

ASSEMBLY, No. 1517

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1996

By Assemblyman HOLZAPFEL

1 AN ACT concerning boating and amending P.L.1987, c.453 and
2 P.L.1995, c.401.

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

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

9 2. a. A person who is under 16 years of age shall not operate a
10 power vessel on the waters of this State, except that:

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

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

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

19 (2) A person who is under 16 years of age and has successfully
20 completed an approved boat safety course prior to [the enactment date
21 of P.L.1995, c.401 (C.)] July 1, 1996 may operate a power vessel
22 on the tidal waters of this State, provided that the person complies
23 with all other requirements of law, rule and regulation; and

24 (3) A person who is under 16 years of age and was issued an
25 operator's license pursuant to section 7 of P.L.1954, c.236
26 (C.12:7-34.7) before [the enactment date of P.L.1995, c.401 (C.)]
27 July 1, 1996 may operate a power vessel equipped with an outboard
28 motor until the expiration date of that license.

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

34 c. Except as provided pursuant to section 17 and section 18 of

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

Matter underlined thus is new matter.

1 P.L.1995, c.401 (C.), a person shall not operate a personal
2 watercraft on the waters of this State without having completed a boat
3 safety course approved by the Superintendent of State Police in the
4 Department of Law and Public Safety.

5 d. Whenever a person who is required by this section or by section
6 7 of P.L.1995, c.401 (C.), sections 3 or 4 of P.L.1952, c.157
7 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
8 to have completed a boat safety course operates a power vessel or
9 personal watercraft, as appropriate, on the waters of this State, that
10 person shall have in possession a certificate certifying that person's
11 successful completion of a boat safety course approved by the
12 superintendent and shall, when requested to do so, exhibit the
13 certificate to a law enforcement or peace officer of this State. Failure
14 of the person to exhibit the certificate is presumptive evidence that the
15 person has not completed an approved boat safety course.

16 e. A person who violates subsection a., b., c. or d. of this section
17 or who exhibits to a law enforcement or peace officer a certificate of
18 completion of an approved boat safety course of another person is
19 subject to a fine of not less than \$100 nor more than \$500.

20 f. A person who owns or has control or custody of a power vessel
21 and allows the power vessel to be operated on the waters of this State
22 by a person who is required pursuant to the provisions of this section
23 to possess a certificate certifying successful completion of a boat
24 safety course but who does not possess such certificate is subject to
25 a fine of not more than \$100.

26 g. A person making application to the Director of the Division of
27 Motor Vehicles for a power vessel operator's license issued pursuant
28 to section 3 of P.L.1995, c.401 (C.) who is required pursuant to the
29 provisions of this section to possess a certificate certifying successful
30 completion of a boat safety course shall submit the original or a copy
31 of the certificate with the application. The director shall not issue a
32 power vessel operator's license to such person who fails to submit the
33 original or a copy of the certificate.

34 (cf: P.L.1995, c.401, s.45)

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36 2. Section 17 of P.L. 1995, c.401 (C.) is amended to read as
37 follows:

38 17. a. The Superintendent of State Police shall develop, and the
39 superintendent, or his designee, shall administer, a written test for
40 experienced boaters which shall be issued in lieu of completing the
41 boat safety course required pursuant to subsection c. of section 2 of
42 P.L.1987, c.453 (C.12:7-61). Upon successful completion of the test,
43 the person shall be given a certificate which shall fulfill the
44 requirements of subsection c. of section 2 of P.L.1987, c.453
45 (C.12:7-61). A person who fails the test shall be subject to all
46 requirements of subsection c. of section 2 of P.L.1987, c.453

1 (C.12:7-61). A person may only take one test pursuant to this
2 subsection.

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

7 c. In addition to all other penalties provided by law, a person who
8 provides false information on an application for a written test issued
9 pursuant to subsection a. of this section shall be subject to a fine of
10 \$100.

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

13 e. The superintendent shall be exempt from the provisions of the
14 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
15 seq.), in performing the requirements of this section.

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17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill would clarify several amendments made to the boating
23 statutes by P.L.1995, c.401 concerning the operation of power vessels
24 by persons under 16 years of age. This bill would provide that persons
25 under 16 years of age, who have completed an approved boat safety
26 course prior to July 1, 1996, may operate a power vessel on the waters
27 of the State provided all other requirements are met. P.L.1995, c.401
28 inadvertently required that such a course be completed by the
29 enactment date (January 10, 1996), which shortened the period during
30 which persons under 16 years of age could qualify by almost six
31 months. This bill would similarly provide that persons under 16 years
32 of age who were issued a boat operator's license prior to July 1, 1996
33 could continue to operate a power vessel until the expiration date of
34 the license.

35 This bill would also exempt the Superintendent of State Police
36 from the provisions of the "Administrative Procedure Act," P.L. 1968,
37 c.410 (C.52:14B-1 et seq.), in developing and administering the
38 written test for experienced boaters who wish to operate a personal
39 watercraft. Pursuant to P.L. 1995, c.401, a one-time only written test
40 can be taken in lieu of completing a boat safety course until July 10,
41 1996. Since the rulemaking process could easily require several
42 months to complete, the exemption from the APA provisions is
43 necessary to ensure that boaters are afforded an opportunity to take
44 the written test prior to its statutory expiration in July.

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3 Amends boating law concerning operation of power vessels by persons

4 under 16.