

[First Reprint]

ASSEMBLY, No. 1013

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 19 (Middlesex)

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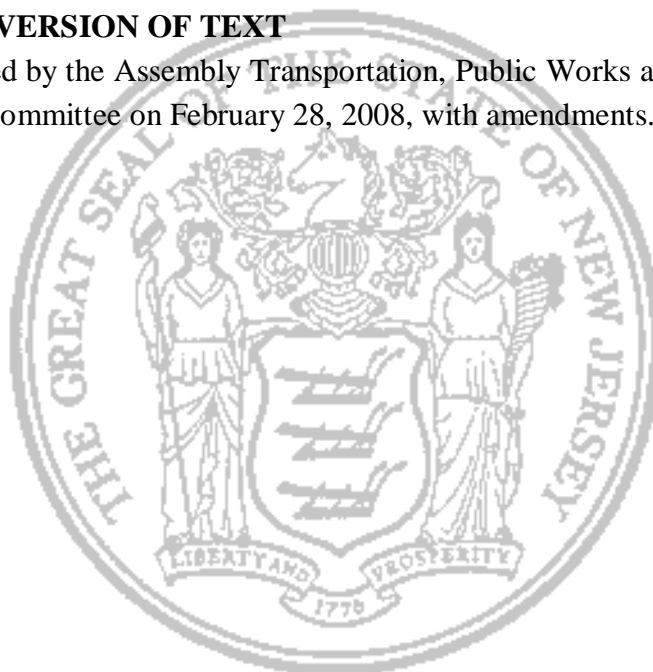
Assemblywoman Evans

SYNOPSIS

Requires liability insurance for certain vessels.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation, Public Works and Independent Authorities Committee on February 28, 2008, with amendments.



(Sponsorship Updated As Of: 3/11/2008)

1 AN ACT concerning liability insurance for certain vessels ¹and
2 supplementing Title 12 of the Revised Statutes¹ .

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. As used in this act:

8 "Chief Administrator" means the Chief Administrator of the New
9 Jersey Motor Vehicle Commission established by section 4 of
10 P.L.2003, c.13 (C.39:2A-4).

11 "Operator" means any person having charge, control, operation,
12 or direction of any vessel.

13 "Owner" means any person, other than a lienholder, having the
14 property of, or title to, a vessel.

15 "Vessel" means a boat or watercraft ¹**[powered with a motor, or**
16 **combination of motors, in excess of 25 horsepower]** , other than a
17 seaplane on the water, used and capable of being used as a means of
18 transportation on water¹ .

19 "Waters of this State" means all waters within the jurisdiction of
20 this State, both tidal and nontidal, and the marginal sea adjacent to
21 this State to a distance of three nautical miles from the shoreline.

22
23 2. ¹**[Every]** The¹ owner of a vessel ¹required to be¹ registered
24 in this State shall maintain liability insurance coverage, under
25 provisions approved by the chief administrator, insuring against
26 loss resulting from liability imposed by law for bodily injury or
27 death sustained by any person arising out of the ownership,
28 maintenance, operation, or use of the vessel wherein such coverage
29 shall be at least in an amount or limit of \$100,000, exclusive of
30 interest and costs, on account of injury to, or death of, one or more
31 than one person, in any one accident.

32
33 3. a. Any owner of a vessel registered in this State who operates
34 the vessel or causes it to be operated upon the waters of this State
35 without liability insurance coverage as required by this act, and any
36 operator who operates or causes a vessel registered in this State to
37 be operated and who knows or should know from the attendant
38 circumstances that the vessel is without liability insurance coverage
39 required by this act shall be subject, for the first offense, to a fine of
40 not less than \$300 nor more than \$1,000, and shall forthwith forfeit
41 his right to operate a vessel on the waters of this State for a period
42 of one year from the date of conviction. Upon subsequent
43 conviction, he shall be subject to a fine of up to \$5,000 and shall be
44 subject to imprisonment for a term of 14 days, and shall forfeit his

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:

¹Assembly ATR committee amendments adopted February 28, 2008.

1 right to operate a vessel for a period of two years from the date of
2 his conviction.

3 b. Failure to produce at the time of trial an insurance
4 identification card or an insurance policy which was in force for the
5 time of operation for which the offense is charged creates a
6 rebuttable presumption that the person was uninsured when charged
7 with a violation of this section.

8

9 4. a. An insurance identification card shall be in the possession
10 of the owner or operator of a vessel registered in this State at all
11 times when operating the vessel on the waters of this State.

12 The owner or operator shall exhibit an insurance identification
13 card when requested to do so by a law enforcement officer.

14 Any person violating this subsection shall be subject to a fine of
15 \$75.

16 If a person charged with a violation of this subsection can exhibit
17 his insurance identification card which was valid on the day he was
18 charged, the judge may dismiss the charge. However, the judge
19 may impose court costs.

20 b. An owner or operator failing to exhibit the insurance
21 identification card upon request as required by subsection a. of this
22 section shall terminate the voyage and immediately return the vessel
23 to its point of departure or proceed to such other location as may be
24 designated by the law enforcement officer; provided, however, that
25 a law enforcement officer shall not be required to escort the vessel
26 to its point of departure or other designated location, and may not
27 be held liable for any claim arising from the termination of the
28 voyage, return of the vessel to its point of departure or to such other
29 designated location, or disposition of the vessel at any such
30 location.

31 A person who fails to return the vessel to its point of departure or
32 proceed to another location as required by this subsection shall be
33 subject to a fine of not more than \$500 or to a term of imprisonment
34 not to exceed 60 days or both.

35 c. The Commissioner of Banking and Insurance shall, after
36 consultation with the chief administrator, promulgate rules and
37 regulations concerning the issuance, design, and content of the
38 insurance identification card to be issued to each person covered by
39 liability insurance as required by subsection a. of this section.

40

41 5. Within 180 days after the effective date of this act, every
42 insurer authorized to issue liability insurance coverage ¹ for a vessel
43 as required¹ pursuant to section 2 of this act ¹ ₂ shall provide an
44 appropriate reduction in premium for the successful completion by
45 the named insured of a boat safety course approved by the
46 Superintendent of State Police in the Department of Law and Public
47 Safety. The reduction in premium shall be an amount justified by

1 the insurer's actuarial experience, and shall be available to the
2 insured for a three-year period beginning with the next succeeding
3 policy period after the date of completion of an approved boat
4 safety course.

5
6 6. The ¹['chief administrator'] New Jersey Motor Vehicle
7 Commission¹ shall adopt rules and regulations, pursuant to the
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.) necessary to effectuate the purposes of this act, except those
10 rules and regulations adopted by the Commissioner of Banking and
11 Insurance as provided in subsection c. of section 4 of this act.

12
13 7. This act shall be known and may be cited as the "Donald W.
14 McGloan Law."

15
16 8. This act shall take effect on the 120th day after enactment,
17 but the Commissioner of Banking and Insurance and the Chief
18 Administrator of the New Jersey Motor Vehicle Commission may
19 take any anticipatory administrative action in advance of that date
20 as necessary for implementation of the act.