

12:7-62 to 12:7-69

LEGISLATIVE HISTORY CHECKLIST
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(Personal watercraft--regulate)

NJSA: 12:7-62 to 12:7-69

LAWS OF: 1993 CHAPTER: 299

BILL NO: S696

SPONSOR(S) Kyrillos and Ciesla

DATE INTRODUCED: ---

COMMITTEE: ASSEMBLY: Environment

SENATE: Coastal Resources

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 21, 1993

SENATE: September 14, 1992

DATE OF APPROVAL: December 23, 1993

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 clipping--attached:

"Bill would regulate watercraft," 12-14-93, Asbury Park Press.

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[SECOND REPRINT]

SENATE, No. 696

STATE OF NEW JERSEY

INTRODUCED APRIL 6, 1992

By Senators KYRILLOS and CIESLA

1 AN ACT concerning the operation of certain vessels on the
2 waters of this State ¹[and] ²supplementing chapter 7 of Title
3 12 of the Revised Statutes ¹, and providing a penalty¹.

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

7 ¹1. For the purposes of this act, "personal watercraft" shall
8 mean a power vessel defined as a Class "A" vessel by the United
9 States Coast Guard, and which:

10 a. Is designed to be operated from a sitting, standing or
11 kneeling position;

12 b. Is equipped with an internal combustion engine which
13 powers a water jet pump; and

14 c. Cannot be operated in a manner so as to disengage the pump
15 so as to prevent the vessel from making headway.¹

16 ¹[1.] ²1. A person shall not operate a personal watercraft:

17 a. On the waters of this State between sunset and sunrise, or
18 during any time of restricted visibility as determined by an agent
19 or officer of the Marine Law Enforcement Bureau, Division of
20 State Police;

21 b. Within the confines of the Point Pleasant Canal in the
22 County of Ocean, or the Cape May Canal in the County of Cape
23 May;

24 c. Above idle speed within 50 feet of:

25 ¹[(1)] ¹Another vessel; ¹

26 ¹[(2)] ¹(1) A bathing beach that has its boundaries marked by
27 buoys or signs;

28 ¹[(3)] ²(2) The shoreline; ¹or¹

29 ¹[(4)] ³(3) Any person in the water; ¹or¹

30 d. In such a manner as to make the vessel completely leave the
31 water or otherwise become airborne, while crossing ¹within 100
32 feet of¹ the wake of another vessel¹; or

33 e. In a manner so as to tow a waterskier or any person riding
34 upon any type of device.

35 For the purposes of this act, "personal watercraft" means
36 certain Class "A" vessels as defined by the United States Coast
37 Guard; any vessel operated from a sitting, standing or kneeling
38 position, which is equipped with an internal combustion engine
39 which powers a water jet pump; which is not equipped with an
40 internal combustion engine possessing neither the ability to
41 reverse the thrust of the pump so as to allow for the vessel to be
42 operated in reverse, nor the ability to disengage the pump so as
43 to prevent the vessel from making heading¹.

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:

¹ Senate SCT committee amendments adopted June 18, 1992.

² Assembly AEN committee amendments adopted May 6, 1993.

1 ¹[2.] 3.¹ A person operating a personal watercraft shall at all
2 times ¹[wear] :

3 a. Wear¹ the safety switch lanyard while the personal
4 watercraft is underway, provided that the personal watercraft is
5 equipped with such a lanyard cut-off device¹; and

6 b. Proceed at a safe speed that shall allow the person
7 operating the personal watercraft to take proper and effective
8 action to avoid collision and to stop the personal watercraft
9 within a safe distance, as may be appropriate under prevailing
10 circumstances and conditions¹.

11 ¹[3.] 4.¹ A person operating a personal watercraft or any
12 passenger on a personal watercraft shall at all times when the
13 personal watercraft is underway, wear a United States Coast
14 Guard Approved Type I, II, III, or Type V Hybrid Personal
15 Flotation Device.

16 ¹[4.] 5.¹ The Boat Regulation Commission, subject to the
17 approval of the Attorney General and consistent with section 14
18 of P.L.1962, c.73 ²[,]² (C.12:7-34.49) shall, pursuant to the
19 provisions of the "Administrative Procedure Act," P.L.1968,
20 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary
21 to effectuate the purposes of this act.

22 ¹6. a. The governing body of a county or municipality shall not
23 adopt or enforce any ordinance or resolution, as appropriate,
24 relating to the operation of personal watercraft on the waters of
25 this State which is inconsistent with the provisions of this act,
26 except as provided in subsection (a) of section 18 of P.L.1962,
27 c.73 (C.12:7-34.53).

28 b. Any ordinance or resolution adopted by the governing body
29 of a county or municipality in violation of subsection a. of this
30 section shall be null and void.

31 c. Nothing in this section shall be deemed to preclude the
32 governing body of a county or municipality from adopting or
33 enforcing an ordinance or resolution to provide access to the
34 waters of this State located within the territorial limits of the
35 county or municipality to the operators of personal watercraft;
36 provided that the ordinance or resolution ²provides for²
37 appropriate access to those waters for all types of power vessels
38 operating within the territorial limits of the county or
39 municipality, as the case may be.¹

40 ¹7. The operator of a personal watercraft designed to
41 accommodate three or more persons shall be permitted to tow a
42 water skier ^{2,2} provided that the personal watercraft has ²[a]
43 the² capacity to allow one of the persons to face the stern of the
44 personal watercraft for the purpose of tending to a ski rider; and
45 that the person tending to the ski rider shall be present during the
46 towing of the ski rider.¹

47 ¹[5.] 8.¹ A person who violates any provision of this act shall
48 be subject to the fines and penalties enumerated pursuant to
49 section 16 of P.L.1962, c.73 (C.12:7-34.51).

50 ¹[6.] 9.¹ This act shall take effect immediately.

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55 Establishes operating rules for personal watercraft.

1 c.73, (C.12:7-34.49) shall, pursuant to the provisions of the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
3 et seq.), adopt rules and regulations necessary to effectuate the
4 purposes of this act.

5 5. A person who violates any provision of this act shall be
6 subject to the fines and penalties enumerated pursuant to section
7 16 of P.L.1962, c.73 (C.12:7-34.51).

8 6. This act shall take effect immediately.
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STATEMENT

13 In order to ensure the continued safety of recreational boaters,
14 this bill establishes operating procedures for personal watercraft,
15 otherwise known as jet skis. This bill would prohibit the
16 operation of personal watercraft between sunset and sunrise, and
17 within 50 feet of marked bathing beaches, shorelines, individuals
18 in the water, or other vessels. Operators of personal watercraft
19 equipped with lanyard cut-off devices are required to use such
20 devices, and all persons riding these vessels shall wear U.S. Coast
21 Guard approved personal flotation devices. The Boat Regulation
22 Commission, consistent with the regulatory powers granted it by
23 the Legislature, shall adopt rules and regulations necessary to
24 effectuate the purposes of the act. A person found guilty of
25 violating the provisions of this act shall be guilty of either a
26 petty disorderly persons offense for which the maximum penalty
27 is an imprisonment term of 30 days and a fine of \$500, or a
28 disorderly persons offense, for which the maximum penalty is an
29 imprisonment term of 6 months and a fine of \$1,000.

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34 Establishes operating rules for personal watercraft.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 696

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1993

The Assembly Environment Committee favorably reports Senate Bill No. 696 (1R) with Assembly committee amendments.

This bill would provide for statutory regulation of the operation of personal watercraft on the waters of the State.

"Jet skis," "wave runners," "wet bikes," "wet jets," and "surf jets" are trade names for a general group of vessels known as personal watercraft.

The bill would regulate the operation of personal watercraft on the waters of the State by prohibiting their operation: 1) between sunset and sunrise, or during any time of restricted visibility as determined by an agent or officer of the Marine Law Enforcement Bureau, Division of State Police; 2) within the confines of the Point Pleasant Canal in Ocean County, or the Cape May Canal in Cape May County; 3) above idle speed within 50 feet of a marked bathing beach, the shoreline, or a person in the water; or 4) in a manner that makes the vessel airborne while crossing within 100 feet of the wake of another vessel.

The bill would require that operators of personal watercraft proceed at a safe speed that allows the operator to take action to avoid collision and to stop the personal watercraft within a safe distance. The bill also would provide that operators of personal watercraft equipped with lanyard cut-off devices use those devices and that all persons riding these vessels wear U.S. Coast Guard approved personal flotation devices.

In addition, the bill would provide that the governing body of a county or municipality shall not adopt or enforce any ordinance or resolution relating to the operation of personal watercraft on the waters of the State that is inconsistent with the provisions of the bill, except as provided in subsection (a) of section 18 of P.L.1962, c.73 (C.12:7-34.53). However, nothing in the bill shall be deemed to preclude the governing body of a county or municipality from adopting or enforcing an ordinance or resolution to provide access to the waters of the State located within the territorial limits of the county or municipality to the operators of personal watercraft, provided that the ordinance or resolution provides for appropriate access to those waters for all types of power vessels operating within the territorial limits of the county or municipality, as the case may be.

The bill would permit the operator of a personal watercraft designed to accommodate three or more persons to tow a water skier, provided that the personal watercraft has the capacity to allow one of the persons to face the stern of the personal watercraft for the purpose of tending to a ski rider and that the person tending to the ski rider is present during the towing of the ski rider.

The bill would also direct the Boat Regulation Commission, subject to the approval of the Attorney General and consistent with the regulatory powers granted to the commission pursuant to the "New Jersey Boat Act of 1962," P.L.1962, c.73 (C.12:7-34.36 et seq.), to adopt rules and regulations necessary to effectuate the purposes of the bill.

Finally, a person found guilty of violating the provisions of the bill would be guilty of a disorderly persons offense. A disorderly persons offense is punishable by a jail term not to exceed 6 months or a fine not to exceed \$1,000, or both.

The committee made technical amendments to the bill. As amended and reported by the committee, this bill is identical to Assembly Bill No. 2089 of 1992 as also amended and reported by the committee.

SENATE COASTAL RESOURCES AND TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 696

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1992

The Senate Coastal Resources Committee reports favorably Senate Bill No. 696 with Senate committee amendments.

As amended, this bill would provide a statutory regulation of the operation of personal watercraft on the waters of this State.

Recreational watercraft known commonly as "jet skis," "wave runners," "wet bikes," "wet jets," and "surf jets," are trade names for a general group of vessels known as personal watercraft. Although personal watercraft vary in size and design, they retain certain common characteristics. Personal watercraft are propelled by internal combustion engines that power a jet water pump which moves the craft through the water. They possess no propellers or any other moving parts outside of the hull, and are equipped with "operator reboarding systems," which are designed to stop the craft when the rider has dismounted it during operation. Generally speaking, personal watercraft are highly maneuverable, although they do not attain speeds greater than 35 m.p.h. when operated at full throttle. Some models are equipped with lanyard cut-off mechanisms, which are attached to an operators' wrist or personal flotation device. The lanyard cut-off mechanism allows the operator to remount the personal watercraft after dismounting by stopping the craft when the lanyard is detached.

Personal watercraft sold in the United States are classified as "Class A inboard motor boats with jet propulsion" by the United States Coast Guard, and comply with engine specifications for vessels of that class.

The amended bill would regulate the operation of personal watercraft on the waters of this State by prohibiting the operation of personal watercraft: (1) between sunset and sunrise; (2) within 50 feet of marked bathing beaches, shorelines, or persons in the water; (3) in such a manner so as to make the personal watercraft completely leave the water or otherwise become airborne, while crossing within 100 feet of the wake of another vessel; and (4) in a manner so as to tow a waterskier or any person riding upon any type of device or contrivance.

The bill further requires that operators of personal watercraft proceed at a safe speed that allows the operator to take action to avoid collision and to stop the personal watercraft within a safe distance.

The amended bill also provides that operators of personal watercraft equipped with lanyard cut-off devices are required to use such devices, and that all persons riding these vessels wear U.S. Coast Guard approved personal flotation devices

The amended bill also directs the Boat Regulation Commission, consistent with the regulatory powers granted it by the Legislature pursuant to the "New Jersey Boat Act of 1962," P.L.1962, c.73 (C.12:7-34.36 et seq.), to adopt rules and regulations necessary to effectuate the purposes of the bill.

Finally, a person found guilty of violating the provisions of the amended bill would be guilty of a disorderly persons offense pursuant to section 16 of P.L.1962, c.73 (C.12:7-34.51), and subject to a imprisonment term not to exceed of 6 months and a fine of \$1,000.

The committee amended the bill to prohibit the operation of a personal watercraft in a manner so as to make the watercraft completely become airborne, while crossing within 100 feet of the wake of another vessel. The committee also adopted an amendment to remove a provision of the bill that prohibited the operation of a personal watercraft within 50 feet of another vessel. The committee also added a provision which required that operators of personal watercraft proceed at a safe speed that allows the operator to avoid collision and to stop the within a safe distance, as determined by conditions and circumstances.

The committee also amended the bill to permit those personal watercraft which can accommodate three or more persons to tow water skiers under certain circumstances.

The committee also clarified the definition of a personal watercraft by inserting a new section 1, and renumbering the succeeding sections accordingly.

The committee also amended the bill to provide the county of municipal ordinances or regulations which are inconsistent with the provisions of this bill would be null and void.