

[First Reprint]
ASSEMBLY, No. 2173

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen WOLFE, HOLZAPFEL and Moran

1 AN ACT concerning the operation of personal watercraft and
2 amending P.L.1995, c.401 ¹and supplementing chapter 7 of Title 12
3 of the Revised Statutes.¹
4

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

7
8 1. Section 3 of P.L.1995, c.401 (C.12:7-72) is amended to read as
9 follows:

10 3. a. Upon proper application therefor, the director shall license
11 a person to operate a power vessel on the nontidal waters of this State.
12 A person shall not make any misstatement of fact in an application for
13 a power vessel operator's license.

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

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

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

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

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

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted May 5, 1997.

1 (5) if the person is an out-of-State resident[, the person's vessel]
2 who brings a vessel into this State, provided that the vessel is
3 registered in the person's state of residence and the person has
4 successfully completed a boat safety course substantially similar to the
5 boat safety course administered pursuant to section 1 of P.L.1987,
6 c.453 (C.12:7-60), and provided that the person enters New Jersey
7 with the intent to operate a vessel, and that the person operates the
8 vessel for no more than 30 days between May 1 and September 30 of
9 any year[.];

10 (6) if the person is an out-of State resident and has successfully
11 completed a boat safety course substantially similar to the boat safety
12 course administered pursuant to section 1 of P.L.1987, c.453
13 (C.12:7-60), provided that the person enters New Jersey with the
14 intent to operate a vessel, and that the person operates the vessel for
15 no more than 30 days between May 1 and September 30 of any year.

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

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

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

32 (2) A person who can exhibit to the court before which the person
33 is summoned to answer to the charge a valid operator's license issued
34 to that person which was valid on the day that person was charged
35 shall be subject to a fine of not more than \$100, in addition to any
36 reasonable court costs the court may impose. Notwithstanding the
37 provisions of this subsection, the court may, in its discretion, dismiss
38 a charge regarding the failure to exhibit an operator's license brought
39 pursuant to the provisions of this section.

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

44 (cf: P.L.1995, c.401, s.3)

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46 2. Section 18 of P.L.1995, c.401 (C.12:7-86) is amended to read

1 as follows:

2 18. a. A person may operate a personal watercraft without having
3 completed a boat safety course required pursuant to subsection c. of
4 section 2 of P.L.1987, c.453 (C.12:7-61) or a written test administered
5 pursuant to section 17 of P.L.1995, c.401, under the following
6 conditions:

7 (1) the person operates the personal watercraft within the
8 boundaries of an area designated solely for the operation of personal
9 watercraft by a business engaged in renting personal watercraft for use
10 on the waters of the State;

11 (2) the area designated for such operation is supervised by a person
12 who is experienced in the operation of personal watercraft and who
13 has successfully completed a boat safety course approved pursuant to
14 section 1 of P.L.1987, c.453 (C.12:7-60); and

15 (3) the person has successfully completed an instruction course
16 provided by the owner or lessee of the personal watercraft prior to
17 operating the personal watercraft within the designated area.

18 b. The Superintendent of State Police shall adopt, pursuant to the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.), any rules or regulations necessary to implement the provisions
21 of this section.

22 c. A person may operate a personal watercraft without having
23 completed a boat safety course required pursuant to subsection c. of
24 section 2 of P.L.1987, c.453 (C.12:7-61) or a written test administered
25 pursuant to section 17 of P.L.1995, c.401, under the following
26 conditions:

27 (1) For the first 21 days following the purchase of a personal
28 watercraft, provided that:

29 (a) the operator of the personal watercraft is the person who
30 purchased the personal watercraft or a member of that person's
31 immediate family;

32 (b) the operator of the personal watercraft is at least 16 years of
33 age;

34 (c) the personal watercraft that has been purchased is the only
35 personal watercraft being operated pursuant to this subsection;

36 (d) the seller of the personal watercraft has provided educational
37 materials regarding the safe operation of the personal watercraft at the
38 time of sale; and

39 (e) the purchaser and the seller of the personal watercraft have
40 signed a certificate acknowledging that the information required
41 pursuant to subparagraph b. of this paragraph has been provided by
42 the seller and received by the purchaser at the time of purchase of the
43 personal watercraft.

44 (2) the person has successfully completed a boat safety course or
45 written test substantially similar to the boat safety course required
46 pursuant to the boat safety course administered pursuant to section 1

1 of P.L.1987, c.453 (C.12:7-60) or the written test authorized pursuant
2 to section 17 of P.L.1995, c.401 in another state.

3 (cf: P.L.1995, c.401, s.18)

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5 ¹3. (New section) a. An infrequent operator shall be subject to all
6 laws and penalties governing the operation of a power vessel. An
7 infrequent operator shall only operate a personal watercraft within
8 the line of sight of the owner of the personal watercraft and only after
9 receiving a briefing from the owner on the safe operation of the
10 personal watercraft. As used in this section, "infrequent operator"
11 means an operator of a personal watercraft who is 16 years of age or
12 older, does not own a personal watercraft and has not completed a
13 boat safety course.

14 b. Before permitting an infrequent operator to operate a personal
15 watercraft, the owner of the personal watercraft shall brief the
16 infrequent operator on the safe operation of the personal watercraft
17 and inform the infrequent operator that the personal watercraft may be
18 operated only within the line of sight of the owner and that the owner
19 is liable for all damages and injuries resulting from the negligent
20 operation of the personal watercraft by the infrequent operator.

21 c. The owner of a personal watercraft who permits an infrequent
22 operator to operate that personal watercraft is subject to a penalty of
23 not less than \$200 or more than \$500 for each violation of the laws
24 governing the operation of power vessels committed by the infrequent
25 operator.¹

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27 ¹[3.] 4.¹ This act shall take effect immediately.

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32 Revises law regarding licensing and operation of personal watercraft.