

P.L. 1997, CHAPTER 152, *approved July 1, 1997*
Senate, No. 1312 (*Third Reprint*)

1 AN ACT concerning the operation of personal watercraft and ³ certain
2 power vessels. ³ amending P.L.1995, c.401 ¹ and ³ P.L.1987, c.453,
3 and³ supplementing chapter 7 of Title 12 of the Revised Statutes¹.
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 ²[subsection c.] subsections c.
15 and g.² of this section:

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

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

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

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

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

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

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 Senate SLP committee amendments adopted January 23, 1997.

² Assembly floor amendments adopted June 23, 1997.

³ Assembly floor amendments adopted June 26, 1997.

1 to a permit duly issued by that division;

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

4 (5)]² if the person is an out-of-State resident[, the person's vessel]
5 ²[who brings a vessel into this State, provided that the vessel is
6 registered in the person's state of residence and the person has
7 successfully completed] and has written proof, while operating the
8 power vessel, of successful completion of² a boat safety course
9 substantially similar to the boat safety course administered pursuant to
10 section 1 of P.L.1987, c.453 (C.12:7-60) ²[, and provided that the
11 person enters New Jersey with the intent to operate a vessel, and that
12 the person operates the vessel for no more than 30 days between May
13 1 and September 30 of any year[.];

14 (6) if the person is an out-of State resident and has successfully
15 completed a boat safety course substantially similar to the boat safety
16 course administered pursuant to section 1 of P.L.1987, c.453
17 (C.12:7-60), provided that the person enters New Jersey with the
18 intent to operate a vessel, and that the person operates the vessel for
19 no more than 30 days between May 1 and September 30 of any year]².

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

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

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

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

44 f. The penalties provided for pursuant to subsection e. of this
45 section shall not be applicable in cases where failure to have actual
46 possession of the operator's license is due to an administrative or

1 technical error by the Division of Motor Vehicles.

2 ²g. A person who is under 16 years of age and was issued an
3 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
4 34.7) before July 1, 1996 may operate a power vessel equipped with
5 an outboard motor until the expiration date of that license.²
6 (cf: P.L.1995, c.401, s.3)

7

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

10 18. ²[a.]² A person ²who is 16 years of age or older² may operate
11 a personal watercraft without having completed a boat safety course
12 required pursuant to subsection c. of section 2 of P.L.1987, c.453
13 (C.12:7-61) or a written test administered pursuant to section 17 of
14 P.L.1995, c.401, under the following conditions:

15 ²a.² (1) the person operates the personal watercraft within the
16 boundaries of an area designated solely for the operation of personal
17 watercraft by a business engaged in renting personal watercraft for use
18 on the waters of the State;

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

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

26 b. ²[The Superintendent of State Police shall adopt, pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), any rules or regulations necessary to implement the provisions
29 of this section.

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

35 (1)² For the first 21 days following the purchase of a personal
36 watercraft, provided that:

37 ²[(a)] (1)² the operator of the personal watercraft is the person
38 who purchased the personal watercraft or a member of that person's
39 immediate family;

40 ²[(b)] (2)² the operator of the personal watercraft is at least 16
41 years of age;

42 ²[(c)] (3)² the personal watercraft that has been purchased is the
43 only personal watercraft being operated pursuant to this subsection;

44 ²[(d)] (4)² the seller of the personal watercraft has provided
45 educational materials regarding the safe operation of the personal
46 watercraft at the time of sale; and

1 ²[(e)] (5)² the purchaser and the seller of the personal watercraft
2 have signed a certificate acknowledging that the information required
3 pursuant to paragraph 4 of this subsection has been provided by the
4 seller and received by the purchaser at the time of purchase of the
5 personal watercraft.

6 ²[(2) the] c. The² person has ²[successfully completed] written
7 proof, while operating the personal watercraft, of successful
8 completion of ²a boat safety course ²[or written test]² substantially
9 similar to the boat safety course required pursuant to the boat safety
10 course administered pursuant to section 1 of P.L.1987, c.453
11 (C.12:7-60)²[or the written test authorized pursuant to section 17 of
12 P.L.1995, c.401 in another state].

13 d. (1) The person does not own a personal watercraft and the
14 owner of the personal watercraft possesses a certificate showing the
15 successful completion of a boat safety course required pursuant to
16 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
17 test administered pursuant to section 17 of P.L.1995, c.401;

18 (2) the owner of the personal watercraft instructs the owner in the
19 proper operation of the personal watercraft;

20 (3) the person is accompanied by the owner of the personal
21 watercraft and they remain within 150 feet and in sight of each other;

22 (4) the cumulative number of days of operation by a person under
23 this subsection does not exceed five days during a calendar year; and

24 (5) the person has not violated any provision of chapter 7 of this
25 title.

26 A person who violates this subsection shall be subject to a penalty
27 of not less than \$200 and not more than \$500 for each violation.

28 Pursuant to the provisions of the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent of State
30 Police shall adopt any rules or regulations necessary to implement the
31 provisions of this section.²

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

33
34 ²[¹3. (New section) a. A non-owner infrequent operator shall be
35 subject to all provisions of law regarding power vessel operation on
36 the waters of this State and the applicable penalties for violations. If
37 a personal watercraft owner permits a non-owner infrequent operator
38 to operate a personal watercraft and thate non-owner infrequent
39 operator violates any provision of law concerning operation of a
40 power vessel, the owner shall be subject to a penalty of not less than
41 \$200 and not more than \$500 for each violation. In addition, the
42 owner shall be liable for all damages or injuries resulting from the
43 negligent operation of the personal watercraft by the non-owner
44 infrequent operator.

45 b. For purposes of this section, a non-owner infrequent operator
46 shall be defined as a person at least 16 years of age who:

1 (1) does not own a personal watercraft and has not completed a
2 boat safety course; and

3 (2) has obtained permission from the personal watercraft owner to
4 operate the personal watercraft within the line of sight of the owner,
5 has been instructed by the owner as to safe operating procedures and
6 has been informed and understands that the owner shall be liable for
7 all damages or injuries resulting from the negligent operation of the
8 personal watercraft by the non-owner infrequent operator.¹²

9
10 ²3. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
11 as follows:

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

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

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

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

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

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

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

38 c. Except as provided pursuant to section 18 of P.L.1995, c.401
39 (C.12:7-86), a person shall not operate a personal watercraft on the
40 waters of this State after July 1, 1997, without having successfully
41 completed a boat safety course approved by the Superintendent of
42 State Police in the Department of Law and Public Safety or a written
43 test pursuant to section 17 of P.L. 1995, c.401.

44 d. Whenever a person who is required by this section or by section
45 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157
46 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)

1 to have completed a boat safety course operates a power vessel or
2 personal watercraft, as appropriate, on the waters of this State, that
3 person shall have in possession a certificate certifying that person's
4 successful completion of a boat safety course approved by the
5 superintendent and shall, when requested to do so, exhibit the
6 certificate to a law enforcement or peace officer of this State. Failure
7 of the person to exhibit the certificate is presumptive evidence that the
8 person has not completed an approved boat safety course.

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

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

19 g. A person making application to the Director of the Division of
20 Motor Vehicles for a power vessel operator's license issued pursuant
21 to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant
22 to the provisions of this section to possess a certificate certifying
23 successful completion of a boat safety course shall submit the original
24 or a copy of the certificate with the application. The director shall not
25 issue a power vessel operator's license to such person who fails to
26 submit the original or a copy of the certificate.²

27 (cf: P.L.1996, c.59, s.1)

28
29 ²4. (New section) In addition to all other remedies permitted and
30 duties required by law, the owner of a personal watercraft shall be
31 jointly liable for damage incurred by another person operating the
32 owner's personal watercraft if the owner knowingly allows the person
33 to operate the owner's personal watercraft, the operator has not
34 successfully completed a boat safety course required pursuant to
35 subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61) or a written
36 test administered pursuant to section 17 of P.L.1995, c.401 and the
37 operator is not exempt from the boat safety certificate requirement
38 pursuant to subsection a. or c. of section 18 of P.L.1995, c.401
39 (C.12:7-86).²

40
41 ³5. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
42 as follows:

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

45 (1) a person who is under 16 years of age but at least 13 years of
46 age and possesses a certificate certifying that person's successful

1 completion of a boat safety course approved by the Superintendent of
2 State Police in the Department of Law and Public Safety may operate:

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

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

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

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

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

23 (1) a person who is 18 years of age or older, and who has in his
24 possession a valid motor vehicle operator's license issued pursuant to
25 R.S.39:3-10, may operate on the waters of this State, without having
26 completed a boat safety course approved by the Superintendent of
27 State Police in the Department of Law and Public Safety, a power
28 vessel that is (a) powered solely by an electric motor or a motor, or
29 combination of motors, of 10 horsepower or less, and (b) not a
30 personal watercraft;

31 (2) an out-of-State resident, or a resident of a foreign country, who
32 is 18 years of age or older and who will be in this State for less than
33 90 days may operate on the waters of this State, without having
34 completed a boat safety course approved by the Superintendent of
35 State Police in the Department of Law and Public Safety, a power
36 vessel that is (a) registered in that person's State or country of
37 residence and (b) not a personal watercraft; and

38 (3) a person who is 18 years of age or older may operate on the
39 waters of this State, without having completed a boat safety course
40 approved by the Superintendent of State Police in the Department of
41 Law and Public Safety, a rented power vessel that is powered by a
42 motor, or combination of motors, of more than 10 horsepower, and
43 that is not a personal watercraft, under the following conditions:

44 (a) the person rents the power vessel from a business engaged in
45 renting power vessels for use on the waters of the State;

46 (b) the person has successfully completed a State-approved pre-

1 rental instruction course provided by the owner or lessor of the power
2 vessel prior to operating the power vessel on the waters of the State;
3 and

4 (c) the owner of the power vessel rental business is experienced in
5 the operation of power vessels and has successfully completed a boat
6 safety course approved by the Superintendent of State Police in the
7 Department of Law and Public Safety.

8 The Superintendent of State Police shall establish appropriate
9 guidelines to implement the provisions of this subsection.

10 c. Except as provided pursuant to section 18 of P.L.1995, c.401
11 (C.12:7-86), a person shall not operate a personal watercraft on the
12 waters of this State after July 1, 1997, without having successfully
13 completed a boat safety course approved by the Superintendent of
14 State Police in the Department of Law and Public Safety or a written
15 test pursuant to section 17 of P.L.1995, c.401.

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

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

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

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

45 (cf: P.L.1996, c.59, s.1)

1 ¹[3.] ²[4.1] ³[5.2] 6.³ This act shall take effect immediately.

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4

5

6 Revises law governing operation of personal watercraft and power
7 vessels in certain cases.