

12:7-61

LEGISLATIVE HISTORY CHECKLIST
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(Power Vessels)

NJSA: 12:7-61

LAWS OF: 1996 CHAPTER: 59

BILL NO: S1342

SPONSOR(S): DiFrancesco

DATE INTRODUCED: June 13, 1996

COMMITTEE: ASSEMBLY: State Government

SENATE: Law & Public Safety

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

DATE OF PASSAGE: ASSEMBLY: June 27, 1996

SENATE: June 27, 1996

DATE OF APPROVAL: June 28, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
adopted 6-27-96

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 59, *approved June 28, 1996*
Senate No. 1342 (*First Reprint*)

1 AN ACT concerning the regulation of personal watercraft ¹~~[,] and~~¹
2 amending P.L.1987, c.453 and ¹~~[repealing section 18 of]~~¹
3 P.L.1995, c.401.

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 person who is 16 years of age or older and was born after
32 December 31, 1978 shall not operate a power vessel on the waters of
33 this State without having completed a boat safety course approved by
34 the Superintendent of State Police in the Department of Law and
35 Public Safety.

36 c. **[**Except as provided pursuant to section 17 and section 18 of
37 P.L.1995, c.401 (T & E and C.12:7-86), a person shall not operate a
38 personal watercraft on the waters of this State without having
39 completed a boat safety course approved by the Superintendent of
40 State Police in the Department of Law and Public Safety.] ¹~~[(deleted~~

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 27, 1996.

1 by amendment, P.L. c. .)] Except as provided pursuant to
2 section 18 of P.L.1995, c.401 (C.12:7-86), a person shall not operate
3 a personal watercraft on the waters of this State after July 1, 1997,
4 without having successfully completed a boat safety course approved
5 by the Superintendent of State Police in the Department of Law and
6 Public Safety or a written test pursuant to section 17 of P.L. 1995,
7 c.401 (T & E).¹

8 d. Whenever a person who is required by this section or by section
9 7 of P.L.1995, c.401 (C. 12:7-76), section 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.] ¹c.¹ or d. of this
20 section or who exhibits to a law enforcement or peace officer a
21 certificate of completion of an approved boat safety course of another
22 person is 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.12:7-72) who is required pursuant
32 to the provisions of this section to possess a certificate certifying
33 successful completion of a boat safety course shall submit the original
34 or a copy of the certificate with the application. The director shall not
35 issue a power vessel operator's license to such person who fails to
36 submit the original or a copy of the certificate.

37 (cf: P.L.1996, c.15, s.1)

38
39 ¹[2. Section 18 of P.L. 1995, c.401 (C.12:7-86) is repealed.]¹

40
41 ¹2. Section 57 of P.L. 1995, c.401 (T & E) is amended to read as
42 follows:

43 57. This act shall take effect on the first day of the sixth month
44 following enactment, except that section 18 shall take effect on July
45 1, 1997, sections 17 and 55 shall take effect immediately and section
46 17 shall expire on [the first day of the sixth month following

1 enactment] July 1, 1997.¹
2 (cf: P.L.1995, c.401, s.57)

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4 3. ¹[Notwithstanding the provisions of subsection b. of section 15
5 of P.L. 1962, c.73, (C.12:7-34.50), this] This¹ act shall take effect
6 immediately.

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11 Concerns consistent regulation of power vessels.

[First Reprint]
SENATE, No. 1342

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senator DiFRANCESCO

1 AN ACT concerning the regulation of personal watercraft ¹[.] and¹
2 amending P.L.1987, c.453 and ¹[repealing section 18 of]¹
3 P.L.1995, c.401.

4

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

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8 1. Section 2 of P.L. 1987, c.453 (C.12:7-61) is amended to read as
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11 power vessel on the waters of this State, except that:

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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 person who is 16 years of age or older and was born after

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 27, 1996.

1 December 31, 1978 shall not operate a power vessel on the waters of
2 this State without having completed a boat safety course approved by
3 the Superintendent of State Police in the Department of Law and
4 Public Safety.

5 c. ~~【Except as provided pursuant to section 17 and section 18 of~~
6 ~~P.L.1995, c.401 (T & E and C.12:7-86), a person shall not operate a~~
7 ~~personal watercraft on the waters of this State without having~~
8 ~~completed a boat safety course approved by the Superintendent of~~
9 ~~State Police in the Department of Law and Public Safety.】¹ ~~【(deleted~~
10 ~~by amendment, P.L. c. .)】~~ Except as provided pursuant to
11 section 18 of P.L.1995, c.401 (C.12:7-86), a person shall not operate
12 a personal watercraft on the waters of this State after July 1, 1997,
13 without having successfully completed a boat safety course approved
14 by the Superintendent of State Police in the Department of Law and
15 Public Safety or a written test pursuant to section 17 of P.L. 1995,
16 c.401 (T & E).¹~~

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

28 e. A person who violates subsection a., b., ~~【c.】¹ c.¹~~ or d. of this
29 section or who exhibits to a law enforcement or peace officer a
30 certificate of completion of an approved boat safety course of another
31 person is subject to a fine of not less than \$100 nor more than \$500.

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

38 g. A person making application to the Director of the Division of
39 Motor Vehicles for a power vessel operator's license issued pursuant
40 to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant
41 to the provisions of this section to possess a certificate certifying
42 successful completion of a boat safety course shall submit the original
43 or a copy of the certificate with the application. The director shall not
44 issue a power vessel operator's license to such person who fails to
45 submit the original or a copy of the certificate.

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1 ¹【2. Section 18 of P.L. 1995, c.401 (C.12:7-86) is repealed.】¹

2

3 ¹2. Section 57 of P.L. 1995, c.401 (T & E) is amended to read as
4 follows:

5 57. This act shall take effect on the first day of the sixth month
6 following enactment, except that section 18 shall take effect on July
7 1, 1997, sections 17 and 55 shall take effect immediately and section
8 17 shall expire on 【the first day of the sixth month following
9 enactment】 July 1, 1997.¹

10 (cf: P.L.1995, c.401, s.57)

11

12 3. ¹【Notwithstanding the provisions of subsection b. of section 15
13 of P.L. 1962, c.73, (C.12:7-34.50), this】 This¹ act shall take effect
14 immediately.

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19 Concerns consistent regulation of power vessels.

STATEMENT

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3 This bill would eliminate the requirement that all persons born
4 before 1979 successfully complete a boat safety course prior to
5 operating a personal watercraft on the waters of the State. Current
6 law, pursuant to subsection c. of section 2 of P.L. 1987, c.453
7 (C.12:7-61), provides that, as of July 1, 1996, such persons cannot
8 operate a personal watercraft in New Jersey without first completing
9 a boat safety course. A person born after 1978, and who is at least 16
10 years of age, would still be required to complete a boat safety course
11 prior to operating a personal watercraft, or any other power vessel, on
12 the waters of the State.

13 The bill also repeals section 18 of P.L. 1995, c.401 (C.12:7-86),
14 which allows persons born before 1979 to operate a personal
15 watercraft without completing a boat safety course within the
16 boundaries of an area designated by a personal watercraft rental
17 business, with certain restrictions. Since the bill eliminates the boat
18 safety course requirement, this exemption from the requirement is no
19 longer necessary.

20 The bill also provides that the elimination of the boat safety course
21 requirement could take effect immediately, notwithstanding subsection
22 b. of section 15 of P.L. 1962, c.73, (C.12:7-34.50), which requires
23 that any changes in boating rules and regulations proposed between
24 May 1 and September 30 of any year be approved on an emergency
25 basis by the Boat Regulation Commission.

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30 Concerns consistent regulation of power vessels.

STATEMENT TO
SENATE, No. 1342

with Senate Floor Amendments
(Proposed By Senator DiFRANCESCO)

ADOPTED: JUNE 27, 1996

These amendments would reinstate the requirement, pursuant to P.L. 1995, c.401, that all persons who operate a personal watercraft on the waters of the State complete a boat safety course, with the qualification that the requirement not become effective until July 1, 1997. Similarly, the amendments would extend to experienced boaters until July 1, 1997, the opportunity to take a written test in lieu of the boat safety course. The amendments also provide that the provisions of P.L. 1995, c.401 regulating businesses engaged in the rental of personal watercraft would not go into effect until July 1, 1997.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1342

STATE OF NEW JERSEY

DATED: JUNE 27, 1996

The Assembly State Government Committee reports favorably Senate Bill No. 1342 (1R).

This bill provides that, except as otherwise provided by section 18 of P.L.1995, c.401, no one shall operate a personal watercraft on the waters of this State after July 1, 1997, without having successfully completed a boat safety course approved by the Superintendent of State Police or a written test pursuant to section 17 of that 1995 law. The bill would also extend to experienced boaters until July 1, 1997 the opportunity to take a written test in lieu of the boat safety course. Finally, the bill provides that the provisions of P.L.1995, c.401 regulating businesses engaged in the rental of personal watercraft would not go into effect until July 1, 1997.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1342

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1342.

This bill would eliminate the requirement that all persons born before 1979 successfully complete a boat safety course prior to operating a personal watercraft on the waters of the State. Current law, pursuant to subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61), provides that, as of July 1, 1996, such persons cannot operate a personal watercraft in New Jersey without first completing a boat safety course. A person born after 1978, and who is at least 16 years of age, would still be required to complete a boat safety course prior to operating a personal watercraft or any other power vessel on the waters of the State.

The bill also repeals section 18 of P.L.1995, c.401 (C.12:7-86), which allows persons born before 1979 to operate a personal watercraft without completing a boat safety course within the boundaries of an area designated by a personal watercraft rental business, with certain restrictions. Since the bill eliminates the boat safety course requirement, this exemption from the requirement is no longer necessary.

The bill also provides that the elimination of the boat safety course requirement could take effect immediately, notwithstanding subsection b. of section 15 of P.L.1962, c.73 (C.12:7-34.50), which requires any changes in boating rules and regulations proposed between May 1 and September 30 of any year to be approved on an emergency basis by the Boat Regulation Commission.