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§7 - C.12:7-61.1
§8 - C.12:7-61.2
§9 - Repealer
§10 - Note to §§1-9

P.L. 2005, CHAPTER 292, *approved January 9, 2006*
Assembly, No. 2624 (*Fourth Reprint*)

1 AN ACT concerning boating safety, amending and supplementing
2 various parts of the statutory law, ³and³ repealing section 3 of
3 P.L.1997, c.152 ³[and making an appropriation]³
4

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

8 ³[¹1. ²(New section)² a. Notwithstanding any law, or rule or
9 regulation adopted pursuant thereto, to the contrary, no person may
10 operate, on or after the first day of June two years after the date of
11 enactment of P.L. , c. (C.)(now before the Legislature
12 as this bill), a sailboat as defined under section 2 of P.L.1995, c.401
13 (C.12:7-71), or a sailboat that is a power vessel as defined under
14 section 2 of P.L.1995, c.401 (C.12:7-71), and that is in excess of 12
15 feet in length, without having successfully completed an approved boat
16 safety course or the written test provided for under subsection b. of
17 this section and having in their possession while operating the vessel
18 a certificate certifying the person has successfully completed the
19 required boat safety course or has successfully completed the written
20 test provided for under subsection b. of this section. The
21 Superintendent of State Police shall determine the boat safety courses
22 to be approved for persons operating the sailboats provided for under
23 this subsection, and shall make available to the public a list of the
24 approved boat safety courses.

25 b. The Superintendent of State Police shall also develop, and the
26 superintendent, or a designee, shall administer a written test for
27 experienced boaters that shall be issued in lieu of completing an
28 approved boat safety course required pursuant to this section. ²For
29 the purposes of this subsection, "experienced boater" means a boater
30 who has, in aggregate, owned a registered sailboat for at least seven
31 years.² To the extent practicable, the superintendent shall consult with
32 groups concerned with nationwide standardization of such tests. Upon
33 successful completion of the test, a person shall be given a certificate
34 as proof of successful completion of the test for the purposes of
35 complying with the provisions of subsection a. of this section. A
36 person may only take one test pursuant to this subsection. Any person

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:

¹ Assembly AAN committee amendments adopted May 17, 2004.

² Assembly floor amendments adopted June 10, 2004.

³ Senate floor amendments adopted June 21, 2004.

⁴ Assembly floor amendments adopted January 9, 2006.

1 who takes the test provided for pursuant to this subsection shall pay
2 a fee as determined by the superintendent to defray the costs of
3 developing and administering the test and issuing certificates to
4 persons who successfully complete the test.

5 c. In addition to all other penalties provided by law, a person who
6 provides false information on an application for a written test issued
7 pursuant to subsection b. of this section shall be subject to a fine of
8 \$100.

9 d. The Superintendent of State Police shall determine the
10 qualifications for an application to take the written test and all other
11 requirements under this section. The superintendent shall be exempt
12 from the provisions of the "Administrative Procedure Act," P.L.1968,
13 410 (C.52:14B-1 et seq.), in performing the requirements of this
14 section.

15 e. Whenever a person who is required by this section or by section
16 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
17 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
18 to have completed a boat safety course operates a sailboat in excess
19 of 12 feet in length on the waters of this State, that person shall have
20 in the person's possession a certificate certifying that person's
21 successful completion of a boat safety course approved by the
22 Superintendent of State Police and shall, when requested to do so,
23 exhibit the certificate to a law enforcement or peace officer of the
24 State. Failure of the person to exhibit the certificate is presumptive
25 evidence that the person has not completed an approved boat safety
26 course.

27 f. A person who violates subsection a. or e. of this section or who
28 exhibits to a law enforcement or peace officer a certificate of
29 completion of an approved boat safety course of another person is
30 subject to a fine of not less than \$100 nor more than \$500.

31 g. A person who owns or has control or custody of a sailboat in
32 excess of 12 feet in length and allows the sailboat to be operated on
33 the waters of this State by a person who is required pursuant to the
34 provisions of this section to possess a certificate certifying successful
35 completion of a boat safety course or the written test provided for
36 under subsection b. of this section, but who does not possess such
37 certificate is subject to a fine of not more than \$100.¹]³

38
39 ³[¹[¹.] 2.¹ Section 2 of P.L.1987, c.453 (C.12:7-61) is amended
40 to read as follows:

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

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

1 (a) a power vessel powered solely by [a motor of less than one
2 horsepower or] an electric motor [of 12 volts or less]; or

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

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

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

16 b. [A] Except as otherwise provided in the schedule set forth in
17 section ¹[7] ⁸ of P.L. c. (now pending before the Legislature
18 as this bill), as of June 1, 2008, a person who is 16 years of age or
19 older [and was born after December 31, 1978] ¹and was born after
20 December 31, 1978¹ shall not operate a power vessel on the waters of
21 this State without having completed a boat safety course approved by
22 the Superintendent of State Police in the Department of Law and
23 Public Safety, except that:

24 (1) [a person who is 18 years of age or older, and who has in his
25 possession a valid motor vehicle operator's license issued pursuant to
26 R.S.39:3-10, may operate on the waters of this State, without having
27 completed a boat safety course approved by the Superintendent of
28 State Police in the Department of Law and Public Safety, a power
29 vessel that is (a) powered solely by an electric motor or a motor, or
30 combination of motors, of 10 horsepower or less, and (b) not a
31 personal watercraft;] Deleted by amendment (P.L. c.) (now
32 pending before the Legislature as this bill).

33 (2) an out-of-State resident, or a resident of a foreign country[,
34 who is 18 years of age or older and who will be in this State for less
35 than 90 days] ¹who is 18 years of age or older and who will be in this
36 State for less than 30 days¹ may operate on the waters of this State,
37 without having completed a boat safety course approved by the
38 Superintendent of State Police in the Department of Law and Public
39 Safety, a power vessel that is [(a)] registered in that person's state or
40 country of residence [and (b) not a personal watercraft], provided,
41 however, that the person presents¹:

42 (i)¹ written proof of successful completion of a boat safety course
43 ¹endorsed or approved by another state, the National Association of
44 State Boating Law Administrators or its successor organization, or the
45 United States Coast Guard;

1 (ii) written proof of successful completion of a boat safety course¹
2 substantially similar to the boat safety course required pursuant to this
3 section ¹as determined by the Superintendent of State Police;¹ or

4 ¹(iii)¹ a boat safety certificate issued by the state or country in
5 which the person resides; ¹[and]¹

6 (3) a person who is 18 years of age or older may operate on the
7 waters of this State, without having completed a boat safety course
8 approved by the Superintendent of State Police in the Department of
9 Law and Public Safety, a rented power vessel [that is powered by a
10 motor, or combination of motors, of more than 10 horsepower, and]
11 that is not a personal watercraft, under the following conditions:

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

14 (b) the person has successfully completed a State-approved
15 pre-rental instruction course provided by the owner or lessor of the
16 power vessel prior to operating the power vessel on the waters of the
17 State; and

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

22 ²[The boat safety course required pursuant to this subsection shall
23 be made available through the Internet ¹[.], provided that when the
24 written examination, required pursuant to subsection a. of section 1 of
25 P.L.1987, c.453 (C.12:7-60), is administered, it is administered by an
26 instructor in person and present with the person taking the written
27 examination;]²

28 (4) A person who is 18 years of age or older who purchases for the
29 first time a power vessel that is not a personal watercraft at a boat
30 dealership may operate that power vessel for 60 days without having
31 completed a boat safety course approved by the Superintendent of
32 State Police in the Department of Law and Public Safety provided that
33 the person successfully completes a State-approved pre-first-time-
34 purchase instruction course provided by the owner or operator of the
35 boat dealership prior to operating the power vessel, and the owner or
36 operator of the boat dealership is experienced in the operation of
37 power vessels and has successfully completed a boat safety course
38 approved by the Superintendent of State Police. ²The State-approved
39 pre-first-time-purchase instruction course required by this paragraph
40 shall be a uniform, standardized course developed by the
41 Superintendent of State Police.² The State-approved pre-first-time-
42 purchase instruction course shall not replace the requirement that a
43 person shall successfully complete an approved boat safety course
44 pursuant to the other provisions of P.L. , c. (C.)(now before the
45 Legislature as this bill). The provisions of this ²[subsection]
46 paragraph² shall not apply to a person purchasing a ²[boat] power

1 vessel² for the first time from another private party.¹

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

4 This subsection shall not apply to any person holding a United
5 States Coast Guard ¹[Operator's] operator's ¹license, except as
6 otherwise may be required by State or federal law.

7 c. Except as provided pursuant to section 18 of P.L.1995, c.401
8 (C.12:7-86), a person shall not operate a personal watercraft on the
9 waters of this State [after July 1, 1997,] without having successfully
10 completed a boat safety course approved by the Superintendent of
11 State Police in the Department of Law and Public Safety or a written
12 test pursuant to [section 17 of P.L.1995, c.401] section ¹[7] ⁹ of
13 P.L. , c. (now pending before the Legislature as this bill).

14 d. Whenever a person who is required by this section or by section
15 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
16 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
17 to have completed a boat safety course operates a power vessel or
18 personal watercraft, as appropriate, on the waters of this State, that
19 person shall have in possession a certificate certifying that person's
20 successful completion of a boat safety course approved by the
21 superintendent and shall, when requested to do so, exhibit the
22 certificate to a law enforcement or peace officer of this State. Failure
23 of the person to exhibit the certificate is presumptive evidence that the
24 person has not completed an approved boat safety course.

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

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

35 g. A person making application to the [Director of the Division of
36 Motor Vehicles] Chief Administrator of the New Jersey Motor
37 Vehicle Commission for a power vessel operator's license issued
38 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) who is required
39 pursuant to the provisions of this section to possess a certificate
40 certifying successful completion of a boat safety course shall submit
41 [the original or a copy of the certificate] proof of successful
42 completion of the course ¹or the written examination for experienced
43 boaters¹ with the application. The ¹[director] chief administrator¹
44 shall not issue a power vessel operator's license to such person who
45 fails to submit [the original or a copy of the certificate] this proof. A

1 permanent State of New Jersey² [Boating Safety Certificate] boating
 2 safety certificate² or a temporary ²[Boating Safety Certificate]
 3 boating safety certificate² issued on a Division of State Police
 4 ²[Application] application² for ²[Boating Safety Certificate Form]
 5 boating safety certificate form² shall satisfy this requirement.
 6 (cf: P.L1997, c.152, s.5)]³

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

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

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

16 (a) a power vessel powered solely by [a motor of less than one
 17 horsepower or] an electric motor [of 12 volts or less]; or

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

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

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

31 b. [A] As provided in the schedule set forth in section 7 of
 32 P.L. c. (now pending before the Legislature as this bill), as of
 33 June 1, 2008, a person who is 16 years of age or older [and was born
 34 after December 31, 1978] shall not operate a power vessel ,including
 35 a personal watercraft, on the waters of this State without having
 36 completed a boat safety course approved by the Superintendent of
 37 State Police in the Department of Law and Public Safety, except that:

38 (1) [a person who is 18 years of age or older, and who has in his
 39 possession a valid motor vehicle operator's license issued pursuant to
 40 R.S.39:3-10, may operate on the waters of this State, without having
 41 completed a boat safety course approved by the Superintendent of
 42 State Police in the Department of Law and Public Safety, a power
 43 vessel that is (a) powered solely by an electric motor or a motor, or
 44 combination of motors, of 10 horsepower or less, and (b) not a
 45 personal watercraft;] Deleted by amendment (P.L. c.) (now
 46 pending before the Legislature as this bill).

1 (2) an out-of-State resident, or a resident of a foreign country[,]
2 who is [18] 16 years of age or older and who will be in this State for
3 less than 90 days may operate a power vessel on the waters of this
4 State, without having completed a boat safety course approved by the
5 Superintendent of State Police in the Department of Law and Public
6 Safety [, a power vessel that is (a)registered in that person's state or
7 country of residence and (b) not a personal watercraft and] if the
8 person presents:

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

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

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

18 (3) a person who is 18 years of age or older may operate on the
19 waters of this State, without having completed a boat safety course
20 approved by the Superintendent of State Police in the Department of
21 Law and Public Safety, a rented power vessel [that is powered by a
22 motor, or combination of motors, of more than 10 horsepower, and]
23 that is not a personal watercraft, under the following conditions:

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

26 (b) the person has successfully completed a State-approved
27 pre-rental instruction course provided by the owner or lessor of the
28 power vessel prior to operating the power vessel on the waters of the
29 State; and

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

34 (4) A person required to take the boat safety course pursuant to this
35 section and section 7 of P.L. c. (now pending before the
36 Legislature as this bill) who purchases a power vessel that is not a
37 personal watercraft at a boat dealership may operate that power vessel
38 for 30 days without having completed a boat safety course approved
39 by the Superintendent of State Police in the Department of Law and
40 Public Safety provided that the person successfully completes a State-
41 approved pre-purchase instruction course provided by the owner or
42 operator of the boat dealership prior to operating the power vessel,
43 and the owner or operator of the boat dealership is experienced in the
44 operation of power vessels and has successfully completed a boat
45 safety course approved by the Superintendent of State Police. The
46 State-approved pre-purchase instruction course required by this

1 paragraph shall be a uniform, standardized course developed by the
2 Superintendent of State Police. The State-approved pre-purchase
3 instruction course shall not replace the requirement that a person shall
4 successfully complete an approved boat safety course pursuant to the
5 other provisions of P.L. , c. (C.) (now before the Legislature as
6 this bill). The provisions of this paragraph shall not apply to a person
7 purchasing a power vessel from another private party.

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

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

14 c. Except as provided pursuant to section 18 of P.L.1995, c.401
15 (C.12:7-86), a person shall not operate a personal watercraft on the
16 waters of this State [after July 1, 1997,] without having successfully
17 completed a boat safety course approved by the Superintendent of
18 State Police in the Department of Law and Public Safety or a written
19 test pursuant to [section 17 of P.L.1995, c.401] section 8 of
20 P.L. c. (now pending before the Legislature as this bill).

21 d. Whenever a person who is required by this section or by section
22 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
23 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
24 to have completed a boat safety course operates a power vessel or
25 personal watercraft, as appropriate, on the waters of this State, that
26 person shall have in possession a certificate certifying that person's
27 successful completion of a boat safety course approved by the
28 superintendent and shall, when requested to do so, exhibit the
29 certificate to a law enforcement or peace officer of this State. Failure
30 of the person to exhibit the certificate is presumptive evidence that the
31 person has not completed an approved boat safety course.

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

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

42 g. A person making application to the [Director of the Division of
43 Motor Vehicles] Chief Administrator of the New Jersey Motor
44 Vehicle Commission for a power vessel operator's license issued
45 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) who is required
46 pursuant to the provisions of this section to possess a certificate

1 certifying successful completion of a boat safety course shall submit
2 ~~the original or a copy of the certificate~~ proof of successful
3 completion of the course or the written examination for experienced
4 boaters with the application. The ~~director~~ chief administrator shall
5 not issue a power vessel operator's license to such person who fails to
6 submit ~~the original or a copy of the certificate~~ this proof. A
7 permanent State of New Jersey boating safety certificate or a
8 temporary boating safety certificate issued on a Division of State
9 Police application for boating safety certificate form shall satisfy this
10 requirement.³

11 (cf: P.L.1997, c.152, s.5)

12

13 ¹[2.] ³[3.1] 2.³ Section 2 of P.L.1987, c.269 (C.12:7-23.2) is
14 amended to read as follows:

15 2. Every power vessel used on the waters of this State shall at all
16 times be equipped with a muffler or muffler system in good working
17 order and in constant operation. A person shall not use a muffler or
18 muffler system cutout, bypass or similar method or device designed to
19 prevent or diminish the operational capacity of a muffler or muffler
20 system installed on a power vessel used on the waters of this State.
21 Decibel levels exceeding the limits established pursuant to rules and
22 regulations as measured by a noise meter operated by a trained Marine
23 Police officer or municipal law enforcement officer shall be evidence
24 of a violation of ~~this act~~ P.L.1987, c.269 (C.12:7-23.2 et seq.). For
25 the purposes of ~~this act~~ P.L.1987, c.269 (C.12:7-23.2 et seq.),
26 muffler means a sound dissipative device or system which abates the
27 sound of gases which are emitted from an internal combustion engine
28 and which prevents excessive or unusual noise.

29 (cf: P.L.1987, c.269, s.2)

30

31 ¹[3.] ³[4.1] 3.³ Section 11 of P.L.1962, c.73 (C.12:7-34.46) is
32 amended to read as follows:

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

42 (b) Whenever an accident involves any vessel subject to this act
43 and results in the death, disappearance, or injury of any person, or in
44 property damage in excess of ~~[\$500]~~ the federal standard for filing an
45 accident report as established pursuant to 33 C.F.R. s.173.55, the
46 operator or operators thereof shall file, with the Division of State

1 Police, a full description of the accident, including such information as
2 that division may, by regulation, require within the times specified in
3 subsection (c) of this section. The Superintendent of State Police shall
4 notify operators, in a manner deemed appropriate, of a change in the
5 federal standard for filing an accident report.

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

12 (d) The report of a boating accident herein required to be made ¹by
13 the operator of the vessel involved in the boating accident¹ shall not,
14 during any judicial proceeding, be referred to in any way; it shall not
15 be subject to subpoena nor admissible as evidence in any proceeding.
16 Subject to these restrictions, information contained in a boating
17 accident report and any statistical information based thereon will be
18 made available upon request for official purposes to the United States
19 Coast Guard or any federal agency successor thereto.

20 (cf: P.L.1995, c.401, s.26)

21
22 ¹[4.] ³[5.¹] 4.³ Section 14 of P.L.1962, c.73 (C.12:7-34.49) is
23 amended to read as follows:

24 14. (a) There is established within the department a seven-member
25 Boat Regulation Commission which shall consist of the Attorney
26 General as ex officio member and six public members. The public
27 members shall be appointed by the Governor with the advice and
28 consent of the Senate for four-year terms commencing on April 1 of
29 the year of the appointment, except that of those first appointed, two
30 shall be appointed for a term of one year, two for a term of two years,
31 one for a term of three years and one for a term of four years. As far
32 as possible the public members shall be experienced boaters and shall
33 represent the various geographical sections and boating interests of the
34 State. At least one of the public members shall be actively employed
35 in the marine industry.

36 The chairman shall be designated by the Governor. Each member
37 of the commission shall serve at the pleasure of the Governor during
38 his term and until the successor of the commission member has been
39 appointed and has qualified. Vacancies shall be filled only for the
40 unexpired term.

41 (b) The members of the commission shall serve without
42 compensation except for the actual expenses incurred while engaged
43 in their duties as members of the commission.

44 (c) The commission will promulgate rules and regulations, subject
45 to the approval of the Attorney General, not inconsistent with the
46 provisions of this act and including, but not limited to the inspection,

1 operation, equipping, anchorage, racing and safety of vessels upon the
2 waters of this State.

3 These rules and regulations shall be such as are reasonably
4 necessary for the protection of the health, safety and welfare of the
5 public and for the free and proper use of said waters by any persons or
6 vessels in, on or about such waters. These regulations shall not be
7 inconsistent with regulations issued by the agency or agencies of the
8 United States having jurisdiction with respect to power vessels upon
9 the waters of this State.

10 The commission shall meet monthly or at the call of the Attorney
11 General or the chairman of the commission or when requested by any
12 three members of the commission. The Attorney General shall
13 designate a staff from the department to handle administrative matters
14 for the commission. The commission shall maintain minutes of its
15 meetings and, within five working days following the commission's
16 approval of the minutes, submit them to the: Governor; President of
17 the Senate; Minority Leader of the Senate; Speaker of the General
18 Assembly and Minority Leader of the General Assembly.
19 (cf: P.L.1995, c.401, s.34)

20

21 ¹[5.] ³[6.¹ Section 1 of P.L.1987, c.453 (C.12:7-60) is amended
22 to read as follows:

23 1. a. The Superintendent of State Police in the Department of Law
24 and Public Safety shall establish a list of approved boat safety courses
25 ¹.¹ offered by public or private persons or agencies for profit or
26 otherwise ¹and taught by approved boat safety instructors¹. Approved
27 courses shall provide formal instruction in power vessel handling and
28 safety. The superintendent may approve a boat safety course upon
29 ¹[his own] the¹ initiative ¹of the superintendent¹ or by application on
30 a form to be created by the superintendent.

31 ¹For the purposes of this section, "approved boat safety course"
32 means a boat safety course that is approved by the Superintendent of
33 State Police, in consultation with the Attorney General, and provides
34 at least eight hours of instruction, with a minimum of six hours of
35 classroom instruction, or, if provided via the Internet, provides at least
36 the equivalent of eight hours of instruction, and, whether provided in
37 a classroom or via the Internet, concludes with a closed-book written
38 examination, the time for which would be in addition to the instruction
39 time provided ², and which is administered by an instructor in person
40 and present with the person taking the written examination²; and
41 "approved boat safety instructor" means an individual who is trained
42 and experienced in the art and science of navigation and seamanship
43 and who holds ¹a ²[current]² United States Coast Guard operator's
44 license, or¹ a ²[current]² certification as an instructor as provided by
45 the United States Coast Guard Auxiliary, the United States Power
46 Squadron, the National Safe Boating Council or other ²[national]²

1 certification program that is determined to be acceptable by the
2 Superintendent of State Police.¹

3 The superintendent shall, pursuant to the "Administrative Procedure
4 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
5 regulations to implement this section. ¹While developing these rules
6 and regulations, the Superintendent of State Police shall consult with
7 the National Association of State Boating Law Administrators, or its
8 successor organization, concerning the provisions of the rules and
9 regulations being adopted pursuant to this subsection.¹

10 b. A public or private entity authorized to offer a boat safety
11 course pursuant to subsection a. of this section shall not employ an
12 instructor who:

13 (1) does not possess a valid boat safety certificate required by
14 section 2 of P.L.1987, c.453 (C.12:7-61) ¹and section 1 of P.L. _____,
15 c. _____ (C. _____)(now before the Legislature as this bill)¹; or

16 (2) has been convicted of any of the following crimes and offenses
17 as evidenced by a criminal history record background check:

18 (a) In New Jersey, any crime or disorderly persons offense:

19 (i) involving danger to the person, meaning those crimes and
20 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
21 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
22 N.J.S.2C:15-1 et seq.;

23 (ii) against the family, children or incompetents, meaning those
24 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
25 seq.;

26 (iii) involving theft as set forth in chapter 20 of Title 2C of the
27 New Jersey Statutes;

28 (iv) involving any controlled dangerous substance or controlled
29 substance analog as set forth in chapter 35 of Title 2C of the New
30 Jersey Statutes except paragraph (4) of subsection a. of
31 N.J.S.2C:35-10;

32 (v) involving weapons or firearms, meaning those crimes and
33 disorderly persons offenses set forth in chapters 39 and 58 ²of Title
34 2C² of the New Jersey Statutes;

35 (vi) involving falsification of records under N.J.S.2C:21-4 or
36 tampering with public records or information under N.J.S.2C:28-7.

37 (b) In any other state or jurisdiction, conduct which, if committed
38 in New Jersey, would constitute any of the crimes or disorderly
39 persons offenses described in subparagraph a. of this paragraph.

40 The Marine Services Bureau in the Division of State Police shall
41 obtain the instructor's name, address, fingerprints and written consent
42 for a criminal history record background check to be performed
43 pursuant to this paragraph. The Marine Services Bureau is authorized
44 to receive criminal history record information from the State Bureau
45 of Identification in the Division of State Police and the Federal Bureau
46 of Investigation consistent with applicable State and federal laws, rules

1 and regulations. The Marine Services Bureau shall determine whether
2 the person is disqualified from employment as an instructor based on
3 the person's criminal history record background check and render the
4 decision to the public or private entity.

5 The instructor shall bear the cost for the criminal history record
6 background check, including all costs of administering and processing
7 the check, but a volunteer instructor shall be afforded a fee reduction
8 as authorized by applicable ²[by]² State and federal law, rule and
9 regulation.

10 (cf: P.L.1987, c.453, s.1)]³

11
12 ³5. Section 1 of P.L.1987, c.453 (C.12:7-60) is amended to read
13 as follows:

14 1. a. The Superintendent of State Police in the Department of Law
15 and Public Safety shall establish a list of approved boat safety courses,
16 offered by public or private persons or agencies for profit or otherwise
17 and taught by approved boat safety instructors. Approved courses
18 shall provide formal instruction in power vessel handling and safety.
19 The superintendent may approve a boat safety course upon [his own]
20 the initiative of the superintendent or by application on a form to be
21 created by the superintendent.

22 For the purposes of this section, "approved boat safety course"
23 means a boat safety course that meets qualifications set forth in
24 regulations promulgated by the Superintendent of State Police, in
25 consultation with the Attorney General; ⁴[if a provider offers a boat
26 safety course via the Internet, that course shall meet the same
27 qualifications as a boat safety course offered in a classroom] the
28 regulations shall require at least eight hours of instruction, with a
29 minimum of six hours of classroom instruction, or, if the boat safety
30 course is offered via the Internet, require at least the equivalent of
31 eight hours of instruction⁴ ; whether offered in a classroom or via the
32 Internet, the boat safety course shall conclude with a closed-book
33 written examination administered by an instructor in person and
34 present with the person taking the written examination.

35 For the purposes of this section, an "approved boat safety
36 instructor" means an individual who is trained and experienced in the
37 art and science of navigation and seamanship and who holds a United
38 States Coast Guard operator's license, or a certification as an
39 instructor as provided by the United States Coast Guard Auxiliary, the
40 United States Power Squadron, the National Safe Boating Council or
41 other certification program that is determined to be acceptable by the
42 Superintendent of State Police. A public or private entity which offers
43 a course that was approved by the superintendent prior to the effective
44 date of this act may continue to offer that course until that approval
45 has expired.

46 The superintendent shall, pursuant to the "Administrative Procedure

1 Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and
2 regulations to implement this section. While developing these rules
3 and regulations, the Superintendent of State Police shall consult with
4 the National Association of State Boating Law Administrators, or its
5 successor organization, concerning the provisions of the rules and
6 regulations being adopted pursuant to this subsection.

7 b. A public or private entity authorized to offer a boat safety
8 course pursuant to subsection a. of this section shall not employ an
9 instructor who:

10 (1) does not possess a valid boat safety certificate required by
11 section 2 of P.L.1987, c.453 (C.12:7-61); or

12 (2) has been convicted of any of the following crimes and offenses
13 as evidenced by a criminal history record background check:

14 (a) In New Jersey, any crime or disorderly persons offense:

15 (i) involving danger to the person, meaning those crimes and
16 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
17 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
18 N.J.S.2C:15-1 et seq.;

19 (ii) against the family, children or incompetents, meaning those
20 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
21 seq.;

22 (iii) involving theft as set forth in chapter 20 of Title 2C of the
23 New Jersey Statutes;

24 (iv) involving any controlled dangerous substance or controlled
25 substance analog as set forth in chapter 35 of Title 2C of the New
26 Jersey Statutes except paragraph (4) of subsection a. of
27 N.J.S.2C:35-10;

28 (v) involving weapons or firearms, meaning those crimes and
29 disorderly persons offenses set forth in chapters 39 and 58 of Title 2C
30 of the New Jersey Statutes;

31 (vi) involving falsification of records under N.J.S.2C:21-4 or
32 tampering with public records or information under N.J.S.2C:28-7.

33 (b) In any other state or jurisdiction, conduct which, if committed
34 in New Jersey, would constitute any of the crimes or disorderly
35 persons offenses described in subparagraph a. of this paragraph.

36 The Marine Services Bureau in the Division of State Police shall
37 obtain the instructor's name, address, fingerprints and written consent
38 for a criminal history record background check to be performed
39 pursuant to this paragraph. The Marine Services Bureau is authorized
40 to receive criminal history record information from the State Bureau
41 of Identification in the Division of State Police and the Federal Bureau
42 of Investigation consistent with applicable State and federal laws, rules
43 and regulations. The Marine Services Bureau shall determine whether
44 the person is disqualified from employment as an instructor based on
45 the person's criminal history record background check and render the
46 decision to the public or private entity.

1 The instructor shall bear the cost for the criminal history record
2 background check, including all costs of administering and processing
3 the check, but a volunteer instructor shall be afforded a fee reduction
4 as authorized by applicable State and federal law, rule and regulation.³

5 (cf: P.L.1987, c.453, s.1)

6
7 ¹[6.] ³[7.1] 6.³ Section 18 of P.L.1995, c.401 (C.12:7-86) is
8 amended to read as follows:

9 18. A person who is 16 years of age or older may operate a
10 personal watercraft without having completed a boat safety course
11 required pursuant to subsection c. of section 2 of P.L.1987, c.453
12 (C.12:7-61) [or a written test administered pursuant to section 17 of
13 P.L.1995, c.401,] under the following conditions:

14 a. (1) the person operates the personal watercraft within the
15 boundaries of an area designated solely for the operation of personal
16 watercraft by a business engaged in renting personal watercraft for use
17 on the waters of the State;

18 (2) the area designated for such operation is supervised by a person
19 who is experienced in the operation of personal watercraft and who
20 has successfully completed a boat safety course approved pursuant to
21 section 1 of P.L.1987, c.453 (C.12:7-60); and

22 (3) the person has successfully completed an instruction course
23 provided by the owner or lessee of the personal watercraft prior to
24 operating the personal watercraft within the designated area.

25 b. [For the first 21 days following the purchase of a personal
26 watercraft, provided that:

27 (1) the operator of the personal watercraft is the person who
28 purchased the personal watercraft or a member of that person's
29 immediate family;

30 (2) the operator of the personal watercraft is at least 16 years of
31 age;

32 (3) the personal watercraft that has been purchased is the only
33 personal watercraft being operated pursuant to this subsection;

34 (4) the seller of the personal watercraft has provided educational
35 materials regarding the safe operation of the personal watercraft at the
36 time of sale; and

37 (5) the purchaser and the seller of the personal watercraft have
38 signed a certificate acknowledging that the information required
39 pursuant to paragraph 4 of this subsection has been provided by the
40 seller and received by the purchaser at the time of purchase of the
41 personal watercraft.] Deleted by amendment (P.L. c.) (now
42 pending before the Legislature as this bill).]

43 c. [The person has written proof, while operating the personal
44 watercraft, of successful completion of a boat safety course
45 substantially similar to the boat safety course required pursuant to the
46 boat safety course administered pursuant to section 1 of P.L.1987,

1 c.453 (C.12:7-60).] ¹[Deleted by amendment (P.L. c.) (now
 2 pending before the Legislature as this bill).] The person has written
 3 proof, while operating the personal watercraft, of successful
 4 completion of a boat safety course substantially similar to ²[the] an
 5 approved² boat safety course ²[required pursuant to the boat safety
 6 course administered] as established² pursuant to section 1 of
 7 P.L.1987, c.453 (C.12:7-60).¹

8 d. [(1) The person does not own a personal watercraft and the
 9 owner of the personal watercraft possesses a certificate showing the
 10 successful completion of a boat safety course required pursuant to
 11 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
 12 test administered pursuant to section 17 of P.L.1995, c.401;

13 (2) the owner of the personal watercraft instructs the owner in the
 14 proper operation of the personal watercraft;

15 (3) the person is accompanied by the owner of the personal
 16 watercraft and they remain within 150 feet and in sight of each other;

17 (4) the cumulative number of days of operation by a person under
 18 this subsection does not exceed five days during a calendar year; and

19 (5) the person has not violated any provision of chapter 7 of this
 20 title.] ¹[Deleted by amendment (P.L. c.) (now pending before
 21 the Legislature as this bill).

22 A person who violates this subsection shall be subject to a penalty
 23 of not less than \$200 and not more than \$500 for each violation.]
 24 Deleted by amendment (P.L. , c.)(now before the Legislature as
 25 this bill).

26 e.¹ Pursuant to the provisions of the "Administrative Procedure
 27 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of
 28 State Police shall adopt any rules or regulations necessary to
 29 implement the provisions of this section.

30 (cf: P.L.1997, c.152, s.2)

31

32 ¹[7.] ³[8.¹ (New section) The mandatory boat safety course
 33 required by section 2 of P.L.1987, c.453 (C.12:7-61) shall be
 34 successfully completed ¹[by]¹:

35 a. ¹before June 1, 2005, by¹ persons born ¹on or¹ after December
 36 31, 1968 ¹[before June 1, 2005] and on or before December 31,
 37 1978, and persons born on or after December 31, 1948 who have
 38 purchased a power vessel that is not a personal watercraft for the first
 39 time and have completed only the State-approved pre-first-time-
 40 purchase instruction course required pursuant to paragraph (4) of
 41 subsection b. of P.L.1987, c.453 (C.12:7-61)¹;

42 b. ¹before June 1, 2006, by¹ persons born ¹on or¹ after December
 43 31, 1958 ¹[before June 1, 2006]¹;

44 c. ¹before June 1, 2007, by¹ persons born ¹on or¹ after December
 45 31, 1948 ¹[before June 1, 2007] except as provided under subsection

1 a. of this section¹; and

2 d. ¹[all other persons]¹ before June 1, 2008 ¹by all other
3 persons¹.]³

4
5 ³7. (New section) Before operating a power vessel, including a
6 personal watercraft, on the waterways of this State, the mandatory
7 boat safety course required by section 2 of P.L.1987, c.453
8 (C.12:7-61) shall be successfully completed as follows:

9 a. by persons born after December 31, 1978;

10 b. before June 1, ⁴[2005] 2006⁴, by persons born after December
11 31, 1968 and on or before December 31, 1978;

12 c. before June 1, ⁴[2006] 2007⁴, by persons born after December
13 31, 1958 and on or before December 31, 1968;

14 d. before June 1, ⁴[2007] 2008⁴, by persons born after
15 December 31, 1948 and on or before December 31, 1958; and

16 e. before June 1, ⁴[2008] 2009⁴ by all other persons.³

17
18 ¹[8.] ³[9.¹ (New section) a. The Superintendent of State Police
19 shall develop, and the superintendent, or a designee, shall administer,
20 a written test for experienced boaters which shall be issued in lieu of
21 completing the boat safety course required pursuant to section 2 of
22 P.L.1987, c.453 (C.12:7-61). ²For the purposes of this subsection,
23 "experienced boater" means a boater who has, in aggregate, owned a
24 registered power vessel for at least seven years.² When developing
25 the written test, the superintendent shall consult with groups
26 concerned with the nationwide standardization of such tests. Upon
27 successful completion of the test, the person shall be given a certificate
28 which shall fulfill the certificate requirement under subsection d. of
29 section 2 of P.L.1987, c.453 (C.12:7-61) and shall be required to be
30 in the person's possession as provided in that section. A person may
31 only take one test pursuant to this subsection.

32 b. A person who takes a test pursuant to subsection a. of this
33 section shall pay a fee as determined by the superintendent to defray
34 the costs of developing and administering the test and issuing
35 certificates to persons who successfully complete the test.

36 c. In addition to all other penalties provided by law, a person who
37 provides false information on an application for a written test issued
38 pursuant to subsection a. of this section shall be subject to a fine of
39 \$100.

40 d. The superintendent shall determine the qualifications for
41 application and all other requirements under this section.

42 e. The superintendent shall be exempt from the provisions of the
43 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), in performing the requirements of this section.]]³

1 ¹[9. There is appropriated from the Maritime Industry Fund,
2 established pursuant to section 8 of P.L.2001, c.429 (C.27:1A-82), to
3 the Department of Law and Public Safety a sum in the amount of
4 \$500,000 for increasing the patrolling of State waters by the State
5 Police Marine Services Bureau and for related boating safety
6 administrative expenses.]¹

7
8 ³8. (New section) a. The Superintendent of State Police shall
9 develop, and the superintendent, or a designee, shall administer, a
10 written test for experienced boaters which shall be issued in lieu of
11 completing the boat safety course required pursuant to section 2 of
12 P.L.1987, c.453 (C.12:7-61). The superintendent shall determine the
13 criteria that shall be met for a person to qualify as an "experienced
14 boater" pursuant to subsection d. of this section. When developing the
15 written test, the superintendent shall consult with groups concerned
16 with the nationwide standardization of such tests. Upon successful
17 completion of the test, the person shall be given a certificate which
18 shall fulfill the certificate requirement under subsection d. of section
19 2 of P.L.1987, c.453 (C.12:7-61) and shall be required to be in the
20 person's possession as provided in that section. A person may only
21 take one test pursuant to this subsection.

22 b. A person who takes a test pursuant to subsection a. of this
23 section shall pay a fee as determined by the superintendent to defray
24 the costs of developing and administering the test and issuing
25 certificates to persons who successfully complete the test.

26 c. In addition to all other penalties provided by law, a person who
27 provides false information on an application for a written test issued
28 pursuant to subsection a. of this section shall be subject to a fine of
29 \$100.

30 d. The superintendent shall determine the qualifications for
31 application and all other requirements under this section.

32 e. The superintendent shall be exempt from the provisions of the
33 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), in performing the requirements of this section.³

35
36 ³[10.] 9.³ Section 3 of P.L.1997, c.152 (C.12:7-61) is hereby
37 repealed.

38
39 ³[11. This act shall take effect on the first day of the sixth month
40 following enactment except sections ¹[7 and 8] 8 and 9¹ shall take
41 effect immediately and expire on June 1, 2008.]³

42
43 ³10. This act shall take effect on the first day of the sixth month
44 following enactment except sections 7 and 8 shall take effect
45 immediately and expire on June 1, 2008.³

1

2

3 Requires boat safety course to operate boat on State waters; revises

4 other recreational boating laws.

ASSEMBLY, No. 2624

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 3, 2004

Sponsored by:

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Requires boat safety course to operate boat on State waters; revises other recreational boating laws.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning boating safety, amending and supplementing
2 various parts of the statutory law, repealing section 3 of P.L.1997,
3 c.152 and making an appropriation.

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

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

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

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

16 (a) a power vessel powered solely by [a motor of less than one
17 horsepower or] an electric motor [of 12 volts or less]; or

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

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

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

31 b. **[A]** Except as otherwise provided in the schedule set forth in
32 section 7 of P.L. c. (now pending before the Legislature as this
33 bill), as of June 1, 2008, a person who is 16 years of age or older [and
34 was born after December 31, 1978] shall not operate a power vessel
35 on the waters of this State without having completed a boat safety
36 course approved by the Superintendent of State Police in the
37 Department of Law and Public Safety, except that:

38 (1) **[a person who is 18 years of age or older, and who has in his**
39 **possession a valid motor vehicle operator's license issued pursuant to**
40 **R.S.39:3-10, may operate on the waters of this State, without having**
41 **completed a boat safety course approved by the Superintendent of**
42 **State Police in the Department of Law and Public Safety, a power**

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 vessel that is (a) powered solely by an electric motor or a motor, or
2 combination of motors, of 10 horsepower or less, and (b) not a
3 personal watercraft;] Deleted by amendment (P.L. c.) (now
4 pending before the Legislature as this bill).

5 (2) an out-of-State resident, or a resident of a foreign country[,
6 who is 18 years of age or older and who will be in this State for less
7 than 90 days] may operate 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, a power
10 vessel that is [(a)] registered in that person's state or country of
11 residence [and (b) not a personal watercraft], provided, however, that
12 the person presents written proof of successful completion of a boat
13 safety course substantially similar to the boat safety course required
14 pursuant to this section or a boat safety certificate issued by the state
15 or country in which the person resides; and

16 (3) a person who is 18 years of age or older may operate on the
17 waters of this State, without having completed a boat safety course
18 approved by the Superintendent of State Police in the Department of
19 Law and Public Safety, a rented power vessel [that is powered by a
20 motor, or combination of motors, of more than 10 horsepower, and]
21 that is not a personal watercraft, under the following conditions:

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

24 (b) the person has successfully completed a State-approved
25 pre-rental instruction course provided by the owner or lessor of the
26 power vessel prior to operating the power vessel on the waters of the
27 State; and

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

32 The boat safety course required pursuant to this subsection shall be
33 made available through the Internet.

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

36 This subsection shall not apply to any person holding a United
37 States Coast Guard Operator's license, except as otherwise may be
38 required by State or federal law.

39 c. Except as provided pursuant to section 18 of P.L.1995, c.401
40 (C.12:7-86), a person shall not operate a personal watercraft on the
41 waters of this State [after July 1, 1997,] without having successfully
42 completed a boat safety course approved by the Superintendent of
43 State Police in the Department of Law and Public Safety or a written
44 test pursuant to [section 17 of P.L.1995, c.401] section 7 of P.L.
45 c. (now pending before the Legislature as this bill).

1 d. Whenever a person who is required by this section or by section
2 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
3 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
4 to have completed a boat safety course operates a power vessel or
5 personal watercraft, as appropriate, on the waters of this State, that
6 person shall have in possession a certificate certifying that person's
7 successful completion of a boat safety course approved by the
8 superintendent and shall, when requested to do so, exhibit the
9 certificate to a law enforcement or peace officer of this State. Failure
10 of the person to exhibit the certificate is presumptive evidence that the
11 person has not completed an approved boat safety course.

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

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

22 g. A person making application to the [Director of the Division of
23 Motor Vehicles] Chief Administrator of the New Jersey Motor
24 Vehicle Commission for a power vessel operator's license issued
25 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) who is required
26 pursuant to the provisions of this section to possess a certificate
27 certifying successful completion of a boat safety course shall submit
28 [the original or a copy of the certificate] proof of successful
29 completion of the course with the application. The director shall not
30 issue a power vessel operator's license to such person who fails to
31 submit [the original or a copy of the certificate] this proof. A
32 permanent State of New Jersey Boating Safety Certificate or a
33 temporary Boating Safety Certificate issued on a Division of State
34 Police Application for Boating Safety Certificate Form shall satisfy this
35 requirement.

36 (cf: P.L1997, c.152, s.5)

37

38 2. Section 2 of P.L.1987, c.269 (C.12:7-23.2) is amended to read
39 as follows:

40 2. Every power vessel used on the waters of this State shall at all
41 times be equipped with a muffler or muffler system in good working
42 order and in constant operation. A person shall not use a muffler or
43 muffler system cutout, bypass or similar method or device designed to
44 prevent or diminish the operational capacity of a muffler or muffler
45 system installed on a power vessel used on the waters of this State.
46 Decibel levels exceeding the limits established pursuant to rules and

1 regulations as measured by a noise meter operated by a trained Marine
2 Police officer or municipal law enforcement officer shall be evidence
3 of a violation of **[this act]** P.L.1987, c.269 (C.12:7-23.2 et seq.). For
4 the purposes of **[this act]** P.L.1987, c.269 (C.12:7-23.2 et seq.),
5 muffler means a sound dissipative device or system which abates the
6 sound of gases which are emitted from an internal combustion engine
7 and which prevents excessive or unusual noise.

8 (cf: P.L.1987, c.269, s.2)

9

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

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

21 (b) Whenever an accident involves any vessel subject to this act
22 and results in the death, disappearance, or injury of any person, or in
23 property damage in excess of **[\$500]** the federal standard for filing an
24 accident report as established pursuant to 33 C.F.R. s.173.55, the
25 operator or operators thereof shall file, with the Division of State
26 Police, a full description of the accident, including such information as
27 that division may, by regulation, require within the times specified in
28 subsection (c) of this section. The Superintendent of State Police shall
29 notify operators, in a manner deemed appropriate, of a change in the
30 federal standard for filing an accident report.

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

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

44 (cf: P.L.1995, c.401, s.26)

45

46 4. Section 14 of P.L.1962, c.73 (C.12:7-34.49) is amended to read

1 as follows:

2 14. (a) There is established within the department a seven-member
3 Boat Regulation Commission which shall consist of the Attorney
4 General as ex officio member and six public members. The public
5 members shall be appointed by the Governor with the advice and
6 consent of the Senate for four-year terms commencing on April 1 of
7 the year of the appointment, except that of those first appointed, two
8 shall be appointed for a term of one year, two for a term of two years,
9 one for a term of three years and one for a term of four years. As far
10 as possible the public members shall be experienced boaters and shall
11 represent the various geographical sections and boating interests of the
12 State. At least one of the public members shall be actively employed
13 in the marine industry.

14 The chairman shall be designated by the Governor. Each member
15 of the commission shall serve at the pleasure of the Governor during
16 his term and until the successor of the commission member has been
17 appointed and has qualified. Vacancies shall be filled only for the
18 unexpired term.

19 (b) The members of the commission shall serve without
20 compensation except for the actual expenses incurred while engaged
21 in their duties as members of the commission.

22 (c) The commission will promulgate rules and regulations, subject
23 to the approval of the Attorney General, not inconsistent with the
24 provisions of this act and including, but not limited to the inspection,
25 operation, equipping, anchorage, racing and safety of vessels upon the
26 waters of this State.

27 These rules and regulations shall be such as are reasonably
28 necessary for the protection of the health, safety and welfare of the
29 public and for the free and proper use of said waters by any persons or
30 vessels in, on or about such waters. These regulations shall not be
31 inconsistent with regulations issued by the agency or agencies of the
32 United States having jurisdiction with respect to power vessels upon
33 the waters of this State.

34 The commission shall meet monthly or at the call of the Attorney
35 General or the chairman of the commission or when requested by any
36 three members of the commission. The Attorney General shall
37 designate a staff from the department to handle administrative matters
38 for the commission. The commission shall maintain minutes of its
39 meetings and, within five working days following the commission's
40 approval of the minutes, submit them to the: Governor; President of
41 the Senate; Minority Leader of the Senate; Speaker of the General
42 Assembly and Minority Leader of the General Assembly.

43 (cf: P.L.1995, c.401, s.34)

44

45 5. Section 1 of P.L.1987, c.453 (C.12:7-60) is amended to read as
46 follows:

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

10 b. A public or private entity authorized to offer a boat safety
11 course pursuant to subsection a. of this section shall not employ an
12 instructor who:

13 (1) does not possess a valid boat safety certificate required by
14 section 2 of P.L.1987, c.453 (C.12:7-61); or

15 (2) has been convicted of any of the following crimes and offenses
16 as evidenced by a criminal history record background check:

17 (a) In New Jersey, any crime or disorderly persons offense:

18 (i) involving danger to the person, meaning those crimes and
19 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
20 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
21 N.J.S.2C:15-1 et seq.;

22 (ii) against the family, children or incompetents, meaning those
23 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
24 seq.;

25 (iii) involving theft as set forth in chapter 20 of Title 2C of the New
26 Jersey Statutes;

27 (iv) involving any controlled dangerous substance or controlled
28 substance analog as set forth in chapter 35 of Title 2C of the New
29 Jersey Statutes except paragraph (4) of subsection a. of
30 N.J.S.2C:35-10;

31 (v) involving weapons or firearms, meaning those crimes and
32 disorderly persons offenses set forth in chapters 39 and 58 of the New
33 Jersey Statutes;

34 (vi) involving falsification of records under N.J.S.2C:21-4 or
35 tampering with public records or information under N.J.S.2C:28-7.

36 (b) In any other state or jurisdiction, conduct which, if committed
37 in New Jersey, would constitute any of the crimes or disorderly
38 persons offenses described in subparagraph a. of this paragraph.

39 The Marine Services Bureau in the Division of State Police shall
40 obtain the instructor's name, address, fingerprints and written consent
41 for a criminal history record background check to be performed
42 pursuant to this paragraph. The Marine Services Bureau is authorized
43 to receive criminal history record information from the State Bureau
44 of Identification in the Division of State Police and the Federal Bureau
45 of Investigation consistent with applicable State and federal laws, rules
46 and regulations. The Marine Services Bureau shall determine whether

1 the person is disqualified from employment as an instructor based on
2 the person's criminal history record background check and render the
3 decision to the public or private entity.

4 The instructor shall bear the cost for the criminal history record
5 background check, including all costs of administering and processing
6 the check, but a volunteer instructor shall be afforded a fee reduction
7 as authorized by applicable by State and federal law, rule and
8 regulation.

9 (cf: P.L.1987, c.453, s.1)

10
11 6. Section 18 of P.L.1995, c.401 (C.12:7-86) is amended to read
12 as follows:

13 18. A person who is 16 years of age or older may operate a
14 personal watercraft without having completed a boat safety course
15 required pursuant to subsection c. of section 2 of P.L.1987, c.453
16 (C.12:7-61) [or a written test administered pursuant to section 17 of
17 P.L.1995, c.401,] under the following conditions:

18 a. (1) the person operates the personal watercraft within the
19 boundaries of an area designated solely for the operation of personal
20 watercraft by a business engaged in renting personal watercraft for use
21 on the waters of the State;

22 (2) the area designated for such operation is supervised by a person
23 who is experienced in the operation of personal watercraft and who
24 has successfully completed a boat safety course approved pursuant to
25 section 1 of P.L.1987, c.453 (C.12:7-60); and

26 (3) the person has successfully completed an instruction course
27 provided by the owner or lessee of the personal watercraft prior to
28 operating the personal watercraft within the designated area.

29 b. [For the first 21 days following the purchase of a personal
30 watercraft, provided that:

31 (1) the operator of the personal watercraft is the person who
32 purchased the personal watercraft or a member of that person's
33 immediate family;

34 (2) the operator of the personal watercraft is at least 16 years of
35 age;

36 (3) the personal watercraft that has been purchased is the only
37 personal watercraft being operated pursuant to this subsection;

38 (4) the seller of the personal watercraft has provided educational
39 materials regarding the safe operation of the personal watercraft at the
40 time of sale; and

41 (5) the purchaser and the seller of the personal watercraft have
42 signed a certificate acknowledging that the information required
43 pursuant to paragraph 4 of this subsection has been provided by the
44 seller and received by the purchaser at the time of purchase of the
45 personal watercraft.] Deleted by amendment (P.L. c.) (now
46 pending before the Legislature as this bill).

1 c. [The person has written proof, while operating the personal
2 watercraft, of successful completion of a boat safety course
3 substantially similar to the boat safety course required pursuant to the
4 boat safety course administered pursuant to section 1 of P.L.1987,
5 c.453 (C.12:7-60).] Deleted by amendment (P.L. c.) (now
6 pending before the Legislature as this bill).

7 d. [(1) The person does not own a personal watercraft and the
8 owner of the personal watercraft possesses a certificate showing the
9 successful completion of a boat safety course required pursuant to
10 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
11 test administered pursuant to section 17 of P.L.1995, c.401;

12 (2) the owner of the personal watercraft instructs the owner in the
13 proper operation of the personal watercraft;

14 (3) the person is accompanied by the owner of the personal
15 watercraft and they remain within 150 feet and in sight of each other;

16 (4) the cumulative number of days of operation by a person under
17 this subsection does not exceed five days during a calendar year; and

18 (5) the person has not violated any provision of chapter 7 of this
19 title.] Deleted by amendment (P.L. c.) (now pending before the
20 Legislature as this bill).

21 A person who violates this subsection shall be subject to a penalty
22 of not less than \$200 and not more than \$500 for each violation.

23 Pursuant to the provisions of the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of State
25 Police shall adopt any rules or regulations necessary to implement the
26 provisions of this section.

27 (cf: P.L.1997, c.152, s.2)

28

29 7. (New section) The mandatory boat safety course required by
30 section 2 of P.L.1987, c.453 (C.12:7-61) shall be successfully
31 completed by:

32 a. persons born after December 31, 1968 before June 1, 2005;

33 b. persons born after December 31, 1958 before June 1, 2006;

34 c. persons born after December 31, 1948 before June 1, 2007; and

35 d. all other persons before June 1, 2008.

36

37 8. (New section) a. The Superintendent of State Police shall
38 develop, and the superintendent, or a designee, shall administer, a
39 written test for experienced boaters which shall be issued in lieu of
40 completing the boat safety course required pursuant to section 2 of
41 P.L.1987, c.453 (C.12:7-61). When developing the written test, the
42 superintendent shall consult with groups concerned with the
43 nationwide standardization of such tests. Upon successful completion
44 of the test, the person shall be given a certificate which shall fulfill the
45 certificate requirement under subsection d. of section 2 of P.L.1987,
46 c.453 (C.12:7-61) and shall be required to be in the person's

1 possession as provided in that section. A person may only take one
2 test pursuant to this subsection.

3 b. A person who takes a test pursuant to subsection a. of this
4 section shall pay a fee as determined by the superintendent to defray
5 the costs of developing and administering the test and issuing
6 certificates to persons who successfully complete the test.

7 c. In addition to all other penalties provided by law, a person who
8 provides false information on an application for a written test issued
9 pursuant to subsection a. of this section shall be subject to a fine of
10 \$100.

11 d. The superintendent shall determine the qualifications for
12 application and all other requirements under this section.

13 e. The superintendent shall be exempt from the provisions of the
14 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), in performing the requirements of this section.

16

17 9. There is appropriated from the Maritime Industry Fund,
18 established pursuant to section 8 of P.L.2001, c.429 (C.27:1A-82), to
19 the Department of Law and Public Safety a sum in the amount of
20 \$500,000 for increasing the patrolling of State waters by the State
21 Police Marine Services Bureau and for related boating safety
22 administrative expenses.

23

24 10. Section 3 of P.L.1997, c.152 (C.12:7-61) is hereby repealed.

25

26 11. This act shall take effect on the first day of the sixth month
27 following enactment except sections 7 and 8 shall take effect
28 immediately and expire on June 1, 2008.

29

30

31

STATEMENT

32

33 This bill would require all persons to pass a boat safety course
34 before operating a boat on the waterways of this State.

35 Under current law, a boat safety course is required under two
36 circumstances: (1) when a person is born after December 31, 1978;
37 and (2) when the vessel is a personal watercraft (PWC). In other
38 words, anyone who was born before 1979 is permitted to operate a
39 power vessel (other than a PWC) without ever having completed a
40 basic course on boating safety. This bill would change this law to
41 require all persons to pass such a course. The requirement would be
42 phased-in as follows: persons born after December 31, 1968 would
43 have to successfully complete the course before June 1, 2005; persons
44 born after December 31, 1958 before June 1, 2006; persons born after
45 December 31, 1948 before June 1, 2007; and all other persons before
46 June 1, 2008.

1 Under the bill, the required boat safety course would be made
2 available through the Internet. Also, experienced boaters would have
3 a "test-out" option. This option allows a boater to take a written test
4 in lieu of the boat safety course. The person would have one chance
5 to take this test; if the person fails, they would be required to take the
6 full course. The boat safety course requirement would not be
7 applicable to persons with a United States Coast Guard operator's
8 license.

9 The bill also removes many of the current exceptions to the boat
10 safety course requirement that are available to persons operating a
11 power vessel or PWC. Under the bill, out-of-State residents would be
12 permitted to operate a vessel in this State only if they have proof that
13 they have completed a boat safety course substantially similar to the
14 course required in this State or if they exhibit a boat safety certificate
15 issued by their State. Persons 18 years of age or older would continue
16 to be permitted to rent a power vessel from a rental business if they
17 complete a pre-rental course given by the owner of the vessel and the
18 owner is an experienced boater who has a boat safety course
19 certificate. Persons 16 years of age or older would be permitted to
20 rent a PWC if they operate the PWC within boundaries designated by
21 the rental business, are supervised by a person experienced in the
22 operation of the PWC and who has a boating safety certificate and
23 successfully complete an instruction course provided by the owner of
24 the PWC.

25 Under current law, a person required to pass a boat safety course
26 must present a boat safety certificate evidencing successful completion
27 of the course to obtain a power vessel operator's license to operate on
28 nontidal waters in the State. This requirement would apply to all
29 persons required to pass the course under this bill. The bill also
30 specifies that a State of New Jersey Boating Safety or temporary
31 Boating Safety Certificate issued on a Division of State Police
32 Application for Boating Safety Certificate Form satisfies this
33 requirement.

34 The bill also requires instructors hired by boat safety course schools
35 to pass a criminal history record background check. Persons
36 convicted of the following crimes or offenses committed in this State
37 or another jurisdiction would be disqualified from teaching the course:
38 1) those involving danger to the person, including homicide, assault,
39 kidnapping, sex offenses, burglary and carjacking; 2) those committed
40 against the family, such as endangering the welfare of children,
41 incompetent persons and the elderly; 3) theft; 4) those involving
42 controlled dangerous substances; 5) those involving weapons or
43 firearms; and 6) falsification of records or tampering with public
44 records.

45 The bill also makes the following changes to the State's boating
46 laws:

1 *Local law enforcement officers would be authorized to enforce the
2 provisions of the Power Vessel Noise Control Act.

3 *The threshold for filing a boating accident report (BAR) would
4 correspond with the federal standard. Current State law requires a
5 BAR if a boating accident results in more than \$500 property damage.
6 This would change to \$2,000, the current federal standard.

7 *The Boat Regulation Commission, which promulgates rules and
8 regulations concerning boat safety, would be required to maintain
9 minutes of its meetings and, within five working days following the
10 commission's approval of the minutes, submit them to the: Governor;
11 President of the Senate; Minority Leader of the Senate; Speaker of the
12 General Assembly and Minority Leader of the General Assembly.

13 *Technical corrections also have been made in the bill, including the
14 repeal of section 3 of P.L.1997, c.152 to correct a discrepancy in the
15 text of P.L.1997, c.152.

16 Finally, the bill appropriates \$500,000 from the Maritime Industry
17 Fund to be dedicated to increased patrolling of State waterways by the
18 State Marine Police Marine Services Bureau and to related boating
19 safety administrative expenses.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2624

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 2004

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 2624, with committee amendments.

This bill, as amended, would require all persons to pass a boat safety course before operating any power vessel, personal watercraft, or any sailboat in excess of 12 feet in length, except if the person has a United States Coast Guard operator's license or is eligible to take a written examination for experienced boaters and successfully completes that examination. A person taking the written examination would have one chance to take the test, and if the person fails, the person would be required to take the full course.

Under current law, a boat safety course is required under two circumstances: 1) when a person is born after December 31, 1978; and 2) when the vessel is a personal watercraft. Anyone who was born before 1979 is permitted to operate a power vessel (other than a personal water craft) without having completed a basic course on boating safety.

The bill, as amended, would change the law to require all persons to pass a boat safety course or a written examination for experienced boaters, with exceptions provided for: 1) out-of-State residents who are in the State for 30 days or less and operating their own registered vessel, 2) renters who are at least 18 years of age renting vessels that are not personal watercraft, and 3) first-time boat buyers during the first 60 days that they own the boat. The general requirement would be phased-in as follows: 1) persons born on or after December 31, 1968 and on or after December 31, 1978, and persons born on or after December 31, 1948 who have purchased a power vessel that is not a personal watercraft for the first time and have completed only the State-approved pre-first-time-purchase instruction course would be required to successfully complete the required boat safety course before June 1, 2005; 2) persons born on or after December 31, 1958 would be required to successfully complete the required boat safety course before June 1, 2006; 3) persons born after December 31, 1948

who are not first-time boat buyers would be required to successfully complete the boat safety course before June 1, 2007; and all other persons would be required to do so before June 1, 2008. Under the bill, as amended, the required boat safety course would be made available through the Internet, but the written examination would be required to be administered by an instructor in person and present with the person taking the examination.

The bill, as amended, establishes a definition of "approved boat safety course" and "approved boat safety instructor". The term "approved boat safety course" is defined as a boat safety course that is approved by the Superintendent of State Police, in consultation with the Attorney General, and provides at least eight hours of instruction, with a minimum of six hours of classroom instruction, or, if provided via the Internet, provides at least the equivalent of eight hours of instruction, and, whether provided in a classroom or via the Internet, concludes with a closed-book written examination, the time for which would be in addition to the instruction time provided. The term "approved boat safety instructor" means an individual who is trained and experienced in the art and science of navigation and seamanship and who holds a current certification as an instructor as provided by the United States Coast Guard Auxiliary, the United States Power Squadron, the National Safe Boating Council or other national certification program that is determined to be acceptable by the Superintendent of State Police.

The bill, as amended, also removes some of the exceptions under current law for who is required to complete the boat safety course requirement affecting operators of power vessels or personal watercraft. Under the bill as introduced, out-of-State residents would be permitted to operate a power vessel on the waters of this State only if they have proof that they have completed a boat safety course substantially similar to the course required in this State or if they exhibit a boat safety certificate issued by their State. Under the bill as amended, out-of-State residents in the State for 30 days or less would be allowed to operate power vessels registered in their state or country of residence without having successfully completed a State approved boat safety course, provided the person presents:

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

- 2) a boat safety course substantially similar to the boat safety course required pursuant to this section as determined by the Superintendent of State Police; or

- 3) a boat safety certificate issued by the state or country in which the person resides.

Under the bill, as amended, persons 18 years of age or older would continue to be permitted to rent a power vessel from a rental business if they complete a pre-rental course given by the owner of the vessel

and the owner is an experienced boater who has a boat safety course certificate. Persons 16 years of age or older would be permitted to rent a personal watercraft if they operate it within boundaries designated by the rental business, are supervised by a person experienced in the operation of the personal watercraft and who has a boating safety certificate and successfully complete an instruction course provided by the owner of the personal watercraft. The bill, as amended, also provides that first-time boat buyers may operate power vessels without having met the boat safety course requirement for the first 60 days of ownership, if they take a boat safety course offered by the dealership that has been State-approved. The bill, as amended, also clarifies that the dealership course does not satisfy the requirements under the bill, as amended.

Under current law, a person required to pass a boat safety course must present a boat safety certificate evidencing successful completion of the course to obtain a power vessel operator's license to operate on nontidal waters in the State. This requirement would apply to all persons required to pass the course or the written examination for experienced boaters under the bill, as amended. The bill, as amended, also specifies that a State of New Jersey Boating Safety or temporary Boating Safety Certificate issued on a Division of State Police Application for Boating Safety Certificate Form satisfies this requirement.

The bill, as amended, also requires instructors hired by boat safety course schools to pass a criminal history record background check. Persons convicted of the following crimes or offenses committed in this State or another jurisdiction would be disqualified from teaching the course: 1) those involving danger to the person, including homicide, assault, kidnaping, sex offenses, burglary and car jacking; 2) those committed against the family, such as endangering the welfare of children, incompetent persons and the elderly; 3) theft; 4) those involving controlled dangerous substances; 5) those involving weapons or firearms; and 6) falsification of records or tampering with public records.

The bill, as amended, also makes the following changes to the State's boating laws:

- * Local law enforcement officers would be authorized to enforce the provisions of the Power Vessel Noise Control Act;

- * The threshold for filing a boating accident report (BAR) would correspond with the federal standard. Current State law requires a BAR if a boating accident results in more than \$500 property damage. This would change to \$2,000, the current federal standard;

- * The Boat Regulation Commission, which promulgates rules and regulations concerning boat safety, would be required to maintain minutes of its meetings and, within five working days following the commission's approval of the minutes, submit them to the: Governor; President of the Senate; Minority Leader of the Senate; Speaker of the General Assembly and Minority Leader of the General Assembly; and

* The repeal of section 3 of P.L.1997, c.152 to correct a discrepancy in the text of P.L.1997, c.152.

Finally, the bill, as amended, makes technical and clarifying corrections to the law and the bill as introduced.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

1) expand the requirement to successfully pass a boat safety course or a written examination for experienced boaters to the operation of sailboats in excess of 12 feet in length;

2) establish the same requirements and penalties for the operation of sailboats in excess of 12 feet in length that are provided for the operation of power vessels under subsections d., e., and f. of section 2 of P.L.1987, c.453 (C.12:7-61);

3) provide that out-of-State residents in the State for 30 days or less would be allowed to operate power vessels registered in their state or country of residence without having successfully completed a State approved boat safety course, if the out-of-State resident presents:

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

b) a boat safety course substantially similar to the boat safety course required pursuant to this section as determined by the Superintendent of State Police; or

c) a boat safety certificate issued by the state or country in which the person resides;

4) require that approved boat safety courses are approved by the Superintendent of State Police, in consultation with the Attorney General;

5) require that approved boat safety courses provide at least eight hours of instruction, with a minimum of six hours of classroom instruction, or, if provided via the Internet, provide at least the equivalent of eight hours of instruction, and, whether provided in a classroom or via the Internet, conclude with a closed-book written examination, the time for which would be in addition to the instruction time provided;

6) stipulate that the written examination for an Internet course must be administered by an instructor in person and present with the person taking the written examination;

7) specify that an approved boat safety instructor be an individual who is trained and experienced in the art and science of navigation and seamanship and who holds a current United States Coast Guard operator's license, or current certification as an instructor as provided by the United States Coast Guard Auxiliary, the United States Power Squadron, the National Safe Boating Council or other national certification program that is determined to be acceptable by the Superintendent of State Police;

8) require the Superintendent of State Police to consult with the National Association of State Boating Law Administrators or its successor organization when developing rules and regulations concerning approved boat safety courses and instructors;

9) require persons born on or after December 31, 1948 who have purchased a power vessel that is not a personal watercraft for the first time and have completed only the State-approved pre-first-time-purchase instruction course to complete the required boat safety course before June 1, 2005;

10) delete the provision appropriating \$500,000 from the Maritime Industry Fund; and

11) made technical and clarifying amendments.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2624

with Assembly Floor Amendments
(Proposed By Assemblyman SMITH)

ADOPTED: JUNE 10, 2004

Assembly Bill No.2624(1R) requires all persons to pass a boat safety course before operating a power vessel, a personal watercraft or any sailboat that is more than 12 feet long, with certain limited exceptions. Under one exception, an experienced boater may take a written test in lieu of the mandatory course. Under another exception, persons 18 years of age or older who purchase a power vessel for the first time may operate that vessel for 60 days without having completed the mandatory boating course if they successfully complete a State-approved pre-first-time-purchase instruction course offered by the owner of the boat dealership.

These Assembly amendments define an "experienced boater" as a boater who has, in aggregate, owned a registered sailboat or registered power vessel for at least seven years. The amendments also require the State-approved pre-first-time-purchase instruction course to be a uniform course developed by the State Police. Further amendments conform the provisions of the bill to the Senate Committee Substitute for Senate Bill Nos. 303 and 1512. In addition to making clarifying and technical corrections, these amendments make it optional, rather than mandatory, for the boating safety course to be made available via the Internet.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2624

with Senate Floor Amendments
(Proposed By Senators KARCHER and MADDEN)

ADOPTED: JUNE 21, 2004

Assembly Bill No. 2624(2R) requires all persons to pass a boat safety course before operating any power vessel, personal watercraft or any sailboat in excess of 12 feet in length, with certain limited exceptions.

These Senate amendments remove the provisions regarding sailboats. Under the amendments, persons would not be required to pass a boat safety course to operate a non-motorized sailboat.

One exception to the boating safety course requirement under the bill allows out-of-State residents 18 years of age or older who are in the State for 30 days or less to operate their own registered vessel if they: (1) prove they have passed a boat safety course approved by another State, the National Association of State Boating Law Administrators or the United States Coast Guard; (2) prove they have passed a course substantially similar course to this State's course; or (3) possess a boat safety certificate issued by their state or country. These Senate amendments make this exception applicable to out-of-State residents 16 years of age or older and increase the length of time they may operate in the State to 90 days.

Another exception to the boat safety course requirement under the bill allows first-time boat buyers to operate their boats for the first 60 days of ownership if they take a State-approved boat safety course offered by the dealership. These Senate amendments make this exception applicable to any purchase, not just a first time purchase and reduce the period of time that a person may operate a boat under this exception to 30 days.

The bill required an "approved boat safety course" to consist of at least eight hours of instruction, with a minimum of six hours of classroom instruction, or, if provided via the Internet, the equivalent of eight hours of instruction. These Senate amendments remove these provisions and specify that the course meet qualifications set forth in rules and regulations promulgated by the State Police, in consultation with the Attorney General. The amendments also allow for current providers of an approved course to continue to provide that course until the approval expires.

The bill allows experienced boaters to pass a written test in lieu of taking the boat safety course. The amendments direct the State Police to determine the criteria that shall be met for a person to be considered

an experienced boater in order to be eligible for the test.

The bill phases in the requirement that all boaters pass a boat safety course in 10-year intervals. These Senate amendments clarify that all persons born after December 31, 1978 would continue to be required to take the boat safety course before operating a power vessel, including a personal watercraft. The amendments also remove provisions requiring a different phase-in schedule for persons who take a pre-instruction course.

The remaining amendments are clarifying and technical in nature.

STATEMENT TO
[Third Reprint]
ASSEMBLY, No. 2624

with Assembly Floor Amendments
(Proposed By Assemblyman SMITH)

ADOPTED: JANUARY 9, 2006

Assembly Bill No. 2624(3R) phases in over 10-year intervals the requirement that all persons pass a boat safety course before operating a power vessel, with certain limited exceptions. Under the bill, an "approved boat safety course" must meet qualifications set forth in regulations promulgated by the Superintendent of State Police, in consultation with the Attorney General.

These Assembly amendments specify that the State Police regulations governing the boat safety course require at least eight hours of instruction, with a minimum of six hours classroom instruction. If the course is offered via the Internet, the regulations must require the equivalent of eight hours instruction.

The amendments also make technical corrections to the phase-in schedule in section 7 of the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2624

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: JUNE 17, 2004

SUMMARY

Synopsis: Requires boat safety course to operate boat on State waters; revises other recreational boating laws.

Type of Impact: Unknown Expenditure Increase. General Fund.

Agencies Affected: Department of Law and Public Safety; Division of State Police

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Cost		Unknown Expenditure Increase	
State Revenue		Unknown Possible Revenue Increase	

- ! Requires all persons to successfully pass a boat safety course before operating any power vessel, personal watercraft, or any sailboat longer than 12 feet, with certain limited exceptions.
- ! Establishes a definition of "approved boat safety course" and "approved boat safety instructor."
- ! Specifies that certain instructors hired by boat safety course schools pass a criminal history record background check.
- ! Provides penalties for violations of the bill.
- ! Requires the boat safety course to be made available through the Internet. The written examination is required to be administered by an instructor in person and present with the person taking the examination.

BILL DESCRIPTION

Assembly Bill No. 2624 (1R) of 2004 requires all persons to successfully pass a boat safety course before operating any power vessel, personal watercraft, or any sailboat longer than 12 feet, with limited certain exceptions.

Under current law, a boat safety course is required under two circumstances: 1) when a person is born after December 31, 1978; and 2) when the vessel is a personal watercraft. Anyone who was born before 1979 is permitted to operate a power vessel (other than a personal watercraft) without having completed a basic course on boating safety.

The bill revises the law to require all persons to pass a boat safety course or a written examination for experienced boaters, with certain limited exceptions. The bill requires the boat safety course to be made available through the Internet. The written examination would be required to be administered by an instructor in person and present with the person taking the examination.

The bill establishes a definition of "approved boat safety course" and "approved boat safety instructor." Certain instructors hired by boat safety course schools must pass a criminal history record background check. Persons convicted of certain crimes or offenses committed in this State or another jurisdiction would be disqualified from teaching the course.

The bill makes the following revisions to the State's boating laws:

- * Local law enforcement officers would be authorized to enforce the provisions of the Power Vessel Noise Control Act;

- * The threshold for filing a boating accident report (BAR) would correspond with the federal standard; and

- * The Boat Regulation Commission, which promulgates rules and regulations concerning boat safety, would be required to maintain minutes of its meetings.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates the State will incur an unknown cost as a result of this bill. The boat safety course requirements currently apply to only those born after 1979. The Superintendent of State Police already provides a list of approved boat safety courses and enforces the requirement as it currently applies.

The Division of State Police may incur expenditures from building an Internet course. By expanding the requirement essentially to all boaters this may increase the amount of enforcement required and possibly create additional administrative costs. Any additional administrative costs to test experienced boaters are authorized to be covered by a fee charged to the individual. It is unknown to OLS how many additional boaters will be effected by this bill. Additionally, it is unknown how many boating instructors require background checks, however, the bill provides that the individual is responsible for the cost.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 2624

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: JUNE 30, 2004

SUMMARY

Synopsis: Requires boat safety course to operate boat on State waters; revises other recreational boating laws.

Type of Impact: Unknown Expenditure Increase. General Fund

Agencies Affected: Department of Law and Public Safety; Division of State Police

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Cost	Unknown Expenditure Increase		
State Revenue	Unknown Possible Revenue Increase		

- ! Requires all persons to successfully pass a boat safety course before operating any power vessel or personal watercraft, with certain limited exceptions.
- ! Establishes a definition of "approved boat safety course," "approved boat safety instructor" and "experienced boater."
- ! Specifies that certain instructors hired by boat safety course schools pass a criminal history record background check.
- ! Provides penalties for violations of the bill.
- ! Provides for the option of making a boating safety course available through the Internet. The written examination is required to be administered by an instructor in person and present with the person taking the examination.

BILL DESCRIPTION

Assembly Bill No. 2624[3R] of 2004 requires all persons to successfully pass a boat safety course before operating any power vessel or personal watercraft, with limited certain exceptions.

Under current law, a boat safety course is required under two circumstances: 1) when a person is born after December 31, 1978; and 2) when the vessel is a personal watercraft. Anyone

who was born before 1979 is permitted to operate a power vessel (other than a personal water craft) without having completed a basic course on boating safety.

The bill revises the law to require all persons to pass a boat safety course or a written examination for experienced boaters, with certain limited exceptions. The bill provides an option to establish a boat safety course through the Internet. The written examination would be required to be administered by an instructor in person and present with the person taking the examination.

The bill establishes a definition of "approved boat safety course," "approved boat safety instructor" and "experienced boater." Certain instructors hired by boat safety course schools must pass a criminal history record background check. Persons convicted of certain crimes or offenses committed in this State or another jurisdiction would be disqualified from teaching the course.

The bill makes the following revisions to the State's boating laws:

- * Local law enforcement officers would be authorized to enforce the provisions of the Power Vessel Noise Control Act;

- * The threshold for filing a boating accident report (BAR) would correspond with the federal standard; and

- * The Boat Regulation Commission, which promulgates rules and regulations concerning boat safety, would be required to maintain minutes of its meetings.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates the State will incur an unknown cost as a result of this bill. The boat safety course requirements currently apply to only those born after 1979. The Superintendent of State Police already provides a list of approved boat safety courses and enforces the requirement as it currently applies.

The Division of State Police may incur expenditures by expanding the requirement essentially to all boaters, increasing the amount of enforcement required and possibly creating additional administrative costs. Any additional administrative costs to test experienced boaters are authorized to be covered by a fee charged to the individual. According to statistics provided by the State Police, taken from the Motor Vehicle Commission, there were 203,835 registered vessels in 2003. It is unknown to OLS how many additional boaters will be effected by this bill. Additionally, it is unknown how many boating instructors will require background checks, however, the bill provides that the individual is responsible for the cost.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

LEGISLATIVE FISCAL ESTIMATE
 [Fourth Reprint]
ASSEMBLY, No. 2624
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: FEBRUARY 14, 2006

SUMMARY

Synopsis: Requires boat safety course to operate boat on State waters; revises other recreational boating laws.

Type of Impact: Unknown Expenditure Increase. General Fund

Agencies Affected: Department of Law and Public Safety; Division of State Police

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Cost	Unknown Expenditure Increase		
State Revenue	Unknown Possible Revenue Increase		

- ! Requires all persons to successfully pass a boat safety course before operating any power vessel or personal watercraft, with certain limited exceptions.
- ! Establishes a definition of "approved boat safety course," "approved boat safety instructor" and "experienced boater."
- ! Specifies that certain instructors hired by boat safety course schools pass a criminal history record background check.
- ! Provides penalties for violations of the bill.
- ! Provides for the option of making a boating safety course available through the Internet. The written examination is required to be administered by an instructor in person and present with the person taking the examination.

BILL DESCRIPTION

Assembly Bill No. 2624 (4R) of 2004 requires all persons to successfully pass a boat safety course before operating any power vessel or personal watercraft, with limited certain exceptions.

Under current law, a boat safety course is required under two circumstances: 1) when a person is born after December 31, 1978; and 2) when the vessel is a personal watercraft. Anyone who was born before 1979 is permitted to operate a power vessel (other than a personal water

craft) without having completed a basic course on boating safety.

The bill revises the law to require all persons to pass a boat safety course or a written examination for experienced boaters, with certain limited exceptions. The bill provides an option to establish a boat safety course through the Internet. The written examination would be required to be administered by an instructor in person and present with the person taking the examination.

The bill establishes a definition of "approved boat safety course," "approved boat safety instructor" and "experienced boater." Certain instructors hired by boat safety course schools must pass a criminal history record background check. Persons convicted of certain crimes or offenses committed in this State or another jurisdiction would be disqualified from teaching the course.

The bill makes the following revisions to the State's boating laws:

- C Local law enforcement officers would be authorized to enforce the provisions of the Power Vessel Noise Control Act;
- C The threshold for filing a boating accident report (BAR) would correspond with the federal standard; and
- C The Boat Regulation Commission, which promulgates rules and regulations concerning boat safety, would be required to maintain minutes of its meetings.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates the State will incur an unknown cost as a result of this bill. The boat safety course requirements currently apply to only those born after 1979. The Superintendent of State Police already provides a list of approved boat safety courses and enforces the requirement as it currently applies.

The Division of State Police may incur expenditures by expanding the requirement essentially to all boaters, increasing the amount of enforcement required and possibly creating additional administrative costs. Any additional administrative costs to test experienced boaters are authorized to be covered by a fee charged to the individual. According to statistics provided by the State Police, taken from the Motor Vehicle Commission, there were 203,835 registered vessels in 2003. It is unknown to the Office of Legislative Services how many additional boaters will be effected by this bill. Additionally, it is unknown how many boating instructors will require background checks, however, the bill provides that the individual is responsible for the cost.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the

failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 303

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Provides four-year phase-in of boat safety course requirement for operating power vessels other than personal watercraft; restates age requirements for power vessel operation and exceptions to course requirement.

CURRENT VERSION OF TEXT

As introduced.



S303 CIESLA

2

1 AN ACT concerning boat safety courses and the operation of power
2 vessels other than personal watercraft, supplementing P.L.1995,
3 c.401 (C.12:7-70 et seq.), amending P.L.1982, c.77, and repealing
4 section 2 of P.L.1987, c.463.

5

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

8

9 1. (New section) a. Commencing June 1, 2004, no person under
10 the age of 35 shall operate a power vessel other than a personal
11 watercraft on the waters of this State, without having successfully
12 completed a boat safety course approved by the Superintendent of
13 State Police in the Department of Law and Public Safety pursuant to
14 section 1 of P.L.1987, c.453 (C.12:7-60) or section 4 of P.L. , c.
15 (C.)(now pending before the Legislature as this bill), and having
16 in the person's possession a certificate certifying that person's
17 successful completion of the boat safety course, except as provided
18 pursuant to section 3 of P.L. , c. (C.)(now pending
19 before the Legislature as this bill).

20 b. Commencing June 1, 2005, no person under the age of 45 shall
21 operate a power vessel other than a personal watercraft on the waters
22 of this State, without having successfully completed a boat safety
23 course approved by the Superintendent of State Police in the
24 Department of Law and Public Safety pursuant to section 1 of
25 P.L.1987, c.453 (C.12:7-60) or section 4 of P.L. , c. (C.)(now
26 pending before the Legislature as this bill), and having in the person's
27 possession a certificate certifying that person's successful completion
28 of the boat safety course, except as provided pursuant to section 3 of
29 P.L. , c. (C.)(now pending before the Legislature as this
30 bill).

31 c. Commencing June 1, 2006, no person under the age of 55 shall
32 operate a power vessel other than a personal watercraft on the waters
33 of this State, without having successfully completed a boat safety
34 course approved by the Superintendent of State Police in the
35 Department of Law and Public Safety pursuant to section 1 of
36 P.L.1987, c.453 (C.12:7-60) or section 4 of P.L. , c. (C.)
37 (now pending before the Legislature as this bill), and having in the
38 person's possession a certificate certifying that person's successful
39 completion of the boat safety course, except as provided pursuant to
40 section 3 of P.L. , c. (C.)(now pending before the
41 Legislature as this bill).

42 d. Commencing June 1, 2007, no person shall operate a power
43 vessel other than a personal watercraft on the waters of this State,

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 without having successfully completed a boat safety course approved
2 by the Superintendent of State Police in the Department of Law and
3 Public Safety pursuant to section 1 of P.L.1987, c.453 (C.12:7-60) or
4 section 4 of P.L. , c. (C.)(now pending before the Legislature
5 as this bill), and having in the person's possession a certificate
6 certifying that person's successful completion of the boat safety
7 course, except as provided pursuant to section 3 of P.L. , c. (C.)
8 (now pending before the Legislature as this bill).

9
10 2. (New section) a. The provisions of section 1 of P.L. , c.
11 (C.)(now pending before the Legislature as this bill) to the
12 contrary notwithstanding, no person under the age of 16 and at least
13 13 years of age may operate a power vessel other than a personal
14 watercraft on the waters of this State unless:

15 (1) the person possesses a certificate certifying that person's
16 successful completion of a boat safety course approved by the
17 Superintendent of State Police in the Department of Law and Public
18 Safety pursuant to section 1 of P.L.1987, c.453 (C.12:7-60), or has
19 satisfied the boat safety education requirement pursuant to section 5
20 of P.L. , c. (C.)(now pending before the Legislature as this
21 bill); and

22 (2) the power vessel is:

23 (a) powered solely by a motor of less than one horsepower or an
24 electric motor of 12 volts or less; or

25 (b) 12 feet or greater in length and powered by a motor, or
26 combination of motors, of less than 10 horsepower.

27 No person under the age of 13 shall operate a power vessel other
28 than a personal watercraft on the waters of this State.

29 b. The provisions of section 1 and section 11 of P.L. , c.
30 (C.)(now pending before the Legislature as this bill) to the contrary
31 notwithstanding, any person operating a power vessel on the waters
32 of this State who was required prior to the effective date of P.L. ,
33 c. (C.)(now pending before the Legislature as this bill) to have
34 successfully completed a boat safety course approved by the
35 Superintendent of State Police in the Department of Law and Public
36 Safety pursuant to section 1 of P.L.1987, c.453 (C.12:7-60) and
37 possess a certificate certifying that person's successful completion of
38 the boat safety course, shall continue to be required to have
39 successfully completed the boat safety course and possess a certificate
40 certifying that person's successful completion of the boat safety
41 course.

42
43 3. (New section) a. The provisions of section 1 of P.L. , c.
44 (C.)(now pending before the Legislature as this bill) to the
45 contrary notwithstanding:

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1 (1) An out-of State resident, or a resident of a foreign country,
2 who is 18 years of age or older and who will be in the State for less
3 than 90 days may operate a power vessel on the waters of this State,
4 without having completed a boat safety course approved by the
5 Superintendent of State Police in the Department of Law and Public
6 Safety, provided that the power vessel is registered in that person's
7 state or country of residence and in that person's name, and is not a
8 personal watercraft;

9 (2) A person who is 18 years of age or older who purchases for the
10 first time a power vessel that is not a personal watercraft at a boat
11 dealership may operate that power vessel for 60 days without having
12 completed a boat safety course approved by the Superintendent of
13 State Police in the Department of Law and Public Safety provided that
14 the person successfully completes a State-approved pre-first-time-
15 purchase instruction course provided by the owner or operator of the
16 boat dealership prior to operating the power vessel, and the owner or
17 operator of the boat dealership is experienced in the operation of
18 power vessels and has successfully completed a boat safety course
19 approved by the Superintendent of State Police in the Department of
20 Law and Public Safety. The provisions of this subsection shall not
21 apply to a person purchasing a boat for the first time from another
22 private party; and

23 (3) No person may rent a power vessel from a business engaged in
24 renting power vessels for use on the waters of this State unless that
25 person has successfully completed a boat safety course approved by
26 the Superintendent of State Police in the Department of Law and
27 Public Safety. Any person renting a power vessel from a business
28 engaged in renting power vessels for use on the waters of this State
29 shall present proof of having successfully completed the required boat
30 safety course before operating the power vessel for rent. Each owner
31 of a power vessel rental business shall successfully complete a boat
32 safety course approved by the Superintendent of State Police in the
33 Department of Law and Public Safety prior to offering power vessels
34 for rent.

35 b. The Superintendent of State Police shall establish appropriate
36 guidelines to implement the provisions of this section and requirements
37 for the pre-first-time-purchase instruction course required pursuant to
38 paragraph (2) of subsection a. of this section, and the State approval
39 thereof. The superintendent shall be exempt from the provisions of the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), in performing the requirements of this subsection.

42
43 4. (New section) No provision of P.L. , c. (C.)(now
44 pending before the Legislature as this bill) shall be construed to
45 require any person who has successfully completed boat safety
46 education, other than a boat safety course approved by the

1 Superintendent of State Police in the Department of Law and Public
2 Safety pursuant to section 1 of P.L.1987, c.453 (C.12:7-60), to
3 complete an additional boat safety course, provided that the
4 superintendent determines the boat safety education to be satisfactory
5 for the purposes of meeting the requirements of P.L. , c.
6 (C.)(now pending before the Legislature as this bill). The
7 superintendent shall establish procedures providing for such
8 determinations to be made, such persons to receive a certificate
9 fulfilling the requirements of this act, and any other provisions
10 necessary for the implementation of this act. Any certificate issued
11 pursuant to this section shall fulfill the certificate requirement under
12 section 1 of this act and shall be required to be in the person's
13 possession as provided pursuant to that section. The superintendent
14 shall be exempt from the provisions of the "Administrative Procedure
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in performing the
16 requirements of this section.

17
18 5. (New section) Whenever a person required by P.L. , c.
19 (C.)(now pending before the Legislature as this bill) or by section
20 7 of P.L.1995, c.401 (C.12:7-76), section 3 or section 4 of P.L.1952,
21 c.157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39
22 (C.12:7-57) to have completed a boat safety course operates a power
23 vessel other than a personal watercraft on the waters of this State, that
24 person shall have in the person's possession a certificate certifying that
25 person's successful completion of a boat safety course approved by the
26 Superintendent of State Police in the Department of Law and Public
27 Safety pursuant to section 1 of P.L.1987, c.453 (C.12:7-60). The
28 person shall, when requested to do so, exhibit the certificate to a law
29 enforcement or peace officer of the State. Failure of the person to
30 exhibit the certificate is presumptive evidence that the person has not
31 completed an approved boat safety course.

32
33 6. (New section) a. A person who violates sections 1, 2, or 3 of
34 P.L. , c. (C.)(now pending before the Legislature as this
35 bill) or who exhibits to a law enforcement or peace officer a certificate
36 of completion of an approved boat safety course of another person is
37 subject to a fine of not less than \$100 nor more than \$500.

38 b. A person who owns or has control or custody of a power vessel
39 other than a personal watercraft and allows the power vessel to be
40 operated on the waters of this State by a person who is required
41 pursuant to the provisions of section 1 of P.L. , c. (C.)(now
42 pending before the Legislature as this bill, or to possess a certificate
43 certifying successful completion of a boat safety course but who does
44 not possess such certificate is subject to a fine of not more than \$100.

45 c. A person making application to the New Jersey Motor Vehicle
46 Commission for a power vessel operator's license issued pursuant to

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1 section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant to
2 the provisions of P.L. , c. (C.)(now pending before the
3 Legislature as this bill) to possess a certificate certifying successful
4 completion of a boat safety course shall submit the original or a copy
5 of the certificate with the application. The New Jersey Motor Vehicle
6 Commission shall not issue a power vessel operator's license to any
7 person who fails to submit the original or a copy of the certificate.
8

9 7. (New section) Notwithstanding any provisions of the "Power
10 Vessel Noise Control Act," P.L.1987, c.269 (C.12:7-23.1 et seq.) or
11 any other law, or any rule or regulation adopted pursuant thereto, to
12 the contrary, any municipality in which a power vessel other than a
13 personal watercraft is operated may enforce the State noise rules and
14 regulations against a person operating a power vessel other than a
15 personal watercraft within the jurisdiction of the municipality at
16 decibel levels exceeding the limits established pursuant to rules and
17 regulations as measured by a noise meter operated by a trained police
18 officer.
19

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

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

25 a. A crime;

26 b. A disorderly persons offense or petty disorderly persons offense;

27 or

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

29 But, the commission of (1) an act which constitutes a violation of
30 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of
31 any age; (2) an act relating to the ownership or operation of a
32 motorized bicycle which constitutes a violation of chapter 3 or 4 of
33 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act
34 which constitutes a violation of article 3 or 6 of chapter 4 of Title 39
35 of the Revised Statutes pertaining to pedestrians and bicycles, by a
36 juvenile of any age; (4) the commission of an act which constitutes a
37 violation of P.L.1981, c.318 (C.26:3D-1 et seq.), P.L.1981, c.319
38 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15 et seq.), P.L.1985,
39 c.185 (C.26:3E-7 et seq.), P.L.1985, c.186 (C.26:3D-32 et seq.),
40 N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38 et seq.), P.L.1985,
41 c.381 (C.26:3D-46 et seq.), or of any amendment or supplement
42 thereof, by a juvenile of any age; (5) an act which constitutes a
43 violation of chapter 7 of Title 12 of the Revised Statutes relating to
44 the regulation and registration of power vessels, by a juvenile of any
45 age or [section 2 of P.L.1987, c.453 (C.12:7-61)] any provision of
46 P.L. , c. (C.)(now pending before the Legislature as

1 Senate Bill No.304 of the 2004-2005 Legislative session) or P.L. ,
2 c. (C.)(now pending before the Legislature as this bill); or (6)
3 an act which constitutes a violation of a municipal ordinance enacted
4 pursuant to section 2 of P.L.1992, c.132 (C.40:48-2.52) pertaining to
5 curfew ordinances shall not constitute delinquency as defined in this
6 act. The municipal court having jurisdiction over a case involving a
7 violation by a juvenile of a section of Title 26 listed in this subsection,
8 Title 40 listed in this subsection or N.J.S.2C:33-13, shall forward a
9 copy of the record of conviction in that case to the Family Part intake
10 service of the county where the municipal court is located. If a
11 municipal court orders detention or imposes a term of imprisonment
12 on a juvenile in connection with a violation of Title 39 of the Revised
13 Statutes, chapter 7 of Title 12 of the Revised Statutes, Title 40 of the
14 Revised Statutes or N.J.S.2C:33-13, that detention or term of
15 imprisonment shall be served at a suitable juvenile institution and not
16 at a county jail or county workhouse.

17 (cf: P.L.1997, c.383, s.1)

18

19 9. (New section) The requirements of P.L. , c. (C.)(now
20 pending before the Legislature as this bill) shall not apply to any
21 person holding a Coast Guard license, except as may be otherwise
22 required by State or federal law.

23

24 10. (New section) Notwithstanding the repeal of section 2 of
25 P.L.1987, c.453 (C.12:7-61) pursuant to section 11 of P.L. , c.
26 (C.)(now pending before the Legislature as this bill), any action
27 pending for violations under section 2 of P.L.1987, c.453 (C.12:7-61)
28 committed before the effective date of P.L. , c. (C.)
29 (now pending before the Legislature as this bill) shall continue under
30 section 2 of P.L.1987, c.453 (C.12:7-61), and the jurisdiction set forth
31 in P.L.1982, c.77 (C.2A:4A-23) shall not be affected.

32

33 11. Section 2 of P.L.1987, c.463 (C.12:7-61) is hereby repealed.

34

35 12. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill phases in over a four-year period a prohibition against any
41 person operating a power vessel other than a personal watercraft on
42 the waters of the State, without having successfully completed a boat
43 safety course approved by the Superintendent of State Police in the
44 Department of Law and Public Safety and having in the person's
45 possession a certificate certifying that person's successful completion
46 of a boat safety course approved by the Superintendent of State Police

1 in the Department of Law and Public Safety, with certain exceptions.
2 The bill exempts from the requirements of the act out-of-State
3 residents staying less than 90 days and who are operating their own
4 boat, first time boat owners for the first 60 days of ownership, and
5 anyone with a Coast guard license, except as may be otherwise
6 required by State or federal law. Section 4 of the bill also provides for
7 the Superintendent of the State Police to issue the required certificate
8 to persons who have completed other boat safety education than an
9 approved boat safety course, if the Superintendent of the State Police
10 determines the other boat safety course fulfills the requirements of the
11 act. The bill further provides that the Superintendent of the State
12 Police shall establish procedures for these determinations to be made,
13 the certificates to be issued, and for the implementation of the act, but
14 these actions are exempt from the provisions of the "Administrative
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

16 The phase-in applies to anyone under the age of 35 on June 1,
17 2004; anyone under the age of 45 on June 1, 2005; anyone under the
18 age of 55 on June 1, 2006; and anyone operating a power vessel other
19 than a personal watercraft on June 1, 2007.

20 Furthermore, the bill repeals sections of statutory law that conflict
21 with the bill's requirements, and provides for pending actions for
22 violations committed before the effective date of this act to continue
23 under the repealed sections of law. The bill also restates several
24 provisions of the existing law. It restates the current penalties for
25 violations and the requirement to submit a copy of the certificate
26 certifying successful completion of the boat safety course when
27 applying for a power vessel operator's license. The bill clarifies that
28 no person under the age of 13 may operate a power vessel other than
29 a personal watercraft on the waters of the State. The bill restates the
30 current prohibition against any person under the age of 16 and at least
31 13 years of age operating a power vessel on the waters of the State
32 unless the person possesses a certificate certifying that person's
33 successful completion of a boat safety course approved by the
34 Superintendent of State Police in the Department of Law and Public
35 Safety, and unless the power vessel is:

36 (1) powered solely by a motor of less than one horsepower or an
37 electric motor of 12 volts or less; or

38 (2) 12 feet or greater in length and powered by a motor, or
39 combination of motors, of less than 10 horsepower.

40 The bill also clarifies that any municipality in which a power vessel
41 other than a personal watercraft is operated may enforce the State
42 noise regulations and requirements against the person operating a
43 power vessel other than a personal watercraft within the jurisdiction
44 of the municipality at decibel levels exceeding the limits established
45 pursuant to rules and regulations as measured by a noise meter
46 operated by a trained police officer.

SENATE, No. 1512

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED APRIL 29, 2004

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator FRED MADDEN

District 4 (Camden and Gloucester)

SYNOPSIS

Requires boat safety course to operate boat on State waters; revises other recreational boating laws.

CURRENT VERSION OF TEXT

As introduced.



S1512 KARCHER, MADDEN

2

1 AN ACT concerning boating safety, amending and supplementing
2 various parts of the statutory law, repealing section 3 of P.L.1997,
3 c.152 and making an appropriation.

4

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

7

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

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

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

16 (a) a power vessel powered solely by [a motor of less than one
17 horsepower or] an electric motor [of 12 volts or less]; or

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

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

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

31 b. [A] Except as otherwise provided in the schedule set forth in
32 section 7 of P.L. c. (now pending before the Legislature as this
33 bill), as of June 1, 2008, a person who is 16 years of age or older [and
34 was born after December 31, 1978] shall not operate a power vessel
35 on the waters of this State without having completed a boat safety
36 course approved by the Superintendent of State Police in the
37 Department of Law and Public Safety, except that:

38 (1) [a person who is 18 years of age or older, and who has in his
39 possession a valid motor vehicle operator's license issued pursuant to
40 R.S.39:3-10, may operate on the waters of this State, without having
41 completed a boat safety course approved by the Superintendent of
42 State Police in the Department of Law and Public Safety, a power
43 vessel that is (a) powered solely by an electric motor or a motor, or

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 combination of motors, of 10 horsepower or less, and (b) not a
2 personal watercraft;] Deleted by amendment (P.L. c.) (now
3 pending before the Legislature as this bill).

4 (2) an out-of-State resident, or a resident of a foreign country[,
5 who is 18 years of age or older and who will be in this State for less
6 than 90 days] may operate on the waters of this State, without having
7 completed a boat safety course approved by the Superintendent of
8 State Police in the Department of Law and Public Safety, a power
9 vessel that is [(a)] registered in that person's state or country of
10 residence [and (b) not a personal watercraft], provided, however, that
11 the person presents written proof of successful completion of a boat
12 safety course substantially similar to the boat safety course required
13 pursuant to this section or a boat safety certificate issued by the state
14 or country in which the person resides; and

15 (3) a person who is 18 years of age or older may operate on the
16 waters of this State, without having completed a boat safety course
17 approved by the Superintendent of State Police in the Department of
18 Law and Public Safety, a rented power vessel [that is powered by a
19 motor, or combination of motors, of more than 10 horsepower, and]
20 that is not a personal watercraft, under the following conditions:

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

23 (b) the person has successfully completed a State-approved
24 pre-rental instruction course provided by the owner or lessor of the
25 power vessel prior to operating the power vessel on the waters of the
26 State; and

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

31 The boat safety course required pursuant to this subsection shall be
32 made available through the Internet.

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

35 This subsection shall not apply to any person holding a United
36 States Coast Guard Operator's license, except as otherwise may be
37 required by State or federal law.

38 c. Except as provided pursuant to section 18 of P.L.1995, c.401
39 (C.12:7-86), a person shall not operate a personal watercraft on the
40 waters of this State [after July 1, 1997,] without having successfully
41 completed a boat safety course approved by the Superintendent of
42 State Police in the Department of Law and Public Safety or a written
43 test pursuant to [section 17 of P.L.1995, c.401] section 7 of P.L. c
44 . (now pending before the Legislature as this bill).

45 d. Whenever a person who is required by this section or by section
46 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157

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1 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
2 to have completed a boat safety course operates a power vessel or
3 personal watercraft, as appropriate, on the waters of this State, that
4 person shall have in possession a certificate certifying that person's
5 successful completion of a boat safety course approved by the
6 superintendent and shall, when requested to do so, exhibit the
7 certificate to a law enforcement or peace officer of this State. Failure
8 of the person to exhibit the certificate is presumptive evidence that the
9 person has not completed an approved boat safety course.

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

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

20 g. A person making application to the [Director of the Division of
21 Motor Vehicles] Chief Administrator of the New Jersey Motor Vehicle
22 Commission for a power vessel operator's license issued pursuant to
23 section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant to
24 the provisions of this section to possess a certificate certifying
25 successful completion of a boat safety course shall submit [the original
26 or a copy of the certificate] proof of successful completion of the
27 course with the application. The director shall not issue a power
28 vessel operator's license to such person who fails to submit [the
29 original or a copy of the certificate] this proof. A permanent State of
30 New Jersey Boating Safety Certificate or a temporary Boating Safety
31 Certificate issued on a Division of State Police Application for Boating
32 Safety Certificate Form shall satisfy this requirement.

33 (cf: P.L.1997, c.152, s.5)

34
35 2. Section 2 of P.L.1987, c.269 (C.12:7-23.2) is amended to read
36 as follows:

37 2. Every power vessel used on the waters of this State shall at all
38 times be equipped with a muffler or muffler system in good working
39 order and in constant operation. A person shall not use a muffler or
40 muffler system cutout, bypass or similar method or device designed to
41 prevent or diminish the operational capacity of a muffler or muffler
42 system installed on a power vessel used on the waters of this State.
43 Decibel levels exceeding the limits established pursuant to rules and
44 regulations as measured by a noise meter operated by a trained Marine
45 Police officer or municipal law enforcement officer shall be evidence
46 of a violation of [this act] P.L.1987, c.269 (C.12:7-23.2 et seq.). For

1 the purposes of [this act] P.L.1987, c.269 (C.12:7-23.2 et seq.),
2 muffler means a sound dissipative device or system which abates the
3 sound of gases which are emitted from an internal combustion engine
4 and which prevents excessive or unusual noise.

5 (cf: P.L.1987, c.269, s.2)

6
7 3. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to read
8 as follows:

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

18 (b) Whenever an accident involves any vessel subject to this act and
19 results in the death, disappearance, or injury of any person, or in
20 property damage in excess of [\$500] the federal standard for filing an
21 accident report as established pursuant to 33 C.F.R. s.173.55, the
22 operator or operators thereof shall file, with the Division of State
23 Police, a full description of the accident, including such information as
24 that division may, by regulation, require within the times specified in
25 subsection (c) of this section. The Superintendent of State Police shall
26 notify operators, in a manner deemed appropriate, of a change in the
27 federal standard for filing an accident report.

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

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

41 (cf: P.L.1995, c.401, s.26)

42
43 4. Section 14 of P.L.1962, c.73 (C.12:7-34.49) is amended to read
44 as follows:

45 14. (a) There is established within the department a seven-member
46 Boat Regulation Commission which shall consist of the Attorney

1 General as ex officio member and six public members. The public
2 members shall be appointed by the Governor with the advice and
3 consent of the Senate for four-year terms commencing on April 1 of
4 the year of the appointment, except that of those first appointed, two
5 shall be appointed for a term of one year, two for a term of two years,
6 one for a term of three years and one for a term of four years. As far
7 as possible the public members shall be experienced boaters and shall
8 represent the various geographical sections and boating interests of the
9 State. At least one of the public members shall be actively employed
10 in the marine industry.

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

16 (b) The members of the commission shall serve without
17 compensation except for the actual expenses incurred while engaged
18 in their duties as members of the commission.

19 (c) The commission will promulgate rules and regulations, subject
20 to the approval of the Attorney General, not inconsistent with the
21 provisions of this act and including, but not limited to the inspection,
22 operation, equipping, anchorage, racing and safety of vessels upon the
23 waters of this State.

24 These rules and regulations shall be such as are reasonably
25 necessary for the protection of the health, safety and welfare of the
26 public and for the free and proper use of said waters by any persons or
27 vessels in, on or about such waters. These regulations shall not be
28 inconsistent with regulations issued by the agency or agencies of the
29 United States having jurisdiction with respect to power vessels upon
30 the waters of this State.

31 The commission shall meet monthly or at the call of the Attorney
32 General or the chairman of the commission or when requested by any
33 three members of the commission. The Attorney General shall
34 designate a staff from the department to handle administrative matters
35 for the commission. The commission shall maintain minutes of its
36 meetings and, within five working days following the commission's
37 approval of the minutes, submit them to the: Governor; President of
38 the Senate; Minority Leader of the Senate; Speaker of the General
39 Assembly and Minority Leader of the General Assembly.

40 (cf: P.L.1995, c.401, s.34)

41

42 5. Section 1 of P.L.1987, c.453 (C.12:7-60) is amended to read as
43 follows:

44 1. a. The Superintendent of State Police in the Department of Law
45 and Public Safety shall establish a list of approved boat safety courses
46 offered by public or private persons or agencies for profit or

1 otherwise. Approved courses shall provide formal instruction in
2 power vessel handling and safety. The superintendent may approve a
3 boat safety course upon his own initiative or by application on a form
4 to be created by the superintendent. The superintendent shall, pursuant
5 to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1
6 et seq.), adopt rules and regulations to implement this section.

7 b. A public or private entity authorized to offer a boat safety
8 course pursuant to subsection a. of this section shall not employ an
9 instructor who:

10 (1) does not possess a valid boat safety certificate required by
11 section 2 of P.L.1987, c.453 (C.12:7-61); or

12 (2) has been convicted of any of the following crimes and offenses
13 as evidenced by a criminal history record background check:

14 (a) In New Jersey, any crime or disorderly persons offense:

15 (i) involving danger to the person, meaning those crimes and
16 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
17 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
18 N.J.S.2C:15-1 et seq.;

19 (ii) against the family, children or incompetents, meaning those
20 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
21 seq.;

22 (iii) involving theft as set forth in chapter 20 of Title 2C of the New
23 Jersey Statutes;

24 (iv) involving any controlled dangerous substance or controlled
25 substance analog as set forth in chapter 35 of Title 2C of the New
26 Jersey Statutes except paragraph (4) of subsection a. of
27 N.J.S.2C:35-10;

28 (v) involving weapons or firearms, meaning those crimes and
29 disorderly persons offenses set forth in chapters 39 and 58 of the New
30 Jersey Statutes;

31 (vi) involving falsification of records under N.J.S.2C:21-4 or
32 tampering with public records or information under N.J.S.2C:28-7.

33 (b) In any other state or jurisdiction, conduct which, if committed
34 in New Jersey, would constitute any of the crimes or disorderly
35 persons offenses described in subparagraph a. of this paragraph.

36 The Marine Services Bureau in the Division of State Police shall
37 obtain the instructor's name, address, fingerprints and written consent
38 for a criminal history record background check to be performed
39 pursuant to this paragraph. The Marine Services Bureau is authorized
40 to receive criminal history record information from the State Bureau
41 of Identification in the Division of State Police and the Federal Bureau
42 of Investigation consistent with applicable State and federal laws, rules
43 and regulations. The Marine Services Bureau shall determine whether
44 the person is disqualified from employment as an instructor based on
45 the person's criminal history record background check and render the
46 decision to the public or private entity.

1 The instructor shall bear the cost for the criminal history record
2 background check, including all costs of administering and processing
3 the check, but a volunteer instructor shall be afforded a fee reduction
4 as authorized by applicable by State and federal law, rule and
5 regulation.

6 (cf: P.L.1987, c.453, s.1)

7
8 6. Section 18 of P.L.1995, c.401 (C.12:7-86) is amended to read
9 as follows:

10 18. A person who is 16 years of age or older may operate a
11 personal watercraft without having completed a boat safety course
12 required pursuant to subsection c. of section 2 of P.L.1987, c.453
13 (C.12:7-61) [or a written test administered pursuant to section 17 of
14 P.L.1995, c.401,] under the following conditions:

15 a. (1) the person operates the personal watercraft within the
16 boundaries of an area designated solely for the operation of personal
17 watercraft by a business engaged in renting personal watercraft for use
18 on the waters of the State;

19 (2) the area designated for such operation is supervised by a person
20 who is experienced in the operation of personal watercraft and who
21 has successfully completed a boat safety course approved pursuant to
22 section 1 of P.L.1987, c.453 (C.12:7-60); and

23 (3) the person has successfully completed an instruction course
24 provided by the owner or lessee of the personal watercraft prior to
25 operating the personal watercraft within the designated area.

26 b. [For the first 21 days following the purchase of a personal
27 watercraft, provided that:

28 (1) the operator of the personal watercraft is the person who
29 purchased the personal watercraft or a member of that person's
30 immediate family;

31 (2) the operator of the personal watercraft is at least 16 years of
32 age;

33 (3) the personal watercraft that has been purchased is the only
34 personal watercraft being operated pursuant to this subsection;

35 (4) the seller of the personal watercraft has provided educational
36 materials regarding the safe operation of the personal watercraft at the
37 time of sale; and

38 (5) the purchaser and the seller of the personal watercraft have
39 signed a certificate acknowledging that the information required
40 pursuant to paragraph 4 of this subsection has been provided by the
41 seller and received by the purchaser at the time of purchase of the
42 personal watercraft.] Deleted by amendment (P.L. c.) (now
43 pending before the Legislature as this bill).

44 c. [The person has written proof, while operating the personal
45 watercraft, of successful completion of a boat safety course
46 substantially similar to the boat safety course required pursuant to the

1 boat safety course administered pursuant to section 1 of P.L.1987,
2 c.453 (C.12:7-60).] Deleted by amendment (P.L. c.) (now
3 pending before the Legislature as this bill).

4 d. [(1) The person does not own a personal watercraft and the
5 owner of the personal watercraft possesses a certificate showing the
6 successful completion of a boat safety course required pursuant to
7 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
8 test administered pursuant to section 17 of P.L.1995, c.401;

9 (2) the owner of the personal watercraft instructs the owner in the
10 proper operation of the personal watercraft;

11 (3) the person is accompanied by the owner of the personal
12 watercraft and they remain within 150 feet and in sight of each other;

13 (4) the cumulative number of days of operation by a person under
14 this subsection does not exceed five days during a calendar year; and

15 (5) the person has not violated any provision of chapter 7 of this
16 title.] Deleted by amendment (P.L. c.) (now pending before the
17 Legislature as this bill).

18 A person who violates this subsection shall be subject to a penalty
19 of not less than \$200 and not more than \$500 for each violation.

20 Pursuant to the provisions of the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of State
22 Police shall adopt any rules or regulations necessary to implement the
23 provisions of this section.

24 (cf: P.L.1997, c.152, s.2)

25

26 7. (New section) The mandatory boat safety course required by
27 section 2 of P.L.1987, c.453 (C.12:7-61) shall be successfully
28 completed by:

29 a. persons born after December 31, 1968 before June 1, 2005;

30 b. persons born after December 31, 1958 before June 1, 2006;

31 c. persons born after December 31, 1948 before June 1, 2007; and

32 d. all other persons before June 1, 2008.

33

34 8. (New section) a. The Superintendent of State Police shall
35 develop, and the superintendent, or a designee, shall administer, a
36 written test for experienced boaters which shall be issued in lieu of
37 completing the boat safety course required pursuant to section 2 of
38 P.L.1987, c.453 (C.12:7-61). When developing the written test, the
39 superintendent shall consult with groups concerned with the
40 nationwide standardization of such tests. Upon successful completion
41 of the test, the person shall be given a certificate which shall fulfill the
42 certificate requirement under subsection d. of section 2 of P.L.1987,
43 c.453 (C.12:7-61) and shall be required to be in the person's
44 possession as provided in that section. A person may only take one
45 test pursuant to this subsection.

46 b. A person who takes a test pursuant to subsection a. of this

1 section shall pay a fee as determined by the superintendent to defray
2 the costs of developing and administering the test and issuing
3 certificates to persons who successfully complete the test.

4 c. In addition to all other penalties provided by law, a person who
5 provides false information on an application for a written test issued
6 pursuant to subsection a. of this section shall be subject to a fine of
7 \$100.

8 d. The superintendent shall determine the qualifications for
9 application and all other requirements under this section.

10 e. The superintendent shall be exempt from the provisions of the
11 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), in performing the requirements of this section.

13
14 9. There is appropriated from the Maritime Industry Fund,
15 established pursuant to section 8 of P.L.2001, c.429 (C.27:1A-82), to
16 the Department of Law and Public Safety a sum in the amount of
17 \$500,000 for increasing the patrolling of State waters by the State
18 Police Marine Services Bureau and for related boating safety
19 administrative expenses.

20
21 10. Section 3 of P.L.1997, c.152 (C.12:7-61) is hereby repealed.

22
23 11. This act shall take effect on the first day of the sixth month
24 following enactment except sections 7 and 8 shall take effect
25 immediately and expire on June 1, 2008.

26
27
28 STATEMENT

29
30 This bill would require all persons to pass a boat safety course
31 before operating a boat on the waterways of this State.

32 Under current law, a boat safety course is required under two
33 circumstances: (1) when a person is born after December 31, 1978;
34 and (2) when the vessel is a personal watercraft (PWC). In other
35 words, anyone who was born before 1979 is permitted to operate a
36 power vessel (other than a PWC) without ever having completed a
37 basic course on boating safety. This bill would change this law to
38 require all persons to pass such a course. The requirement would be
39 phased-in as follows: persons born after December 31, 1968 would
40 have to successfully complete the course before June 1, 2005; persons
41 born after December 31, 1958 before June 1, 2006; persons born after
42 December 31, 1948 before June 1, 2007; and all other persons before
43 June 1, 2008.

44 Under the bill, the required boat safety course would be made
45 available through the Internet. Also, experienced boaters would have
46 a "test-out" option. This option allows a boater to take a written test

1 in lieu of the boat safety course. The person would have one chance
2 to take this test; if the person fails, they would be required to take the
3 full course. The boat safety course requirement would not be
4 applicable to persons with a United States Coast Guard operator's
5 license.

6 The bill also removes many of the current exceptions to the boat
7 safety course requirement that are available to persons operating a
8 power vessel or PWC. Under the bill, out-of-State residents would be
9 permitted to operate a vessel in this State only if they have proof that
10 they have completed a boat safety course substantially similar to the
11 course required in this State or if they exhibit a boat safety certificate
12 issued by their State. Persons 18 years of age or older would continue
13 to be permitted to rent a power vessel from a rental business if they
14 complete a pre-rental course given by the owner of the vessel and the
15 owner is an experienced boater who has a boat safety course
16 certificate. Persons 16 years of age or older would be permitted to
17 rent a PWC if they operate the PWC within boundaries designated by
18 the rental business, are supervised by a person experienced in the
19 operation of the PWC and who has a boating safety certificate and
20 successfully complete an instruction course provided by the owner of
21 the PWC.

22 Under current law, a person required to pass a boat safety course
23 must present a boat safety certificate evidencing successful completion
24 of the course to obtain a power vessel operator's license to operate on
25 nontidal waters in the State. This requirement would apply to all
26 persons required to pass the course under this bill. The bill also
27 specifies that a State of New Jersey Boating Safety or temporary
28 Boating Safety Certificate issued on a Division of State Police
29 Application for Boating Safety Certificate Form satisfies this
30 requirement.

31 The bill also requires instructors hired by boat safety course schools
32 to pass a criminal history record background check. Persons
33 convicted of the following crimes or offenses committed in this State
34 or another jurisdiction would be disqualified from teaching the course:
35 1) those involving danger to the person, including homicide, assault,
36 kidnapping, sex offenses, burglary and carjacking; 2) those committed
37 against the family, such as endangering the welfare of children,
38 incompetent persons and the elderly; 3) theft; 4) those involving
39 controlled dangerous substances; 5) those involving weapons or
40 firearms; and 6) falsification of records or tampering with public
41 records.

42 The bill also makes the following changes to the State's boating
43 laws:

44 *Local law enforcement officers would be authorized to enforce the
45 provisions of the Power Vessel Noise Control Act.

46 *The threshold for filing a boating accident report (BAR) would

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12

1 correspond with the federal standard. Current State law requires a
2 BAR if a boating accident results in more than \$500 property damage.
3 This would change to \$2,000, the current federal standard.

4 *The Boat Regulation Commission, which promulgates rules and
5 regulations concerning boat safety, would be required to maintain
6 minutes of its meetings and, within five working days following the
7 commission's approval of the minutes, submit them to the: Governor;
8 President of the Senate; Minority Leader of the Senate; Speaker of the
9 General Assembly and Minority Leader of the General Assembly.

10 *Technical corrections also have been made in the bill, including the
11 repeal of section 3 of P.L.1997, c.152 to correct a discrepancy in the
12 text of P.L.1997, c.152.

13 Finally, the bill appropriates \$500,000 from the Maritime Industry
14 Fund to be dedicated to increased patrolling of State waterways by the
15 State Marine Police Marine Services Bureau and to related boating
16 safety administrative expenses.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 303 and 1512

STATE OF NEW JERSEY

DATED: JUNE 7, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 303 and 1512.

This committee substitute would require all persons to pass a boat safety course before operating any power vessel, personal watercraft, or any sailboat in excess of 12 feet in length, except if the person has a United States Coast Guard operator's license or is eligible to take a written examination for experienced boaters and successfully completes that examination. A person taking the written examination would have one chance to take the test, and if the person fails, the person would be required to take the full course.

Under current law, a boat safety course is required under two circumstances: 1) when a person is born after December 31, 1978; and 2) when the vessel is a personal watercraft. Anyone who was born before 1979 is permitted to operate a power vessel (other than a personal water craft) without having completed a basic course on boating safety.

The committee substitute would change the law to require all persons to pass a boat safety course or a written examination for experienced boaters, with exceptions provided for: 1) out-of-State residents who are in the State for 30 days or less and operating their own registered vessel, 2) renters who are at least 18 years of age renting vessels that are not personal watercraft, and 3) first-time boat buyers during the first 60 days that they own the boat. The general requirement would be phased-in as follows: 1) persons born on or after December 31, 1968 and on or before December 31, 1978, and persons born on or after December 31, 1948 who have purchased a power vessel that is not a personal watercraft for the first time and have completed only the State-approved pre-first-time-purchase instruction course would be required to successfully complete the required boat safety course before June 1, 2005; 2) persons born on or after December 31, 1958 would be required to successfully complete the required boat safety course before June 1, 2006; 3) persons born after December 31, 1948 who are not first-time boat buyers would be required to successfully complete the boat safety course before June

1, 2007; and all other persons would be required to do so before June 1, 2008. Under the committee substitute, the required boat safety course could be made available through the Internet, but the written examination would be required to be administered by an instructor in person and present with the person taking the examination.

The committee substitute establishes a definition of "approved boat safety course" and "approved boat safety instructor". The term "approved boat safety course" is defined as a boat safety course that is approved by the Superintendent of State Police, in consultation with the Attorney General, and provides at least eight hours of instruction, with a minimum of six hours of classroom instruction, or, if provided via the Internet, provides at least the equivalent of eight hours of instruction, and, whether provided in a classroom or via the Internet, concludes with a closed-book written examination, the time for which would be in addition to the instruction time provided, and which is administered by an instructor in person and present with the person taking the written examination. The term "approved boat safety instructor" means an individual who is trained and experienced in the art and science of navigation and seamanship and who holds a certification as an instructor as provided by the United States Coast Guard Auxiliary, the United States Power Squadron, the National Safe Boating Council or other certification program that is determined to be acceptable by the Superintendent of State Police.

The committee substitute also removes some of the exceptions under current law as to who is required to complete the boat safety course requirement affecting operators of power vessels or personal watercraft. Under the committee substitute, out-of-State residents would be permitted to operate a power vessel on the waters of this State only if they have proof that they have completed a boat safety course substantially similar to the course required in this State or if they exhibit a boat safety certificate issued by their State. Under the committee substitute, out-of-State residents in the State for 30 days or less would be allowed to operate power vessels registered in their state or country of residence without having successfully completed a State approved boat safety course, provided the person presents:

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

- 2) a boat safety course substantially similar to the boat safety course required pursuant to this section as determined by the Superintendent of State Police; or

- 3) a boat safety certificate issued by the state or country in which the person resides.

Under the committee substitute, persons 18 years of age or older would continue to be permitted to rent a power vessel from a rental business if they complete a pre-rental course given by the owner of the vessel and the owner is an experienced boater who has a boat safety course certificate. Persons 16 years of age or older would be

permitted to rent a personal watercraft if they; 1) operate it within boundaries designated by the rental business, 2) are supervised by a person experienced in the operation of the personal watercraft and who has a boating safety certificate, and 3) successfully complete an instruction course provided by the owner of the personal watercraft. The committee substitute also provides that first-time boat buyers may operate power vessels without having met the boat safety course requirement for the first 60 days of ownership, if they take a boat safety course offered by the dealership that has been State-approved. The committee substitute also clarifies that the dealership course does not satisfy the boat safety course requirements under the substitute.

Under current law, a person required to pass a boat safety course must present a boat safety certificate evidencing successful completion of the course to obtain a power vessel operator's license to operate on nontidal waters in the State. Under the substitute, all persons would now have to pass the course to obtain this license. The committee substitute also specifies that a State of New Jersey boating safety or temporary boating safety certificate issued on a Division of State Police application for boating safety certificate form satisfies this requirement.

The committee substitute also requires instructors hired by boat safety course schools to pass a criminal history record background check. Persons convicted of the following crimes or offenses committed in this State or another jurisdiction would be disqualified from teaching the course: 1) those involving danger to the person, including homicide, assault, kidnaping, sex offenses, burglary and car jacking; 2) those committed against the family, such as endangering the welfare of children, incompetent persons and the elderly; 3) theft; 4) those involving controlled dangerous substances; 5) those involving weapons or firearms; and 6) falsification of records or tampering with public records.

The committee substitute also makes the following changes to the State's boating laws:

- * Local law enforcement officers would be authorized to enforce the provisions of the Power Vessel Noise Control Act;

- * The threshold for filing a boating accident report (BAR) would correspond with the federal standard. Current State law requires a BAR if a boating accident results in more than \$500 property damage. This would change to \$2,000, the current federal standard;

- * The Boat Regulation Commission, which promulgates rules and regulations concerning boat safety, would be required to maintain minutes of its meetings and, within five working days following the commission's approval of the minutes, submit them to the: Governor; President of the Senate; Minority Leader of the Senate; Speaker of the General Assembly; and Minority Leader of the General Assembly; and

- * Repeals section 3 of P.L.1997, c.152 to correct a discrepancy in the text of P.L.1997, c.152.

Finally, the committee substitute makes technical and clarifying corrections to the law and the bill as introduced.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 303 and 1512

with Senate Floor Amendments
(Proposed By Senators KARCHER and MADDEN)

ADOPTED: JUNE 21, 2004

The Senate Committee Substitute for Senate Bill Nos. 303 and 1512 requires all persons to pass a boat safety course before operating any power vessel, personal watercraft or any sailboat in excess of 12 feet in length, with certain limited exceptions.

These Senate amendments remove the provisions regarding sailboats. Under the amendments, persons would not be required to pass a boat safety course to operate a non-motorized sailboat.

One exception to the boating safety course requirement under the substitute allows out-of-State residents 18 years of age or older who are in the State for 30 days or less to operate their own registered vessel if they: (1) prove they have passed a boat safety course approved by another State, the National Association of State Boating Law Administrators or the United States Coast Guard; (2) prove they have passed a course substantially similar course to this State's course; or (3) possess a boat safety certificate issued by their state or country. These Senate amendments make this exception applicable to out-of-State residents 16 years of age or older and increase the length of time they may operate in the State to 90 days.

Another exception to the boat safety course requirement under the substitute allows first-time boat buyers to operate their boats for the first 60 days of ownership if they take a State-approved boat safety course offered by the dealership. These Senate amendments make this exception applicable to any purchase, not just a first time purchase and reduce the period of time that a person may operate a boat under this exception to 30 days. The amendments specify that the course must be standardized and uniform as developed by the State Police. The substitute required an "approved boat safety course" to consist of at least eight hours of instruction, with a minimum of six hours of classroom instruction, or, if provided via the Internet, the equivalent of eight hours of instruction. These Senate amendments remove these provisions and specify that the course meet qualifications set forth in rules and regulations promulgated by the State Police, in consultation with the Attorney General. The amendments also allow for current providers of an approved course to continue to provide that course until the approval expires.

The substitute allows experienced boaters to pass a written test in

lieu of taking the boat safety course. The amendments direct the State Police to determine the criteria that shall be met for a person to be considered an experienced boater in order to be eligible for the test.

The substitute phases in the requirement that all boaters pass a boat safety course in 10-year intervals. These Senate amendments clarify that all persons born after December 31, 1978 would continue to be required to take the boat safety course before operating a power vessel, including a personal watercraft. The amendments also remove provisions requiring a different phase-in schedule for persons who take a pre-instruction course.

The remaining amendments are clarifying and technical in nature.