

ASSEMBLY, No. 2196

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1996

By Assemblyman BAGGER

1 AN ACT concerning the regulation of personal watercraft, amending
2 P.L.1987, c.453 and repealing section 18 of 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
18 powered by a motor, or combination of motors, of less than 10
19 horsepower;

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

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

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

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 c. [Except as provided pursuant to section 17 and section 18 of
2 P.L.1995, c.401 (T & E and C.12:7-86), a person shall not operate a
3 personal watercraft on the waters of this State without having
4 completed a boat safety course approved by the Superintendent of
5 State Police in the Department of Law and Public Safety.](~~deleted by~~
6 amendment, P.L. .c. .).

7 d. Whenever a person who is required by this section or by section
8 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
9 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)
10 to have completed a boat safety course operates a power vessel or
11 personal watercraft, as appropriate, on the waters of this State, that
12 person shall have in possession a certificate certifying that person's
13 successful completion of a boat safety course approved by the
14 superintendent and shall, when requested to do so, exhibit the
15 certificate to a law enforcement or peace officer of this State. Failure
16 of the person to exhibit the certificate is presumptive evidence that the
17 person has not completed an approved boat safety course.

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

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

28 g. A person making application to the Director of the Division of
29 Motor Vehicles for a power vessel operator's license issued pursuant
30 to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant
31 to the provisions of this section to possess a certificate certifying
32 successful completion of a boat safety course shall submit the original
33 or a copy of the certificate with the application. The director shall not
34 issue a power vessel operator's license to such person who fails to
35 submit the original or a copy of the certificate.

36 (cf: P.L.1996, c.15, s.1)

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38 2. Section 18 of P.L.1995, c.401 (C.12:7-86) is repealed.

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40 3. Notwithstanding the provisions of subsection b. of section 15 of
41 P.L.1962, c.73, (C.12:7-34.50), this act shall take effect immediately.

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STATEMENT

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46 This bill would eliminate the requirement that all persons born

1 before 1979 successfully complete a boat safety course prior to
2 operating a personal watercraft on the waters of the State. Current
3 law, pursuant to subsection c. of section 2 of P.L.1987, c.453
4 (C.12:7-61), provides that, as of July 1, 1996, such persons cannot
5 operate a personal watercraft in New Jersey without first completing
6 a boat safety course. A person born after 1978, and who is at least 16
7 years of age, would still be required to complete a boat safety course
8 prior to operating a personal watercraft, or any other power vessel, on
9 the waters of the State.

10 The bill also repeals section 18 of P.L.1995, c.401 (C.12:7-86),
11 which allows persons born before 1979 to operate a personal
12 watercraft without completing a boat safety course within the
13 boundaries of an area designated by a personal watercraft rental
14 business, with certain restrictions. Since the bill eliminates the boat
15 safety course requirement, this exemption from the requirement is no
16 longer necessary.

17 The bill also provides that the elimination of the boat safety course
18 requirement could take effect immediately, notwithstanding subsection
19 b. of section 15 of P.L.1962, c.73, (C.12:7-34.50), which requires that
20 any changes in boating rules and regulations proposed between May
21 1 and September 30 of any year be approved on an emergency basis by
22 the Boat Regulation Commission.

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27 Concerns consistent regulation of power vessels.

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