

12:7-34.96

**LEGISLATIVE HISTORY CHECKLIST**  
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(Vessels--suspension of license)

**NJSA:** 12:7-34.96

**LAWS OF:** 1993 **CHAPTER:** 118

**BILL NO:** S1403

**SPONSOR(S)** Ciesla and others

**DATE INTRODUCED:** December 3, 1992

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Coastal Resources

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

**DATE OF PASSAGE:** **ASSEMBLY:** March 29, 1993

**SENATE:** March 22, 1993

**DATE OF APPROVAL:** May 24, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[SECOND REPRINT]

SENATE, No. 1403

STATE OF NEW JERSEY

INTRODUCED DECEMBER 3, 1992

By Senator CIESLA, Assemblymen Gaffney and Nickles

1 AN ACT concerning the operation of vessels by persons whose  
2 right to operate is suspended, revoked or prohibited, and  
3 supplementing Chapter 7 of Title 12 of the Revised Statutes.

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

7 <sup>1</sup>1. As used in this act:

8 <sup>2</sup>["Personal watercraft" means a power vessel defined as a  
9 Class "A" vessel by the United State Coast Guard, and which (1)  
10 is designed to be operated from a sitting or kneeling position; (2)  
11 is equipped with an internal combustion engine which powers a  
12 water jet pump; and (3) cannot be operated in a manner so as to  
13 disengage the pump so as to prevent the vessel from making  
14 headway.]<sup>2</sup>

15 "Vessel" means a power vessel as defined in section 1 <sup>2</sup>[or  
16 section 4 of P.L. 1986, c.39 (C.12:7-34.19 or 12:7-46).<sup>1</sup>] of P.L.  
17 1954, c.236 (C.12:7-34.1) or section 2 of P.L. 1962, c.73  
18 (C.12:7-34.37) or a vessel which is 12 feet or greater in length.<sup>2</sup>

19 <sup>1</sup>2. A person whose right or reciprocity privilege, including any  
20 license or registration, to operate a vessel <sup>2</sup>[or personal  
21 watercraft]<sup>2</sup> has been suspended, revoked or prohibited shall not  
22 operate a vessel <sup>2</sup>[or personal watercraft]<sup>2</sup> on the waters of this  
23 State.<sup>1</sup>

24 <sup>1</sup>[1. No person shall operate a vessel on the waters of this  
25 State when their right, or reciprocity privilege, to operate a  
26 vessel has been suspended, revoked or prohibited.

27 As used in this section, "vessel" means a power vessel as  
28 defined in section 1 of P.L. 1954, c.236 (C.12:7-34.1) or a vessel  
29 which is 12 feet or greater in length.]

30 <sup>3</sup>a. <sup>1</sup>A person violating <sup>1</sup>[this]<sup>1</sup> section <sup>1</sup>2 of this act<sup>1</sup> shall be  
31 subject to the following penalties:

32 <sup>1</sup>[a.](1)<sup>1</sup> Upon conviction for a first offense, a fine of  
33 <sup>1</sup>[\$500.00]<sup>1</sup>\$500<sup>1</sup>;

34 <sup>1</sup>[b.](2)<sup>1</sup> Upon conviction for a second offense, a fine of  
35 <sup>1</sup>[\$750.00]<sup>1</sup>\$750<sup>1</sup> and imprisonment in the county jail for not more  
36 than five days;

37 <sup>1</sup>[c.](3)<sup>1</sup> Upon conviction for a third offense, a fine of  
38 <sup>1</sup>[\$1,000.00]<sup>1</sup>\$1,000<sup>1</sup> and imprisonment in the county jail for not  
39 more than 10 days.

40 <sup>1</sup>[d.](4)<sup>1</sup> Upon conviction of a person whose right to operate a  
41 vessel has been suspended, revoked or prohibited, the court shall  
42 impose or extend a period of suspension not to exceed six months;

43 <sup>1</sup>[e.].b.<sup>1</sup> Upon conviction of a person whose right to operate a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted March 15, 1993.

<sup>2</sup> Assembly floor amendments adopted March 29, 1993.

1 vessel <sup>2</sup>[<sup>1</sup>or personal watercraft<sup>1</sup>]<sup>2</sup> has been suspended, revoked  
 2 or prohibited, <sup>1</sup>and in addition to the penalties prescribed in  
 3 subsection a. of this section,<sup>1</sup> the court <sup>1</sup>[shall] <sup>1</sup>may<sup>1</sup> impose a  
 4 period of imprisonment, for not <sup>1</sup>[less] <sup>1</sup>more<sup>1</sup> than 45 days, if  
 5 while operating a vessel <sup>2</sup>[<sup>1</sup>or personal watercraft<sup>1</sup>]<sup>2</sup> in violation  
 6 of <sup>1</sup>[this]<sup>1</sup> section <sup>1</sup>2 of this act<sup>1</sup> a person <sup>1</sup>[is involved in]  
 7 causes<sup>1</sup> an accident resulting in personal injury to another person.

8 <sup>1</sup>[Notwithstanding subsections a. through e.,] c. In addition to  
 9 the penalties prescribed in subsections a. and b. of this section,<sup>1</sup>  
 10 any person violating <sup>1</sup>[this]<sup>1</sup> section <sup>1</sup>2 of this act<sup>1</sup> while under a  
 11 suspension issued pursuant to section 19 of P.L.1954, c.236  
 12 (C.12:7-34.19) <sup>1</sup>or section 3 of P.L. 1952, c.157 (C.12:7-46)<sup>1</sup>,  
 13 upon conviction, shall be fined <sup>1</sup>[\$500.00] <sup>1</sup>\$500<sup>1</sup>, shall have his  
 14 right to operate a vessel <sup>2</sup>[<sup>1</sup>or personal watercraft<sup>1</sup>]<sup>2</sup> suspended  
 15 for an additional period of not less than one year nor more than  
 16 two years, and may be imprisoned in the county jail for not more  
 17 than 90 days.

18 <sup>1</sup>d. Any period of suspension imposed by a court under this  
 19 section which would continue beyond September 30 of any  
 20 calendar year shall be interrupted on that date and shall be  
 21 completed after April 30 of the following year.<sup>1</sup>

22 <sup>1</sup>2. No person shall operate a vessel on the waters of this  
 23 State when their right, or reciprocity privilege, to operate a  
 24 vessel has been suspended, revoked or prohibited.

25 As used in this section, "vessel" means a power vessel as  
 26 defined by section 2 of P.L.1962, c.73 (C.12:7-34.37) or a vessel  
 27 which is 12 feet or greater in length.

28 A person violating this section shall be subject to the following  
 29 penalties:

- 30 a. Upon conviction for a first offense, a fine of \$500.00;  
 31 b. Upon conviction for a second offense, a fine of \$750.00 and  
 32 imprisonment in the county jail for not more than five days;  
 33 c. Upon conviction for a third offense, a fine of \$1,000.00 and  
 34 imprisonment in the county jail for 10 days;  
 35 d. Upon conviction of a person whose right to operate a vessel  
 36 has been suspended, revoked or prohibited, the court shall impose  
 37 or extend a period of suspension not to exceed six months;  
 38 e. Upon conviction of a person whose right to operate a vessel  
 39 has been suspended, revoked or prohibited, the court shall impose  
 40 a period of imprisonment, for not less than 45 days if while  
 41 operating a vessel in violation of this section a person is involved  
 42 in an accident resulting in personal injury to another person.

43 Notwithstanding subsections a. through e., any person violating  
 44 this section while under a suspension issued pursuant to section 3  
 45 of P.L.1952, c.157 (C.12:7-46), upon conviction, shall be fined  
 46 \$500.00, shall have his right to operate a vessel suspended for an  
 47 additional period of not less than one year nor more than two  
 48 years, and may be imprisoned in the county jail for not more than  
 49 90 days.<sup>1</sup>

50 <sup>1</sup>[3.] <sup>1</sup>4.<sup>1</sup> This act shall take effect immediately.

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54 Establishes penalties for operation of power vessels when right to  
 55 operate has been suspended, revoked or prohibited.

1 c. Upon conviction for a third offense, a fine of \$1,000.00 and  
2 imprisonment in the county jail for 10 days;

3 d. Upon conviction of a person whose right to operate a vessel  
4 has been suspended, revoked or prohibited, the court shall impose  
5 or extend a period of suspension not to exceed six months;

6 e. Upon conviction of a person whose right to operate a vessel  
7 has been suspended, revoked or prohibited, the court shall impose  
8 a period of imprisonment, for not less than 45 days if while  
9 operating a vessel in violation of this section a person is involved  
10 in an accident resulting in personal injury to another person.

11 Notwithstanding subsections a. through e., any person violating  
12 this section while under a suspension issued pursuant to section 3  
13 of P.L.1952, c.157 (C.12:7-46), upon conviction, shall be fined  
14 \$500.00, shall have his right to operate a vessel suspended for an  
15 additional period of not less than one year nor more than two  
16 years, and may be imprisoned in the county jail for not more than  
17 90 days.

18 3. This act shall take effect immediately.

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21 STATEMENT

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23 This bill would supplement the State's boating laws -- both  
24 those that apply in tidal waters and those that apply in non-tidal  
25 waters -- by providing penalties for those who operate vessels  
26 after their right to operate a vessel has been suspended, revoked  
27 or prohibited. The provisions of this bill are modeled after  
28 analogous provisions of the motor vehicle laws.

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33 Establishes penalties for operation of power vessels when right to  
34 operate has been suspended, revoked or prohibited.

SENATE COASTAL RESOURCES AND TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1403

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate Coastal Resources and Tourism Committee favorably reports Senate Bill No. 1403.

This bill would supplement the State's boating laws -- both those that apply in tidal waters and those that apply in non-tidal waters -- by providing penalties for those who operate vessels after their right to operate a vessel has been suspended, revoked or prohibited. The provisions of this bill are modeled after analogous provisions of the motor vehicle laws.