

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2173**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 5, 1997

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2173.

Assembly Bill No. 2173 amends sections 3 and 18 of P.L.1995, c.401 (C.12:7-72 and 86), the statutes governing the licensure and operation of power vessels and personal watercraft, to clarify and expand the exemptions afforded owners and operators.

The bill amends the licensing exemption set forth in section 3 of P.L.1995, c.401 (C.12:7-72) to clarify that an out-of-State resident who operates the power vessel of another person need not be licensed provided he has successfully completed a boat safety course substantially similar to New Jersey's boat safety course. Current law only exempts out-of-State owners of power vessels who have registered their vessels and meet the safety course requirement.

The bill also exempts buyers of personal watercraft and members of their immediate families who are at least 16 years of age from taking the required boat safety course pursuant to R.S.12:7-61 or written test pursuant to section 17 of P.L.1995, c.401 prior to operating the personal watercraft in the first 21 days subsequent to the purchase. The bill stipulates that the exemption only applies if the personal watercraft that has been purchased is the one being operated, the seller has provided educational materials regarding the safe operation of the personal watercraft at the time of sale and the buyer and seller of the personal watercraft have signed a certificate acknowledging that the educational materials have been provided and received.

Finally, the bill also allows persons who have successfully completed a boat safety course or written test in another state that is substantially similar to the course or test required in New Jersey to operate a personal watercraft in New Jersey.

The committee amended the bill to provide that an infrequent operator is subject to all provisions of law regarding power vessel operation on the waters of this State and the applicable penalties for violations. If a personal watercraft owner permits an infrequent operator to operate a personal watercraft and that infrequent operator

violates any law concerning power vessel operations, the owner is subject to a penalty of at least \$200 and up to \$500 for each violation. In addition, the owner is liable for all damages or injuries resulting from the negligent operation of the watercraft by the infrequent operator.

The amendments define an infrequent operator as a person age 16 or more who (1) does not own a personal watercraft and has not completed a boat safety course and (2) has obtained permission from the personal watercraft owner to operate it within the line of sight of the owner, has been instructed by the owner as to safe operating procedures and has been informed by and understands that the owner would be liable for all damages or injuries resulting from the negligent operation of the watercraft by that non-owner infrequent operator.