

12:7-70

LEGISLATIVE HISTORY CHECKLIST  
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(Boating--licensing)

NJSA: 12:7-70

LAWS OF: 1995 CHAPTER: 401

BILL NO: S2267

SPONSOR(S): Ciesla

DATE INTRODUCED: September 28, 1995

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Natural Resources

AMENDED DURING PASSAGE: Yes Senate Committee Substitute  
(1R) enacted

DATE OF PASSAGE: ASSEMBLY: December 21, 1995

SENATE: December 11, 1995

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached

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**Legislative History Checklist**  
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**Synopsis:** Revises and updates safety and licensing provisions of boating laws.\*

**Bill No.:** S2267

**P.L.** 1995, c. 401

*Identical to:* A3235 (1R)  
*Substituted for:* A3235 (1R)  
*Combined with:*  
*Last Session Bill No.:*

*See Above Bill(s) for Additional History*

**NJSA:** 12:7-70 et seq.

**Sponsor(s):** Ciesla/Martin+1

**Date Introduced:** 09/28/95

**Committee Reference:**

**Statement:**

**Public Hearing:**

Assembly:

Judiciary, Law and Public Safety

Yes

No

Senate:

Natural Resources, Trade and Economic De

Yes

No

**Sponsor Statement:** Yes

**Fiscal Note:** No

**Dates of Passage:**

Assembly:

12/21/95 (72-0)

Senate:

12/11/95 (37-1)  
01/09/96 (35-0)

**Amended During Passage:** Yes

**Governor's Action:**

**Veto:** No

**Date of Veto:**

**Date of Approval:** 01/10/96

**Message on Signing:** No

**Additional Information:**

Title 12.  
Chapter 7.  
Article 8. (New)  
Licensing Operation and  
Enforcement  
§§1-16,18-C.12:7-70 to  
12:7-86  
§17-T & E & Note to 12:7-61  
§55-Approp. & Note to §17  
§56-Repealer  
§57-Note to §§1-56

P.L.1995, CHAPTER 401, approved January 10, 1996  
Senate Committee Substitute (*First Reprint*)  
for 1995 Senate No. 2267

1 AN ACT consolidating and reforming the laws regulating boating,  
2 supplementing and amending chapter 7 of Title 12 of the  
3 Revised Statutes, and amending and repealing various parts of  
4 the statutory law.

5

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

8 1. (New section) The Legislature finds and declares that  
9 numerous laws have been enacted over the past half-century  
10 concerning the regulation of boats and vessels; that many of the  
11 provisions of these laws are duplicative or outdated; that  
12 violations of laws governing the licensing, registration and  
13 operation of boats and vessels are currently treated as disorderly  
14 persons offenses; and that such offenses are disproportionate with  
15 the seriousness of these types of violations, which are comparable  
16 to motor vehicle violations.

17 The Legislature further finds and declares that, while most  
18 boaters are knowledgeable and responsible with regard to safety  
19 issues, there remain many less experienced, and often younger,  
20 boaters who operate vessels on the waters of the State; that,  
21 under current law, boaters convicted of boating while  
22 intoxicated, or of careless or reckless boating can resume their  
23 boating activities upon payment of a fine or expiration of a  
24 period of boating privilege suspension; and that many personal  
25 watercraft operators can be found on the waters of the State  
26 each year with little or no knowledge or understanding of safe  
27 vessel operation.

28 The Legislature therefore determines that it is in the public  
29 interest to reorganize and consolidate the various boating laws to  
30 facilitate a clearer understanding and increased compliance with  
31 these laws; and, that boating laws should be revised so that the  
32 penalties imposed for violations of these laws are consistent with  
33 those imposed for motor vehicle violations.

34 The Legislature further determines that there is a need for  
35 mandatory boat safety instruction for young and inexperienced  
36 boaters, as well as for those who are found guilty of boating while  
37 intoxicated or of careless or reckless boating.

38 2. (New section) As used in this chapter, unless the context  
39 clearly requires a different meaning:

40 "Commission" means the Boat Regulation Commission  
41 established pursuant to section 14 of P.L.1962, c.73  
42 (C.12:7-34.49);

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:  
Assembly AJL committee amendments adopted December 14, 1995.

1 "Department" means the Department of Law and Public Safety;  
2 "Director" means the Director of the Division of Motor  
3 Vehicles in the Department of Transportation.  
4 "Division" means the Division of Motor Vehicles in the  
5 Department of Transportation;  
6 "Documented vessel" means a vessel which has a valid Marine  
7 Document issued by the United States Coast Guard or any  
8 Federal agency successor thereto;  
9 "Length" means measurement from end to end over the deck  
10 parallel to the centerline excluding sheer, bowsprits, bumpkins,  
11 rudders, outboard motors, brackets or other equipment or  
12 appendages;  
13 "Motor" means a temporarily or permanently installed fuel  
14 consuming mechanism by which the vessel is or may be propelled,  
15 including an electrical motor;  
16 "Operate" means to navigate, use, control or command a vessel;  
17 "Operator" means every person having charge, control,  
18 operation or direction of any vessel and the owner of the vessel if  
19 the owner is on the vessel at the time it is operated in violation  
20 of the law;  
21 "Owner" means a person, other than a lienholder, having the  
22 property in or title to a vessel. The term includes a person  
23 entitled to the use or possession of the vessel subject to an  
24 interest of another person, reserved or created by agreement and  
25 securing payment or performance of an obligation, but the term  
26 excludes a lessee under a lease not intended as security;  
27 "Personal watercraft" means a personal watercraft as defined  
28 by section 1 of P.L.1993, c.299 (C.12:7-62);  
29 "Power vessel" means a vessel temporarily or permanently  
30 equipped with machinery for propulsion, including a personal  
31 watercraft, and shall not include a vessel propelled wholly by  
32 sails or by muscular power;  
33 "Sailboat" means any boat whose sole source of propulsion is  
34 the wind;  
35 "Vessel" means a boat or watercraft, other than a sea plane on  
36 the water, used or capable of being used as a means of  
37 transportation on water; and  
38 "Waters of this State" means all waters within the jurisdiction  
39 of this State, both tidal and nontidal, and the marginal sea  
40 adjacent to this State to a distance of three nautical miles from  
41 the shoreline.  
42 3. (New section) a. Upon proper application <sup>1</sup>[therefore]  
43 therefor<sup>1</sup>, the director shall license a person to operate a power  
44 vessel on the nontidal waters of this State. A person shall not  
45 make any misstatement of fact in an application for a power  
46 vessel operator's license.  
47 b. Except as provided pursuant to subsection c. of this section:  
48 (1) A person shall not operate a power vessel on the nontidal  
49 waters of this State without being licensed by the director; and  
50 (2) A person under 16 years of age shall not be licensed to  
51 operate a power vessel on the nontidal waters of this State.  
52 c. A person is not required to be licensed pursuant to  
53 subsection b. of this section when operating a power vessel:  
54 (1) powered solely by a motor of less than one horsepower or an

1 electric motor of 12 volts or less:

2 (2) that is 12 feet or greater in length and powered by a motor.  
3 or combination of motors, of less than 10 horsepower:

4 (3) while actually competing in an authorized race held under  
5 the auspices of a duly incorporated yacht club or racing  
6 association in accordance with rules and regulations prescribed by  
7 the Division of State Police in the Department of Law and Public  
8 Safety and pursuant to a permit duly issued by that division;  
9 <sup>1</sup>[or]<sup>1</sup>

10 (4) pursuant to the provisions of subsection a. of section 2 of  
11 P.L.1987, c.453 (C.12:7-61)<sup>1</sup>;

12 (5) if the person is an out-of-State resident, the person's  
13 vessel is registered in the person's state of residence and the  
14 person has successfully completed a boat safety course  
15 substantially similar to the boat safety course administered  
16 pursuant to section 1 of P.L.1987, c.453 (C.12:7-60), provided  
17 that the person enters New Jersey with the intent to operate a  
18 vessel, and that the person operates the vessel for no more than  
19 30 days between May 1 and September 30 of any year<sup>1</sup>.

20 d. Except as provided pursuant to subsection c. of this section,  
21 a person shall have in his possession a proper license at all times  
22 when operating a power vessel on nontidal waters and shall  
23 exhibit the license to any law enforcement officer upon request.  
24 Failure of a person to exhibit such license upon request shall be  
25 presumptive evidence that the person is not a licensed operator.

26 e. A person who violates the provisions of subsection b. of this  
27 section shall be subject to a fine of not more than \$500 or to a  
28 term of imprisonment not to exceed 60 days, or both, except that:

29 (1) A person who has never been licensed to operate a power  
30 vessel on the nontidal waters of this State or any other  
31 jurisdiction shall be subject to a fine of not less than \$200 and, in  
32 addition, the court shall issue an order to the Director of the  
33 Division of Motor Vehicles requiring the director to refuse to  
34 issue a license to operate a power vessel on the nontidal waters  
35 of this State to that person for a period of not less than 180 days;  
36 and

37 (2) A person who can exhibit to the court before which the  
38 person is summoned to answer to the charge a valid operator's  
39 license issued to that person which was valid on the day that  
40 person was charged shall be subject to a fine of not more than  
41 \$100, in addition to any reasonable court costs the court may  
42 impose. Notwithstanding the provisions of this subsection, the  
43 court may, in its discretion, dismiss a charge regarding the  
44 failure to exhibit an operator's license brought pursuant to the  
45 provisions of this section.

46 f. The penalties provided for pursuant to subsection e. of this  
47 section shall not be applicable in cases where failure to have  
48 actual possession of the operator's license is due to an  
49 administrative or technical error by the Division of Motor  
50 Vehicles.

51 4. (New section) a. The fee for a 48-month power vessel  
52 operator's license required pursuant to section 3 of P.L. . c.  
53 (C. )(now before the Legislature as this bill) shall be \$16 and  
54 shall be paid to the director for deposit into the State General  
55 Fund.

1 b. Each New Jersey power vessel operator's license issued  
2 pursuant to section 3 of P.L. , c. (C. )(now before the  
3 Legislature as this bill) shall have a color photograph of the  
4 licensee. In addition to the fee required pursuant to subsection a.  
5 of this section, the fee for the photograph shall be \$2 for each  
6 license.

7 5. (New section) a. A person who lends any operator's license  
8 required pursuant to section 3 of P.L. , c. (C. )(now before  
9 the Legislature as this bill) to another person shall be subject to a  
10 fine of not less than \$25 nor more than \$100.

11 b. A person owning or having control or custody of a power  
12 vessel who allows the power vessel to be operated by a  
13 non-licensed operator shall be subject to a fine of not more than  
14 \$100.

15 c. A person operating a power vessel who exhibits the  
16 operator's license of another shall be subject to a fine of not less  
17 than \$200 or to a term of imprisonment not to exceed 60 days, or  
18 both.

19 d. A person who exhibits the operator's license of another for  
20 purposes of identification in any situation other than as described  
21 in subsection c. of this section shall be subject to a fine of not  
22 less than \$25 nor more than \$100.

23 6. (New section) A person who possesses a motor, whether  
24 inboard or outboard, the motor number of which has been altered  
25 or mutilated, or who comes into possession of such a motor, shall  
26 at once file in writing with the <sup>1</sup>[division] Division of State  
27 Police<sup>1</sup> a statement setting forth all circumstances in connection  
28 with that person's possession of the motor.

29 7. (New section) a. A person who operates a vessel on the  
30 waters of this State, without due caution and circumspection, in a  
31 manner that endangers, or is likely to endanger, a person or  
32 property shall be guilty of careless operation. Careless operation  
33 shall include, but need not be limited to, the loading of a vessel  
34 beyond the maximum capacity stated on the United States Coast  
35 Guard capacity label or the capacity label of the manufacturer  
36 affixed to the vessel.

37 b. In addition to any other requirements provided by law, a  
38 person convicted under subsection a. of this section shall be  
39 required after conviction to complete a boat safety course from  
40 the list approved by the Superintendent of State Police pursuant  
41 to section 1 of P.L.1987, c.453 (C.12:7-60), which shall be  
42 completed prior to the restoration of the privilege to operate a  
43 vessel which may have been revoked or suspended for a violation  
44 of the provisions of this section. Failure to satisfy this  
45 requirement shall result in the immediate revocation of the  
46 privilege to operate a vessel on the waters of this State, or the  
47 continuation of revocation until the requirements of this  
48 subsection are satisfied.

49 8. (New section) A person shall not operate or allow another  
50 person to operate a vessel on the waters of this State unless the  
51 vessel has a serviceable United States Coast Guard approved  
52 personal flotation device for each person on board. Such devices  
53 shall be of a type and in sufficient number as required by the  
54 United States Coast Guard for a vessel of that class operating on

1 navigable waters. Such devices shall be readily accessible when  
2 the vessel is under way or worn as required by regulation.

3 For the purpose of this section, the term "vessel" does not  
4 include surfboards, windsurfers, racing shells, rowing sculls and  
5 racing kayaks.

6 9. (New section) a. A person shall not discard debris from a  
7 vessel that is on the waters of this State. A person who violates  
8 this section shall be subject to a fine of not less than \$200 nor  
9 more than \$1,000 for each offense.

10 b. There shall be a rebuttable presumption that the owner of  
11 the vessel, if present on the vessel, or, in the owner's absence,  
12 the operator of the vessel, is responsible for any violation of this  
13 section, if:

14 (1) Debris of any nature is discarded from the vessel by an  
15 occupant of the vessel;

16 (2) There are two or more occupants in the vessel; and

17 (3) It cannot be determined which occupant of the vessel is the  
18 violator.

19 10. (New section) A person operating a vessel on the waters of  
20 this State shall stop or lay to when so ordered by any law  
21 enforcement officer.

22 11. (New section) a. A law enforcement officer may serve a  
23 summons on any person violating any provision of chapter 7 of  
24 Title 12 of the Revised Statutes.

25 b. A law enforcement officer may arrest any person violating  
26 in his presence any provision of chapter 7 of Title 12 of the  
27 Revised Statutes instead of issuing a summons pursuant to  
28 subsection a. of this section.

29 c. A law enforcement officer may arrest without a warrant  
30 any person who the officer has probable cause to believe has  
31 operated a vessel in violation of section 3 of P.L.1952, c.157  
32 (C.12.7-46), regardless of whether the suspected violation  
33 occurred in the officer's presence.

34 12. (New section) a. The Superior Court and every municipal  
35 court shall have jurisdiction to enforce the provisions of chapter  
36 7 of Title 12 of the Revised Statutes. Each of these courts shall  
37 have jurisdiction to receive complaints, order arrests, issue  
38 summonses and warrants, admit to bail, and take any action  
39 required of a judge in the enforcement of the provisions of  
40 chapter 7 of Title 12 of the Revised Statutes within their  
41 respective territorial jurisdictions.

42 b. A court that suspends or revokes a person's privilege to  
43 operate a power vessel shall transmit forthwith to the director an  
44 order indicating that fact and the ground upon which the privilege  
45 was suspended or revoked.

46 13. (New section) a. A court may revoke or suspend the  
47 privilege of a person to operate a power vessel if that person has  
48 been convicted of homicide in connection with the operation of a  
49 <sup>1</sup>[vessel or] <sup>1</sup>motor vehicle or of operating a <sup>1</sup>[vessel or] <sup>1</sup>motor  
50 vehicle while under the influence of intoxicating liquor or a  
51 narcotic, hallucinogenic or habit producing drug.

52 b. A court may revoke or suspend the privilege of a person to  
53 operate a power vessel if that person has been charged with a  
54 homicide in connection with the operation of a <sup>1</sup>[vessel or] <sup>1</sup>

1 motor vehicle or of operating a vessel or motor vehicle while  
2 under the influence of intoxicating liquor or a narcotic,  
3 hallucinogenic or habit producing drug, pending disposition of that  
4 charge, or for any other violation of any of the provisions of  
5 chapter 7 of Title 12 of the Revised Statutes or of any rule or  
6 regulation prescribed thereunder by the director or the  
7 commission.

8 1c. A court shall revoke or suspend the privilege of a person to  
9 operate a power vessel if that person has been charged with or  
10 convicted of homicide in connection with the operation of a  
11 vessel.

12 1c.1d. When a person's privilege to operate a power vessel is  
13 revoked or suspended, that person shall have an opportunity to be  
14 heard. Attendance of witnesses to such hearing may be  
15 compelled by subpoena.

16 1d.1e. Failure of the licensee or any other person possessing  
17 the license card to deliver the same to the suspending or revoking  
18 court, or the director if so ordered, shall constitute a violation.  
19 A court that suspends or revokes a license shall promptly place  
20 the license card in the custody of the division, except when the  
21 division shall otherwise direct.

22 1e.1f. The division shall have the exclusive power to restore  
23 a person's privilege to operate a power vessel and may restore  
24 that privilege after the person pays to the director a \$50  
25 restoration fee. Unless otherwise specified, whenever a license is  
26 revoked pursuant to this section a new license shall not be issued  
27 to the person whose license is revoked for at least six months  
28 after the date of such revocation, as determined by the director.

29 14. (New section) a. A person whose privilege, including any  
30 license or numbering, to operate a power vessel or a vessel that is  
31 12 feet or greater in length has been suspended, revoked or  
32 prohibited shall not operate such a vessel on the waters of this  
33 State.

34 b. A person violating subsection a. of this section shall be  
35 subject to the following penalties:

36 (1) upon conviction for a first offense, a fine of \$500;

37 (2) upon conviction for a second offense, a fine of \$750 and a  
38 term of imprisonment not to exceed five days;

39 (3) upon conviction for a third offense and each subsequent  
40 offense, a fine of \$1,000 and a term of imprisonment not to  
41 exceed 10 days.

42 c. In addition to the penalties prescribed in subsection b. of  
43 this section, a court shall suspend or extend the suspension of the  
44 operating privileges, for a period not to exceed six months, of a  
45 person who violates subsection a. of this section.

46 d. In addition to the penalties prescribed in subsections b. and  
47 c. of this section, a court may impose a term of imprisonment not  
48 to exceed 45 days, if while operating a vessel in violation of  
49 subsection a. of this section a person causes an accident resulting  
50 in personal injury to another person.

51 e. In addition to the penalties prescribed in subsections b., c.  
52 and d. of this section, any person violating subsection a. of this  
53 section while under a suspension issued pursuant to section 3 of  
54 P.L.1952, c.157 (C.12:7-46) upon conviction shall be fined \$500,

1 shall have his privilege to operate a vessel suspended for an  
2 additional period of not less than one year nor more than two  
3 years, and may be imprisoned for a term not to exceed 90 days.

4 1. Any period of suspension imposed by a court under this  
5 section that would continue beyond September 30 of any calendar  
6 year shall be interrupted on that date and shall be completed  
7 after April 30 of the following year.

8 15. (New section) All fines imposed under chapter 7 of Title 12  
9 of the Revised Statutes shall be paid to the court imposing the  
10 fines. Within 30 days after receipt, the court shall then transmit  
11 such fines to the Treasurer of the State of New Jersey for deposit  
12 into the State General Fund.

13 16. (New section) a. The director, the commission and the  
14 Superintendent of State Police, whichever is appropriate and  
15 subject to the approval of the Attorney General, may promulgate  
16 such rules and regulations pursuant to the "Administrative  
17 Procedure Act", P.L.1968, c.410 (C.52:14B-1 et seq.), as  
18 necessary to effectuate the provisions of P.L. . c. (C. )(now  
19 before the Legislature as this bill).

20 b. All rules and regulations promulgated pursuant to the  
21 provisions of chapters 7 and 7C of Title 12 of the Revised  
22 Statutes before the effective date of this act which are not  
23 inconsistent with the provisions of P.L. . c. (C. )(now before  
24 the Legislature as this bill) shall remain in effect until such time  
25 as such rules and regulations are changed or otherwise readopted.

26 17. (New section) a. The Superintendent of State Police shall  
27 develop <sup>1,1</sup> and the superintendent, or his designee, shall<sup>1</sup>  
28 administer <sup>1,1</sup> a written test for experienced boaters which shall  
29 be issued in lieu of completing the boat safety course required  
30 pursuant to subsection c. of section 2 of P.L.1987, c.453  
31 (C.12:7-61). Upon successful completion of the test, the person  
32 shall be given a certificate which shall fulfill the requirements of  
33 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61). A  
34 person who fails the test shall be subject to all requirements of  
35 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61). A  
36 person may only take one test pursuant to this subsection.

37 b. A person who takes a test pursuant to subsection a. of this  
38 section shall pay such fee as determined by the superintendent to  
39 defray the costs of developing and administering the test and  
40 issuing the certificates to persons who successfully complete the  
41 test.

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

46 d. The <sup>1</sup>[superintendent] superintendent<sup>1</sup> shall determine the  
47 qualifications for application and all other requirements for  
48 applicants under this section.

49 <sup>1</sup>18. (New section) a. A person may operate a personal  
50 watercraft without having completed a boat safety course  
51 required pursuant to subsection c. of section 2 of P.L. 1987, c.453  
52 (C.12:7-61) or a written test administered pursuant to section 17  
53 of P.L. . c. (C. )(now before the Legislature as this bill),  
54 under the following conditions:

1       (1) the person operates the personal watercraft within the  
2 boundaries of an area designated solely for the operation of  
3 personal watercraft by a business engaged in renting personal  
4 watercraft for use on the waters of the State;

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

10       (4) the person has successfully completed an instruction course  
11 provided by the owner or lessee of the personal watercraft prior  
12 to operating the personal watercraft within the designated area.

13       b. The Superintendent of State Police shall adopt, pursuant to  
14 the "Administrative Procedure Act," P.L. 1968, c.410  
15 (C.52:14B-1 et seq.), any rules or regulations necessary to  
16 implement the provisions of this section.<sup>1</sup>

17       <sup>1</sup>[18.] 19.<sup>1</sup> Section 5 of P.L.1987, c.269 (C.12:7-23.5) is  
18 amended to read as follows:

19       5. A person who violates any [provisions] provision of this act  
20 or any regulation adopted pursuant to this act is [guilty of a  
21 disorderly persons offense. If a court imposes] subject to a fine  
22 [under this section, this fine shall be] of not less than [\$100.00]  
23 [\$100] for the first offense, [\$300.00] \$300 for the second offense,  
24 and [\$500.00] \$500 for the third and each subsequent offense.  
25 (cf: P.L.1987, c.269, s.5)

26       <sup>1</sup>[19.] 20.<sup>1</sup> Section 3 of P.L.1962, c.73 (C.12:7-34.38) is  
27 amended to read as follows:

28       3. Except as herein otherwise provided, every vessel which is  
29 upon the waters of this State shall be numbered in accordance  
30 with the provisions of this act, and no person shall operate or give  
31 permission to operate any vessel on such waters unless it is so  
32 numbered.

33       A vessel shall not be required to be numbered under this act if  
34 it is:

35       (a) A documented vessel;

36       (b) Being legally operated and meets all current requirements  
37 pursuant to applicable federal law or a federally-approved  
38 numbering system of another state; provided that such vessel  
39 shall not have been within this State for a period in excess of 180  
40 consecutive days, unless it is in New Jersey for the purpose of  
41 wet or dry storage, or for repairs, in which case the actual time  
42 for said storage or repair shall not be counted as included within  
43 the 180 days aforesaid; provided, however, that a vessel shall be  
44 considered to be based within this State if its owner owns,  
45 maintains, leases, or rents space in this State for its storage,  
46 mooring, or servicing on other than a transient basis;

47       (c) From a country other than the United States temporarily  
48 using the waters of this State;

49       (d) A public vessel of the United States, a state or subdivision  
50 or agency thereof;

51       (e) A ship's lifeboat;

52       (f) Any vessel used exclusively for racing while actually  
53 competing in or tuning up for an authorized race held under the  
54 auspices of a duly incorporated yacht club or racing association in

1 accordance with the rules and regulations prescribed by the  
2 [department] Division of State Police and pursuant to a permit  
3 duly issued by [the department] that division;

4 (g) A sailboat or vessel, except for power vessels, used  
5 exclusively on small lakes and ponds wholly within private lands;

6 (h) A non-motorized, inflatable surfboard, racing shell, rowing  
7 scull, tender for direct transportation between a vessel and the  
8 shore and for no other purpose (dinghy), or vessel, except power  
9 vessels, of 12 feet or less in length;

10 (i) A canoe or kayak; or

11 (j) A sailboat of 12 feet or less in length.

12 A sailboat shall be required to be numbered under this act if it  
13 is any class of one-design sailboat, in excess of 12 feet in length,  
14 which is temporarily or permanently equipped with power  
15 installed either inboard or outboard.

16 (cf: P.L.1985, c.56, s.1)

17 <sup>1</sup>[20] 21<sup>1</sup>. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is  
18 amended to read as follows:

19 4. (a) The owner of a vessel required to be numbered in this  
20 State shall file an application with the [department] division on  
21 forms approved by it. The application shall be signed by the  
22 owner and shall be accompanied by the fee prescribed by this act  
23 for such vessel. Upon receipt of the application in the approved  
24 form and the prescribed fee, the [department] division shall enter  
25 the same upon the records of its office and issue to the applicant  
26 a pocket-size, <sup>1</sup>[waterproof] laminated or otherwise water  
27 resistant<sup>1</sup> certificate of number, which shall state the name and  
28 address of the owner, a description of the vessel, its use, and the  
29 number assigned.

30 (b) Except as provided herein, the certificate of number shall  
31 be available at all times for inspection on the vessel for which  
32 issued whenever such vessel is in operation. The certificate of  
33 number for vessels less than 26 feet in length and leased or  
34 rented to another for the latter's noncommercial use of less than  
35 24 hours may be retained on shore by the vessel's owner or his  
36 representative at the place from which the vessel departs or  
37 returns to the possession of the owner or his representative;  
38 provided such substitute as the [commissioner] director may  
39 prescribe by regulation is carried on board.

40 (c) The number assigned to a vessel shall be displayed on each  
41 side of the bow thereof, as prescribed by regulations of the  
42 [department] division, using letters and numerals not less than  
43 three inches in height; except that this provision shall not apply  
44 to a one-design class racing sailboat, without power installed  
45 either inboard or outboard, which is required to be numbered  
46 under section 3 of P.L.1962, c. 73 (C. 12:7-34.38). No other  
47 number shall be displayed on the bow.

48 (cf: P.L.1985, c.56, s.2)

49 <sup>1</sup>[21.] 22<sup>1</sup>. Section 5 of P.L.1962, c.73 (C.12:7-34.40) is  
50 amended to read as follows:

51 5. The [department] division shall make and promulgate rules  
52 and regulations concerning the numbering system to be used,  
53 which system shall conform as near as possible with any over-all  
54 system of identification numbering for vessels which is being used

1 by the United States Government or its agencies. Such rules and  
2 regulations shall go into effect immediately upon promulgation.

3 (cf: P.L.1980, c.97, s.4)

4 <sup>1</sup>[22.] 23.<sup>1</sup> Section 6 of P.L.1962, c.73 (C.12:7-34.41) is  
5 amended to read as follows:

6 6. The owner of any vessel identified by a number in full force  
7 and effect which has been awarded to it pursuant to a then  
8 operative Federal law or Federally-approved numbering system  
9 of another State shall record with the [department] division the  
10 vessel's description and number prior to using such vessel upon  
11 the waters of this State in excess of the 180-day reciprocity  
12 period provided for in section 3 of [this act] P.L.1962, c.73  
13 (C.12:7-34.38). Such recording shall be in the same manner and  
14 pursuant to the same procedure prescribed in section 4 of [this  
15 act] P.L.1962, c.73 (C. 12:7-34.39) except that no additional or  
16 substitute number shall be assigned.

17 (cf: P.L.1980, c.97, s.5)

18 <sup>1</sup>[23] 24.<sup>1</sup> Section 10 of P.L.1980, c.97 (C.12:7-34.44a) is  
19 amended to read as follows:

20 10. (a) For the purposes of [this act] P.L.1962, c.73  
21 (C.12:7-34.36 et seq.), a documented vessel is based within this  
22 State if its owner owns, maintains, leases or rents space in this  
23 State for its storage, mooring or servicing on other than a  
24 transient basis.

25 (b) The owner of a documented vessel of 500 gross tons or less  
26 based in this State shall file an application for the registration of  
27 such vessel with the [department] division on forms approved by  
28 it. The application shall be signed by the owner and shall be  
29 accompanied by the fee prescribed herein for the vessel. Upon  
30 receipt of the application in the approved form and the  
31 prescribed fee, the [department] division shall enter the same  
32 upon the records of its office and issue to the applicant a  
33 [pocketsize] pocket-size, <sup>1</sup>[waterproof] laminated or otherwise  
34 water resistant<sup>1</sup> certificate of registration which shall state the  
35 name and address of the owner, a description of the vessel, and  
36 its use.

37 (c) The certificate of registration shall be available at all times  
38 for inspection on the vessel for which issued whenever the vessel  
39 is in operation.

40 (d) The fees for the initial registration of a documented vessel  
41 and for each renewal thereof, shall be based on the length of the  
42 vessel and shall be the same as provided for in section 12 of  
43 P.L.1962, c.73 (C.12:7-34.47) for other vessels of the same length.  
44 (cf: P.L.1980, c.97, s.10)

45 <sup>1</sup>[24.] 25.<sup>1</sup> Section 10 of P.L.1962, c.73 (C.12:7-34.45) is  
46 amended to read as follows:

47 10. (a) Whenever the owner of a vessel numbered [under this  
48 act] pursuant to P.L.1962, c.73 (C.12:7-34.36 et seq.) changes his  
49 address from that shown on his certificate of number, he shall,  
50 within [10 days] one week thereof, notify the [department]  
51 division, in writing, of his new address. The [department] division  
52 may provide, by regulation, for showing the new address by the  
53 alteration of the certificate or for its surrender and replacement  
54 by a corrected certificate.

1 (b) Whenever a vessel numbered under this act is sold,  
2 transferred, lost, destroyed or abandoned, the owner of record  
3 shall, within [10 days] one week thereof, notify the [department]  
4 division in writing of the change in the status of the vessel. The  
5 [department] division may, by regulation, also require the  
6 surrender of the certificate of number, if it was not destroyed by  
7 the occurrence.

8 (cf: P.L.1962, c.73, s.10)

9 <sup>1</sup>[25.] 26.<sup>1</sup> Section 11 of P.L.1962, c.73 (C.12:7-34.46) is  
10 amended to read as follows:

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

20 (b) Whenever an accident involves any vessel subject to this  
21 act and results in the death, disappearance, or injury of any  
22 person, or in property damage in excess of [\$100.00] \$500, the  
23 operator or operators thereof shall file, with the [department]  
24 Division of State Police, a full description of the accident,  
25 including such information as [the department] that division may,  
26 by  
27 regulation, require within the times specified in subsection (c) of  
28 this section.

29 (c) [All boating accidents which occur] A boating accident that  
30 occurs on the waters of this State shall be reported [within 48  
31 hours of the happening thereof] to the Division of State Police by  
32 the quickest means of communication possible, if [said] the  
33 accident has caused the death or the disappearance of any person;  
34 [all] any other reportable boating [accidents] accident that may  
35 result in personal injury or property damage shall be reported  
36 within [15] 10 days to the Division of State Police.

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

45 (cf: P.L.1962, c.73, s.11)

46 <sup>1</sup>[26.] 27.<sup>1</sup> Section 12 of P.L.1962, c.73 (C.12:7-34.47) is  
47 amended to read as follows:

48 12. The fees for the initial numbering of all vessels and for  
49 each renewal of the certificate of number issued thereto, unless  
50 otherwise provided by law, shall be:

51 (a) For all vessels less than 16 feet, [\$6.00] \$6 per year; 16 feet  
52 or more but less than 26 feet, [\$14.00] \$14 per year; 26 feet or  
53 more but less than 40 feet, [\$26.00] \$26 per year; 40 feet or more  
54 but less than 65 feet, [\$40.00] \$40 per year; 65 feet or more,  
55 [\$125.00] \$125 per year.

1 (b) (Deleted by amendment.)

2 (c) Special numbers including up to three duplicates thereof and  
3 up to four sets of temporary numbers bearing a number  
4 corresponding to the special number, shall be assigned to boat  
5 dealers and manufacturers, as provided for under rules and  
6 regulations to be promulgated by the [department] division, and  
7 such numbers shall be displayed temporarily upon boats being  
8 tested, demonstrated, photographed or transported, said display  
9 to be as prescribed in the rules and regulations aforementioned.

10 For each such special number so assigned the fee shall be  
11 [\$75.00] \$75 for 1 year.

12 (d) A fee shall not be charged for the numbering of any marine  
13 equipment operated and maintained by the State of New Jersey; a  
14 county; a municipality; a volunteer first aid, rescue, or  
15 emergency squad; a search and rescue unit established within a  
16 fire district created pursuant to N.J.S. 40A:14-70; or a volunteer  
17 fire company created pursuant to N.J.S. 40A:14-70.1. This  
18 subsection shall apply only to marine equipment which is used  
19 exclusively in the performance of the prescribed duties of the  
20 governmental entities and organizations described above.

21 (cf: P.L.1980, c.97, s.7)

22 <sup>1</sup>[27.] 28.<sup>1</sup> Section 6 of P.L.1965, c.206 (C.12:7-34.47a) is  
23 amended to read as follows:

24 6. (a) Except as provided in subsection (b) hereof, the owner of  
25 every power vessel required to be numbered pursuant to this act  
26 shall and the owner of every documented power vessel of 500  
27 gross tons or less which is based within this State may annually  
28 apply to the [department] division for a tax exemption certificate  
29 for [said] the power vessel and pay the fee for such certificate in  
30 this act prescribed, which fee shall be in lieu of any assessment  
31 or personal property tax imposed by the laws of this State;

32 (b) The owners of power vessels used solely for their pleasure  
33 and recreation shall not be subject to the requirements of  
34 subsection (a) hereof and need not apply for a tax exemption  
35 certificate.

36 (cf: P.L.1965, c.206, s.6)

37 <sup>1</sup>[28.] 29.<sup>1</sup> Section 8 of P.L.1965, c.206 (C.12:7-34.47c) is  
38 amended to read as follows:

39 8. (a) Applications for the issuance of a tax exemption  
40 certificate shall be made to the [department] division on forms  
41 prescribed and supplied by it. Upon application and payment of  
42 the fees prescribed, the [commissioner] director shall provide  
43 suitable evidence of compliance with this act which shall be  
44 displayed in or on each power vessel in a manner to be provided  
45 by regulations of the [commissioner] director.

46 (b) Application for a tax exemption certificate for the tax year  
47 1966 and all subsequent tax years shall be filed with the  
48 [department] division on or before June 1 of the tax year or  
49 within 30 days of the purchase or acquisition of the power vessel,  
50 whichever date is the later.

51 (cf: P.L.1965, c.206, s.8)

52 <sup>1</sup>[29.] 30.<sup>1</sup> Section 10 of P.L.1965, c.206 (C.12:7-34.47e) is  
53 amended to read as follows:

54 10. The [commissioner] director is authorized to utilize the

1 machine records facilities of other State agencies in the  
2 administration of this act.

3 (cf: P.L.1965, c.206, s.10)

4 <sup>1</sup>[30.] 31.<sup>1</sup> Section 11 of P.L.1965, c.206 (C.12:7-34.47f) is  
5 amended to read as follows:

6 11. The [commissioner] director shall issue a tax exemption  
7 certificate, without fee, for any power vessel owned, or leased  
8 by, the State, a county or municipality or by any instrumentality  
9 thereof or by any agency or authority created by this State or by  
10 compact between this and any other State or States.

11 (cf: P.L.1965, c.206, s.11)

12 <sup>1</sup>[31.] 32.<sup>1</sup> Section 12 of P.L.1965, c.206 (C.12:7-34.47g) is  
13 amended to read as follows:

14 12. The [commissioner] director shall issue a tax exemption  
15 certificate, without fee, for any power vessel owned by  
16 associations or corporations organized exclusively for charitable  
17 purposes.

18 (cf: P.L.1965, c.206, s.12)

19 <sup>1</sup>[32.] 33.<sup>1</sup> Section 15 of P.L.1965, c.206 (C.12:7-34.47j) is  
20 amended to read as follows:

21 15. The [Commissioner] director is authorized to issue rules  
22 and regulations necessary for the administration and enforcement  
23 of the tax exemption certificate provisions of this act, including,  
24 but not limited to the establishment of a schedule for the initial  
25 issuance of said certificate.

26 (cf: P.L.1965, c.206, s.15)

27 <sup>1</sup>[33.] 34.<sup>1</sup> Section 14 of P.L.1962, c.73 (C.12:7-34.49) is  
28 amended to read as follows:

29 14. (a) There is established within the department a 7 member  
30 Boat Regulation Commission which shall consist of the  
31 [commissioner of the department] Attorney General as ex officio  
32 member and 6 public members. The public members shall be  
33 appointed by the Governor with the advice and consent of the  
34 Senate for 4-year terms commencing on April 1 of the year of  
35 the appointment, except that of those first appointed, 2 shall be  
36 appointed for a term of 1 year, 2 for a term of 2 years, one for a  
37 term of 3 years and one for a term of 4 years. As far as possible  
38 the public members shall be experienced [boatmen] boaters and  
39 shall represent the various geographical sections and boating  
40 interests of the State. At least one of the public members shall  
41 be actively employed in the marine industry.

42 The chairman shall be designated by the Governor. Each  
43 member of the commission shall serve at the pleasure of the  
44 Governor during his term and until the successor of the  
45 commission member has been appointed and has qualified.  
46 Vacancies shall be filled only for the unexpired term.

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

50 (c) The commission will promulgate rules and regulations,  
51 subject to the approval of the [commissioner of the department]  
52 Attorney General, not inconsistent with the provisions of this act  
53 and including, but not limited to the inspection, operation,  
54 equipping, anchorage, racing and safety of vessels upon the  
55 waters of this State.

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

9 The commission shall meet monthly or at the call of the  
10 [commissioner of the department] Attorney General or the  
11 chairman of the commission or when requested by any 3 members  
12 of the commission. The [commissioner of the department]  
13 Attorney General shall designate a staff from the department to  
14 handle administrative matters for the commission.

15 (cf: P.L.1962, c.73, s.14)

16 <sup>1</sup>[34.] 35.<sup>1</sup> Section 18 of P.L.1962, c.73 (C.12:7-34.53) is  
17 amended to read as follows:

18 18. [Nothing in this act] No provision of chapter 7 of Title 12  
19 of the Revised Statutes shall be construed to prevent the  
20 adoption of any ordinance or local law relating to operation and  
21 equipment of vessels the provisions of which are identical to the  
22 provisions of [this act] chapter 7 of Title 12, amendments thereto  
23 or regulations issued thereunder: Provided, that such ordinance or  
24 local laws shall be operative only so long as and to the extent  
25 that they continue to be identical to provisions of [this act]  
26 chapter 7 of Title 12, amendments thereto or regulations issued  
27 thereunder.

28 (a) Any subdivision of this State may, at any time, but only  
29 after public notice, make formal application to the [department]  
30 commission for special rules and regulations with reference to  
31 the operation of vessels on any waters within its territorial limits  
32 and shall set forth herein the reasons which make such special  
33 rules and regulations necessary or appropriate.

34 (b) The commission is hereby authorized to make, adopt and  
35 promulgate special rules and regulations, subject to the approval  
36 of the [commissioner] Attorney General, with reference to the  
37 operation of vessels on [any] the waters of this State within the  
38 territorial limits of any subdivision of this State.

39 (cf: P.L.1962, c.73, s.18)

40 <sup>1</sup>[35.] 36.<sup>1</sup> Section 1 of P.L.1952, c.157 (C.12:7-44) is amended  
41 to read as follows:

42 1. In addition to the powers conferred upon the Department of  
43 [Conservation and Economic Development] Law and Public Safety  
44 by the provisions of Title 12 of the Revised Statutes, the [said  
45 Department of Conservation and Economic Development]  
46 department is hereby authorized and empowered to regulate the  
47 operation, docking, mooring and anchoring of power vessels  
48 operating on the [tidal] waters [within the confines of the State  
49 of New Jersey] of this State.

50 (cf: P.L.1952, c.157, s.1)

51 <sup>1</sup>[36.] 37.<sup>1</sup> Section 3 of P.L.1952, c.157 (C.12:7-46) is amended  
52 to read as follows:

53 3. a. No person shall operate a vessel on [tidal waters] the  
54 waters of this State while under the influence of intoxicating

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1 liquor, a narcotic, hallucinogenic, or habit-producing drug or with  
2 a blood alcohol concentration of 0.10% or more by weight of  
3 alcohol. No person shall permit another who is under the  
4 influence of intoxicating liquor, a narcotic, hallucinogenic or  
5 habit-producing drug, or who has a blood alcohol concentration of  
6 0.10% by weight of alcohol, to operate any vessel owned by the  
7 person or in his custody or control.

8 As used in this section, "vessel" means a power vessel as  
9 defined by section 2 of [P.L.1962, c.73 (C.12:7-34.37)] P.L. , c.  
10 (C. )(now before the Legislature as this bill) or a vessel which  
11 is 12 feet or greater in length.

12 A person who violates this section shall be subject to the  
13 following:

14 (1) For a first offense, to a fine of not less than [~~\$250.00~~] \$250  
15 nor more than [~~\$400.00~~] \$400; and to the revocation of the [right]  
16 privilege to operate a vessel on the waters of this State for a  
17 period of 12 months from the date of conviction and to the  
18 forfeiting of the [right] privilege to operate a motor vehicle over  
19 the highways of this State for a period of three months.

20 (2) For a second offense, to a fine of not less than [\$500.00]  
21 \$500 nor more than [\$1,000.00] \$1,000; to the performance of  
22 community service for a period of 30 days, in the form and on the  
23 terms as the court deems appropriate under the circumstances;  
24 and to imprisonment for a term of not less than 48 hours nor  
25 more than 90 days, which shall not be suspended or served on  
26 probation; and to the revocation of the [right] privilege to  
27 operate a vessel on the waters of this State for a period of two  
28 years after the date of conviction and to the forfeiting of the  
29 [right] privilege to operate a motor vehicle over the highways of  
30 this State for a period of six months.

31 (3) For a third or subsequent offense, to a fine of [\$1,000.00]  
32 \$1,000; to imprisonment for a term of not less than 180 days,  
33 except that the court may lower this term for each day not  
34 exceeding 90 days during which the person performs community  
35 service, in the form and on the terms as the court deems  
36 appropriate under the circumstances; and to the revocation of the  
37 [right] privilege to operate a vessel on the waters of this State  
38 for a period of 10 years from the date of conviction and to the  
39 forfeiting of the [right] privilege to operate a motor vehicle over  
40 the highways of this State for a period of two years.

41 Upon conviction of a violation of this section, the court shall  
42 collect forthwith the New Jersey driver's license or licenses of  
43 the person so convicted and forward such license or licenses to  
44 the Director of the Division of Motor Vehicles. In the event that  
45 a person convicted under this section is the holder of any  
46 out-of-State motor vehicle driver's or vessel operator's license,  
47 the court shall not collect the license but shall notify forthwith  
48 the Director of the Division of Motor Vehicles, who shall, in turn,  
49 notify appropriate officials in the licensing jurisdiction. The  
50 court shall, however, revoke the nonresident's driving privilege  
51 to operate a motor vehicle and the nonresident's privilege to  
52 operate a vessel in this State.

53 b. A person who has been convicted of a previous violation of  
54 this section need not be charged as a second or subsequent

1 offender in the complaint made against him in order to render  
2 him liable to the punishment imposed by this section against a  
3 second or subsequent offender. If a second offense occurs more  
4 than 10 years after the first offense, the court shall treat a  
5 second conviction as a first offense for sentencing purposes and,  
6 if a third offense occurs more than 10 years after the second  
7 offense, the court shall treat a third conviction as a second  
8 offense for sentencing purposes.

9 c. If a court imposes a term of imprisonment under this  
10 section, the person may be sentenced to the county jail, to the  
11 workhouse of the county where the offense was committed, or to  
12 an inpatient rehabilitation program approved by the Director of  
13 the Division of Motor Vehicles and the Director of the Division of  
14 Alcoholism and Drug Abuse in the Department of Health.

15 d. In the case of any person who at the time of the imposition  
16 of sentence is less than 17 years of age, the period of the  
17 suspension of driving privileges authorized herein, including a  
18 suspension of the privilege of operating a motorized bicycle, shall  
19 commence on the day the sentence is imposed and shall run for a  
20 period as fixed by the court of not less than three months after  
21 the day the person reaches the age of 17 years. If the driving or  
22 vessel operating privilege of any person is under revocation,  
23 suspension, or postponement for a violation of any provision of  
24 this title or Title 39 of the Revised Statutes at the time of any  
25 conviction of any offense defined in this section, the revocation,  
26 suspension, or postponement period imposed herein shall  
27 commence as of the date of termination of the existing  
28 revocation, suspension or postponement. A second offense shall  
29 result in the suspension or postponement of the person's [right]  
30 privilege to operate a motor vehicle for six months. A third or  
31 subsequent offense shall result in the suspension or postponement  
32 of the person's [right] privilege to operate a motor vehicle for  
33 two years. The court before whom any person is convicted of or  
34 adjudicated delinquent for a violation shall collect forthwith the  
35 New Jersey driver's license or licenses of the person and forward  
36 such license or licenses to the Director of the Division of Motor  
37 Vehicles along with a report indicating the first and last day of  
38 the suspension or postponement period imposed by the court  
39 pursuant to this section. If the court is for any reason unable to  
40 collect the license or licenses of the person, the court shall cause  
41 a report of the conviction or adjudication of delinquency to be  
42 filed with the director. That report shall include the complete  
43 name, address, date of birth, eye color, and sex of the person and  
44 shall indicate the first and last day of the suspension or  
45 postponement period imposed by the court pursuant to this  
46 section. The court shall inform the person orally and in writing  
47 that if the person is convicted of personally operating a motor  
48 vehicle or a vessel during the period of license suspension or  
49 postponement imposed pursuant to this section, the person shall,  
50 upon conviction, be subject to the penalties set forth in  
51 R.S.39:3-40 or section 14 of P.L. . c. (C. )(now before the  
52 Legislature as this bill), whichever is appropriate. A person shall  
53 be required to acknowledge receipt of the written notice in  
54 writing. Failure to receive a written notice or failure to

1 acknowledge in writing the receipt of a written notice shall not  
2 be a defense to a subsequent charge of a violation of R.S.39:3-40  
3 or section 14 of P.L. , c. (C. )(now before the Legislature as  
4 this bill). If the person is the holder of a driver's or vessel  
5 operator's license from another jurisdiction, the court shall not  
6 collect the license but shall notify forthwith the director who  
7 shall notify the appropriate officials in the licensing jurisdiction.  
8 The court shall, however, in accordance with the provisions of  
9 this section, revoke the person's non-resident driving or vessel  
10 operating privilege, whichever is appropriate, in this State.

11 e. In addition to any other requirements provided by law, a  
12 person convicted under this section shall satisfy the screening,  
13 evaluation, referral program and fee requirements of the Division  
14 of Alcoholism's Intoxicated Driving Programs Unit. A fee of  
15 [\$80.00] \$80 shall be payable to the Alcohol Education,  
16 Rehabilitation and Enforcement Fund established under section 3  
17 of P.L.1983, c.531 (C.26:2B-32), by the convicted person in order  
18 to defray the costs of the screening, evaluation and referral by  
19 the Intoxicated Driving Programs Unit. Failure to satisfy this  
20 requirement shall result in the immediate forfeiture of the [right]  
21 privilege to operate a vessel on the waters of this State or the  
22 continuation of revocation until the requirements are satisfied.

23 f. In addition to any other requirements provided by law, a  
24 person convicted under this section shall be required after  
25 conviction to complete a boat safety course from the list  
26 approved by the Superintendent of State Police pursuant to  
27 section 1 of P.L.1987, c.453 (C.12:7-60), which shall be  
28 completed prior to the restoration of the privilege to operate a  
29 vessel which may have been revoked or suspended for a violation  
30 of the provisions of this section. Failure to satisfy this  
31 requirement shall result in the immediate revocation of the  
32 privilege to operate a vessel on the waters of this State, or the  
33 continuation of revocation until the requirements of this  
34 subsection are satisfied.

35 (cf: P.L.1993, c.230, s.2)

36 <sup>1</sup>[37.] 38.<sup>1</sup> Section 4 of P.L.1952, c.157 (C.12:7-47) is amended  
37 to read as follows:

38 4. [No power] a. A person who disregards the rights or safety  
39 of others and operates a vessel [shall be operated] on the waters  
40 of this State in a [reckless manner. Reckless operation shall  
41 include operating such a vessel in a] manner which unnecessarily  
42 interferes with the free and proper use of any waters, or which  
43 unnecessarily [endangers] creates a risk of damage or injury to  
44 other craft therein, or [the life or limb of any person upon such  
45 other craft or in the water] to person or property, shall be guilty  
46 of reckless operation of a vessel and subject to a term of  
47 imprisonment not to exceed 60 days, or to a fine of not less than  
48 \$50 nor more than \$200, or both.

49 On a second or subsequent conviction, a person guilty of  
50 reckless operation of a vessel shall be subject to a term of  
51 imprisonment not to exceed three months, or to a fine of not less  
52 than \$100 nor more than \$500, or both.

53 b. In addition to any other requirements provided by law, a  
54 person convicted under this section shall be required after

1 conviction to complete a boat safety course from the list  
2 approved by the Superintendent of State Police pursuant to  
3 section 1 of P.L.1987, c.453 (C.12:7-60), which shall be  
4 completed prior to the restoration of the privilege to operate a  
5 vessel which may have been revoked or suspended for a violation  
6 of the provisions of this section. Failure to satisfy this  
7 requirement shall result in the immediate forfeiture of the  
8 privilege to operate a vessel on the waters of this State, or the  
9 continuation of revocation until the requirements of this  
10 subsection are satisfied.

11 (cf: P.L.1952, c.157, s.4)

12 <sup>1</sup>[38.] 39. Section 7 of P.L.1952, c.157 (C.12:7-50) is amended  
13 to read as follows:

14 7. The department may, whenever in its discretion it shall be  
15 deemed necessary, appoint harbor masters who shall have  
16 controlling jurisdiction under the law governing [said] the  
17 Department of [Conservation and Economic Development] Law  
18 and Public Safety to supervise the use of tidal waters within the  
19 jurisdiction of this State. Such harbor masters shall be appointed  
20 for one year and shall serve without salary and in accordance  
21 with rules and regulations promulgated by the commission.  
22 Harbor masters appointed under this act shall be supplied with a  
23 shield or badge indicating their office and with an insignia to be  
24 carried on their boats while being used on official duty under this  
25 act.

26 (cf: P.L.1952, c.157, s.7)

27 <sup>1</sup>[39.] 40. Section 8 of P.L.1952, c.157 (C.12:7-51) is amended  
28 to read as follows:

29 8. Any person who shall violate [the provisions] any provision  
30 of [this act] chapter 7 of Title 12 of the Revised Statutes, or of  
31 any rule or regulation issued thereunder, where the penalty  
32 therefor is not specifically prescribed, shall be subject to a fine  
33 [not exceeding one hundred dollars (\$100.00) and in default of the  
34 payment thereof, shall be subject to imprisonment for a period  
35 not exceeding ten days. Any person convicted of a second] of \$25  
36 for a first offense, \$50 for a second offense [of the same  
37 violation shall be subject to a fine in double the amount  
38 prescribed for a first] and \$100 for a third and each subsequent  
39 offense [, and shall, in default of the payment thereof, be subject  
40 to imprisonment for a period of not exceeding twenty days] of the  
41 same violation.

42 (cf: P.L.1952, c.157, s.8)

43 <sup>1</sup>[40.] 41. Section 7 of P.L.1986, c.39 (C.12:7-55) is amended  
44 to read as follows:

45 7. a. (1) A person who operates a power vessel or a vessel  
46 which is 12 feet or greater in length on the [tidal or non-tidal]  
47 waters of this State shall be deemed to have given his consent to  
48 the taking of samples of his breath for the purpose of making  
49 chemical tests to determine the content of alcohol in his blood,  
50 except that the taking of samples shall be made in accordance  
51 with the provisions of [this amendatory and supplementary act]  
52 P.L.1986, c.39 and at the request of the State Marine Police  
53 Force or a law enforcement officer who has reasonable grounds  
54 to believe that the person has been operating a vessel in violation

1 of the provisions of [section 19 of P.L.1954, c.236 (C.12:7-34.19)  
2 or] section 3 of P.L.1952, c.157 (C.12:7-46).

3 (2) Whenever an operator has been involved in an accident  
4 resulting in death, bodily injury or property damage, an officer  
5 shall consider that fact along with all other facts and  
6 circumstances in determining under paragraph (1) of this  
7 subsection whether there are reasonable grounds to believe a  
8 person is operating a vessel in violation of the provisions of  
9 [Section 19 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of  
10 P.L.1952, c.157 (C.12:7-46).

11 b. A record of the taking of the sample, disclosing the date  
12 and time thereof, as well as the result of any chemical test, shall  
13 be made and a copy shall be furnished or made available to the  
14 person so tested, upon his request.

15 c. In addition to the samples taken and tests made at the  
16 direction of the State Marine Police Force or a law enforcement  
17 officer, the person tested shall be permitted to have samples  
18 taken and chemical tests of his breath, urine or blood made by a  
19 person or physician of his own selection.

20 d. The State Marine Police Force or a law enforcement officer  
21 shall inform the person tested of his rights under subsections b.  
22 and c. of this section.

23 e. No chemical test, as provided in this section, or specimen  
24 necessary for a test, may be made or taken forcibly and against  
25 physical resistance thereto by the defendant. The State Marine  
26 Police Force or a law enforcement officer shall, however, inform  
27 the person arrested of the consequences of refusing to submit to  
28 the test, in accordance with section 9 of [this amendatory and  
29 supplementary act] P.L.1986, c.39 (C.12:7-57). A standard  
30 statement, prepared by the Director of the Division of Motor  
31 Vehicles in the Department of Law and Public Safety, shall be  
32 read by the State Marine Police Force or a law enforcement  
33 officer to the person under arrest.

34 (cf: P.L.1993, c.233, s.1)

35 <sup>1</sup>[41.] 42.<sup>1</sup> Section 9 of P.L.1986, c.39 (C.12:7-57) is amended  
36 to read as follows:

37 9. a. A [judge] court shall revoke the [right] privilege of a  
38 person to operate a power vessel or a vessel which is 12 feet or  
39 greater in length, if after being arrested for a violation of  
40 [section 19 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of  
41 P.L.1952, c.157 (C.12:7-46), the person refuses to submit to the  
42 chemical test provided for in section 7 of [this amendatory and  
43 supplementary act] P.L.1986, c.39 (C.12:7-55) when requested to  
44 do so. The revocation shall be for six months unless the refusal  
45 was in connection with a second offense under [section 19 of  
46 P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
47 (C.12:7-46), in which case the revocation period shall be for two  
48 years. If the refusal was in connection with a third or subsequent  
49 offense under [section 19 of P.L.1954, c.236 (C.12:7-34.19) or]  
50 section 3 of P.L.1952, c.157 (C. 12:7-46), the revocation shall be  
51 for 10 years. The court shall also fine a person convicted under  
52 this section not less than [\$250.00] \$250, nor more than [\$500.00]  
53 \$500.

54 b. The court shall determine by a preponderance of the

1 evidence whether the arresting officer had probable cause to  
2 believe that the person had been operating or was in actual  
3 physical control of the vessel while under the influence of  
4 intoxicating liquor, or a narcotic, hallucinogenic or  
5 habit-producing drug, whether the person was placed under  
6 arrest, and whether the person refused to submit to the test upon  
7 request of the officer. If these elements of the violation are not  
8 established, no conviction shall issue.

9 c. In addition to any other requirements provided by law, a  
10 person whose [right] privilege to operate a vessel is revoked for  
11 refusing to submit to a chemical test shall satisfy the screening,  
12 evaluation, referral and program requirements of the Bureau of  
13 Alcohol Countermeasures in the Division of Alcoholism in the  
14 Department of Health. A fee of [~~\$40.00~~] \$40 shall be payable to  
15 the Alcohol Education, Rehabilitation and Enforcement Fund  
16 established under section 3 of P.L.1983, c.531 (C.26:28-32), by  
17 the convicted person in order to defray the costs of the  
18 screening, evaluation and referral by the Bureau of Alcohol  
19 Countermeasures and the cost of an education or rehabilitation  
20 program. Failure to satisfy this requirement shall result in the  
21 immediate revocation of the [right] privilege to operate a vessel  
22 on the waters of this State or the continuation of revocation until  
23 the requirements are satisfied. The revocation for a first offense  
24 shall be independent of a revocation imposed because of a  
25 conviction under the provisions of [section 19 of P.L.1954, c.236  
26 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C.12:7-46); the  
27 revocation for a second or subsequent offense shall be concurrent  
28 with a revocation imposed because of a conviction under the  
29 provisions of [section 19 of P.L.1954, c.236 (C.12:7-34.19) or]  
30 section 3 of P.L.1952, c.157 (C.12:7-46).

31 d. In addition to any other requirements provided by law, a  
32 person convicted under this section shall be required after  
33 conviction to complete a boat safety course from the list  
34 approved by the Superintendent of State Police pursuant to  
35 section 1 of P.L.1987, c.543 (C.12:7-60), which shall be  
36 completed prior to the restoration of the privilege to operate a  
37 vessel which may have been revoked or suspended for a violation  
38 of the provisions of this section. Failure to satisfy this  
39 requirement shall result in the immediate revocation of the  
40 privilege to operate a vessel on the waters of this State, or the  
41 continuation of revocation until the requirements of this  
42 subsection are satisfied.

43 (cf: P.L.1986, c.39, s.9)

44 <sup>1</sup>[42.] 43. Section 10 of P.L.1986, c.39 (C.12:7-58) is amended  
45 to read as follows:

46 10. a. A person who has been convicted of violating [section 19  
47 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
48 (C.12:7-46), and who has been imprisoned in a county jail or  
49 workhouse in the county in which the offense was committed,  
50 shall not be released after commitment until the term of  
51 imprisonment imposed has been served. A person imprisoned in  
52 the county jail or workhouse may, at the discretion of the court,  
53 be released on a work release program.

54 b. A warden or other officer having custody of the county jail

1  
2 or workhouse shall not release a person until the sentence has  
3 been served, except that a person may be released by the court  
4 on a work release program. A person sentenced to an inpatient  
5 rehabilitation program may be released by the court, upon the  
6 petition of the treating agency, to an outpatient rehabilitation  
7 program for the duration of the original sentence.

8 c. This section shall not be construed to interfere in any way  
9 with the operation of a writ of habeas corpus, a proceeding in lieu  
10 of the prerogative writ, or an appeal.

11 (cf: P.L.1986, c.39, s.10)

12 <sup>1</sup>[43.] ~~44.~~<sup>1</sup> Section 11 of P.L.1986, c.39 (C.12:7-59) is amended  
13 to read as follows:

14 11. A person shall receive written notice of the penalties  
15 under [section 19 of P.L.1954, c.236 (C.12:7-34.19),] section 3 of  
16 P.L.1952, c.157 (C.12:7-46) [.] and section 9 of P.L.1986, c.39  
17 (C.12:7-57), when that person is issued a license to operate a  
18 vessel, a registration certificate, a certificate of number or a  
19 certificate of ownership under chapters 7 and 7A of Title 12 of  
20 the Revised Statutes.

21 (cf: P.L.1986, c.39, s.11)

22 <sup>1</sup>[44] ~~45.~~<sup>1</sup> Section 2 of P.L.1987, c.453 (C.12:7-61) is amended  
23 to read as follows:

24 2. a. [No] A person who is under 16 years of age [or younger]  
25 shall not operate a power vessel on the [tidal or nontidal] waters  
26 of this State , except that:

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

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

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

37 (2) A person who is under 16 years of age and <sup>1</sup>has<sup>1</sup>  
38 successfully completed an approved boat safety course prior to  
39 the <sup>1</sup>[effective] enactment<sup>1</sup> date of P.L. , c. (C. )(now  
40 before the Legislature as this bill) may operate a power vessel on  
41 the tidal waters of this State, provided that the person complies  
42 with all other requirements of law, rule and regulation; and

43 (3) A person who is under 16 years of age and was issued an  
44 operator's license pursuant to section 7 of P.L.1954, c.236  
45 (C.12:7-34.7) before the <sup>1</sup>[effective] enactment<sup>1</sup> date of P.L. ,  
46 c. (C. ) (now before the Legislature as this bill) may operate a  
47 power vessel equipped with an outboard motor until the  
48 expiration date of that license.

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

54 (b. A) c. Except as provided pursuant to section 17 <sup>1</sup>and  
55 section 18<sup>1</sup> of P.L. , c. (C. )(now before the Legislature as

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

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

19 [c.] e. A person [16 years of age or younger, who operates a  
20 power vessel on the tidal or nontidal waters of this State without  
21 having completed a boat safety course approved by the  
22 superintendent or] who violates subsection a., b., c. or d. of this  
23 section or who exhibits to a law enforcement or peace officer a  
24 certificate of completion of an approved boat safety course of  
25 another person is subject to a fine of not less than [\$100.00] \$100  
26 nor more than [\$500.00] \$500.

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

33 g. A person making application to the Director of the Division  
34 of Motor Vehicles for a power vessel operator's license issued  
35 pursuant to section 3 of P.L. , c. (C. ) (now before the  
36 Legislature as this bill) who is required pursuant to the provisions  
37 of this section to possess a certificate certifying successful  
38 completion of a boat safety course shall submit the original or a  
39 copy of the certificate with the application. The director shall  
40 not issue a power vessel operator's license to such person who  
41 fails to submit the original or a copy of the certificate.

42 (cf: P.L.1987, c.453, s.2)

43 <sup>1</sup>[45.] <sup>46.1</sup> Section 2 of P.L.1975, c.369 (C.12:7C-8) is  
44 amended to read as follows:

45 2. The following terms whenever used or referred to in this act  
46 shall have the following meanings unless a different meaning  
47 clearly appears from the context:

48 a. "Vessel" means a boat or watercraft, other than a seaplane  
49 on the water, used or capable of being used as a means of  
50 transportation on the water, except a boat or watercraft which is  
51 subject to the provisions of P.L.1969, c.264 (C.12:7C-1 et seq.).

52 b. "Owner" means a person, other than a lienholder, having the  
53 property in or title to a vessel. The term includes a person  
54 entitled to the uses or possession of a vessel subject to an

1 interest of another person, reserved or created by agreement and  
2 securing payment or performance of an obligation, but the term  
3 excludes a lessee under a lease not intended as security.

4 c. "Lienholder" means any person holding a security interest.

5 d. "Security interest" means an interest which is reserved or  
6 created by an agreement which secures payment or performance  
7 of an obligation and is valid against third parties generally.

8 e. ["Department"] "Division" means the Division of Motor  
9 Vehicles in the Department of [Environmental Protection]  
10 Transportation.

11 f. "Waters of this State" means all waters within the  
12 jurisdiction of this State, both tidal and nontidal, and the  
13 marginal sea adjacent to this State to a distance of three nautical  
14 miles from the shoreline.

15 g. "Removal costs" means any or all costs associated with the  
16 removal or destruction of any vessel from land or water and shall  
17 include the reimbursement of any or all costs incurred by the  
18 applicant in the course of acquiring title to an abandoned vessel.

19 (cf: P.L.1975, c.369, s.2)

20 <sup>1</sup>[46.] <sup>1</sup>47. Section 5 of P.L.1975, c.369 (C.12:7C-11) is  
21 amended to read as follows:

22 5. If a vessel has a boat registration number or other means of  
23 identifying the owner thereof, the person desiring to acquire  
24 title, shall, if possible, secure the owner's last known address,  
25 and the lienholder, if any, appearing on the records of the  
26 [department] division. He shall notify the owner by registered  
27 letter to his last known address and the lienholder by registered  
28 letter at the address of the lienholder appearing on the records of  
29 the [department] division that if ownership is not claimed and the  
30 vessel removed within 30 days, title to the vessel will be applied  
31 for in his name. If any vessel's owner cannot be identified or his  
32 address ascertained, or no lienholder appears on the records of  
33 the [department] division, the registered letter need not be sent.

34 (cf: P.L.1975, c.369, s.5)

35 <sup>1</sup>[47.] <sup>1</sup>48. Section 7 of P.L.1975, c.369 (C.12:7C-13) is  
36 amended to read as follows:

37 7. At the end of the 30-day period the person desiring to  
38 acquire title shall apply to the [department] division for a title to  
39 the vessel in his name on forms approved by the [department]  
40 division accompanied by the following affidavits:

41 a. A statement that the vessel has been apparently abandoned  
42 for at least 6 months.

43 b. Proof that the registered letter was mailed at least 30 days  
44 before application or a detailed explanation of the unsuccessful  
45 steps taken to identify the owner and secure his address.

46 c. Proof that a notice was printed in a paper as required in  
47 section 6 of [this act] P.L.1975, c.369 (C.12:7C-12).

48 (cf: P.L.1975, c.369, s.7)

49 <sup>1</sup>[48.] <sup>1</sup>49. Section 8 of P.L.1975, c.369 (C.12:7C-14) is  
50 amended to read as follows:

51 8. Upon receipt of the material required in section 7 of [this  
52 act] P.L.1975, c.369 (C.12:7C-13) and upon payment of any fees  
53 and taxes due, the [department] division shall issue the applicant  
54 a title to the vessel.

55 (cf: P.L.1975, c.369, s.8)

1     <sup>1</sup>[49.] 50.<sup>1</sup> Section 11 of P.L.1975, c.369 (C.12:7C-17) is  
2 amended to read as follows:

3     11. After receiving title if the applicant destroys or otherwise  
4 disposes of the vessel, he shall report the same to the  
5 [department] division within 15 days giving all details.  
6 (cf: P.L.1975, c.369, s.11)

7     <sup>1</sup>[50.] 51.<sup>1</sup> Section 12 of P.L.1975, c.369 (C.12:7C-18) is  
8 amended to read as follows:

9     12. The [department] division may receive title to any vessel  
10 abandoned on any of the waters of this State or on any land  
11 owned by this State or any of its political subdivisions by  
12 proceeding in the same manner as a landowner, his lessee, or his  
13 agent, as set forth in this act.

14 (cf: P.L.1975, c.369, s.12)

15     <sup>1</sup>[51.] 52.<sup>1</sup> Section 13 of P.L.1975, c.369 (C.12:7C-19) is  
16 amended to read as follows:

17     13. a. Any person who violates section 3 of [this act]  
18 P.L.1975, c.369 (C.12:7C-9) shall be subject to a fine of not less  
19 than [\$500.00] \$500 and not more than [\$1,000.00.] \$1,000 to be  
20 recovered in a summary proceeding instituted by the  
21 [Commissioner of Environmental Protection] Attorney General in  
22 the name of the State in accordance with the "the penalty  
23 enforcement law" (N.J.S.2A:58-1 et seq.).

24     b. Any person who obtains or attempts to obtain title to a  
25 vessel under the provisions of this act through fraudulent means  
26 is guilty of a disorderly persons offense and upon conviction shall  
27 be subject to a fine of not more than [\$200.00] \$200.

28 (cf: P.L.1975, c.369, s.13)

29     <sup>1</sup>[52.] 53.<sup>1</sup> Section 14 of P.L.1975, c.369 (C.12:7C-20) is  
30 amended to read as follows:

31     14. The [department] division may promulgate pursuant to the  
32 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
33 seq.) such rules and regulations deemed necessary to carry out  
34 the provisions of this act.

35 (cf: P.L.1975, c.369, s.14)

36     <sup>1</sup>[53.] 54.<sup>1</sup> N.J.S.2C:29-2 is amended to read as follows:

37     2C:29-2 a. A person is guilty of a disorderly persons offense if  
38 he purposely prevents a law enforcement officer from effecting a  
39 lawful arrest, except that he is guilty of a crime of the fourth  
40 degree if he:

41     1. Uses or threatens to use physical force or violence against  
42 the law enforcement officer or another; or

43     2. Uses any other means to create a substantial risk of causing  
44 physical injury to the public servant or another.

45     It is not a defense to a prosecution under this subsection that  
46 the law enforcement officer was acting unlawfully in making the  
47 arrest, provided he was acting under color of his official  
48 authority and provided the law enforcement officer announces his  
49 intention to arrest prior to the resistance.

50     b. Any person, while operating a motor vehicle on any street  
51 or highway in this State or any vessel, as defined pursuant to  
52 section 2 of P.L. , c. (C. )(now before the Legislature as  
53 this bill), on the waters of this State, who knowingly flees or  
54 attempts to elude any police or law enforcement officer after

1 having received any signal from such officer to bring the vehicle  
2 or vessel to a full stop commits a crime of the third degree;  
3 except that, a person is guilty of a crime of the second degree if  
4 the flight or attempt to elude creates a risk of death or injury to  
5 any person. For purposes of this subsection, there shall be a  
6 permissive inference that the flight or attempt to elude creates a  
7 risk of death or injury to any person if the person's conduct  
8 involves a violation of chapter 4 of Title 39 or chapter 7 of Title  
9 12 of the Revised Statutes. In addition to the penalty prescribed  
10 under this subsection or any other section of law, the court shall  
11 order the suspension of that person's driver's license, or  
12 privilege to operate a vessel, whichever is appropriate, for a  
13 period of not less than six months or more than two years.

14 In the case of a person who is at the time of the imposition of  
15 sentence less than 17 years of age, the period of the suspension of  
16 driving privileges authorized herein, including a suspension of the  
17 privilege of operating a motorized bicycle, shall commence on  
18 the day the sentence is imposed and shall run for a period as fixed  
19 by the court. If the driving or vessel operating privilege of any  
20 person is under revocation, suspension, or postponement for a  
21 violation of any provision of this Title or Title 39 of the Revised  
22 Statutes at the time of any conviction or adjudication of  
23 delinquency for a violation of any offense defined in this chapter  
24 or chapter 36 of this Title, the revocation, suspension, or  
25 postponement period imposed herein shall commence as of the  
26 date of termination of the existing revocation, suspension, or  
27 postponement.

28 Upon conviction the court shall collect forthwith the New  
29 Jersey driver's licenses of the person and forward such license or  
30 licenses to the Director of the Division of Motor Vehicles along  
31 with a report indicating the first and last day of the suspension or  
32 postponement period imposed by the court pursuant to this  
33 section. If the court is for any reason unable to collect the  
34 license or licenses of the person, the court shall cause a report of  
35 the conviction or adjudication of delinquency to be filed with the  
36 director. That report shall include the complete name, address,  
37 date of birth, eye color, and sex of the person and shall indicate  
38 the first and last day of the suspension or postponement period  
39 imposed by the court pursuant to this section. The court shall  
40 inform the person orally and in writing that if the person is  
41 convicted of personally operating a motor vehicle or a vessel,  
42 whichever is appropriate, during the period of license suspension  
43 or postponement imposed pursuant to this section the person  
44 shall, upon conviction, be subject to the penalties set forth in  
45 R.S.39:3-40 or section 14 of P.L. . c. (C. )(now before the  
46 Legislature as this bill), whichever is appropriate. A person shall  
47 be required to acknowledge receipt of the written notice in  
48 writing. Failure to receive a written notice or failure to  
49 acknowledge in writing the receipt of a written notice shall not  
50 be a defense to a subsequent charge of violation of R.S.39:3-40 or  
51 section 14 of P.L. . c. (C. )(now before the Legislature as  
52 this bill), whichever is appropriate. If the person is the holder of  
53 a driver's or vessel operator's license from another jurisdiction,  
54 the court shall not collect the license but shall notify the director

1 who shall notify the appropriate officials in the licensing  
 2 jurisdiction. The court shall, however, in accordance with the  
 3 provisions of this section, revoke the person's non-resident  
 4 driving or vessel operating privileges, whichever is appropriate, in  
 5 this State.

6 For the purposes of this subsection, it shall be a rebuttable  
 7 presumption that the owner of a vehicle or vessel was the  
 8 operator of the vehicle or vessel at the time of the offense.

9 (cf: P.L.1993, c.219, s.5)

10 <sup>1</sup>[54.] 55<sup>1</sup> (New section) There is appropriated from the  
 11 receipts collected by the Division of State Police pursuant to  
 12 subsection b. of section 17 of P.L. . c. (C. )(now before the  
 13 Legislature as this bill), such sums as are necessary to develop  
 14 and administer the boat safety test and issue boat safety  
 15 certificates.

16 <sup>1</sup>[55.] 56<sup>1</sup> The following sections are repealed:

17 Section 1 of P.L.1941, c.396 (C.12:7-16.1)

18 Section 2 of P.L.1941, c.396 (C.12:7-16.2)

19 Section 3 of P.L.1941, c.396 (C.12:7-16.3)

20 Section 9 of P.L.1952, c.157 (C.12:7-52).

21 Section 1 of P.L.1954, c.236 (C.12:7-34.1)

22 Section 4 of P.L.1954, c.236 (C.12:7-34.4)

23 Section 6 of P.L.1954, c.236 (C.12:7-34.6)

24 Section 7 of P.L.1954, c.236 (C.12:7-34.7)

25 Section 9 of P.L.1954, c.236 (C.12:7-34.9)

26 Section 13 of P.L.1954, c.236 (C.12:7-34.13)

27 Section 14 of P.L.1954, c.236 (C.12:7-34.14)

28 Section 18 of P.L.1954, c.236 (C.12:7-34.18)

29 Section 19 of P.L.1954, c.236 (C.12:7-34.19)

30 Section 20 of P.L.1954, c.236 (C.12:7-34.20)

31 Section 22 of P.L.1954, c.236 (C.12:7-34.22)

32 Section 23 of P.L.1954, c.236 (C.12:7-34.23)

33 Section 25 of P.L.1954, c.236 (C.12:7-34.25)

34 Section 27 of P.L.1954, c.236 (C.12:7-34.27)

35 Section 28 of P.L.1954, c.236 (C.12:7-34.28)

36 Section 29 of P.L.1954, c.236 (C.12:7-34.29)

37 Section 30 of P.L.1954, c.236 (C.12:7-34.30)

38 Section 31 of P.L.1954, c.236 (C.12:7-34.31)

39 Section 33 of P.L.1954, c.236 (C.12:7-34.33)

40 Section 34 of P.L.1954, c.236 (C.12:7-34.34)

41 Section 2 of P.L.1962, c.73 (C.12:7-34.37)

42 Section 16 of P.L.1962, c.73 (C.12:7-34.51)

43 Section 17 of P.L.1962, c.73 (C.12:7-34.52)

44 Section 20 of P.L.1962, c.73 (C.12:7-34.55)

45 Section 1 of P.L.1987, c.9 (C.12:7-34.6a)

46 Section 1 of P.L.1973, c.231 (C.12:7-34.9a)

47 Section 1 of P.L.1993, c.118 (C.12:7-34.9b)

48 Section 2 of P.L.1993, c.118 (C.12:7-34.9c)

49 Section 3 of P.L.1993, c.118 (C.12:7-34.9d)

50 <sup>1</sup>[56] 57<sup>1</sup>. This act shall take effect on the first day of the  
 51 sixth month following enactment, except that sections 17 and  
 52 <sup>1</sup>[54] 55<sup>1</sup> shall take effect immediately and section 17 shall  
 53 expire on the first day of the sixth month following enactment.

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57 Revises and updates safety and licensing provisions of boating  
 58 laws.

- 1 Section 9 of P.L.1954, c.236 (C.12:7-34.9)  
2 Section 13 of P.L.1954, c.236 (C.12:7-34.13)  
3 Section 14 of P.L.1954, c.236 (C.12:7-34.14)  
4 Section 18 of P.L.1954, c.236 (C.12:7-34.18)  
5 Section 19 of P.L.1954, c.236 (C.12:7-34.19)  
6 Section 20 of P.L.1954, c.236 (C.12:7-34.20)  
7 Section 22 of P.L.1954, c.236 (C.12:7-34.22)  
8 Section 23 of P.L.1954, c.236 (C.12:7-34.23)  
9 Section 25 of P.L.1954, c.236 (C.12:7-34.25)  
10 Section 27 of P.L.1954, c.236 (C.12:7-34.27)  
11 Section 31 of P.L.1954, c.236 (C.12:7-34.31)  
12 Section 33 of P.L.1954, c.236 (C.12:7-34.33)  
13 Section 34 of P.L.1954, c.236 (C.12:7-34.34)  
14 Section 16 of P.L.1962, c.73 (C.12:7-34.51)  
15 Section 17 of P.L.1962, c.73 (C.12:7-34.52)  
16 Section 20 of P.L.1962, c.73 (C.12:7-34.55)  
17 Section 1 of P.L.1987, c.9 (C.12:7-34.6a)  
18 Section 1 of P.L.1973, c.231 (C.12:7-34.9a)  
19 Section 1 of P.L.1993, c.118 (C.12:7-34.9b)  
20 Section 2 of P.L.1993, c.118 (C.12:7-34.9c)  
21 Section 3 of P.L.1993, c.118 (C.12:7-34.9d)  
22 60. This act shall take effect on the first day of the sixth  
23 month following enactment.

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## 26 STATEMENT

27

28 This bill repeals many of those provisions of the laws regulating  
29 boating enacted prior to 1962 and reorganizes and consolidates all  
30 laws regulating the licensing, numbering, and operation of vessels  
31 and power vessels. The bill also reclassifies the penalties for  
32 violations of the boating laws from disorderly persons offenses to  
33 penalties commensurate with those imposed for similar types of  
34 motor vehicle offenses. The bill would also require the  
35 completion of a boat safety course as a condition for operating a  
36 personal watercraft (i.e., jet-ski). Currently, a person can  
37 operate a jet-ski without having to complete a safety course.

38 Boating is presently regulated by a diversity of statutes  
39 enacted at various times. Since many of these statutes have  
40 either been repealed, are no longer necessary, or are duplicative  
41 of provisions already existing in the Act, the bill would  
42 reorganize and consolidate all necessary provisions into the Act  
43 and repeal those provisions which are either outdated or  
44 duplicative of existing provisions. This reorganization and  
45 consolidation will make the boating laws more understandable to  
46 the public, State agencies, and the courts.

47 The bill would also revamp the penalty provisions of the  
48 boating laws to reclassify all boating offenses from disorderly  
49 persons offenses to quasi-criminal offenses (similar to motor  
50 vehicle offenses) and adjust the respective fines accordingly.

51 The bill would also add new operating offenses, including  
52 careless boating and a provision prohibiting littering. The bill  
53 also includes an amendment to Title 2C to allow the imposition of  
54 criminal penalties on a person who attempts to elude arrest while

1 operating a vessel.

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6 Revises boating laws to conform with motor vehicle laws.

SENATE NATURAL RESOURCES, TRADE AND  
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2267

STATE OF NEW JERSEY

DATED: OCTOBER 19, 1995

The Senate Natural Resources, Trade and Economic Development Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2267.

The committee substitute reorganizes and consolidates many of the laws, currently found in Chapter 7 of Title 12 of the Revised Statutes, regulating the licensing, numbering, and operation of vessels and power vessels.

The substitute reclassifies the penalties for violations of the boating laws from disorderly persons offenses to penalties commensurate with those imposed for similar types of motor vehicle offenses. The substitute also revises the current requirement that persons under 17 years of age successfully complete a boat safety course as a condition for operating a power vessel to require anyone 16 years of age or older and born after December 31, 1978, to meet that condition. Persons under 16 years of age would be prohibited from operating a boat, with the exception that such individuals who are over 12 years of age could operate small power vessels (as defined in the substitute) upon successful completion of a boat safety course.

The requirement to complete a boat safety course would be extended to the following:

- persons operating a personal watercraft (e.g., jet-ski), with the provision that experienced boaters, as defined by the Director of the Division of Motor Vehicles, may take a one-time-only written test within six months of the substitute's enactment date. Passage of this test would exempt the person from the safety course requirement, while failure of the test would subject the person to the safety course requirement. Currently, a person can operate a personal watercraft without having to complete a safety course.
- persons found guilty of either careless boating, reckless boating, boating under the influence or refusing a chemical test in connection with a law enforcement officer's suspicion of boating under the influence.

The substitute would permit persons who possess a boat safety certificate prior to the substitute's effective date or who possess a boat operator's license issued prior to the substitute's effective date to continue to have the boating privileges conferred by the certificate or license, or provided by the substitute.

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The substitute would also revamp the penalty provisions of the boating laws to reclassify all boating offenses from disorderly persons offenses to quasi-criminal offenses (similar to motor vehicle offenses) and adjust the respective fines and terms of imprisonment accordingly.

The substitute would also add new operating offenses, including careless boating and a provision prohibiting littering. The substitute also includes an amendment to Title 2C to allow the imposition of criminal penalties on a person who attempts to elude arrest while operating a vessel.

Boating is presently regulated by a diversity of statutes enacted at various times. Since many of these statutes have either been repealed, are no longer necessary, or are duplicative of provisions already existing in Chapter 7, the substitute would reorganize and consolidate all necessary provisions and repeal those provisions which are either outdated or duplicative of existing provisions.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2267**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 14, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2267 (SCS).

This substitute reorganizes and consolidates many of the laws, currently found in Chapter 7 of Title 12 of the Revised Statutes, regulating the licensing, numbering, and operation of vessels and power vessels.

The substitute reclassifies the penalties for violations of the boating laws from disorderly persons offenses to penalties commensurate with those imposed for similar types of motor vehicle offenses. The substitute also revises the current requirement that persons under 17 years of age successfully complete a boat safety course as a condition for operating a power vessel to require anyone 16 years of age or older and born after December 31, 1978, to meet that condition. Persons under 16 years of age would be prohibited from operating a boat, with the exception that such individuals who are over 12 years of age could operate small power vessels (as defined in the substitute) upon successful completion of a boat safety course.

The requirement to complete a boat safety course would be extended to the following:

- persons operating a personal watercraft (e.g., jet-ski), with the provision that experienced boaters, as defined by the Director of the Division of Motor Vehicles, may take a one-time-only written test within six months of the substitute's enactment date. Passage of this test would exempt the person from the safety course requirement, while failure of the test would subject the person to the safety course requirement. Currently, a person can operate a personal watercraft without having to complete a safety course.
- persons found guilty of either careless boating, reckless boating, boating under the influence or refusing a chemical test in connection with a law enforcement officer's suspicion of boating under the influence.

The substitute would permit persons who possess a boat safety certificate prior to the substitute's effective date or who possess a boat operator's license issued prior to the substitute's effective date to continue to have the boating privileges conferred by the certificate or license, or provided by the substitute.

The substitute would also revamp the penalty provisions of the boating laws to reclassify all boating offenses from disorderly persons offenses to quasi-criminal offenses (similar to motor vehicle offenses) and adjust the respective fines and terms of imprisonment accordingly.

The substitute would also add new operating offenses, including careless boating and a provision prohibiting littering. The substitute also includes an amendment to Title 2C to allow the imposition of criminal penalties on a person who attempts to elude arrest while operating a vessel.

Boating is presently regulated by a diversity of statutes enacted at various times. Since many of these statutes have either been repealed, are no longer necessary, or are duplicative of provisions already existing in Chapter 7, the substitute would reorganize and consolidate all necessary provisions and repeal those provisions which are either outdated or duplicative of existing provisions.

The committee amended the substitute as follows:

Section 3 of the substitute was amended to provide an exemption for out-of-state residents. Under the provisions of this section an out-of-state resident would not be required to be licensed to operate a power vessel if the vessel has been registered in the person's state of residence, the person has successfully completed a boat safety course and the person operating the vessel would do so for no more than 30 days between May 1st and September 30th of any year.

Section 13 of the substitute was amended to clarify the circumstances under which the court would revoke or suspend a person's privilege to operate a power vessel. A person's privilege to operate a power vessel would be revoked or suspended if that person has been charged with or convicted of a homicide in connection with the operation of a vessel. If the person has been charged with or convicted of a homicide in connection with operating a motor vehicle the court may revoke or suspend that person's privileges.

Section 17 of the substitute was amended to require the Superintendent of State Police or his designee to administer the written test for experienced boaters.

The committee amendments would also add a new section 18 to the substitute which would create an exemption for rentals of personal watercrafts under certain circumstances. Under the provisions of this section a person would be authorized to operate a personal watercraft without having completed a boat safety course or having taken a written test if that person operates the personal watercraft within established boundaries designated solely for the operation of such watercraft by a business engaged in renting such watercrafts on the waters of the State and the designated area is supervised by a person having successfully completed a boat safety course and an instruction course. This section would also give rule making powers to the Superintendent of State Police.

Sections 21 and 24 of the substitute would require the division to issue to an applicant a pocket-size laminated or otherwise water resistant certificate.

The remaining amendments are technical in nature.

As amended, this substitute is identical to Assembly, No. 3235 (1R).

These amendments  
make this bill  
identical to  
A 3235 (IR)

ASSEMBLY ALL COMMITTEE

AMENDMENTS

to

**ADOPTED**  
DEC 14 1995

Senate Committee Substitute for  
Senate, No. 2267  
(Sponsored by Senator Ciesla)

REPLACE SECTION 3 TO READ:

3. (New section) a. Upon proper application <sup>1</sup>[therefore] therefor<sup>1</sup>, the director shall license a person to operate a power vessel on the nontidal waters of this State. A person shall not make any misstatement of fact in an application for a power vessel operator's license.

b. Except as provided pursuant to subsection c. of this section:

(1) A person shall not operate a power vessel on the nontidal waters of this State without being licensed by the director; and

(2) A person under 16 years of age shall not be licensed to operate a power vessel on the nontidal waters of this State.

c. A person is not required to be licensed pursuant to subsection b. of this section when operating a power vessel:

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

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

(3) while actually competing in an authorized race held under the auspices of a duly incorporated yacht club or racing association in accordance with rules and regulations prescribed by the Division of State Police in the Department of Law and Public Safety and pursuant to a permit duly issued by that division; <sup>1</sup>[or]<sup>1</sup>

(4) pursuant to the provisions of subsection a. of section 2 of P.L.1987, c.453 (C.12:7-61)<sup>1</sup>;

(5) if the person is an out-of-State resident, the person's vessel is registered in the person's state of residence and the person has successfully completed a boat safety course substantially similar to the boat safety course administered pursuant to section 1 of P.L.1987, c.453 (C.12:7-60), provided that the person enters New Jersey with the intent to operate a vessel, and that the person operates the vessel for no more than 30 days between May 1 and September 30 of any year<sup>1</sup>.

d. Except as provided pursuant to subsection c. of this section, a person shall have in his possession a proper license at all times when operating a power vessel on nontidal waters and shall exhibit the license to any law enforcement officer upon request. Failure of a person to exhibit such license upon request shall be presumptive evidence that the person is not a licensed operator.

e. A person who violates the provisions of subsection b. of this section shall be subject to a fine of not more than \$500 or to a term of imprisonment not to exceed 60 days, or both, except that:

(1) A person who has never been licensed to operate a power vessel on the nontidal waters of this State or any other jurisdiction shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a power vessel on the nontidal waters of this State to that person for a period of not less than 180 days; and

(2) A person who can exhibit to the court before which the person is summoned to answer to the charge a valid operator's license issued to that person which was valid on the day that person was charged shall be subject to a fine of not more than \$100, in addition to any reasonable court costs the court may impose. Notwithstanding the provisions of this subsection, the court may, in its discretion, dismiss a charge regarding the failure to exhibit an operator's license brought pursuant to the provisions of this section.

f. The penalties provided for pursuant to subsection e. of this section shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

**REPLACE SECTION 6 TO READ:**

6. (New section) A person who possesses a motor, whether inboard or outboard, the motor number of which has been altered or mutilated, or who comes into possession of such a motor, shall at once file in writing with the <sup>1</sup>[division] Division of State Police<sup>1</sup> a statement setting forth all circumstances in connection with that person's possession of the motor.

**REPLACE SECTION 13 TO READ:**

13. (New section) a. A court may revoke or suspend the privilege of a person to operate a power vessel if that person has been convicted of homicide in connection with the operation of a <sup>1</sup>[vessel or]<sup>1</sup> motor vehicle or of operating a <sup>1</sup>[vessel or]<sup>1</sup> motor vehicle while under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit producing drug.

b. A court may revoke or suspend the privilege of a person to operate a power vessel if that person has been charged with a homicide in connection with the operation of a <sup>1</sup>[vessel or]<sup>1</sup> motor vehicle or of operating a vessel or motor vehicle while under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit producing drug, pending disposition of that charge, or for any other violation of any of the provisions of chapter 7 of Title 12 of the Revised Statutes or of any rule or regulation prescribed thereunder by the director or the commission.

~~<sup>1</sup>c. A court shall revoke or suspend the privilege of a person to operate a power vessel if that person has been charged with or convicted of homicide in connection with the operation of a vessel.<sup>1</sup>~~

<sup>1</sup>[c.] d.<sup>1</sup> When a person's privilege to operate a power vessel is revoked or suspended, that person shall have an opportunity to be heard. Attendance of witnesses to such hearing may be compelled by subpoena.<sup>2</sup>

<sup>1</sup>[d.] e.<sup>1</sup> Failure of the licensee or any other person possessing the license card to deliver the same to the suspending or revoking court, or the director if so ordered, shall constitute a violation. A court that suspends or revokes a license shall promptly place the license card in the custody of the division, except when the division shall otherwise direct.

<sup>1</sup>[e.] f.<sup>1</sup> The division shall have the exclusive power to restore a person's privilege to operate a power vessel and may restore that privilege after the person pays to the director a \$50 restoration fee. Unless otherwise specified, whenever a license is revoked pursuant to this section a new license shall not be issued to the person whose license is revoked for at least six months after the date of such revocation, as determined by the director.

REPLACE SECTION 17 TO READ:

17. (New section) a. The Superintendent of State Police shall develop <sup>1</sup> and <sup>1</sup>the superintendent, or his designee, shall<sup>1</sup> administer <sup>1</sup> a written test for experienced boaters which shall be issued in lieu of completing the boat safety course required pursuant to subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61). Upon successful completion of the test, the person shall be given a certificate which shall fulfill the requirements of subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61). A person who fails the test shall be subject to all requirements of subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61). A person may only take one test pursuant to this subsection.

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

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

d. The <sup>1</sup>[supperintendent] superintendent<sup>1</sup> shall determine the qualifications for application and all other requirements for applicants under this section.

INSERT NEW SECTION 18 TO READ:

<sup>1</sup>18. (New section) a. A person may operate a personal watercraft without having completed a boat safety course required pursuant to subsection c. of section 2 of P.L. 1987, c.453 (C.12:7-61) or a written test administered pursuant to section 17 of P.L. , c. (C. )(now before the Legislature as this bill), under the following conditions:

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

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

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

b. The Superintendent of State Police shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), any rules or regulations necessary to implement the provisions of this section.<sup>1</sup>

RENUMBER SECTIONS 18 AND 19 AS SECTIONS 19 AND 20.

REPLACE SECTION 20 TO READ:

<sup>1</sup>[20] 21<sup>1</sup>. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is amended to read as follows:

4. (a) The owner of a vessel required to be numbered in this State shall file an application with the [department] division on forms approved by it. The application shall be signed by the owner and shall be accompanied by the fee prescribed by this act for such vessel. Upon receipt of the application in the approved form and the prescribed fee, the [department] division shall enter the same upon the records of its office and issue to the applicant a pocket-size, <sup>1</sup>[waterproof] laminated or otherwise water resistant<sup>1</sup> certificate of number, which shall state the name and address of the owner, a description of the vessel, its use, and the number assigned.

(b) Except as provided herein, the certificate of number shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation. The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided such substitute as the [commissioner] director may prescribe by regulation is carried on board.

(c) The number assigned to a vessel shall be displayed on each side of the bow thereof, as prescribed by regulations of the [department] division, using letters and numerals not less than three inches in height; except that this provision shall not apply to a one-design class racing sailboat, without power installed either inboard or outboard, which is required to be numbered under section 3 of P.L.1962, c. 73 (C. 12:7-34.38). No other number shall be displayed on the bow.

(cf: P.L.1985, c.56, s.2)

RENUMBER SECTIONS 21 AND 22 AS SECTIONS 22 AND 23

REPLACE SECTION 23 TO READ:

<sup>1</sup>[23] 24<sup>1</sup>. Section 10 of P.L.1980, c.97 (C.12:7-34.44a) is amended to read as follows:

10. (a) For the purposes of [this act] P.L.1962, c.73 (C.12:7-34.36 et seq.), a documented vessel is based within this State if its owner owns, maintains, leases or rents space in this State for its storage, mooring or servicing on other than a transient basis.

(b) The owner of a documented vessel of 500 gross tons or less based in this State shall file an application for the registration of such vessel with the [department] division on forms approved by it. The application shall

be signed by the owner and shall be accompanied by the fee prescribed herein for the vessel. Upon receipt of the application in the approved form and the prescribed fee, the [department] division shall enter the same upon the records of its office and issue to the applicant a [pocketsize] pocket-size, <sup>1</sup>[waterproof] laminated or otherwise water resistant<sup>1</sup> certificate of registration which shall state the name and address of the owner, a description of the vessel, and its use.

(c) The certificate of registration shall be available at all times for inspection on the vessel for which issued whenever the vessel is in operation.

(d) The fees for the initial registration of a documented vessel and for each renewal thereof, shall be based on the length of the vessel and shall be the same as provided for in section 12 of P.L.1962, c.73 (C.12:7-34.47) for other vessels of the same length. (cf: P.L.1980, c.97, s.10)

RENUMBER SECTIONS 24 THROUGH 43 AS SECTIONS 25 THROUGH 44

REPLACE SECTION 44 TO READ:

<sup>1</sup>[44] 45<sup>1</sup>. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read as follows:

2. a. [No] A person who is under 16 years of age [or younger] shall not operate a power vessel on the [tidal or nontidal] 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 a motor of less than one horsepower or an electric motor of 12 volts or less; 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 <sup>1</sup>has<sup>1</sup> successfully completed an approved boat safety course prior to the <sup>1</sup>[effective] enactment<sup>1</sup> date of P.L. . c. (C. ) (now before the Legislature as this bill) 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.12:7-34.7) before the <sup>1</sup>[effective] enactment<sup>1</sup> date of P.L. . c. (C. ) (now before the Legislature as this bill) may operate a power vessel equipped with an outboard motor until the expiration date of that license.

b. A person who is 16 years of age or older and was born after December 31, 1978 shall not 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.

[b. A] c. Except as provided pursuant to section 17<sup>1</sup> and section 18<sup>1</sup> of P.L. , c. (C. )(now before the Legislature as this bill), a person shall not operate 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.

d. Whenever a person [16 years of age or younger, when operating] who is required by this section or by section 7 of P.L. , c. (C. )(now before the Legislature as this bill), sections 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 [tidal or nontidal] waters of this State. [shall have in his possession] 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.

[c.] e. A person [16 years of age or younger, who operates a power vessel on the tidal or nontidal waters of this State without having completed a boat safety course approved by the superintendent or] 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 [\$100.00] \$100 nor more than [\$500.00] \$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 Director of the Division of Motor Vehicles for a power vessel operator's license issued pursuant to section 3 of P.L. , c. (C. )(now before the Legislature as this bill) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit the original or a copy of the certificate with the application. The director shall not issue a power vessel operator's license to such person who fails to submit the original or a copy of the certificate.

(cf: P.L.1987, c.453, s.2)

RENUMBER SECTIONS 45 THROUGH 55 AS SECTIONS 46 THROUGH 56

REPLACE SECTION 56 TO READ:

<sup>1</sup>[56] 57<sup>1</sup>. This act shall take effect on the first day of the sixth month following enactment, except that sections 17 and <sup>1</sup>[54] 55<sup>1</sup> shall take effect immediately and section 17 shall expire on the first day of the sixth month following enactment.