

ASSEMBLY, No. 147

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen **WOLFE** and **HOLZAPFEL**

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

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

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12 laws are duplicative or outdated; that violations of laws governing the  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

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

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

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

**Matter underlined thus is new matter.**

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

5  
6 2. (New section) As used in this chapter, unless the context clearly  
7 requires a different meaning:

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

10 "Department" means the Department of Law and Public Safety;

11 "Director" means the Director of the Division of Motor Vehicles in  
12 the Department of Transportation;

13 "Division" means the Division of Motor Vehicles in the Department  
14 of Transportation;

15 "Documented vessel" means a vessel which has a valid Marine  
16 Document issued by the United States Coast Guard or any Federal  
17 agency successor thereto;

18 "Length" means measurement from end to end over the deck  
19 parallel to the centerline excluding sheer, bowsprits, bumpkins,  
20 rudders, outboard motors, brackets or other equipment or appendages;

21 "Motor" means a temporarily or permanently installed fuel  
22 consuming mechanism by which the vessel is or may be propelled,  
23 including an electrical motor;

24 "Operate" means to navigate, use, control or command a vessel;

25 "Operator" means every person having charge, control, operation  
26 or direction of any vessel and the owner of the vessel if the owner is  
27 on the vessel at the time it is operated in violation of the law;

28 "Owner" means a person, other than a lienholder, having the  
29 property in or title to a vessel. The term includes a person entitled to  
30 the use or possession of the vessel subject to an interest of another  
31 person, reserved or created by agreement and securing payment or  
32 performance of an obligation, but the term excludes a lessee under a  
33 lease not intended as security;

34 "Personal watercraft" means a personal watercraft as defined by  
35 section 1 of P.L.1993, c.299 (C.12:7-62);

36 "Power vessel" means a vessel temporarily or permanently equipped  
37 with machinery for propulsion, including a personal watercraft, and  
38 shall not include a vessel propelled wholly by sails or by muscular  
39 power;

40 "Sailboat" means any boat whose sole source of propulsion is the  
41 wind;

42 "Vessel" means a boat or watercraft, other than a sea plane on the  
43 water, used or capable of being used as a means of transportation on  
44 water; and

45 "Waters of this State" means all waters within the jurisdiction of  
46 this State, both tidal and nontidal, and the marginal sea adjacent to this

1 State to a distance of three nautical miles from the shoreline.

2

3 3. (New section) a. Upon proper application therefore, the  
4 director shall license a person to operate a power vessel on the  
5 nontidal waters of this State. A person shall not make any  
6 misstatement of fact in an application for a power vessel operator's  
7 license.

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

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

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

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

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

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

19 (3) while actually competing in an authorized race held under the  
20 auspices of a duly incorporated yacht club or racing association in  
21 accordance with rules and regulations prescribed by the Division of  
22 State Police in the Department of Law and Public Safety and pursuant  
23 to a permit duly issued by that division; or

24 (4) pursuant to the provisions of subsection a. of section 2 of  
25 P.L.1987, c.453 (C.12:7-61).

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

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

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

42 (2) A person who can exhibit to the court before which the person  
43 is summoned to answer to the charge a valid operator's license issued  
44 to that person which was valid on the day that person was charged  
45 shall be subject to a fine of not more than \$100, in addition to any  
46 reasonable court costs the court may impose. Notwithstanding the

1 provisions of this subsection, the court may, in its discretion, dismiss  
2 a charge regarding the failure to exhibit an operator's license brought  
3 pursuant to the provisions of this section.

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

8  
9 4. (New section) a. The fee for a 48-month power vessel operator's  
10 license required pursuant to section 3 of P.L. , c. (C. )(now  
11 before the Legislature as this bill) shall be \$16 and shall be paid to the  
12 director for deposit into the State General Fund.

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

18  
19 5. (New section) a. A person who lends any operator's license  
20 required pursuant to section 3 of P.L. , c. (C. )(now before the  
21 Legislature as this bill) to another person shall be subject to a fine of  
22 not less than \$25 nor more than \$100.

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

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

29 d. A person who exhibits the operator's license of another for  
30 purposes of identification in any situation other than as described in  
31 subsection c. of this section shall be subject to a fine of not less than  
32 \$25 nor more than \$100.

33  
34 6. (New section) A person who possesses a motor, whether  
35 inboard or outboard, the motor number of which has been altered or  
36 mutilated, or who comes into possession of such a motor, shall at once  
37 file in writing with the division a statement setting forth all  
38 circumstances in connection with that person's possession of the  
39 motor.

40  
41 7. (New section) a. A person who operates a vessel on the waters  
42 of this State, without due caution and circumspection, in a manner that  
43 endangers, or is likely to endanger, a person or property shall be guilty  
44 of careless operation. Careless operation shall include, but need not  
45 be limited to, the loading of a vessel beyond the maximum capacity  
46 stated on the United States Coast Guard capacity label or the capacity

1 label of the manufacturer affixed to the vessel.

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

13

14 8. (New section) A person shall not operate or allow another  
15 person to operate a vessel on the waters of this State unless the vessel  
16 has a serviceable United States Coast Guard approved personal  
17 flotation device for each person on board. Such devices shall be of a  
18 type and in sufficient number as required by the United States Coast  
19 Guard for a vessel of that class operating on navigable waters. Such  
20 devices shall be readily accessible when the vessel is under way or  
21 worn as required by regulation.

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

24

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

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

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

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

35 (3) It cannot be determined which occupant of the vessel is the  
36 violator.

37

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

41

42 11. (New section) a. A law enforcement officer may serve a  
43 summons on any person violating any provision of chapter 7 of Title  
44 12 of the Revised Statutes.

45 b. A law enforcement officer may arrest any person violating in his  
46 presence any provision of chapter 7 of Title 12 of the Revised Statutes

1 instead of issuing a summons pursuant to subsection a. of this section.

2 c. A law enforcement officer may arrest without a warrant any  
3 person who the officer has probable cause to believe has operated a  
4 vessel in violation of section 3 of P.L.1952, c.157 (C.12:7-46),  
5 regardless of whether the suspected violation occurred in the officer's  
6 presence.

7

8 12. (New section) a. The Superior Court and every municipal court  
9 shall have jurisdiction to enforce the provisions of chapter 7 of Title  
10 12 of the Revised Statutes. Each of these courts shall have jurisdiction  
11 to receive complaints, order arrests, issue summonses and warrants,  
12 admit to bail, and take any action required of a judge in the  
13 enforcement of the provisions of chapter 7 of Title 12 of the Revised  
14 Statutes within their respective territorial jurisdictions.

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

19

20 13. (New section) a. A court may revoke or suspend the privilege  
21 of a person to operate a power vessel if that person has been convicted  
22 of homicide in connection with the operation of a vessel or motor  
23 vehicle or of operating a vessel or motor vehicle while under the  
24 influence of intoxicating liquor or a narcotic, hallucinogenic or habit  
25 producing drug.

26 b. A court may revoke or suspend the privilege of a person to  
27 operate a power vessel if that person has been charged with a homicide  
28 in connection with the operation of a vessel or motor vehicle or of  
29 operating a vessel or motor vehicle while under the influence of  
30 intoxicating liquor or a narcotic, hallucinogenic or habit producing  
31 drug, pending disposition of that charge, or for any other violation of  
32 any of the provisions of chapter 7 of Title 12 of the Revised Statutes  
33 or of any rule or regulation prescribed thereunder by the director or  
34 the commission.

35 c. When a person's privilege to operate a power vessel is revoked  
36 or suspended, that person shall have an opportunity to be heard.  
37 Attendance of witnesses to such hearing may be compelled by  
38 subpoena.

39 d. Failure of the licensee or any other person possessing the license  
40 card to deliver the same to the suspending or revoking court, or the  
41 director if so ordered, shall constitute a violation. A court that  
42 suspends or revokes a license shall promptly place the license card in  
43 the custody of the division, except when the division shall otherwise  
44 direct.

45 e. The division shall have the exclusive power to restore a person's  
46 privilege to operate a power vessel and may restore that privilege after

1 the person pays to the director a \$50 restoration fee. Unless otherwise  
2 specified, whenever a license is revoked pursuant to this section a new  
3 license shall not be issued to the person whose license is revoked for  
4 at least six months after the date of such revocation, as determined by  
5 the director.

6  
7 14. (New section) a. A person whose privilege, including any  
8 license or numbering, to operate a power vessel or a vessel that is 12  
9 feet or greater in length has been suspended, revoked or prohibited  
10 shall not operate such a vessel on the waters of this State.

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

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

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

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

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

22 d. In addition to the penalties prescribed in subsections b. and c. of  
23 this section, a court may impose a term of imprisonment not to exceed  
24 45 days, if while operating a vessel in violation of subsection a. of this  
25 section a person causes an accident resulting in personal injury to  
26 another person.

27 e. In addition to the penalties prescribed in subsections b., c. and d.  
28 of this section, any person violating subsection a. of this section while  
29 under a suspension issued pursuant to section 3 of P.L.1952, c.157  
30 (C.12:7-46) upon conviction shall be fined \$500, shall have his  
31 privilege to operate a vessel suspended for an additional period of not  
32 less than one year nor more than two years, and may be imprisoned for  
33 a term not to exceed 90 days.

34 f. Any period of suspension imposed by a court under this section  
35 that would continue beyond September 30 of any calendar year shall  
36 be interrupted on that date and shall be completed after April 30 of the  
37 following year.

38  
39 15. (New section) All fines imposed under chapter 7 of Title 12 of  
40 the Revised Statutes shall be paid to the court imposing the fines.  
41 Within 30 days after receipt, the court shall then transmit such fines to  
42 the Treasurer of the State of New Jersey for deposit into the State  
43 General Fund.

44  
45 16. (New section) a. The director, the commission and the  
46 Superintendent of State Police, whichever is appropriate and subject

1 to the approval of the Attorney General, may promulgate such rules  
2 and regulations pursuant to the "Administrative Procedure Act",  
3 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the  
4 provisions of P.L. , c. (C. )(now before the Legislature as this  
5 bill).

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

12

13 17. (New section) a. The Superintendent of State Police shall  
14 develop and administer a written test for experienced boaters which  
15 shall be issued in lieu of completing the boat safety course required  
16 pursuant to subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61).  
17 Upon successful completion of the test, the person shall be given a  
18 certificate which shall fulfill the requirements of subsection c. of  
19 section 2 of P.L.1987, c.453 (C.12:7-61). A person who fails the test  
20 shall be subject to all requirements of subsection c. of section 2 of  
21 P.L.1987, c.453 (C.12:7-61). A person may only take one test  
22 pursuant to this subsection.

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

27 c. In addition to all other penalties provided by law, a person who  
28 provides false information on an application for a written test issued  
29 pursuant to subsection a. of this section shall be subject to a fine of  
30 \$100.

31 d. The superintendent shall determine the qualifications for  
32 application and all other requirements for applicants under this section.

33

34 18. Section 5 of P.L.1987, c.269 (C.12:7-23.5) is amended to read  
35 as follows:

36 5. A person who violates any ~~[provisions]~~ provision of this act or  
37 any regulation adopted pursuant to this act is ~~[guilty of a disorderly~~  
38 ~~persons offense. If a court imposes]~~ subject to a fine ~~[under this~~  
39 ~~section, this fine shall be]~~ of not less than~~[\$100.00]~~ \$100 for the first  
40 offense,~~[\$300.00]~~ \$300 for the second offense, and~~[\$500.00]~~ \$500 for  
41 the third and each subsequent offense.

42 (cf: P.L.1987, c.269, s.5)

43

44 19. Section 3 of P.L.1962, c.73 (C.12:7-34.38) is amended to read  
45 as follows:

46 3. Except as herein otherwise provided, every vessel which is upon

1 the waters of this State shall be numbered in accordance with the  
2 provisions of this act, and no person shall operate or give permission  
3 to operate any vessel on such waters unless it is so numbered.

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

5 (a) A documented vessel;

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

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

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

20 (e) A ship's lifeboat;

21 (f) Any vessel used exclusively for racing while actually competing  
22 in or tuning up for an authorized race held under the auspices of a duly  
23 incorporated yacht club or racing association in accordance with the  
24 rules and regulations prescribed by the [department] Division of State  
25 Police and pursuant to a permit duly issued by [the department] that  
26 division;

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

29 (h) A non-motorized, inflatable surfboard, racing shell, rowing  
30 scull, tender for direct transportation between a vessel and the shore  
31 and for no other purpose (dinghy), or vessel, except power vessels, of  
32 12 feet or less in length;

33 (i) A canoe or kayak; or

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

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

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

40

41 20. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is amended to read  
42 as follows:

43 4. (a) The owner of a vessel required to be numbered in this State  
44 shall file an application with the [department] division on forms  
45 approved by it. The application shall be signed by the owner and shall  
46 be accompanied by the fee prescribed by this act for such vessel. Upon

1 receipt of the application in the approved form and the prescribed fee,  
2 the [department] division shall enter the same upon the records of its  
3 office and issue to the applicant a pocket-size, waterproof certificate  
4 of number, which shall state the name and address of the owner, a  
5 description of the vessel, its use, and the number assigned.

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

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

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

23

24 21. Section 5 of P.L.1962, c.73 (C.12:7-34.40) is amended to read  
25 as follows:

26 5. The [department] division shall make and promulgate rules and  
27 regulations concerning the numbering system to be used, which system  
28 shall conform as near as possible with any over-all system of  
29 identification numbering for vessels which is being used by the United  
30 States Government or its agencies. Such rules and regulations shall go  
31 into effect immediately upon promulgation.

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

33

34 22. Section 6 of P.L.1962, c.73 (C.12:7-34.41) is amended to read  
35 as follows:

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

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

1       23. Section 10 of P.L.1980, c.97 (C.12:7-34.44a) is amended to  
2 read as follows:

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

7       (b) The owner of a documented vessel of 500 gross tons or less  
8 based in this State shall file an application for the registration of such  
9 vessel with the [department] division on forms approved by it. The  
10 application shall be signed by the owner and shall be accompanied by  
11 the fee prescribed herein for the vessel. Upon receipt of the  
12 application in the approved form and the prescribed fee, the  
13 [department] division shall enter the same upon the records of its  
14 office and issue to the applicant a [pocketsize] pocket-size, waterproof  
15 certificate of registration which shall state the name and address of the  
16 owner, a description of the vessel, and its use.

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

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

24 (cf: P.L.1980, c.97, s.10)

25

26       24. Section 10 of P.L.1962, c.73 (C.12:7-34.45) is amended to  
27 read as follows:

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

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

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

42

43       25. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to  
44 read as follows:

45       11. (a) Whenever any vessel upon the waters of this State is  
46 involved in an accident, it shall be the duty of the operator, so far as

1 he can do so without serious danger to his own passengers, guests,  
2 crew, himself or his vessel, to render to all other persons affected by  
3 the accident such assistance as may be necessary in order to save them  
4 from or to minimize any danger caused by the accident. He shall also  
5 give his name, address, and identifying information regarding his vessel  
6 to any person injured and to the owner of any property damaged in the  
7 accident.

8 (b) Whenever an accident involves any vessel subject to this act  
9 and results in the death, disappearance, or injury of any person, or in  
10 property damage in excess of ~~[\$100.00]~~ \$500, the operator or  
11 operators thereof shall file, with the ~~[department]~~ Division of State  
12 Police, a full description of the accident, including such information as  
13 ~~[the department]~~ that division may, by  
14 regulation, require within the times specified in subsection (c) of this  
15 section.

16 (c) ~~[All boating accidents which occur]~~ A boating accident that  
17 occurs on the waters of this State shall be reported ~~[within 48 hours~~  
18 ~~of the happening thereof]~~ to the Division of State Police by the  
19 quickest means of communication possible, if ~~[said]~~ the accident has  
20 caused the death or the disappearance of any person; ~~[all]~~ any other  
21 reportable boating ~~[accidents]~~ accident that may result in personal  
22 injury or property damage shall be reported within ~~[15]~~ 10 days to the  
23 Division of State Police.

24 (d) The report of a boating accident herein required to be made  
25 shall not, during any judicial proceeding, be referred to in any way; it  
26 shall not be subject to subpoena nor admissible as evidence in any  
27 proceeding. Subject to these restrictions, information contained in a  
28 boating accident report and any statistical information based thereon  
29 will be made available upon request for official purposes to the United  
30 States Coast Guard or any Federal agency successor thereto.

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

32

33 26. Section 12 of P.L.1962, c.73 (C.12:7-34.47) is amended to  
34 read as follows:

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

38 (a) For all vessels less than 16 feet, ~~[\$6.00]~~ \$6 per year; 16 feet or  
39 more but less than 26 feet, ~~[\$14.00]~~ \$14 per year; 26 feet or more but  
40 less than 40 feet, ~~[\$26.00]~~ \$26 per year; 40 feet or more but less than  
41 65 feet, ~~[\$40.00]~~ \$40 per year; 65 feet or more, ~~[\$125.00]~~ \$125 per  
42 year.

43 (b) (Deleted by amendment.)

44 (c) Special numbers including up to three duplicates thereof and up  
45 to four sets of temporary numbers bearing a number corresponding to  
46 the special number, shall be assigned to boat dealers and

1 manufacturers, as provided for under rules and regulations to be  
2 promulgated by the [department] division, and such numbers shall be  
3 displayed temporarily upon boats being tested, demonstrated,  
4 photographed or transported, said display to be as prescribed in the  
5 rules and regulations aforementioned.

6 For each such special number so assigned the fee shall be ~~[\$75.00]~~  
7 \$75 for 1 year.

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

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

18

19 27. Section 6 of P.L.1965, c.206 (C.12:7-34.47a) is amended to  
20 read as follows:

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

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

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

33

34 28. Section 8 of P.L.1965, c.206 (C.12:7-34.47c) is amended to  
35 read as follows:

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

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

1 later.

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

3

4 29. Section 10 of P.L.1965, c.206 (C.12:7-34.47e) is amended to  
5 read as follows:

6 10. The [commissioner] director is authorized to utilize the  
7 machine records facilities of other State agencies in the administration  
8 of this act.

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

10

11 30. Section 11 of P.L.1965, c.206 (C.12:7-34.47f) is amended to  
12 read as follows:

13 11. The [commissioner] director shall issue a tax exemption  
14 certificate, without fee, for any power vessel owned, or leased by, the  
15 State, a county or municipality or by any instrumentality thereof or by  
16 any agency or authority created by this State or by compact between  
17 this and any other State or States.

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

19

20 31. Section 12 of P.L.1965, c.206 (C.12:7-34.47g) is amended to  
21 read as follows:

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

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

26

27 32. Section 15 of P.L.1965, c.206 (C.12:7-34.47j) is amended to  
28 read as follows:

29 15. The [Commissioner] director is authorized to issue rules and  
30 regulations necessary for the administration and enforcement of the tax  
31 exemption certificate provisions of this act, including, but not limited  
32 to the establishment of a schedule for the initial issuance of said  
33 certificate.

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

35

36 33. Section 14 of P.L.1962, c.73 (C.12:7-34.49) is amended to  
37 read as follows:

38 14. (a) There is established within the department a 7 member Boat  
39 Regulation Commission which shall consist of the [commissioner of  
40 the department] Attorney General as ex officio member and 6 public  
41 members. The public members shall be appointed by the Governor  
42 with the advice and consent of the Senate for 4-year terms  
43 commencing on April 1 of the year of the appointment, except that of  
44 those first appointed, 2 shall be appointed for a term of 1 year, 2 for  
45 a term of 2 years, one for a term of 3 years and one for a term of 4  
46 years. As far as possible the public members shall be experienced

1 [boatmen] boaters and shall represent the various geographical  
2 sections and boating interests of the State. At least one of the public  
3 members shall be actively employed in the marine industry.

4 The chairman shall be designated by the Governor. Each member  
5 of the commission shall serve at the pleasure of the Governor during  
6 his term and until the successor of the commission member has been  
7 appointed and has qualified. Vacancies shall be filled only for the  
8 unexpired term.

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

12 (c) The commission will promulgate rules and regulations, subject  
13 to the approval of the [commissioner of the department] Attorney  
14 General, not inconsistent with the provisions of this act and including,  
15 but not limited to the inspection, operation, equipping, anchorage,  
16 racing and safety of vessels upon the waters of this State.

17 [Said] These rules and regulations shall be such as are reasonably  
18 necessary for the protection of the health, safety and welfare of the  
19 public and for the free and proper use of said waters by any persons or  
20 vessels in, on or about such waters. [Said] These regulations shall not  
21 be [in conformity] inconsistent with regulations issued by the agency  
22 or agencies of the United States having jurisdiction with respect to  
23 power vessels upon the waters of this State.

24 The commission shall meet monthly or at the call of the  
25 [commissioner of the department] Attorney General or the chairman  
26 of the commission or when requested by any 3 members of the  
27 commission. The [commissioner of the department] Attorney General  
28 shall designate a staff from the department to handle administrative  
29 matters for the commission.

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

31

32 34. Section 18 of P.L.1962, c.73 (C.12:7-34.53) is amended to  
33 read as follows:

34 18. [Nothing in this act] No provision of chapter 7 of Title 12 of  
35 the Revised Statutes shall be construed to prevent the adoption of any  
36 ordinance or local law relating to operation and equipment of vessels  
37 the provisions of which are identical to the provisions of [this act]  
38 chapter 7 of Title 12, amendments thereto or regulations issued  
39 thereunder: Provided, that such ordinance or local laws shall be  
40 operative only so long as and to the extent that they continue to be  
41 identical to provisions of [this act] chapter 7 of Title 12, amendments  
42 thereto or regulations issued thereunder.

43 (a) Any subdivision of this State may, at any time, but only after  
44 public notice, make formal application to the [department] commission  
45 for special rules and regulations with reference to the operation of  
46 vessels on any waters within its territorial limits and shall set forth

1 herein the reasons which make such special rules and regulations  
2 necessary or appropriate.

3 (b) The commission is hereby authorized to make, adopt and  
4 promulgate special rules and regulations, subject to the approval of the  
5 ~~commissioner~~ Attorney General, with reference to the operation of  
6 vessels on ~~any~~ the waters of this State within the territorial limits of  
7 any subdivision of this State.

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

9  
10 35. Section 1 of P.L.1952, c.157 (C.12:7-44) is amended to read  
11 as follows:

12 1. In addition to the powers conferred upon the Department of  
13 ~~Conservation and Economic Development~~ Law and Public Safety by  
14 the provisions of Title 12 of the Revised Statutes, the ~~said~~  
15 ~~Department of Conservation and Economic Development~~ department  
16 is hereby authorized and empowered to regulate the operation,  
17 docking, mooring and anchoring of power vessels operating on the  
18 ~~tidal~~ waters [within the confines of the State of New Jersey] of this  
19 State.

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

21  
22 36. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to read  
23 as follows:

24 3. a. No person shall operate a vessel on ~~tidal waters~~ the waters  
25 of this State while under the influence of intoxicating liquor, a  
26 narcotic, hallucinogenic, or habit-producing drug or with a blood  
27 alcohol concentration of 0.10% or more by weight of alcohol. No  
28 person shall permit another who is under the influence of intoxicating  
29 liquor, a narcotic, hallucinogenic or habit-producing drug, or who has  
30 a blood alcohol concentration of 0.10% by weight of alcohol, to  
31 operate any vessel owned by the person or in his custody or control.

32 As used in this section, "vessel" means a power vessel as defined by  
33 section 2 of ~~P.L.1962, c.73 (C.12:7-34.37)~~ P.L. , c. (C. )(now  
34 before the Legislature as this bill) or a vessel which is 12 feet or  
35 greater in length.

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

37 (1) For a first offense, to a fine of not less than~~[\$250.00]~~ \$250 nor  
38 more than~~[\$400.00]~~ \$400; and to the revocation of the ~~right~~  
39 privilege to operate a vessel on the waters of this State for a period of  
40 12 months from the date of conviction and to the forfeiting of the  
41 ~~right~~ privilege to operate a motor vehicle over the highways of this  
42 State for a period of three months.

43 (2) For a second offense, to a fine of not less than~~[\$500.00]~~ \$500  
44 nor more than~~[\$1,000.00]~~ \$1,000; to the performance of community  
45 service for a period of 30 days, in the form and on the terms as the  
46 court deems appropriate under the circumstances; and to imprisonment

1 for a term of not less than 48 hours nor more than 90 days, which shall  
2 not be suspended or served on probation; and to the revocation of the  
3 [right] privilege to operate a vessel on the waters of this State for a  
4 period of two years after the date of conviction and to the forfeiting  
5 of the [right] privilege to operate a motor vehicle over the highways  
6 of this State for a period of six months.

7 (3) For a third or subsequent offense, to a fine of ~~[\$1,000.00]~~  
8 \$1,000; to imprisonment for a term of not less than 180 days, except  
9 that the court may lower this term for each day not exceeding 90 days  
10 during which the person performs community service, in the form and  
11 on the terms as the court deems appropriate under the circumstances;  
12 and to the revocation of the [right] privilege to operate a vessel on the  
13 waters of this State for a period of 10 years from the date of  
14 conviction and to the forfeiting of the [right] privilege to operate a  
15 motor vehicle over the highways of this State for a period of two  
16 years.

17 Upon conviction of a violation of this section, the court shall collect  
18 forthwith the New Jersey driver's license or licenses of the person so  
19 convicted and forward such license or licenses to the Director of the  
20 Division of Motor Vehicles. In the event that a person convicted  
21 under this section is the holder of any out-of-State motor vehicle  
22 driver's or vessel operator's license, the court shall not collect the  
23 license but shall notify forthwith the Director of the Division of Motor  
24 Vehicles, who shall, in turn, notify appropriate officials in the licensing  
25 jurisdiction. The court shall, however, revoke the nonresident's  
26 driving privilege to operate a motor vehicle and the nonresident's  
27 privilege to operate a vessel in this State.

28 b. A person who has been convicted of a previous violation of this  
29 section need not be charged as a second or subsequent offender in the  
30 complaint made against him in order to render him liable to the  
31 punishment imposed by this section against a second or subsequent  
32 offender. If a second offense occurs more than 10 years after the first  
33 offense, the court shall treat a second conviction as a first offense for  
34 sentencing purposes and, if a third offense occurs more than 10 years  
35 after the second offense, the court shall treat a third conviction as a  
36 second offense for sentencing purposes.

37 c. If a court imposes a term of imprisonment under this section, the  
38 person may be sentenced to the county jail, to the workhouse of the  
39 county where the offense was committed, or to an inpatient  
40 rehabilitation program approved by the Director of the Division of  
41 Motor Vehicles and the Director of the Division of Alcoholism and  
42 Drug Abuse in the Department of Health.

43 d. In the case of any person who at the time of the imposition of  
44 sentence is less than 17 years of age, the period of the suspension of  
45 driving privileges authorized herein, including a suspension of the  
46 privilege of operating a motorized bicycle, shall commence on the day

1 the sentence is imposed and shall run for a period as fixed by the court  
2 of not less than three months after the day the person reaches the age  
3 of 17 years. If the driving or vessel operating privilege of any person  
4 is under revocation, suspension, or postponement for a violation of  
5 any provision of this title or Title 39 of the Revised Statutes at the  
6 time of any conviction of any offense defined in this section, the  
7 revocation, suspension, or postponement period imposed herein shall  
8 commence as of the date of termination of the existing revocation,  
9 suspension or postponement. A second offense shall result in the  
10 suspension or postponement of the person's [right] privilege to operate  
11 a motor vehicle for six months. A third or subsequent offense shall  
12 result in the suspension or postponement of the person's [right]  
13 privilege to operate a motor vehicle for two years. The court before  
14 whom any person is convicted of or adjudicated delinquent for a  
15 violation shall collect forthwith the New Jersey driver's license or  
16 licenses of the person and forward such license or licenses to the  
17 Director of the Division of Motor Vehicles along with a report  
18 indicating the first and last day of the suspension or postponement  
19 period imposed by the court pursuant to this section. If the court is  
20 for any reason unable to collect the license or licenses of the person,  
21 the court shall cause a report of the conviction or adjudication of  
22 delinquency to be filed with the director. That report shall include the  
23 complete name, address, date of birth, eye color, and sex of the person  
24 and shall indicate the first and last day of the suspension or  
25 postponement period imposed by the court pursuant to this section.  
26 The court shall inform the person orally and in writing that if the  
27 person is convicted of personally operating a motor vehicle or a vessel  
28 during the period of license suspension or postponement imposed  
29 pursuant to this section, the person shall, upon conviction, be subject  
30 to the penalties set forth in R.S.39:3-40 or section 14 of P.L. , c. .  
31 (C. )(now before the Legislature as this bill), whichever is  
32 appropriate. A person shall be required to acknowledge receipt of the  
33 written notice in writing. Failure to receive a written notice or failure  
34 to acknowledge in writing the receipt of a written notice shall not be  
35 a defense to a subsequent charge of a violation of R.S.39:3-40 or  
36 section 14 of P.L. , c. (C. )(now before the Legislature as this  
37 bill). If the person is the holder of a driver's or vessel operator's  
38 license from another jurisdiction, the court shall not collect the license  
39 but shall notify forthwith the director who shall notify the appropriate  
40 officials in the licensing jurisdiction. The court shall, however, in  
41 accordance with the provisions of this section, revoke the person's  
42 non-resident driving or vessel operating privilege, whichever is  
43 appropriate, in this State.

44 e. In addition to any other requirements provided by law, a person  
45 convicted under this section shall satisfy the screening, evaluation,  
46 referral program and fee requirements of the Division of Alcoholism's

1 Intoxicated Driving Programs Unit. A fee of ~~[\$80.00]~~ \$80 shall be  
2 payable to the Alcohol Education, Rehabilitation and Enforcement  
3 Fund established under section 3 of P.L.1983, c.531 (C.26:2B-32), by  
4 the convicted person in order to defray the costs of the screening,  
5 evaluation and referral by the Intoxicated Driving Programs Unit.  
6 Failure to satisfy this requirement shall result in the immediate  
7 forfeiture of the ~~[right]~~ privilege to operate a vessel on the waters of  
8 this State or the continuation of revocation until the requirements are  
9 satisfied.

10 f. In addition to any other requirements provided by law, a person  
11 convicted under this section shall be required after conviction to  
12 complete a boat safety course from the list approved by the  
13 Superintendent of State Police pursuant to section 1 of P.L.1987,  
14 c.453 (C.12:7-60), which shall be completed prior to the restoration  
15 of the privilege to operate a vessel which may have been revoked or  
16 suspended for a violation of the provisions of this section. Failure to  
17 satisfy this requirement shall result in the immediate revocation of the  
18 privilege to operate a vessel on the waters of this State, or the  
19 continuation of revocation until the requirements of this subsection are  
20 satisfied.

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

22  
23 37. Section 4 of P.L.1952, c.157 (C.12:7-47) is amended to read  
24 as follows:

25 4. ~~[No power]~~ a. A person who disregards the rights or safety of  
26 others and operates a vessel [shall be operated] on the waters of this  
27 State in a [reckless manner. Reckless operation shall include operating  
28 such a vessel in a] manner which unnecessarily interferes with the free  
29 and proper use of any waters, or which unnecessarily [endangers]  
30 creates a risk of damage or injury to other craft therein, or [the life or  
31 limb of any person upon such other craft or in the water] to person or  
32 property, shall be guilty of reckless operation of a vessel and subject  
33 to a term of imprisonment not to exceed 60 days, or to a fine of not  
34 less than \$50 nor more than \$200, or both.

35 On a second or subsequent conviction, a person guilty of reckless  
36 operation of a vessel shall be subject to a term of imprisonment not to  
37 exceed three months, or to a fine of not less than \$100 nor more than  
38 \$500, or both.

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

1 privilege to operate a vessel on the waters of this State, or the  
2 continuation of revocation until the requirements of this subsection are  
3 satisfied.

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

5  
6 38. Section 7 of P.L.1952, c.157 (C.12:7-50) is amended to read  
7 as follows:

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

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

20

21 39. Section 8 of P.L.1952, c.157 (C.12:7-51) is amended to read  
22 as follows:

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

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

36

37 40. Section 7 of P.L.1986, c.39 (C.12:7-55) is amended to read as  
38 follows:

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

1 reasonable grounds to believe that the person has been operating a  
2 vessel in violation of the provisions of [section 19 of P.L.1954, c.236  
3 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C.12:7-46).

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

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

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

20 d. The State Marine Police Force or a law enforcement officer shall  
21 inform the person tested of his rights under subsections b. and c. of  
22 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 Police  
26 Force or a law enforcement officer shall, however, inform the person  
27 arrested of the consequences of refusing to submit to the test, in  
28 accordance with section 9 of [this amendatory and supplementary act]  
29 P.L.1986, c.39 (C.12:7-57). A standard statement, prepared by the  
30 Director of the Division of Motor Vehicles in the Department of Law  
31 and Public Safety, shall be read by the State Marine Police Force or a  
32 law enforcement officer to the person under arrest.

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

34

35 41. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to read as  
36 follows:

37 9. a. A [judge] court shall revoke the [right] privilege of a person  
38 to operate a power vessel or a vessel which is 12 feet or greater in  
39 length, if after being arrested for a violation of [section 19 of  
40 P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
41 (C.12:7-46), the person refuses to submit to the chemical test provided  
42 for in section 7 of [this amendatory and supplementary act] P.L.1986,  
43 c.39 (C.12:7-55) when requested to do so. The revocation shall be for  
44 six months unless the refusal was in connection with a second offense  
45 under [section 19 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of  
46 P.L.1952, c.157 (C.12:7-46), in which case the revocation period shall

1 be for two years. If the refusal was in connection with a third or  
2 subsequent offense under [section 19 of P.L.1954, c.236  
3 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C. 12:7-46), the  
4 revocation shall be for 10 years. The court shall also fine a person  
5 convicted under this section not less than~~[\$250.00]~~ \$250, nor more  
6 than~~[\$500.00]~~ \$500.

7 b. The court shall determine by a preponderance of the evidence  
8 whether the arresting officer had probable cause to believe that the  
9 person had been operating or was in actual physical control of the  
10 vessel while under the influence of intoxicating liquor, or a narcotic,  
11 hallucinogenic or habit-producing drug, whether the person was placed  
12 under arrest, and whether the person refused to submit to the test  
13 upon request of the officer. If these elements of the violation are not  
14 established, no conviction shall issue.

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

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

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

2

3 42. Section 10 of P.L.1986, c.39 (C.12:7-58) is amended to read  
4 as follows:

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

13 b. A warden or other officer having custody of the county jail or  
14 workhouse shall not release a person until the sentence has been  
15 served, except that a person may be released by the court on a work  
16 release program. A person sentenced to an inpatient rehabilitation  
17 program may be released by the court, upon the petition of the treating  
18 agency, to an outpatient rehabilitation program for the duration of the  
19 original sentence.

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

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

24

25 43. Section 11 of P.L.1986, c.39 (C.12:7-59) is amended to read  
26 as follows:

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

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

34

35 44. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read  
36 as follows:

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

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

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

46 (b) a power vessel which is 12 feet or greater in length and powered

1 by a motor, or combination of motors, of less than 10 horsepower;

2 (2) A person who is under 16 years of age and successfully  
3 completed an approved boat safety course prior to the effective date  
4 of P.L. , c. (C. )(now before the Legislature as this bill) may  
5 operate a power vessel on the tidal waters of this State, provided that  
6 the person complies with all other requirements of law, rule and  
7 regulation; and

8 (3) A person who is under 16 years of age and was issued an  
9 operator's license pursuant to section 7 of P.L.1954, c.236  
10 (C.12:7-34.7) before the effective date of P.L. , c. (C. )(now  
11 before the Legislature as this bill) may operate a power vessel  
12 equipped with an outboard motor until the expiration date of that  
13 license.

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

19 [b. A] c. Except as provided pursuant to section 17 of P.L. , c.  
20 (C. )(now before the Legislature as this bill), a person shall not  
21 operate a personal watercraft on the waters of this State without  
22 having completed a boat safety course approved by the Superintendent  
23 of State Police in the Department of Law and Public Safety.

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

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

45 f. A person who owns or has control or custody of a power vessel  
46 and allows the power vessel to be operated on the waters of this State

1 by a person who is required pursuant to the provisions of this section  
2 to possess a certificate certifying successful completion of a boat  
3 safety course but who does not possess such certificate is subject to  
4 a fine of not more than \$100.

5 g. A person making application to the Director of the Division of  
6 Motor Vehicles for a power vessel operator's license issued pursuant  
7 to section 3 of P.L. , c. (C. )(now before the Legislature as this  
8 bill) who is required pursuant to the provisions of this section to  
9 possess a certificate certifying successful completion of a boat safety  
10 course shall submit the original or a copy of the certificate with the  
11 application. The director shall not issue a power vessel operator's  
12 license to such person who fails to submit the original or a copy of the  
13 certificate.

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

15

16 45. Section 2 of P.L.1975, c.369 (C.12:7C-8) is amended to read  
17 as follows:

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

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

25 b. "Owner" means a person, other than a lienholder, having the  
26 property in or title to a vessel. The term includes a person entitled to  
27 the uses or possession of a vessel subject to an interest of another  
28 person, reserved or created by agreement and securing payment or  
29 performance of an obligation, but the term excludes a lessee under a  
30 lease not intended as security.

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

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

35 e. ["Department"] "Division" means the Division of Motor Vehicles  
36 in the Department of [Environmental Protection] Transportation.

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

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

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

45

46 46. Section 5 of P.L.1975, c.369 (C.12:7C-11) is amended to read

1 as follows:

2 5. If a vessel has a boat registration number or other means of  
3 identifying the owner thereof, the person desiring to acquire title,  
4 shall, if possible, secure the owner's last known address, and the  
5 lienholder, if any, appearing on the records of the [department]  
6 division. He shall notify the owner by registered letter to his last  
7 known address and the lienholder by registered letter at the address of  
8 the lienholder appearing on the records of the [department] division  
9 that if ownership is not claimed and the vessel removed within 30  
10 days, title to the vessel will be applied for in his name. If any vessel's  
11 owner cannot be identified or his address ascertained, or no lienholder  
12 appears on the records of the [department] division, the registered  
13 letter need not be sent.

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

15

16 47. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to read  
17 as follows:

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

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

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

27 c. Proof that a notice was printed in a paper as required in section  
28 6 of [this act] P.L.1975, c.369 (C.12:7C-12).

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

30

31 48. Section 8 of P.L.1975, c.369 (C.12:7C-14) is amended to read  
32 as follows:

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

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

38 49. Section 11 of P.L.1975, c.369 (C.12:7C-17) is amended to  
39 read as follows:

40 11. After receiving title if the applicant destroys or otherwise  
41 disposes of the vessel, he shall report the same to the [department]  
42 division within 15 days giving all details.

43 (cf: P.L.1975, c.369, s.11)

44

45 50. Section 12 of P.L.1975, c.369 (C.12:7C-18) is amended to  
46 read as follows:

1       12.       The [department] division may receive title to any vessel  
2 abandoned on any of the waters of this State or on any land owned by  
3 this State or any of its political subdivisions by proceeding in the same  
4 manner as a landowner, his lessee, or his agent, as set forth in this act.  
5 (cf: P.L.1975, c.369, s.12)

6  
7       51. Section 13 of P.L.1975, c.369 (C.12:7C-19) is amended to  
8 read as follows:

9       13. a. Any person who violates section 3 of [this act] P.L.1975,  
10 c.369 (C.12:7C-9) shall be subject to a fine of not less than[\$500.00]  
11 \$500 and not more than[\$1,000.00, \$1,000] to be recovered in a  
12 summary proceeding instituted by the [Commissioner of  
13 Environmental Protection] Attorney General in the name of the State  
14 in accordance with the "the penalty enforcement law" (N.J.S.2A:58-1  
15 et seq.).

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

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

21  
22       52. Section 14 of P.L.1975, c.369 (C.12:7C-20) is amended to  
23 read as follows:

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

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

29  
30       53. N.J.S.2C:29-2 is amended to read as follows:

31       2C:29-2 a. A person is guilty of a disorderly persons offense if he  
32 purposely prevents a law enforcement officer from effecting a lawful  
33 arrest, except that he is guilty of a crime of the fourth degree if he:

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

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

38       It is not a defense to a prosecution under this subsection that the  
39 law enforcement officer was acting unlawfully in making the arrest,  
40 provided he was acting under color of his official authority and  
41 provided the law enforcement officer announces his intention to arrest  
42 prior to the resistance.

43       b. Any person, while operating a motor vehicle on any street or  
44 highway in this State or any vessel, as defined pursuant to section 2 of  
45 P.L. , c. (C. )(now before the Legislature as this bill), on the  
46 waters of this State, who knowingly flees or attempts to elude any

1 police or law enforcement officer after having received any signal from  
2 such officer to bring the vehicle or vessel to a full stop commits a  
3 crime of the third degree; except that, a person is guilty of a crime of  
4 the second degree if the flight or attempt to elude creates a risk of  
5 death or injury to any person. For purposes of this subsection, there  
6 shall be a permissive inference that the flight or attempt to elude  
7 creates a 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 12 of  
9 the Revised Statutes. In addition to the penalty prescribed under this  
10 subsection or any other section of law, the court shall order the  
11 suspension of that person's driver's license, or privilege to operate a  
12 vessel, whichever is appropriate, for a period of not less than six  
13 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 the day  
18 the sentence is imposed and shall run for a period as fixed by the  
19 court. If the driving or vessel operating privilege of any person is  
20 under revocation, suspension, or postponement for a violation of any  
21 provision of this Title or Title 39 of the Revised Statutes at the time  
22 of any conviction or adjudication of delinquency for a violation of any  
23 offense defined in this chapter or chapter 36 of this Title, the  
24 revocation, suspension, or postponement period imposed herein shall  
25 commence as of the date of termination of the existing revocation,  
26 suspension, or postponement.

27 Upon conviction the court shall collect forthwith the New Jersey  
28 driver's licenses of the person and forward such license or licenses to  
29 the Director of the Division of Motor Vehicles along with a report  
30 indicating the first and last day of the suspension or postponement  
31 period imposed by the court pursuant to this section. If the court is for  
32 any reason unable to collect the license or licenses of the person, the  
33 court shall cause a report of the conviction or adjudication of  
34 delinquency to be filed with the director. That report shall include the  
35 complete name, address, date of birth, eye color, and sex of the person  
36 and shall indicate the first and last day of the suspension or  
37 postponement period imposed by the court pursuant to this section.  
38 The court shall inform the person orally and in writing that if the  
39 person is convicted of personally operating a motor vehicle or a vessel,  
40 whichever is appropriate, during the period of license suspension or  
41 postponement imposed pursuant to this section the person shall, upon  
42 conviction, be subject to the penalties set forth in R.S.39:3-40 or  
43 section 14 of P.L. , c. (C. )(now before the Legislature as this  
44 bill), whichever is appropriate. A person shall be required to  
45 acknowledge receipt of the written notice in writing. Failure to receive  
46 a written notice or failure to acknowledge in writing the receipt of a

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

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

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

14

15 54. (New section) There is appropriated from the receipts  
16 collected by the Division of State Police pursuant to subsection b. of  
17 section 17 of P.L. , c. (C. )(now before the Legislature as this  
18 bill), such sums as are necessary to develop and administer the boat  
19 safety test and issue boat safety certificates.

20

21 55. The following sections are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 16 of P.L.1962, c.73 (C.12:7-34.51)  
2 Section 17 of P.L.1962, c.73 (C.12:7-34.52)  
3 Section 20 of P.L.1962, c.73 (C.12:7-34.55)  
4 Section 1 of P.L.1987, c.9 (C.12:7-34.6a)  
5 Section 1 of P.L.1973, c.231 (C.12:7-34.9a)  
6 Section 1 of P.L.1993, c.118 (C.12:7-34.9b)  
7 Section 2 of P.L.1993, c.118 (C.12:7-34.9c)  
8 Section 3 of P.L.1993, c.118 (C.12:7-34.9d)

9  
10 56. This act shall take effect on the first day of the sixth month  
11 following enactment, except that sections 17 and 54 shall take effect  
12 immediately and section 17 shall expire on the first day of the sixth  
13 month following enactment.

14

15

16

#### STATEMENT

17

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

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

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

34

35 **M** persons operating a personal watercraft (e.g., jet-ski), with the  
36 provision that experienced boaters, as defined by the Director of the  
37 Division of Motor Vehicles, may take a one-time-only written test  
38 within six months of the bill's enactment date. Passage of this test  
39 would exempt the person from the safety course requirement, while  
40 failure of the test would subject the person to the safety course  
41 requirement. Currently, a person can operate a personal watercraft  
42 without having to complete a safety course.

43

44 **M** persons found guilty of either careless boating, reckless  
45 boating, boating under the influence or refusing a chemical test in  
46 connection with a law enforcement officer's suspicion of boating under

1 the influence.

2

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

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

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

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

22

23

24

25

26 Revises and updates safety and licensing provisions of boating laws.

WITHDRAWN