

12:7-61

**LEGISLATIVE HISTORY CHECKLIST**  
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(Boating)

NJSA: 12:7-61

LAWS OF: 1996 CHAPTER: 15

BILL NO: S662

SPONSOR(S): Ciesla

DATE INTRODUCED: February 5, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Natural Resources

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: February 29, 1996

SENATE: February 26, 1996

DATE OF APPROVAL: April 11, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

**FOLLOWING WERE PRINTED:**

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]  
SENATE, No. 662

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator CIESLA

1 AN ACT concerning boating and amending P.L.1987, c.453.

2

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

5

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

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

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

14 (a) a power vessel powered solely by a motor of less than one  
15 horsepower or an electric motor of 12 volts or less; or

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

19 (2) A person who is under 16 years of age and has successfully  
20 completed an approved boat safety course prior to **the enactment**  
21 **date of P.L.1995, c.401 (C. )** July 1, 1996 may operate a power  
22 vessel on the tidal waters of this State, provided that the person  
23 complies with all other requirements of law, rule and regulation; and

24 (3) A person who is under 16 years of age and was issued an  
25 operator's license pursuant to section 7 of P.L.1954, c.236  
26 (C.12:7-34.7) before **the enactment date of P.L.1995, c.401 (C. )**  
27 July 1, 1996 may operate a power vessel equipped with an outboard  
28 motor until the expiration date of that license.

29 b. A person who is 16 years of age or older and was born after  
30 December 31, 1978 shall not operate a power vessel on the waters of  
31 this State without having completed a boat safety course approved by

**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:**

**<sup>1</sup> Senate SNR committee amendments adopted February 22, 1996.**

1 the Superintendent of State Police in the Department of Law and  
2 Public Safety.

3 c. Except as provided pursuant to section 17 and section 18 of  
4 P.L.1995, c.401 (C. ), a person shall not operate a personal  
5 watercraft on the waters of this State without having completed a boat  
6 safety course approved by the Superintendent of State Police in the  
7 Department of Law and Public Safety.

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

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

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

29 g. A person making application to the Director of the Division of  
30 Motor Vehicles for a power vessel operator's license issued pursuant  
31 to section 3 of P.L.1995, c.401 (C. ) who is required pursuant to the  
32 provisions of this section to possess a certificate certifying successful  
33 completion of a boat safety course shall submit the original or a copy  
34 of the certificate with the application. The director shall not issue a  
35 power vessel operator's license to such person who fails to submit the  
36 original or a copy of the certificate.

37 (cf: P.L.1995, c.401, s.45)

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39 <sup>1</sup>2. Section 17 of P.L. 1995, c.401 (C. ) is amended to read as  
40 follows:

41 17. a. The Superintendent of State Police shall develop, and the  
42 superintendent, or his designee, shall administer, a written test for  
43 experienced boaters which shall be issued in lieu of completing the  
44 boat safety course required pursuant to subsection c. of section 2 of  
45 P.L.1987, c.453 (C.12:7-61). Upon successful completion of the test,  
46 the person shall be given a certificate which shall fulfill the

1 requirements of subsection c. of section 2 of P.L.1987, c.453  
2 (C.12:7-61). A person who fails the test shall be subject to all  
3 requirements of subsection c. of section 2 of P.L.1987, c.453  
4 (C.12:7-61). A person may only take one test pursuant to this  
5 subsection.

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

10 c. In addition to all other penalties provided by law, a person who  
11 provides false information on an application for a written test issued  
12 pursuant to subsection a. of this section shall be subject to a fine of  
13 \$100.

14 d. The superintendent shall determine the qualifications for  
15 application and all other requirements for applicants under this section.

16 e. The superintendent shall be exempt from the provisions of the  
17 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et  
18 seq.), in performing the requirements of this section.<sup>1</sup>

19 (cf: P.L. 1995, c.401, s.17)

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21 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

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25

26 Amends boating law concerning operation of power vessels by persons  
27 under 16.

1 P.L.1995, c.401 (C. ), a person shall not operate a personal  
2 watercraft on the waters of this State without having completed a boat  
3 safety course approved by the Superintendent of State Police in the  
4 Department of Law and Public Safety.

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

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

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

26 g. A person making application to the Director of the Division of  
27 Motor Vehicles for a power vessel operator's license issued pursuant  
28 to section 3 of P.L.1995, c.401 (C. ) who is required pursuant to the  
29 provisions of this section to possess a certificate certifying successful  
30 completion of a boat safety course shall submit the original or a copy  
31 of the certificate with the application. The director shall not issue a  
32 power vessel operator's license to such person who fails to submit the  
33 original or a copy of the certificate.

34 (cf: P.L.1995, c.401, s.45)

35  
36 2. This act shall take effect immediately.

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39 STATEMENT

40  
41 This bill would clarify several amendments made to the boating  
42 statutes by P.L.1995, c.401 concerning the operation of power vessels  
43 by persons under 16 years of age. This bill would provide that persons  
44 under 16 years of age, who have completed an approved boat safety  
45 course prior to July 1, 1996, may operate a power vessel on the waters  
46 of the State provided all other requirements are met. P.L.1995, c.401

1 inadvertently required that such a course be completed by the  
2 enactment date (January 10, 1996), which shortened the period during  
3 which persons under 16 years of age could qualify by almost six  
4 months. This bill would similarly provide that persons under 16 years  
5 of age who were issued a boat operator's license prior to July 1, 1996  
6 could continue to operate a power vessel until the expiration date of  
7 the license.

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12 Amends boating law concerning operation of power vessels by persons  
13 under 16.

SENATE NATURAL RESOURCES AND ECONOMIC  
DEVELOPMENT COMMITTEE

STATEMENT TO

**SENATE, No. 662**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1996

The Senate Natural Resources and Economic Development Committee reports favorably and with committee amendments Senate Bill No. 662.

This bill would clarify several amendments made to the boating statutes by P.L.1995, c.401 concerning the operation of power vessels by persons under 16 years of age. This bill would provide that persons under 16 years of age, who have completed an approved boat safety course prior to July 1, 1996, may operate a power vessel on the waters of the State provided all other requirements are met. P.L.1995, c.401 inadvertently required that such a course be completed by the enactment date (January 10, 1996), which shortened the period during which persons under 16 years of age could qualify by almost six months. This bill would similarly provide that persons under 16 years of age who were issued a boat operator's license prior to July 1, 1996 could continue to operate a power vessel until the expiration date of the license.

The committee amendments would exempt the Superintendent of State Police from the provisions of the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), in developing and administering the written test for experienced boaters who wish to operate a personal watercraft. Pursuant to P.L. 1995, c.401, a one-time only written test can be taken in lieu of completing a boat safety course until July 10, 1996. Since the rulemaking process could easily require several months to complete, the exemption from the APA provisions is necessary to ensure that boaters are afforded an opportunity to take the written test prior to its statutory expiration in July.

The amendments would make this bill identical to its Assembly counterpart, Assembly Bill No. 1517, as that bill was reported from the Assembly Law & Public Safety Committee on February 8, 1996.