least 13 years
30 of age and who possesses a certificate certifying the person's
31 successful completion of a boat safety course approved by the
32 Superintendent of State Police in the Department of Law and Public
33 Safety, or a person under 16 years of age but at least 13 years of age
34 who is an out-of-State resident or resident of a foreign country who
35 possesses proof of successful completion of a boat safety course as
36 provided in paragraph (2) of subsection b. of this section may
37 operate a power vessel on the tidal and nontidal waters of this State
38 while actually competing in an authorized race held under the
39 auspices of a duly incorporated yacht club or racing association
40 conducted under the rules of a national boat racing association in
41 accordance with rules and regulations prescribed by the New Jersey
42 Boat Regulation Commission in consultation with the Division of
43 State Police in the Department of Law and Public Safety and
44 pursuant to a permit issued by that division. Such permit may
45 include limitations on age, vessel type, and horsepower.

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 b. As provided in the schedule set forth in section 7 of
2 P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is
3 16 years of age or older shall not operate a power vessel, including
4 a personal watercraft, on the waters of this State without having
5 completed a boat safety course approved by the Superintendent of
6 State Police in the Department of Law and Public Safety, except
7 that:

8 (1) (Deleted by amendment, P.L.2005, c.292).

9 (2) an out-of-State resident, or a resident of a foreign country
10 who is 16 years of age or older and who will be in this State for less
11 than 90 days may operate a power vessel on the waters of this State,
12 without having completed a boat safety course approved by the
13 Superintendent of State Police in the Department of Law and Public
14 Safety if the person presents:

15 (i) written proof of successful completion of a boat safety
16 course endorsed or approved by another state, the National
17 Association of State Boating Law Administrators or its successor
18 organization, or the United States Coast Guard;

19 (ii) written proof of successful completion of a boat safety
20 course substantially similar to the boat safety course required
21 pursuant to this section as determined by the Superintendent of
22 State Police; or

23 (iii) a boat safety certificate issued by the state or country in
24 which the person resides;

25 (3) a person who is 18 years of age or older may operate on the
26 waters of this State, without having completed a boat safety course
27 approved by the Superintendent of State Police in the Department of
28 Law and Public Safety, a rented power vessel that is not a personal
29 watercraft, under the following conditions:

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

32 (b) the person has successfully completed a State-approved pre-
33 rental instruction course provided by the owner or lessor of the
34 power vessel prior to operating the power vessel on the waters of
35 the State; and

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

40 (4) A person required to take the boat safety course pursuant to
41 this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who
42 purchases a power vessel that is not a personal watercraft at a boat
43 dealership may operate that power vessel for 30 days without
44 having completed a boat safety course approved by the
45 Superintendent of State Police in the Department of Law and Public
46 Safety provided that the person successfully completes a State-
47 approved pre-purchase instruction course provided by the owner or
48 operator of the boat dealership prior to operating the power vessel,

1 and the owner or operator of the boat dealership is experienced in
2 the operation of power vessels and has successfully completed a
3 boat safety course approved by the Superintendent of State Police.
4 The State-approved pre-purchase instruction course required by this
5 paragraph shall be a uniform, standardized course developed by the
6 Superintendent of State Police. The State-approved pre-purchase
7 instruction course shall not replace the requirement that a person
8 shall successfully complete an approved boat safety course pursuant
9 to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The
10 provisions of this paragraph shall not apply to a person purchasing a
11 power vessel from another private party.

12 (5) A person holding a United States Coast Guard operator's
13 license may operate a power vessel on the waters of this State
14 without having completed a boat safety course approved by the
15 Superintendent of State Police in the Department of Law and Public
16 Safety.

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

19 c. Except as provided pursuant to section 18 of P.L.1995, c.401
20 (C.12:7-86), a person shall not operate a personal watercraft on the
21 waters of this State without having successfully completed a boat
22 safety course approved by the Superintendent of State Police in the
23 Department of Law and Public Safety or a written test pursuant to
24 section 8 of P.L.2005, c.292 (C.12:7-61.2).

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

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

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

1 g. A person making application to the Chief Administrator of
2 the New Jersey Motor Vehicle Commission for a power vessel
3 operator's license issued pursuant to section 3 of P.L.1995, c.401
4 (C.12:7-72) who is required pursuant to the provisions of this
5 section to possess a certificate certifying successful completion of a
6 boat safety course shall submit proof of successful completion of
7 the course or the written examination for experienced boaters with
8 the application. The chief administrator shall not issue a power
9 vessel operator's license to such person who fails to submit this
10 proof. A permanent State of New Jersey boating safety certificate
11 or a temporary boating safety certificate issued on a Division of
12 State Police application for boating safety certificate form shall
13 satisfy this requirement.

14 (cf: P.L.2011, c.107, s.1)

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill authorizes persons who are under 16 years old but are at
22 least 13 years old to operate a power vessel while competing in
23 certain authorized boat races while they are on nontidal waters.
24 Under current law, these persons may operate a boat in these races
25 only if they are competing on tidal waters.

26 P.L.2011, c.107 established an exception to the requirement that
27 a person must be 16 years of age or older to operate a power vessel
28 to allow persons between the ages of 16 and 13 years old to operate
29 a power vessel while competing in an authorized race on tidal
30 waters. Under this recently enacted law, the person is required to
31 possess a certificate certifying successful completion of a boat
32 safety course. The race also has to be sponsored by a duly
33 incorporated yacht club or racing association conducted under the
34 rules of a national boat racing association and held in accordance
35 with rules and regulations prescribed by the New Jersey Boat
36 Regulation Commission in consultation with the Division of State
37 Police. Additionally, the yacht club or racing association is
38 required to obtain a permit from the State Police in order to conduct
39 the race. The permit may include limitations on age, vessel type,
40 and horsepower.

41 This bill expands this exception to also apply to races on
42 nontidal waters. Nontidal waters are those in which the tide does
43 not change, such as lakes.

44 The bill also adds nontidal waters to another exception to the age
45 requirement that currently only refers to tidal waters to clarify that
46 all exceptions apply to both tidal and nontidal waters.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3465

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 2014

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3465.

As reported by the committee, Assembly Bill No. 3465 authorizes persons who are under 16 but at least 13 years of age to operate a power vessel while competing in certain authorized boat races on nontidal waters.

Under current law, these persons may operate a boat in these races only if they are competing on tidal waters. This bill expands this exception to also apply to races on nontidal waters. Nontidal waters are those in which the tide does not change, such as lakes.

The bill also adds nontidal waters to another exception to the age requirement that currently only refers to tidal waters, to clarify that all exceptions apply to both tidal and nontidal waters.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3465

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 12, 2015

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3465.

As amended and reported by the committee, Assembly Bill No. 3465 authorizes persons who are under 16 years old but are at least 13 years old to operate a power vessel while competing in certain authorized boat races while they are on nontidal waters. Under current law, these persons may operate a boat in these races only if they are competing on tidal waters.

P.L.2011, c.107 established an exception to the requirement that a person be 16 years of age or older to operate a power vessel to allow persons between the ages of 13 and 16 years old to operate a power vessel while competing in an authorized race on tidal waters. Under this recently enacted law, the person is required to possess a certificate certifying successful completion of a boat safety course. The race also has to be sponsored by a duly incorporated yacht club or racing association conducted under the rules of a national boat racing association and held in accordance with rules and regulations prescribed by the New Jersey Boat Regulation Commission in consultation with the Division of State Police. Additionally, the yacht club or racing association is required to obtain a permit from the State Police in order to conduct the race. The permit may include limitations on age, vessel type, and horsepower.

The amended bill expands this exception to also apply to races on nontidal waters. Nontidal waters are those in which the tide does not change, such as lakes.

The amended bill removes a reference to “nontidal waters” which was included in a provision of law that is no longer operative.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2257, also amended and reported by the committee on this same date.

SENATE, No. 2257

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 26, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Expands exceptions to minimum age requirement for operating a boat to include nontidal waters.

CURRENT VERSION OF TEXT

As introduced.



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2 P.L.1987, c.453.

3

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

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

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12 age and possesses a certificate certifying that person's successful
13 completion of a boat safety course approved by the Superintendent
14 of State Police in the Department of Law and Public Safety may
15 operate:

16 (a) a power vessel powered solely by an electric motor; or

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

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

25 (3) A person who is under 16 years of age and was issued an
26 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
27 34.7) before July 1, 1996 may operate a power vessel equipped with
28 an outboard motor until the expiration date of that license; and

29 (4) A person who is under 16 years of age but at least 13 years
30 of age and who possesses a certificate certifying the person's
31 successful completion of a boat safety course approved by the
32 Superintendent of State Police in the Department of Law and Public
33 Safety, or a person under 16 years of age but at least 13 years of age
34 who is an out-of-State resident or resident of a foreign country who
35 possesses proof of successful completion of a boat safety course as
36 provided in paragraph (2) of subsection b. of this section may
37 operate a power vessel on the tidal and nontidal waters of this State
38 while actually competing in an authorized race held under the
39 auspices of a duly incorporated yacht club or racing association
40 conducted under the rules of a national boat racing association in
41 accordance with rules and regulations prescribed by the New Jersey
42 Boat Regulation Commission in consultation with the Division of
43 State Police in the Department of Law and Public Safety and
44 pursuant to a permit issued by that division. Such permit may
45 include limitations on age, vessel type, and horsepower.

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 b. As provided in the schedule set forth in section 7 of
2 P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is
3 16 years of age or older shall not operate a power vessel, including
4 a personal watercraft, on the waters of this State without having
5 completed a boat safety course approved by the Superintendent of
6 State Police in the Department of Law and Public Safety, except
7 that:

8 (1) (Deleted by amendment, P.L.2005, c.292).

9 (2) an out-of-State resident, or a resident of a foreign country
10 who is 16 years of age or older and who will be in this State for less
11 than 90 days may operate a power vessel on the waters of this State,
12 without having completed a boat safety course approved by the
13 Superintendent of State Police in the Department of Law and Public
14 Safety if the person presents:

15 (i) written proof of successful completion of a boat safety
16 course endorsed or approved by another state, the National
17 Association of State Boating Law Administrators or its successor
18 organization, or the United States Coast Guard;

19 (ii) written proof of successful completion of a boat safety
20 course substantially similar to the boat safety course required
21 pursuant to this section as determined by the Superintendent of
22 State Police; or

23 (iii) a boat safety certificate issued by the state or country in
24 which the person resides;

25 (3) a person who is 18 years of age or older may operate on the
26 waters of this State, without having completed a boat safety course
27 approved by the Superintendent of State Police in the Department of
28 Law and Public Safety, a rented power vessel that is not a personal
29 watercraft, under the following conditions:

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

32 (b) the person has successfully completed a State-approved pre-
33 rental instruction course provided by the owner or lessor of the
34 power vessel prior to operating the power vessel on the waters of
35 the State; and

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

40 (4) A person required to take the boat safety course pursuant to
41 this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who
42 purchases a power vessel that is not a personal watercraft at a boat
43 dealership may operate that power vessel for 30 days without
44 having completed a boat safety course approved by the
45 Superintendent of State Police in the Department of Law and Public
46 Safety provided that the person successfully completes a State-
47 approved pre-purchase instruction course provided by the owner or
48 operator of the boat dealership prior to operating the power vessel,

1 and the owner or operator of the boat dealership is experienced in
2 the operation of power vessels and has successfully completed a
3 boat safety course approved by the Superintendent of State Police.
4 The State-approved pre-purchase instruction course required by this
5 paragraph shall be a uniform, standardized course developed by the
6 Superintendent of State Police. The State-approved pre-purchase
7 instruction course shall not replace the requirement that a person
8 shall successfully complete an approved boat safety course pursuant
9 to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The
10 provisions of this paragraph shall not apply to a person purchasing a
11 power vessel from another private party.

12 (5) A person holding a United States Coast Guard operator's
13 license may operate a power vessel on the waters of this State
14 without having completed a boat safety course approved by the
15 Superintendent of State Police in the Department of Law and Public
16 Safety.

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

19 c. Except as provided pursuant to section 18 of P.L.1995, c.401
20 (C.12:7-86), a person shall not operate a personal watercraft on the
21 waters of this State without having successfully completed a boat
22 safety course approved by the Superintendent of State Police in the
23 Department of Law and Public Safety or a written test pursuant to
24 section 8 of P.L.2005, c.292 (C.12:7-61.2).

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

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

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

1 g. A person making application to the Chief Administrator of
2 the New Jersey Motor Vehicle Commission for a power vessel
3 operator's license issued pursuant to section 3 of P.L.1995, c.401
4 (C.12:7-72) who is required pursuant to the provisions of this
5 section to possess a certificate certifying successful completion of a
6 boat safety course shall submit proof of successful completion of
7 the course or the written examination for experienced boaters with
8 the application. The chief administrator shall not issue a power
9 vessel operator's license to such person who fails to submit this
10 proof. A permanent State of New Jersey boating safety certificate
11 or a temporary boating safety certificate issued on a Division of
12 State Police application for boating safety certificate form shall
13 satisfy this requirement.

14 (cf: P.L.2011, c.107, s.1)

15

16 2. This act shall take effect immediately.

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18

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STATEMENT

20

21 This bill authorizes persons who are under 16 years old but are at
22 least 13 years old to operate a power vessel while competing in
23 certain authorized boat races while they are on nontidal waters.
24 Under current law, these persons may operate a boat in these races
25 only if they are competing on tidal waters.

26 P.L.2011, c.107 established an exception to the requirement that
27 a person must be 16 years of age or older to operate a power vessel
28 to allow persons between the ages of 16 and 13 years old to operate
29 a power vessel while competing in an authorized race on tidal
30 waters. Under this recently enacted law, the person is required to
31 possess a certificate certifying successful completion of a boat
32 safety course. The race also has to be sponsored by a duly
33 incorporated yacht club or racing association conducted under the
34 rules of a national boat racing association and held in accordance
35 with rules and regulations prescribed by the New Jersey Boat
36 Regulation Commission in consultation with the Division of State
37 Police. Additionally, the yacht club or racing association is
38 required to obtain a permit from the State Police in order to conduct
39 the race. The permit may include limitations on age, vessel type,
40 and horsepower.

41 This bill expands this exception to also apply to races on
42 nontidal waters. Nontidal waters are those in which the tide does
43 not change, such as lakes.

44 The bill also adds nontidal waters to another exception to the age
45 requirement that currently only refers to tidal waters to clarify that
46 all exceptions apply to both tidal and nontidal waters.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2257

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 12, 2015

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2257.

As amended and reported by the committee, Senate Bill No. 2257 authorizes persons who are under 16 years old but are at least 13 years old to operate a power vessel while competing in certain authorized boat races while they are on nontidal waters. Under current law, these persons may operate a boat in these races only if they are competing on tidal waters.

P.L.2011, c.107 established an exception to the requirement that a person be 16 years of age or older to operate a power vessel to allow persons between the ages of 13 and 16 years old to operate a power vessel while competing in an authorized race on tidal waters. Under this recently enacted law, the person is required to possess a certificate certifying successful completion of a boat safety course. The race also has to be sponsored by a duly incorporated yacht club or racing association conducted under the rules of a national boat racing association and held in accordance with rules and regulations prescribed by the New Jersey Boat Regulation Commission in consultation with the Division of State Police. Additionally, the yacht club or racing association is required to obtain a permit from the State Police in order to conduct the race. The permit may include limitations on age, vessel type, and horsepower.

The amended bill expands this exception to also apply to races on nontidal waters. Nontidal waters are those in which the tide does not change, such as lakes.

The amended bill removes a reference to “nontidal waters” which was included in a provision of law that is no longer operative.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3465, also amended and reported by the committee on this same date.