

12:7-34.9

LEGISLATIVE HISTORY CHECKLIST
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(Power vessel license--failure
to produce)

NJSA: 12:7-34.9

LAWS OF: 1994 CHAPTER: 165

BILL NO: A144

SPONSOR(S): Albohn

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 27, 1994

SENATE: November 10, 1994

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

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MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1994, CHAPTER 165, approved December 30, 1994
1994 Assembly No. 144

1 AN ACT concerning power vessels operating on the nontidal
2 waters of this State and amending the "Power Vessel Act,"
3 P.L.1954, c.236.

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

7 1. Section 9 of P.L.1954, c.236 (C.12:7-34.9) is amended to
8 read as follows:

9 9. a. [Every operator shall at all times when] Any person
10 operating any power vessel [or motor have in his possession] on
11 the nontidal waters of this State shall possess at all times a
12 proper license issued pursuant to section 4 of P.L.1954, c.236
13 (C.12:7-34.4), and shall, when requested so to do, exhibit the
14 same to [the chief inspector, or to any inspector or assistant
15 inspector or to any magistrate] any officer of the Bureau of
16 Marine Law Enforcement, Division of State Police or other peace
17 officer of this State. Failure of an operator to so exhibit such
18 license upon demand, shall be presumptive evidence that such
19 person is not a licensed operator.

20 b. A person who violates the provisions of subsection a. of this
21 section regarding the failure to possess a license issued pursuant
22 to section 4 of P.L.1954, c.236 (C.12:7-34.4), shall be subject to a
23 fine in an amount not to exceed \$500 or a term of imprisonment
24 not to exceed 60 days, or both. However, if that person has never
25 been licensed to operate a power vessel on the nontidal waters of
26 this State or any other jurisdiction, that person shall be subject to
27 a fine of not less than \$200 and, in addition, the court shall issue
28 an order to the Direc. of the Division of Motor Vehicles
29 requiring the director to refuse to issue a license to operate a
30 power vessel on the nontidal waters of this State to that person
31 for a period of not less than 180 days.

32 c. A person who violates the provisions of subsection a. of this
33 section regarding the possession and exhibition of an operator's
34 license issued to that person pursuant to the provisions of section
35 4 of P.L.1954, c.236 (C.12:7-34.4), who can exhibit to the court
36 before which the person is summoned to answer to the charge, a
37 valid operator's license issued to that person, which was valid on
38 the day that person was charged, shall be subject to a fine in an
39 amount not to exceed \$100.00, in addition to any reasonable court
40 costs the court may impose. Notwithstanding the provisions of
41 this subsection, the court may in its discretion, dismiss a charge
42 regarding the failure to exhibit an operator's license brought

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

Matter underlined thus is new matter.

1 pursuant to the provisions of this act.
2 d. The penalties provided for pursuant to subsections b. and c.
3 of this section shall not be applicable in cases where failure to
4 have actual possession of the operator's license is due to an
5 administrative or technical error by the Division of Motor
6 Vehicles.
7 (cf: P.L.1954, c.236, s.9)

8 2. This act shall take effect immediately.
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STATEMENT

13 This bill amends section 9 of the "Power Vessel Act,"
14 P.L.1954, c.236 (C.12:7-34.9) to change the penalty for failing to
15 exhibit a power vessel operator's license issued to those persons
16 operating power vessels on the nontidal waters of this State by
17 the Division of Motor Vehicles.

18 Under the general penalty provision of the "Power Vessel Act,"
19 the failure to display a valid operators license is a disorderly
20 persons offense pursuant to section 28 of P.L.1954, c.236
21 (C.12:7-34.28) with certain fines and terms of imprisonment set
22 forth for first and subsequent violations. A first offense is
23 punishable by a fine in an amount not to exceed \$200, a term of
24 imprisonment not to exceed 90 days, or both. A second or
25 subsequent offense is punishable by a fine in an amount not to
26 exceed \$500, a term of imprisonment not to exceed six months,
27 or both. The penalty for failing to possess a motor vehicle
28 driver's license pursuant to the provisions of R.S.39:3-10 is a fine
29 in an amount not to exceed \$500 or a period of imprisonment not
30 to exceed 60 days. Additionally, R.S.39:3-29 allows drivers the
31 opportunity to produce a valid license, registration and insurance
32 identification card to a municipal judge. The court may then
33 dismiss the charge if the license was valid for the day on which
34 the person was charged, although court costs may be imposed.

35 This bill makes the penalty provisions regarding failure to
36 possess or exhibit an operator's license for a power vessel similar
37 to the current provisions for failure to possess or exhibit a motor
38 vehicle driver's license. Under this bill, the violation would not
39 be considered a disorderly persons offense. The bill adds
40 subsection b. setting forth the penalties for failure to possess a
41 license to operate a power vessel. Subsection c. is added which
42 would permit a person to show proof of proper licensing valid on
43 the day the person was charged. Subsection d. provides that the
44 penalties will not be applicable if the failure to have possession
45 of the license is due to an administrative or technical error by
46 the Division of Motor Vehicles.
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51 Reduces penalty for failure to exhibit a power vessel license on
52 nontidal waters.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 144

STATE OF NEW JERSEY

DATED: JANUARY 20, 1994

The Assembly Judiciary, Law Public Safety Committee reports favorably Assembly Bill No. 144.

This bill amends section 9 of the "Power Vessel Act," P.L.1954, c.236 (C.12:7-34.9) to change the penalty for failing to exhibit a power vessel operator's license issued to those persons operating power vessels on the nontidal waters of this State by the Division of Motor Vehicles.

Under the general penalty provision of the "Power Vessel Act," the failure to display a valid operators license is a disorderly persons offense pursuant to section 28 of P.L.1954, c.236 (C.12:7-34.28) with certain fines and terms of imprisonment set forth for first and subsequent violations. A first offense is punishable by a fine in an amount not to exceed \$200, a term of imprisonment not to exceed 90 days, or both. A second or subsequent offense is punishable by a fine in an amount not to exceed \$500, a term of imprisonment not to exceed six months, or both. The penalty for failing to possess a motor vehicle driver's license pursuant to the provisions of R.S.39:3-10 is a fine in an amount not to exceed \$500 or a period of imprisonment not to exceed 60 days. Additionally, R.S.39:3-29 allows drivers the opportunity to produce a valid license, registration and insurance identification card to a municipal judge. The court may then dismiss the charge if the license was valid for the day on which the person was charged, although court costs may be imposed.

This bill makes the penalty provisions regarding failure to possess or exhibit an operator's license for a power vessel similar to the current provisions for failure to possess or exhibit a motor vehicle driver's license. Under this bill, the violation would not be considered a disorderly persons offense. The bill adds subsection b. setting forth the penalties for failure to possess a license to operate a power vessel. Subsection c. is added which would permit a person to show proof of proper licensing valid on the day the person was charged. Subsection d. provides that the penalties will not be applicable if the failure to have possession of the license is due to an administrative or technical error by the Division of Motor Vehicles.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 144

STATE OF NEW JERSEY

DATED: JUNE 6, 1994

The Senate Law and Public Safety Committee favorably reports Assembly Bill No. 144.

This bill amends section 9 of the "Power Vessel Act," P.L.1954, c.236 (C.12:7-34.9) to change the penalty for failing to exhibit a power vessel operator's license issued to those persons operating power vessels on the nontidal waters of this State by the Division of Motor Vehicles. This bill makes the penalty provisions regarding failure to possess or exhibit an operator's license for a power vessel similar to the current provisions for failure to possess or exhibit a motor vehicle driver's license.

Currently, under the general penalty provision of the "Power Vessel Act," a person who fails to display a valid operators license is a disorderly person pursuant to section 28 of P.L.1954, c.236 (C.12:7-34.28). A first offense is punishable by a fine of up to \$200, imprisonment for up to 90 days, or both. A second or subsequent offense is punishable by a fine of up to \$500, imprisonment for up to six months, or both. The penalty for failing to possess a motor vehicle driver's license pursuant to the provisions of R.S.39:3-10 is a fine of up to \$500 or imprisonment for up to 60 days. Additionally, under R.S.39:3-29, a driver has the opportunity to produce a valid license, registration and insurance identification card to a municipal judge. The court may dismiss the charge if the license was valid for the day on which the person was charged, although court costs may be imposed.

Under this bill, the violation would not be considered a disorderly persons offense; a person who fails to possess a power vessel license would be subject to a fine of up to \$500 or imprisonment for up to 60 days, or both. However, if that person had never been licensed to operate a power vessel on the nontidal waters of this State or any other jurisdiction, the person would be subject to a minimum \$200 fine. In addition, the court would 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 minimum of 180 days.

The bill also provides that a violator who can produce for the court proof of proper licensing would be subject to a fine of up to \$100, in addition to court costs. The bill also provides that the court, in its discretion, may dismiss the charge.

Finally, the bill provides that these penalties will not be applicable if the failure to have possession of the license is due to an administrative or technical error by the Division of Motor Vehicles.