# 12:7-61.1 <br> LEGISLATIVE HISTORY CHECKLIST <br> Compiled by the NJ State Law Library 


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FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: No
S2111
SPONSOR'S STATEMENT: (Begins on page 5 of original bill) Yes
COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes
FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: No
(continued)

VETO MESSAGE: No
GOVERNOR'S PRESS RELEASE ON SIGNING: No

## FOLLOWING WERE PRINTED:

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REPORTS: No
HEARINGS: No
NEWSPAPER ARTICLES: No

LAW

[^0]1. Section 2 of P.L.1987, c. 453 (C.12:7-61) is amended to read as follows:
2. a. A person who is under 16 years of age shall not operate a power vessel on the waters of this State, except that:
(1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate:
(a) a power vessel powered solely by an electric motor; or
(b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;
(2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation; and
(3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c. 236 (C.12:734.7) before July 1,1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license.
b. As provided in the schedule set forth in section 7 of P.L.2005, c.292, as of June 1, [2008] 2009, a person who is 16 years of age or older shall not operate a power vessel, including a personal watercraft, on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, except that:
(1) (Deleted by amendment, P.L.2005, c.292).
(2) an out-of-State resident, or a resident of a foreign country who is 16 years of age or older and who will be in this State for less than 90 days may operate a power vessel 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.
without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety if the person presents:
(i) 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;
(ii) written proof of successful completion of 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
(iii) a boat safety certificate issued by the state or country in which the person resides;
(3) a person who is 18 years of age or older may operate on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, a rented power vessel that is not a personal watercraft, under the following conditions:
(a) the person rents the power vessel from a business engaged in renting power vessels for use on the waters of the State;
(b) the person has successfully completed a State-approved prerental instruction course provided by the owner or lessor of the power vessel prior to operating the power vessel on the waters of the State; and
(c) the owner of the power vessel rental business is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.
(4) A person required to take the boat safety course pursuant to this section and section 7 of P.L.2005, c. 292 who purchases a power vessel that is not a personal watercraft at a boat dealership may operate that power vessel for 30 days without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety provided that the person successfully completes a State-approved pre-purchase instruction course provided by the owner or operator of the boat dealership prior to operating the power vessel, and the owner or operator of the boat dealership is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police. The State-approved pre-purchase instruction course required by this paragraph shall be a uniform, standardized course developed by the Superintendent of State Police. The State-approved pre-purchase instruction course shall not replace the requirement that a person shall successfully complete an approved boat safety course pursuant to the other provisions of P.L.2005, c. 292 (C.12:7-61.1 et al.). The provisions of this paragraph shall not apply to a person purchasing a power vessel from another private party.
(5) A person holding a United States Coast Guard operator's license may operate a power vessel on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

The Superintendent of State Police shall establish appropriate guidelines to implement the provisions of this subsection.
c. Except as provided pursuant to section 18 of P.L.1995, c. 401 (C.12:7-86), a person shall not operate a personal watercraft on the waters of this State without having successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety or a written test pursuant to section 8 of P.L.2005, c. 292.
d. Whenever a person who is required by this section or by section 7 of P.L.1995, c. 401 (C.12:7-76), section 3 or 4 of P.L.1952, c. 157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c. 39 (C.12:7-57) to have completed a boat safety course operates a power vessel or personal watercraft, as appropriate, on the waters of this State, that person shall have in possession a certificate certifying that person's successful completion of a boat safety course approved by the superintendent and shall, when requested to do so, exhibit the certificate to a law enforcement or peace officer of this State. Failure of the person to exhibit the certificate is presumptive evidence that the person has not completed an approved boat safety course.
e. A person who violates subsection a., b., c. or d. of this section or who exhibits to a law enforcement or peace officer a certificate of completion of an approved boat safety course of another person is subject to a fine of not less than $\$ 100$ nor more than $\$ 500$.
f. A person who owns or has control or custody of a power vessel and allows the power vessel to be operated on the waters of this State by a person who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course but who does not possess such certificate is subject to a fine of not more than $\$ 100$.
g. A person making application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a power vessel operator's license issued pursuant to section 3 of P.L.1995, c. 401 (C.12:7-72) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit proof of successful completion of the course or the written examination for experienced boaters with the application. The chief administrator shall not issue a power vessel operator's license to such person who fails to submit this proof. A permanent State of New Jersey boating safety certificate or a temporary boating safety certificate issued on a Division of

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    State Police application for boating safety certificate form shall
    satisfy this requirement.
    (cf: P.L.2005, c.292, s.1)
    2. Section }10\mathrm{ of P.L.2005, c. }292\mathrm{ is amended to read as follows:
    10. This act shall take effect on the first day of the sixth month
    following enactment except sections }7\mathrm{ and 8 shall take effect
    immediately and expire on June 1, [2008] 2009.
    3. This act shall take effect immediately.
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## STATEMENT

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This bill clarifies that the mandatory boat safety course required to operate power vessels in this State, including personal watercraft, must be completed by all persons before June 1, 2009.
P.L.2005, c. 292 requires all boaters to pass a boat safety course before operating power vessels or personal watercraft. Section 7 of P.L.2005, c. 292 phases in the requirement over 10 -year intervals based on the boater's date of birth. Under the schedule set forth in that section, all persons are required to complete the course before June 1, 2009. But two other sections of law cross-referencing this section contain inadvertent references to June 1, 2008. This bill corrects these references.
Clarifies that mandatory boat safety course must be taken by June 1, 2009.
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## ASSEMBLY, No. 2326

## STATE OF NEW JERSEY <br> 213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2008

Sponsored by:<br>Assemblyman GORDON M. JOHNSON<br>District 37 (Bergen)<br>Assemblywoman VALERIE VAINIERI HUTTLE<br>District 37 (Bergen)<br>Assemblywoman ELEASE EVANS<br>District 35 (Bergen and Passaic)<br>Co-Sponsored by:<br>Assemblyman Chivukula and Senator Madden

## SYNOPSIS

Clarifies that mandatory boat safety course must be taken by June 1, 2009 .

## CURRENT VERSION OF TEXT

As introduced.

# A2326 JOHNSON, VAINIERI HUTTLE <br> 2 

AN ACT concerning the mandatory boat safety course and amending P.L.1987, c. 453 and P.L.2005, c. 292.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.1987, c. 453 (C.12:7-61) is amended to read as follows:
2. a. A person who is under 16 years of age shall not operate a power vessel on the waters of this State, except that:
(1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate:
(a) a power vessel powered solely by an electric motor; or
(b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;
(2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation; and
(3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c. 236 (C.12:734.7) before July 1, 1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license.
b. As provided in the schedule set forth in section 7 of P.L.2005, c.292, as of June 1, [2008] 2009, a person who is 16 years of age or older shall not operate a power vessel, including a personal watercraft, on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, except that:
(1) (Deleted by amendment, P.L.2005, c.292).
(2) an out-of-State resident, or a resident of a foreign country who is 16 years of age or older and who will be in this State for less than 90 days may operate a power vessel on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety if the person presents:
(i) written proof of successful completion of a boat safety course endorsed or approved by another state, the National

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.

Association of State Boating Law Administrators or its successor organization, or the United States Coast Guard;
(ii) written proof of successful completion of 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
(iii) a boat safety certificate issued by the state or country in which the person resides;
(3) a person who is 18 years of age or older may operate on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, a rented power vessel that is not a personal watercraft, under the following conditions:
(a) the person rents the power vessel from a business engaged in renting power vessels for use on the waters of the State;
(b) the person has successfully completed a State-approved prerental instruction course provided by the owner or lessor of the power vessel prior to operating the power vessel on the waters of the State; and
(c) the owner of the power vessel rental business is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.
(4) A person required to take the boat safety course pursuant to this section and section 7 of P.L.2005, c. 292 who purchases a power vessel that is not a personal watercraft at a boat dealership may operate that power vessel for 30 days without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety provided that the person successfully completes a State-approved pre-purchase instruction course provided by the owner or operator of the boat dealership prior to operating the power vessel, and the owner or operator of the boat dealership is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police. The State-approved pre-purchase instruction course required by this paragraph shall be a uniform, standardized course developed by the Superintendent of State Police. The State-approved pre-purchase instruction course shall not replace the requirement that a person shall successfully complete an approved boat safety course pursuant to the other provisions of P.L.2005, c. 292 (C.12:7-61.1 et al.). The provisions of this paragraph shall not apply to a person purchasing a power vessel from another private party.
(5) A person holding a United States Coast Guard operator's license may operate a power vessel on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

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The Superintendent of State Police shall establish appropriate guidelines to implement the provisions of this subsection.
c. Except as provided pursuant to section 18 of P.L.1995, c. 401 (C.12:7-86), a person shall not operate a personal watercraft on the waters of this State without having successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety or a written test pursuant to section 8 of P.L.2005, c. 292.
d. Whenever a person who is required by this section or by section 7 of P.L.1995, c. 401 (C.12:7-76), section 3 or 4 of P.L.1952, c. 157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c. 39 (C.12:7-57) to have completed a boat safety course operates a power vessel or personal watercraft, as appropriate, on the waters of this State, that person shall have in possession a certificate certifying that person's successful completion of a boat safety course approved by the superintendent and shall, when requested to do so, exhibit the certificate to a law enforcement or peace officer of this State. Failure of the person to exhibit the certificate is presumptive evidence that the person has not completed an approved boat safety course.
e. A person who violates subsection a., b., c. or d. of this section or who exhibits to a law enforcement or peace officer a certificate of completion of an approved boat safety course of another person is subject to a fine of not less than $\$ 100$ nor more than $\$ 500$.
f. A person who owns or has control or custody of a power vessel and allows the power vessel to be operated on the waters of this State by a person who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course but who does not possess such certificate is subject to a fine of not more than $\$ 100$.
g. A person making application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a power vessel operator's license issued pursuant to section 3 of P.L.1995, c. 401 (C.12:7-72) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit proof of successful completion of the course or the written examination for experienced boaters with the application. The chief administrator shall not issue a power vessel operator's license to such person who fails to submit this proof. A permanent State of New Jersey boating safety certificate or a temporary boating safety certificate issued on a Division of State Police application for boating safety certificate form shall satisfy this requirement.
(cf: P.L.2005, c.292, s.1)
2. Section 10 of P.L.2005, c. 292 is amended to read as follows:

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10. This act shall take effect on the first day of the sixth month following enactment except sections 7 and 8 shall take effect immediately and expire on June 1, [2008] 2009.
3. This act shall take effect immediately.

SPONSORS STATEMENT

This bill clarifies that the mandatory boat safety course required to operate power vessels in this State, including personal watercraft, must be completed by all persons before June 1, 2009.
P.L.2005, c. 292 requires all boaters to pass a boat safety course before operating power vessels or personal watercraft. Section 7 of P.L.2005, c. 292 phases in the requirement over 10-year intervals based on the boater's date of birth. Under the schedule set forth in that section, all persons are required to complete the course before June 1, 2009. But two other sections of law cross-referencing this section contain inadvertent references to June 1, 2008. This bill corrects these references.

STATEMENT TO

ASSEMBLY, No. 2326

## STATE OF NEW JERSEY

DATED: JUNE 5, 2008

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2326.

Assembly Bill No. 2326 clarifies that the mandatory boat safety course required to operate power vessels in this State, including personal watercraft, must be completed by all persons before June 1, 2009.
P.L.2005, c. 292 requires all boaters to pass a boat safety course before operating power vessels or personal watercraft. Section 7 of P.L.2005, c. 292 phases in the requirement over 10-year intervals based on the boater's date of birth. Under the schedule set forth in that section, all persons are required to complete the course before June 1, 2009. But two other sections of law cross-referencing this section contain inadvertent references to June 1, 2008. This bill corrects these references.

## SENATE, No. 2111

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 2, 2008

Sponsored by:
Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)

## SYNOPSIS

Clarifies that mandatory boat safety course must be taken by June 1, 2009.

## CURRENT VERSION OF TEXT

As introduced.

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AN ACT concerning the mandatory boat safety course and amending P.L.1987, c. 453 and P.L.2005, c. 292.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.1987, c. 453 (C.12:7-61) is amended to read as follows:
2. a. A person who is under 16 years of age shall not operate a power vessel on the waters of this State, except that:
(1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate:
(a) a power vessel powered solely by an electric motor; or
(b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;
(2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation; and
(3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c. 236 (C.12:734.7) before July 1,1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license.
b. As provided in the schedule set forth in section 7 of P.L.2005, c.292, as of June 1, [2008] 2009, a person who is 16 years of age or older shall not operate a power vessel, including a personal watercraft, on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, except that:
(1) (Deleted by amendment, P.L.2005, c.292).
(2) an out-of-State resident, or a resident of a foreign country who is 16 years of age or older and who will be in this State for less than 90 days may operate a power vessel on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety if the person presents:
(i) written proof of successful completion of a boat safety course endorsed or approved by another state, the National
[^1]
## S2111 MADDEN

Association of State Boating Law Administrators or its successor organization, or the United States Coast Guard;
(ii) written proof of successful completion of 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
(iii) a boat safety certificate issued by the state or country in which the person resides;
(3) a person who is 18 years of age or older may operate on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, a rented power vessel that is not a personal watercraft, under the following conditions:
(a) the person rents the power vessel from a business engaged in renting power vessels for use on the waters of the State;
(b) the person has successfully completed a State-approved prerental instruction course provided by the owner or lessor of the power vessel prior to operating the power vessel on the waters of the State; and
(c) the owner of the power vessel rental business is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.
(4) A person required to take the boat safety course pursuant to this section and section 7 of P.L.2005, c. 292 who purchases a power vessel that is not a personal watercraft at a boat dealership may operate that power vessel for 30 days without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety provided that the person successfully completes a State-approved pre-purchase instruction course provided by the owner or operator of the boat dealership prior to operating the power vessel, and the owner or operator of the boat dealership is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police. The State-approved pre-purchase instruction course required by this paragraph shall be a uniform, standardized course developed by the Superintendent of State Police. The State-approved pre-purchase instruction course shall not replace the requirement that a person shall successfully complete an approved boat safety course pursuant to the other provisions of P.L.2005, c. 292 (C.12:7-61.1 et al.). The provisions of this paragraph shall not apply to a person purchasing a power vessel from another private party.
(5) A person holding a United States Coast Guard operator's license may operate a power vessel on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

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The Superintendent of State Police shall establish appropriate guidelines to implement the provisions of this subsection.
c. Except as provided pursuant to section 18 of P.L.1995, c. 401 (C.12:7-86), a person shall not operate a personal watercraft on the waters of this State without having successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety or a written test pursuant to section 8 of P.L.2005, c. 292.
d. Whenever a person who is required by this section or by section 7 of P.L.1995, c. 401 (C.12:7-76), section 3 or 4 of P.L.1952, c. 157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c. 39 (C.12:7-57) to have completed a boat safety course operates a power vessel or personal watercraft, as appropriate, on the waters of this State, that person shall have in possession a certificate certifying that person's successful completion of a boat safety course approved by the superintendent and shall, when requested to do so, exhibit the certificate to a law enforcement or peace officer of this State. Failure of the person to exhibit the certificate is presumptive evidence that the person has not completed an approved boat safety course.
e. A person who violates subsection a., b., c. or d. of this section or who exhibits to a law enforcement or peace officer a certificate of completion of an approved boat safety course of another person is subject to a fine of not less than $\$ 100$ nor more than $\$ 500$.
f. A person who owns or has control or custody of a power vessel and allows the power vessel to be operated on the waters of this State by a person who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course but who does not possess such certificate is subject to a fine of not more than $\$ 100$.
g. A person making application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a power vessel operator's license issued pursuant to section 3 of P.L.1995, c. 401 (C.12:7-72) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit proof of successful completion of the course or the written examination for experienced boaters with the application. The chief administrator shall not issue a power vessel operator's license to such person who fails to submit this proof. A permanent State of New Jersey boating safety certificate or a temporary boating safety certificate issued on a Division of State Police application for boating safety certificate form shall satisfy this requirement.
(cf: P.L.2005, c.292, s.1)
2. Section 10 of P.L.2005, c. 292 is amended to read as follows:

## S2111 MADDEN

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10. This act shall take effect on the first day of the sixth month following enactment except sections 7 and 8 shall take effect immediately and expire on June 1, [2008] 2009.
3. This act shall take effect immediately.

## SPONSOR'S STATEMENT

This bill clarifies that the mandatory boat safety course required to operate power vessels in this State, including personal watercraft, must be completed by all persons before June 1, 2009.
P.L.2005, c. 292 requires all boaters to pass a boat safety course before operating power vessels or personal watercraft. Section 7 of P.L.2005, c. 292 phases in the requirement over 10-year intervals based on the boater's date of birth. Under the schedule set forth in that section, all persons are required to complete the course before June 1, 2009. But two other sections of law cross-referencing this section contain inadvertent references to June 1, 2008. This bill corrects these references.

## SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

SENATE, No. 2111

## STATE OF NEW JERSEY

DATED: OCTOBER 6, 2008

The Senate Transportation Committee reports favorably Senate Bill No. 2111.

This bill clarifies that the mandatory boat safety course required to operate power vessels in this State, including personal watercraft, must be completed by all persons before June 1, 2009.
P.L.2005, c. 292 requires all boaters to pass a boat safety course before operating power vessels or personal watercraft. Section 7 of P.L.2005, c. 292 phases in the requirement over 10-year intervals based on the boater's date of birth. Under the schedule set forth in that section, all persons are required to complete the course before June 1, 2009. But two other sections of law cross-referencing this section contain inadvertent references to June 1, 2008. This bill corrects these references.


[^0]:    AN ACT concerning the mandatory boat safety course and amending P.L.1987, c. 453 and P.L.2005, c. 292.

    Be It Enacted by the Senate and General Assembly of the State of New Jersey:

[^1]:    EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

