

SENATE, No. 114

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CIESLA

1 AN ACT consolidating and reforming the laws regulating boating,  
2 supplementing and amending chapter 7 of Title 12 of the Revised  
3 Statutes, and amending and repealing various parts of the statutory  
4 law.

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

8  
9 1. (New section) The Legislature finds and declares that numerous  
10 laws have been enacted over the past half-century concerning the  
11 regulation of boats and vessels; that many of the provisions of these  
12 laws are duplicative or outdated; that violations of laws governing the  
13 licensing, registration and operation of boats and vessels are currently  
14 treated as disorderly persons offenses; and that such offenses are  
15 disproportionate with the seriousness of these types of violations,  
16 which are comparable to motor vehicle violations.

17 The Legislature further finds and declares that, while most boaters  
18 are knowledgeable and responsible with regard to safety issues, there  
19 remain many less experienced, and often younger, boaters who operate  
20 vessels on the waters of the State; that, under current law, boaters  
21 convicted of boating while intoxicated, or of careless or reckless  
22 boating can resume their boating activities upon payment of a fine or  
23 expiration of a period of boating privilege suspension; and that many  
24 personal watercraft operators can be found on the waters of the State  
25 each year with little or no knowledge or understanding of safe vessel  
26 operation.

27 The Legislature therefore determines that it is in the public interest  
28 to reorganize and consolidate the various boating laws to facilitate a  
29 clearer understanding and increased compliance with these laws; and,  
30 that boating laws should be revised so that the penalties imposed for  
31 violations of these laws are consistent with those imposed for motor  
32 vehicle violations.

**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 The Legislature further determines that there is a need for  
2 mandatory boat safety instruction for young and inexperienced  
3 boaters, as well as for those who are found guilty of boating while  
4 intoxicated or of careless or reckless boating.

5  
6 2. (New section) As used in this chapter, unless the context clearly  
7 requires a different meaning:

8 "Commission" means the Boat Regulation Commission established  
9 pursuant to section 14 of P.L.1962, c.73 (C.12:7-34.49);

10 "Department" means the Department of Law and Public Safety;

11 "Director" means the Director of the Division of Motor Vehicles in  
12 the Department of Transportation;

13 "Division" means the Division of Motor Vehicles in the Department  
14 of Transportation;

15 "Documented vessel" means a vessel which has a valid Marine  
16 Document issued by the United States Coast Guard or any Federal  
17 agency successor thereto;

18 "Length" means measurement from end to end over the deck  
19 parallel to the centerline excluding sheer, bowsprits, bumpkins,  
20 rudders, outboard motors, brackets or other equipment or appendages;

21 "Motor" means a temporarily or permanently installed fuel  
22 consuming mechanism by which the vessel is or may be propelled,  
23 including an electrical motor;

24 "Operate" means to navigate, use, control or command a vessel;

25 "Operator" means every person having charge, control, operation  
26 or direction of any vessel and the owner of the vessel if the owner is  
27 on the vessel at the time it is operated in violation of the law;

28 "Owner" means a person, other than a lienholder, having the  
29 property in or title to a vessel. The term includes a person entitled to  
30 the use or possession of the vessel subject to an interest of another  
31 person, reserved or created by agreement and securing payment or  
32 performance of an obligation, but the term excludes a lessee under a  
33 lease not intended as security;

34 "Personal watercraft" means a personal watercraft as defined by  
35 section 1 of P.L.1993, c.299 (C.12:7-62);

36 "Power vessel" means a vessel temporarily or permanently equipped  
37 with machinery for propulsion, including a personal watercraft, and  
38 shall not include a vessel propelled wholly by sails or by muscular  
39 power;

40 "Sailboat" means any boat whose sole source of propulsion is the  
41 wind;

42 "Vessel" means a boat or watercraft, other than a sea plane on the  
43 water, used or capable of being used as a means of transportation on  
44 water; and

45 "Waters of this State" means all waters within the jurisdiction of  
46 this State, both tidal and nontidal, and the marginal sea adjacent to this

1 State to a distance of three nautical miles from the shoreline.

2

3 3. (New section) a. Upon proper application therefore, the  
4 director shall license a person to operate a power vessel on the  
5 nontidal waters of this State. A person shall not make any  
6 misstatement of fact in an application for a power vessel operator's  
7 license.

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

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

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

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

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

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

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

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

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

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

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

42 (2) A person who can exhibit to the court before which the person  
43 is summoned to answer to the charge a valid operator's license issued  
44 to that person which was valid on the day that person was charged  
45 shall be subject to a fine of not more than \$100, in addition to any  
46 reasonable court costs the court may impose. Notwithstanding the

1 provisions of this subsection, the court may, in its discretion, dismiss  
2 a charge regarding the failure to exhibit an operator's license brought  
3 pursuant to the provisions of this section.

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

8  
9 4. (New section) a. The fee for a 48-month power vessel  
10 operator's license required pursuant to section 3 of P.L. , c.  
11 (C. )(now before the Legislature as this bill) shall be \$16 and shall  
12 be paid to the director for deposit into the State General Fund.

13 b. Each New Jersey power vessel operator's license issued pursuant  
14 to section 3 of P.L. , c. (C. )(now before the Legislature as this  
15 bill) shall have a color photograph of the licensee. In addition to the  
16 fee required pursuant to subsection a. of this section, the fee for the  
17 photograph shall be \$2 for each license.

18  
19 5. (New section) a. A person who lends any operator's license  
20 required pursuant to section 3 of P.L. , c. (C. )(now before the  
21 Legislature as this bill) to another person shall be subject to a fine of  
22 not less than \$25 nor more than \$100.

23 b. A person owning or having control or custody of a power vessel  
24 who allows the power vessel to be operated by a non-licensed operator  
25 shall be subject to a fine of not more than \$100.

26 c. A person operating a power vessel who exhibits the operator's  
27 license of another shall be subject to a fine of not less than \$200 or to  
28 a term of imprisonment not to exceed 60 days, or both.

29 d. A person who exhibits the operator's license of another for  
30 purposes of identification in any situation other than as described in  
31 subsection c. of this section shall be subject to a fine of not less than  
32 \$25 nor more than \$100.

33  
34 6. (New section) A person who possesses a motor, whether  
35 inboard or outboard, the motor number of which has been altered or  
36 mutilated, or who comes into possession of such a motor, shall at once  
37 file in writing with the division a statement setting forth all  
38 circumstances in connection with that person's possession of the  
39 motor.

40  
41 7. (New section) a. A person who operates a vessel on the waters  
42 of this State, without due caution and circumspection, in a manner that  
43 endangers, or is likely to endanger, a person or property shall be guilty  
44 of careless operation. Careless operation shall include, but need not  
45 be limited to, the loading of a vessel beyond the maximum capacity  
46 stated on the United States Coast Guard capacity label or the capacity

1 label of the manufacturer affixed to the vessel.

2 b. In addition to any other requirements provided by law, a person  
3 convicted under subsection a. of this section shall be required after  
4 conviction to complete a boat safety course from the list approved by  
5 the Superintendent of State Police pursuant to section 1 of P.L.1987,  
6 c.453 (C.12:7-60), which shall be completed prior to the restoration  
7 of the privilege to operate a vessel which may have been revoked or  
8 suspended for a violation of the provisions of this section. Failure to  
9 satisfy this requirement shall result in the immediate revocation of the  
10 privilege to operate a vessel on the waters of this State, or the  
11 continuation of revocation until the requirements of this subsection are  
12 satisfied.

13

14 8. (New section) A person shall not operate or allow another  
15 person to operate a vessel on the waters of this State unless the vessel  
16 has a serviceable United States Coast Guard approved personal  
17 flotation device for each person on board. Such devices shall be of a  
18 type and in sufficient number as required by the United States Coast  
19 Guard for a vessel of that class operating on navigable waters. Such  
20 devices shall be readily accessible when the vessel is under way or  
21 worn as required by regulation.

22 For the purpose of this section, the term "vessel" does not include  
23 surfboards, windsurfers, racing shells, rowing sculls and racing kayaks.

24

25 9. (New section) a. A person shall not discard debris from a vessel  
26 that is on the waters of this State. A person who violates this section  
27 shall be subject to a fine of not less than \$200 nor more than \$1,000  
28 for each offense.

29 b. There shall be a rebuttable presumption that the owner of the  
30 vessel, if present on the vessel, or, in the owner's absence, the operator  
31 of the vessel, is responsible for any violation of this section, if:

32 (1) Debris of any nature is discarded from the vessel by an  
33 occupant of the vessel;

34 (2) There are two or more occupants in the vessel; and

35 (3) It cannot be determined which occupant of the vessel is the  
36 violator.

37

38 10. (New section) A person operating a vessel on the waters of this  
39 State shall stop or lay to when so ordered by any law enforcement  
40 officer.

41

42 11. (New section) a. A law enforcement officer may serve a  
43 summons on any person violating any provision of chapter 7 of Title  
44 12 of the Revised Statutes.

45 b. A law enforcement officer may arrest any person violating in his  
46 presence any provision of chapter 7 of Title 12 of the Revised Statutes

1 instead of issuing a summons pursuant to subsection a. of this section.

2 c. A law enforcement officer may arrest without a warrant any  
3 person who the officer has probable cause to believe has operated a  
4 vessel in violation of section 3 of P.L.1952, c.157 (C.12:7-46),  
5 regardless of whether the suspected violation occurred in the officer's  
6 presence.

7

8 12. (New section) a. The Superior Court and every municipal  
9 court shall have jurisdiction to enforce the provisions of chapter 7 of  
10 Title 12 of the Revised Statutes. Each of these courts shall have  
11 jurisdiction to receive complaints, order arrests, issue summonses and  
12 warrants, admit to bail, and take any action required of a judge in the  
13 enforcement of the provisions of chapter 7 of Title 12 of the Revised  
14 Statutes within their respective territorial jurisdictions.

15 b. A court that suspends or revokes a person's privilege to operate  
16 a power vessel shall transmit forthwith to the director an order  
17 indicating that fact and the ground upon which the privilege was  
18 suspended or revoked.

19

20 13. (New section) a. A court may revoke or suspend the privilege  
21 of a person to operate a power vessel if that person has been convicted  
22 of homicide in connection with the operation of a vessel or motor  
23 vehicle or of operating a vessel or motor vehicle while under the  
24 influence of intoxicating liquor or a narcotic, hallucinogenic or habit  
25 producing drug.

26 b. A court may revoke or suspend the privilege of a person to  
27 operate a power vessel if that person has been charged with a homicide  
28 in connection with the operation of a vessel or motor vehicle or of  
29 operating a vessel or motor vehicle while under the influence of  
30 intoxicating liquor or a narcotic, hallucinogenic or habit producing  
31 drug, pending disposition of that charge, or for any other violation of  
32 any of the provisions of chapter 7 of Title 12 of the Revised Statutes  
33 or of any rule or regulation prescribed thereunder by the director or  
34 the commission.

35 c. When a person's privilege to operate a power vessel is revoked  
36 or suspended, that person shall have an opportunity to be heard.  
37 Attendance of witnesses to such hearing may be compelled by  
38 subpoena.

39 d. Failure of the licensee or any other person possessing the license  
40 card to deliver the same to the suspending or revoking court, or the  
41 director if so ordered, shall constitute a violation. A court that  
42 suspends or revokes a license shall promptly place the license card in  
43 the custody of the division, except when the division shall otherwise  
44 direct.

45 e. The division shall have the exclusive power to restore a person's  
46 privilege to operate a power vessel and may restore that privilege after

1 the person pays to the director a \$50 restoration fee. Unless otherwise  
2 specified, whenever a license is revoked pursuant to this section a new  
3 license shall not be issued to the person whose license is revoked for  
4 at least six months after the date of such revocation, as determined by  
5 the director.

6  
7 14. (New section) a. A person whose privilege, including any  
8 license or numbering, to operate a power vessel or a vessel that is 12  
9 feet or greater in length has been suspended, revoked or prohibited  
10 shall not operate such a vessel on the waters of this State.

11 b. A person violating subsection a. of this section shall be subject  
12 to the following penalties:

13 (1) upon conviction for a first offense, a fine of \$500;

14 (2) upon conviction for a second offense, a fine of \$750 and a term  
15 of imprisonment not to exceed five days;

16 (3) upon conviction for a third offense and each subsequent  
17 offense, a fine of \$1,000 and a term of imprisonment not to exceed 10  
18 days.

19 c. In addition to the penalties prescribed in subsection b. of this  
20 section, a court shall suspend or extend the suspension of the  
21 operating privileges, for a period not to exceed six months, of a person  
22 who violates subsection a. of this section.

23 d. In addition to the penalties prescribed in subsections b. and c. of  
24 this section, a court may impose a term of imprisonment not to exceed  
25 45 days, if while operating a vessel in violation of subsection a. of this  
26 section a person causes an accident resulting in personal injury to  
27 another person.

28 e. In addition to the penalties prescribed in subsections b., c. and d.  
29 of this section, any person violating subsection a. of this section while  
30 under a suspension issued pursuant to section 3 of P.L.1952, c.157  
31 (C.12:7-46) upon conviction shall be fined \$500, shall have his  
32 privilege to operate a vessel suspended for an additional period of not  
33 less than one year nor more than two years, and may be imprisoned for  
34 a term not to exceed 90 days.

35 f. Any period of suspension imposed by a court under this section  
36 that would continue beyond September 30 of any calendar year shall  
37 be interrupted on that date and shall be completed after April 30 of the  
38 following year.

39  
40 15. (New section) All fines imposed under chapter 7 of Title 12 of  
41 the Revised Statutes shall be paid to the court imposing the fines.  
42 Within 30 days after receipt, the court shall then transmit such fines to  
43 the Treasurer of the State of New Jersey for deposit into the State  
44 General Fund.

45  
46 16. (New section) a. The director, the commission and the

1 Superintendent of State Police, whichever is appropriate and subject  
2 to the approval of the Attorney General, may promulgate such rules  
3 and regulations pursuant to the "Administrative Procedure Act",  
4 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the  
5 provisions of P.L. , c. (C. )(now before the Legislature as this  
6 bill).

7 b. All rules and regulations promulgated pursuant to the provisions  
8 of chapters 7 and 7C of Title 12 of the Revised Statutes before the  
9 effective date of this act which are not inconsistent with the provisions  
10 of P.L. , c. (C. )(now before the Legislature as this bill) shall  
11 remain in effect until such time as such rules and regulations are  
12 changed or otherwise readopted.

13  
14 17. (New section) a. The Superintendent of State Police shall  
15 develop and administer a written test for experienced boaters which  
16 shall be issued in lieu of completing the boat safety course required  
17 pursuant to subsection c. of section 2 of P.L.1987, c.453 (C.12:7-61).  
18 Upon successful completion of the test, the person shall be given a  
19 certificate which shall fulfill the requirements of subsection c. of  
20 section 2 of P.L.1987, c.453 (C.12:7-61). A person who fails the test  
21 shall be subject to all requirements of subsection c. of section 2 of  
22 P.L.1987, c.453 (C.12:7-61). A person may only take one test  
23 pursuant to this subsection.

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

28 c. In addition to all other penalties provided by law, a person who  
29 provides false information on an application for a written test issued  
30 pursuant to subsection a. of this section shall be subject to a fine of  
31 \$100.

32 d. The superintendent shall determine the qualifications for  
33 application and all other requirements for applicants under this section.  
34

35 18. Section 5 of P.L.1987, c.269 (C.12:7-23.5) is amended to read  
36 as follows:

37 5. A person who violates any [provisions] provision of this act or  
38 any regulation adopted pursuant to this act is [guilty of a disorderly  
39 persons offense. If a court imposes] subject to a fine [under this  
40 section, this fine shall be] of not less than[\$100.00] \$100 for the first  
41 offense,[\$300.00] \$300 for the second offense, and[\$500.00] \$500 for  
42 the third and each subsequent offense.

43 (cf: P.L.1987, c.269, s.5)

44  
45 19. Section 3 of P.L.1962, c.73 (C.12:7-34.38) is amended to read  
46 as follows:

1       3. Except as herein otherwise provided, every vessel which is upon  
2 the waters of this State shall be numbered in accordance with the  
3 provisions of this act, and no person shall operate or give permission  
4 to operate any vessel on such waters unless it is so numbered.

5       A vessel shall not be required to be numbered under this act if it is:

6       (a) A documented vessel;

7       (b) Being legally operated and meets all current requirements  
8 pursuant to applicable federal law or a federally-approved numbering  
9 system of another state; provided that such vessel shall not have been  
10 within this State for a period in excess of 180 consecutive days, unless  
11 it is in New Jersey for the purpose of wet or dry storage, or for  
12 repairs, in which case the actual time for said storage or repair shall  
13 not be counted as included within the 180 days aforesaid; provided,  
14 however, that a vessel shall be considered to be based within this State  
15 if its owner owns, maintains, leases, or rents space in this State for its  
16 storage, mooring, or servicing on other than a transient basis;

17       (c) From a country other than the United States temporarily using  
18 the waters of this State;

19       (d) A public vessel of the United States, a state or subdivision or  
20 agency thereof;

21       (e) A ship's lifeboat;

22       (f) Any vessel used exclusively for racing while actually competing  
23 in or tuning up for an authorized race held under the auspices of a duly  
24 incorporated yacht club or racing association in accordance with the  
25 rules and regulations prescribed by the [department] Division of State  
26 Police and pursuant to a permit duly issued by [the department] that  
27 division;

28       (g) A sailboat or vessel, except for power vessels, used exclusively  
29 on small lakes and ponds wholly within private lands;

30       (h) A non-motorized, inflatable surfboard, racing shell, rowing  
31 scull, tender for direct transportation between a vessel and the shore  
32 and for no other purpose (dinghy), or vessel, except power vessels, of  
33 12 feet or less in length;

34       (i) A canoe or kayak; or

35       (j) A sailboat of 12 feet or less in length.

36       A sailboat shall be required to be numbered under this act if it is any  
37 class of one-design sailboat, in excess of 12 feet in length, which is  
38 temporarily or permanently equipped with power installed either  
39 inboard or outboard.

40 (cf: P.L.1985, c.56, s.1)

41  
42       20. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is amended to read  
43 as follows:

44       4. (a) The owner of a vessel required to be numbered in this State  
45 shall file an application with the [department] division on forms  
46 approved by it. The application shall be signed by the owner and shall

1 be accompanied by the fee prescribed by this act for such vessel. Upon  
2 receipt of the application in the approved form and the prescribed fee,  
3 the [department] division shall enter the same upon the records of its  
4 office and issue to the applicant a pocket-size, waterproof certificate  
5 of number, which shall state the name and address of the owner, a  
6 description of the vessel, its use, and the number assigned.

7 (b) Except as provided herein, the certificate of number shall be  
8 available at all times for inspection on the vessel for which issued  
9 whenever such vessel is in operation. The certificate of number for  
10 vessels less than 26 feet in length and leased or rented to another for  
11 the latter's noncommercial use of less than 24 hours may be retained  
12 on shore by the vessel's owner or his representative at the place from  
13 which the vessel departs or returns to the possession of the owner or  
14 his representative; provided such substitute as the [commissioner]  
15 director may prescribe by regulation is carried on board.

16 (c) The number assigned to a vessel shall be displayed on each side  
17 of the bow thereof, as prescribed by regulations of the [department]  
18 division, using letters and numerals not less than three inches in height;  
19 except that this provision shall not apply to a one-design class racing  
20 sailboat, without power installed either inboard or outboard, which is  
21 required to be numbered under section 3 of P.L.1962, c.73  
22 (C. 12:7-34.38). No other number shall be displayed on the bow.

23 (cf: P.L.1985, c.56, s.2)

24  
25 21. Section 5 of P.L.1962, c.73 (C.12:7-34.40) is amended to read  
26 as follows:

27 5. The [department] division shall make and promulgate rules and  
28 regulations concerning the numbering system to be used, which system  
29 shall conform as near as possible with any over-all system of  
30 identification numbering for vessels which is being used by the United  
31 States Government or its agencies. Such rules and regulations shall go  
32 into effect immediately upon promulgation.

33 (cf: P.L.1980, c.97, s.4)

34  
35 22. Section 6 of P.L.1962, c.73 (C.12:7-34.41) is amended to read  
36 as follows:

37 6. The owner of any vessel identified by a number in full force and  
38 effect which has been awarded to it pursuant to a then operative  
39 Federal law or Federally-approved numbering system of another State  
40 shall record with the [department] division the vessel's description and  
41 number prior to using such vessel upon the waters of this State in  
42 excess of the 180-day reciprocity period provided for in section 3 of  
43 [this act] P.L.1962, c.73 (C.12:7-34.38). Such recording shall be in  
44 the same manner and pursuant to the same procedure prescribed in  
45 section 4 of [this act] P.L.1962, c.73 (C. 12:7-34.39) except that no

1 additional or substitute number shall be assigned.

2 (cf: P.L.1980, c.97, s.5)

3

4 23. Section 10 of P.L.1980, c.97 (C.12:7-34.44a) is amended to  
5 read as follows:

6 10. (a) For the purposes of [this act] P.L.1962, c.73  
7 (C.12:7-34.36 et seq.), a documented vessel is based within this State  
8 if its owner owns, maintains, leases or rents space in this State for its  
9 storage, mooring or servicing on other than a transient basis.

10 (b) The owner of a documented vessel of 500 gross tons or less  
11 based in this State shall file an application for the registration of such  
12 vessel with the [department] division on forms approved by it. The  
13 application shall be signed by the owner and shall be accompanied by  
14 the fee prescribed herein for the vessel. Upon receipt of the  
15 application in the approved form and the prescribed fee, the  
16 [department] division shall enter the same upon the records of its  
17 office and issue to the applicant a [pocketsize] pocket-size,  
18 waterproof certificate of registration which shall state the name and  
19 address of the owner, a description of the vessel, and its use.

20 (c) The certificate of registration shall be available at all times for  
21 inspection on the vessel for which issued whenever the vessel is in  
22 operation.

23 (d) The fees for the initial registration of a documented vessel and  
24 for each renewal thereof, shall be based on the length of the vessel and  
25 shall be the same as provided for in section 12 of P.L.1962, c.73  
26 (C.12:7-34.47) for other vessels of the same length.

27 (cf: P.L.1980, c.97, s.10)

28

29 24. Section 10 of P.L.1962, c.73 (C.12:7-34.45) is amended to  
30 read as follows:

31 10. (a) Whenever the owner of a vessel numbered [under this act]  
32 pursuant to P.L.1962, c.73 (C.12:7-34.36 et seq.) changes his address  
33 from that shown on his certificate of number, he shall, within [10 days]  
34 one week thereof, notify the [department] division, in writing, of his  
35 new address. The [department] division may provide, by regulation,  
36 for showing the new address by the alteration of the certificate or for  
37 its surrender and replacement by a corrected certificate.

38 (b) Whenever a vessel numbered under this act is sold, transferred,  
39 lost, destroyed or abandoned, the owner of record shall, within [10  
40 days] one week thereof, notify the [department] division in writing of  
41 the change in the status of the vessel. The [department] division may,  
42 by regulation, also require the surrender of the certificate of number,  
43 if it was not destroyed by the occurrence.

44 (cf: P.L.1962, c.73, s.10)

45

46 25. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to

1 read as follows:

2 11. (a) Whenever any vessel upon the waters of this State is  
3 involved in an accident, it shall be the duty of the operator, so far as  
4 he can do so without serious danger to his own passengers, guests,  
5 crew, himself or his vessel, to render to all other persons affected by  
6 the accident such assistance as may be necessary in order to save them  
7 from or to minimize any danger caused by the accident. He shall also  
8 give his name, address, and identifying information regarding his vessel  
9 to any person injured and to the owner of any property damaged in the  
10 accident.

11 (b) Whenever an accident involves any vessel subject to this act  
12 and results in the death, disappearance, or injury of any person, or in  
13 property damage in excess of ~~[\$100.00]~~ \$500, the operator or  
14 operators thereof shall file, with the ~~[department]~~ Division of State  
15 Police, a full description of the accident, including such information as  
16 ~~[the department]~~ that division may, by  
17 regulation, require within the times specified in subsection (c) of this  
18 section.

19 (c) ~~[All boating accidents which occur]~~ A boating accident that  
20 occurs on the waters of this State shall be reported ~~[within 48 hours~~  
21 ~~of the happening thereof]~~ to the Division of State Police by the  
22 quickest means of communication possible, if ~~[said]~~ the accident has  
23 caused the death or the disappearance of any person; ~~[all]~~ any other  
24 reportable boating ~~[accidents]~~ accident that may result in personal  
25 injury or property damage shall be reported within ~~[15]~~ 10 days to the  
26 Division of State Police.

27 (d) The report of a boating accident herein required to be made  
28 shall not, during any judicial proceeding, be referred to in any way; it  
29 shall not be subject to subpoena nor admissible as evidence in any  
30 proceeding. Subject to these restrictions, information contained in a  
31 boating accident report and any statistical information based thereon  
32 will be made available upon request for official purposes to the United  
33 States Coast Guard or any Federal agency successor thereto.

34 (cf: P.L.1962, c.73, s.11)

35  
36 26. Section 12 of P.L.1962, c.73 (C.12:7-34.47) is amended to  
37 read as follows:

38 12. The fees for the initial numbering of all vessels and for each  
39 renewal of the certificate of number issued thereto, unless otherwise  
40 provided by law, shall be:

41 (a) For all vessels less than 16 feet, ~~[\$6.00]~~ \$6 per year; 16 feet or  
42 more but less than 26 feet, ~~[\$14.00]~~ \$14 per year; 26 feet or more but  
43 less than 40 feet, ~~[\$26.00]~~ \$26 per year; 40 feet or more but less than  
44 65 feet, ~~[\$40.00]~~ \$40 per year; 65 feet or more, ~~[\$125.00]~~ \$125 per  
45 year.

46 (b) (Deleted by amendment.)

1 (c) Special numbers including up to three duplicates thereof and up  
2 to four sets of temporary numbers bearing a number corresponding to  
3 the special number, shall be assigned to boat dealers and  
4 manufacturers, as provided for under rules and regulations to be  
5 promulgated by the [department] division, and such numbers shall be  
6 displayed temporarily upon boats being tested, demonstrated,  
7 photographed or transported, said display to be as prescribed in the  
8 rules and regulations aforementioned.

9 For each such special number so assigned the fee shall be[\$75.00]  
10 \$75 for 1 year.

11 (d) A fee shall not be charged for the numbering of any marine  
12 equipment operated and maintained by the State of New Jersey; a  
13 county; a municipality; a volunteer first aid, rescue, or emergency  
14 squad; a search and rescue unit established within a fire district created  
15 pursuant to N.J.S.40A:14-70; or a volunteer fire company created  
16 pursuant to N.J.S.40A:14-70.1. This subsection shall apply only to  
17 marine equipment which is used exclusively in the performance of the  
18 prescribed duties of the governmental entities and organizations  
19 described above.

20 (cf: P.L.1980, c.97, s.7)

21  
22 27. Section 6 of P.L.1965, c.206 (C.12:7-34.47a) is amended to  
23 read as follows:

24 6. (a) Except as provided in subsection (b) hereof, the owner of  
25 every power vessel required to be numbered pursuant to this act shall  
26 and the owner of every documented power vessel of 500 gross tons or  
27 less which is based within this State may annually apply to the  
28 [department] division for a tax exemption certificate for [said] the  
29 power vessel and pay the fee for such certificate in this act prescribed,  
30 which fee shall be in lieu of any assessment or personal property tax  
31 imposed by the laws of this State;

32 (b) The owners of power vessels used solely for their pleasure and  
33 recreation shall not be subject to the requirements of subsection (a)  
34 hereof and need not apply for a tax exemption certificate.

35 (cf: P.L.1965, c.206, s.6)

36  
37 28. Section 8 of P.L.1965, c.206 (C.12:7-34.47c) is amended to  
38 read as follows:

39 8. (a) Applications for the issuance of a tax exemption certificate  
40 shall be made to the [department] division on forms prescribed and  
41 supplied by it. Upon application and payment of the fees prescribed,  
42 the [commissioner] director shall provide suitable evidence of  
43 compliance with this act which shall be displayed in or on each power  
44 vessel in a manner to be provided by regulations of the [commissioner]  
45 director.

46 (b) Application for a tax exemption certificate for the tax year

1 1966 and all subsequent tax years shall be filed with the [department]  
2 division on or before June 1 of the tax year or within 30 days of the  
3 purchase or acquisition of the power vessel, whichever date is the  
4 later.

5 (cf: P.L.1965, c.206, s.8)

6

7 29. Section 10 of P.L.1965, c.206 (C.12:7-34.47e) is amended to  
8 read as follows:

9 10. The [commissioner] director is authorized to utilize the  
10 machine records facilities of other State agencies in the administration  
11 of this act.

12 (cf: P.L.1965, c.206, s.10)

13

14 30. Section 11 of P.L.1965, c.206 (C.12:7-34.47f) is amended to  
15 read as follows:

16 11. The [commissioner] director shall issue a tax exemption  
17 certificate, without fee, for any power vessel owned, or leased by, the  
18 State, a county or municipality or by any instrumentality thereof or by  
19 any agency or authority created by this State or by compact between  
20 this and any other State or States.

21 (cf: P.L.1965, c.206, s.11)

22

23 31. Section 12 of P.L.1965, c.206 (C.12:7-34.47g) is amended to  
24 read as follows:

25 12. The [commissioner] director shall issue a tax exemption  
26 certificate, without fee, for any power vessel owned by associations or  
27 corporations organized exclusively for charitable purposes.

28 (cf: P.L.1965, c.206, s.12)

29

30 32. Section 15 of P.L.1965, c.206 (C.12:7-34.47j) is amended to  
31 read as follows:

32 15. The [Commissioner] director is authorized to issue rules and  
33 regulations necessary for the administration and enforcement of the tax  
34 exemption certificate provisions of this act, including, but not limited  
35 to the establishment of a schedule for the initial issuance of said  
36 certificate.

37 (cf: P.L.1965, c.206, s.15)

38

39 33. Section 14 of P.L.1962, c.73 (C.12:7-34.49) is amended to  
40 read as follows:

41 14. (a) There is established within the department a 7 member  
42 Boat Regulation Commission which shall consist of the [commissioner  
43 of the department] Attorney General as ex officio member and 6 public  
44 members. The public members shall be appointed by the Governor  
45 with the advice and consent of the Senate for 4-year terms  
46 commencing on April 1 of the year of the appointment, except that of

1 those first appointed, 2 shall be appointed for a term of 1 year, 2 for  
2 a term of 2 years, one for a term of 3 years and one for a term of 4  
3 years. As far as possible the public members shall be experienced  
4 [boatmen] boaters and shall represent the various geographical  
5 sections and boating interests of the State. At least one of the public  
6 members shall be actively employed in the marine industry.

7 The chairman shall be designated by the Governor. Each member  
8 of the commission shall serve at the pleasure of the Governor during  
9 his term and until the successor of the commission member has been  
10 appointed and has qualified. Vacancies shall be filled only for the  
11 unexpired term.

12 (b) The members of the commission shall serve without  
13 compensation except for the actual expenses incurred while engaged  
14 in their duties as members of the commission.

15 (c) The commission will promulgate rules and regulations, subject  
16 to the approval of the [commissioner of the department] Attorney  
17 General, not inconsistent with the provisions of this act and including,  
18 but not limited to the inspection, operation, equipping, anchorage,  
19 racing and safety of vessels upon the waters of this State.

20 [Said] These rules and regulations shall be such as are reasonably  
21 necessary for the protection of the health, safety and welfare of the  
22 public and for the free and proper use of said waters by any persons or  
23 vessels in, on or about such waters. [Said] These regulations shall not  
24 be [in conformity] inconsistent with regulations issued by the agency  
25 or agencies of the United States having jurisdiction with respect to  
26 power vessels upon the waters of this State.

27 The commission shall meet monthly or at the call of the  
28 [commissioner of the department] Attorney General or the chairman  
29 of the commission or when requested by any 3 members of the  
30 commission. The [commissioner of the department] Attorney General  
31 shall designate a staff from the department to handle administrative  
32 matters for the commission.

33 (cf: P.L.1962, c.73, s.14)

34

35 34. Section 18 of P.L.1962, c.73 (C.12:7-34.53) is amended to  
36 read as follows:

37 18. [Nothing in this act] No provision of chapter 7 of Title 12 of  
38 the Revised Statutes shall be construed to prevent the adoption of any  
39 ordinance or local law relating to operation and equipment of vessels  
40 the provisions of which are identical to the provisions of [this act]  
41 chapter 7 of Title 12, amendments thereto or regulations issued  
42 thereunder: Provided, that such ordinance or local laws shall be  
43 operative only so long as and to the extent that they continue to be  
44 identical to provisions of [this act] chapter 7 of Title 12, amendments  
45 thereto or regulations issued thereunder.

46 (a) Any subdivision of this State may, at any time, but only after

1 public notice, make formal application to the [department] commission  
2 for special rules and regulations with reference to the operation of  
3 vessels on any waters within its territorial limits and shall set forth  
4 herein the reasons which make such special rules and regulations  
5 necessary or appropriate.

6 (b) The commission is hereby authorized to make, adopt and  
7 promulgate special rules and regulations, subject to the approval of the  
8 [commissioner] Attorney General, with reference to the operation of  
9 vessels on [any] the waters of this State within the territorial limits of  
10 any subdivision of this State.

11 (cf: P.L.1962, c.73, s.18)

12

13 35. Section 1 of P.L.1952, c.157 (C.12:7-44) is amended to read  
14 as follows:

15 1. In addition to the powers conferred upon the Department of  
16 [Conservation and Economic Development] Law and Public Safety by  
17 the provisions of Title 12 of the Revised Statutes, the [said  
18 Department of Conservation and Economic Development] department  
19 is hereby authorized and empowered to regulate the operation,  
20 docking, mooring and anchoring of power vessels operating on the  
21 [tidal] waters [within the confines of the State of New Jersey] of this  
22 State.

23 (cf: P.L.1952, c.157, s.1)

24

25 36. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to read  
26 as follows:

27 3. a. No person shall operate a vessel on [tidal waters] the waters  
28 of this State while under the influence of intoxicating liquor, a  
29 narcotic, hallucinogenic, or habit-producing drug or with a blood  
30 alcohol concentration of 0.10% or more by weight of alcohol. No  
31 person shall permit another who is under the influence of intoxicating  
32 liquor, a narcotic, hallucinogenic or habit-producing drug, or who has  
33 a blood alcohol concentration of 0.10% by weight of alcohol, to  
34 operate any vessel owned by the person or in his custody or control.

35 As used in this section, "vessel" means a power vessel as defined by  
36 section 2 of [P.L.1962, c.73 (C.12:7-34.37)]P.L. , c. (C. )(now  
37 before the Legislature as this bill) or a vessel which is 12 feet or  
38 greater in length.

39 A person who violates this section shall be subject to the following:

40 (1) For a first offense, to a fine of not less than[\$250.00] \$250 nor  
41 more than[\$400.00] \$400; and to the revocation of the [right]  
42 privilege to operate a vessel on the waters of this State for a period of  
43 12 months from the date of conviction and to the forfeiting of the  
44 [right] privilege to operate a motor vehicle over the highways of this  
45 State for a period of three months.

46 (2) For a second offense, to a fine of not less than[\$500.00] \$500

1 nor more than ~~[\$1,000.00]~~ \$1,000; to the performance of community  
2 service for a period of 30 days, in the form and on the terms as the  
3 court deems appropriate under the circumstances; and to imprisonment  
4 for a term of not less than 48 hours nor more than 90 days, which shall  
5 not be suspended or served on probation; and to the revocation of the  
6 ~~[right] privilege~~ to operate a vessel on the waters of this State for a  
7 period of two years after the date of conviction and to the forfeiting  
8 of the ~~[right] privilege~~ to operate a motor vehicle over the highways  
9 of this State for a period of six months.

10 (3) For a third or subsequent offense, to a fine of ~~[\$1,000.00]~~  
11 \$1,000; to imprisonment for a term of not less than 180 days, except  
12 that the court may lower this term for each day not exceeding 90 days  
13 during which the person performs community service, in the form and  
14 on the terms as the court deems appropriate under the circumstances;  
15 and to the revocation of the ~~[right] privilege~~ to operate a vessel on the  
16 waters of this State for a period of 10 years from the date of  
17 conviction and to the forfeiting of the ~~[right] privilege~~ to operate a  
18 motor vehicle over the highways of this State for a period of two  
19 years.

20 Upon conviction of a violation of this section, the court shall collect  
21 forthwith the New Jersey driver's license or licenses of the person so  
22 convicted and forward such license or licenses to the Director of the  
23 Division of Motor Vehicles. In the event that a person convicted  
24 under this section is the holder of any out-of-State motor vehicle  
25 driver's or vessel operator's license, the court shall not collect the  
26 license but shall notify forthwith the Director of the Division of Motor  
27 Vehicles, who shall, in turn, notify appropriate officials in the licensing  
28 jurisdiction. The court shall, however, revoke the nonresident's  
29 driving privilege to operate a motor vehicle and the nonresident's  
30 privilege to operate a vessel in this State.

31 b. A person who has been convicted of a ~~previous~~ violation of this  
32 section need not be charged as a second or subsequent offender in the  
33 complaint made against him in order to render him liable to the  
34 punishment imposed by this section against a second or subsequent  
35 offender. If a second offense occurs more than 10 years after the first  
36 offense, the court shall treat a second conviction as a first offense for  
37 sentencing purposes and, if a third offense occurs more than 10 years  
38 after the second offense, the court shall treat a third conviction as a  
39 second offense for sentencing purposes.

40 c. If a court imposes a term of imprisonment under this section, the  
41 person may be sentenced to the county jail, to the workhouse of the  
42 county where the offense was committed, or to an inpatient  
43 rehabilitation program approved by the Director of the Division of  
44 Motor Vehicles and the Director of the Division of Alcoholism and  
45 Drug Abuse in the Department of Health.

46 d. In the case of any person who at the time of the imposition of

1 sentence is less than 17 years of age, the period of the suspension of  
2 driving privileges authorized herein, including a suspension of the  
3 privilege of operating a motorized bicycle, shall commence on the day  
4 the sentence is imposed and shall run for a period as fixed by the court  
5 of not less than three months after the day the person reaches the age  
6 of 17 years. If the driving or vessel operating privilege of any person  
7 is under revocation, suspension, or postponement for a violation of  
8 any provision of this title or Title 39 of the Revised Statutes at the  
9 time of any conviction of any offense defined in this section, the  
10 revocation, suspension, or postponement period imposed herein shall  
11 commence as of the date of termination of the existing revocation,  
12 suspension or postponement. A second offense shall result in the  
13 suspension or postponement of the person's [right] privilege to operate  
14 a motor vehicle for six months. A third or subsequent offense shall  
15 result in the suspension or postponement of the person's [right]  
16 privilege to operate a motor vehicle for two years. The court before  
17 whom any person is convicted of or adjudicated delinquent for a  
18 violation shall collect forthwith the New Jersey driver's license or  
19 licenses of the person and forward such license or licenses to the  
20 Director of the Division of Motor Vehicles along with a report  
21 indicating the first and last day of the suspension or postponement  
22 period imposed by the court pursuant to this section. If the court is  
23 for any reason unable to collect the license or licenses of the person,  
24 the court shall cause a report of the conviction or adjudication of  
25 delinquency to be filed with the director. That report shall include the  
26 complete name, address, date of birth, eye color, and sex of the person  
27 and shall indicate the first and last day of the suspension or  
28 postponement period imposed by the court pursuant to this section.  
29 The court shall inform the person orally and in writing that if the  
30 person is convicted of personally operating a motor vehicle or a vessel  
31 during the period of license suspension or postponement imposed  
32 pursuant to this section, the person shall, upon conviction, be subject  
33 to the penalties set forth in R.S.39:3-40 or section 14 of P.L. , c.   
34 (C. )(now before the Legislature as this bill), whichever is  
35 appropriate. A person shall be required to acknowledge receipt of the  
36 written notice in writing. Failure to receive a written notice or failure  
37 to acknowledge in writing the receipt of a written notice shall not be  
38 a defense to a subsequent charge of a violation of R.S.39:3-40 or  
39 section 14 of P.L. , c. (C. )(now before the Legislature as this  
40 bill). If the person is the holder of a driver's or vessel operator's  
41 license from another jurisdiction, the court shall not collect the license  
42 but shall notify forthwith the director who shall notify the appropriate  
43 officials in the licensing jurisdiction. The court shall, however, in  
44 accordance with the provisions of this section, revoke the person's  
45 non-resident driving or vessel operating privilege, whichever is  
46 appropriate, in this State.

1 e. In addition to any other requirements provided by law, a person  
2 convicted under this section shall satisfy the screening, evaluation,  
3 referral program and fee requirements of the Division of Alcoholism's  
4 Intoxicated Driving Programs Unit. A fee of ~~[\$80.00]~~ \$80 shall be  
5 payable to the Alcohol Education, Rehabilitation and Enforcement  
6 Fund established under section 3 of P.L.1983, c.531 (C.26:2B-32), by  
7 the convicted person in order to defray the costs of the screening,  
8 evaluation and referral by the Intoxicated Driving Programs Unit.  
9 Failure to satisfy this requirement shall result in the immediate  
10 forfeiture of the ~~[right]~~ privilege to operate a vessel on the waters of  
11 this State or the continuation of revocation until the requirements are  
12 satisfied.

13 f. In addition to any other requirements provided by law, a person  
14 convicted under this section shall be required after conviction to  
15 complete a boat safety course from the list approved by the  
16 Superintendent of State Police pursuant to section 1 of P.L.1987,  
17 c.453 (C.12:7-60), which shall be completed prior to the restoration  
18 of the privilege to operate a vessel which may have been revoked or  
19 suspended for a violation of the provisions of this section. Failure to  
20 satisfy this requirement shall result in the immediate revocation of the  
21 privilege to operate a vessel on the waters of this State, or the  
22 continuation of revocation until the requirements of this subsection are  
23 satisfied.

24 (cf: P.L.1993, c.230, s.2)

25  
26 37. Section 4 of P.L.1952, c.157 (C.12:7-47) is amended to read  
27 as follows:

28 4. ~~[No power]~~ a. A person who disregards the rights or safety of  
29 others and operates a vessel [shall be operated] on the waters of this  
30 State in a [reckless manner. Reckless operation shall include operating  
31 such a vessel in a] manner which unnecessarily interferes with the free  
32 and proper use of any waters, or which unnecessarily [endangers]  
33 creates a risk of damage or injury to other craft therein, or [the life or  
34 limb of any person upon such other craft or in the water] to person or  
35 property, shall be guilty of reckless operation of a vessel and subject  
36 to a term of imprisonment not to exceed 60 days, or to a fine of not  
37 less than \$50 nor more than \$200, or both.

38 On a second or subsequent conviction, a person guilty of reckless  
39 operation of a vessel shall be subject to a term of imprisonment not to  
40 exceed three months, or to a fine of not less than \$100 nor more than  
41 \$500, or both.

42 b. In addition to any other requirements provided by law, a person  
43 convicted under this section shall be required after conviction to  
44 complete a boat safety course from the list approved by the  
45 Superintendent of State Police pursuant to section 1 of P.L.1987,  
46 c.453 (C.12:7-60), which shall be completed prior to the restoration

1 of the privilege to operate a vessel which may have been revoked or  
2 suspended for a violation of the provisions of this section. Failure to  
3 satisfy this requirement shall result in the immediate forfeiture of the  
4 privilege to operate a vessel on the waters of this State, or the  
5 continuation of revocation until the requirements of this subsection are  
6 satisfied.

7 (cf: P.L.1952, c.157, s.4)

8  
9 38. Section 7 of P.L.1952, c.157 (C.12:7-50) is amended to read  
10 as follows:

11 7. The department may, whenever in its discretion it shall be  
12 deemed necessary, appoint harbor masters who shall have controlling  
13 jurisdiction under the law governing [said] the Department of  
14 [Conservation and Economic Development] Law and Public Safety to  
15 supervise the use of tidal waters within the jurisdiction of this State.  
16 Such harbor masters shall be appointed for one year and shall serve  
17 without salary and in accordance with rules and regulations  
18 promulgated by the commission. Harbor masters appointed under this  
19 act shall be supplied with a shield or badge indicating their office and  
20 with an insignia to be carried on their boats while being used on  
21 official duty under this act.

22 (cf: P.L.1952, c.157, s.7)

23  
24 39. Section 8 of P.L.1952, c.157 (C.12:7-51) is amended to read  
25 as follows:

26 8. Any person who shall violate [the provisions] any provision of  
27 [this act] chapter 7 of Title 12 of the Revised Statutes, or of any rule  
28 or regulation issued thereunder, where the penalty therefor is not  
29 specifically prescribed, shall be subject to a fine [not exceeding one  
30 hundred dollars (\$100.00) and in default of the payment thereof, shall  
31 be subject to imprisonment for a period not exceeding ten days. Any  
32 person convicted of a second] of \$25 for a first offense, \$50 for a  
33 second offense [of the same violation shall be subject to a fine in  
34 double the amount prescribed for a first] and \$100 for a third and each  
35 subsequent offense], and shall, in default of the payment thereof, be  
36 subject to imprisonment for a period of not exceeding twenty days] of  
37 the same violation.

38 (cf: P.L.1952, c.157, s.8)

39  
40 40. Section 7 of P.L.1986, c.39 (C.12:7-55) is amended to read as  
41 follows:

42 7. a. (1) A person who operates a power vessel or a vessel which  
43 is 12 feet or greater in length on the [tidal or non-tidal] waters of this  
44 State shall be deemed to have given his consent to the taking of  
45 samples of his breath for the purpose of making chemical tests to  
46 determine the content of alcohol in his blood, except that the taking of

1 samples shall be made in accordance with the provisions of [this  
2 amendatory and supplementary act] P.L.1986, c.39 and at the request  
3 of the State Marine Police Force or a law enforcement officer who has  
4 reasonable grounds to believe that the person has been operating a  
5 vessel in violation of the provisions of [section 19 of P.L.1954, c.236  
6 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C.12:7-46).

7 (2) Whenever an operator has been involved in an accident  
8 resulting in death, bodily injury or property damage, an officer shall  
9 consider that fact along with all other facts and circumstances in  
10 determining under paragraph (1) of this subsection whether there are  
11 reasonable grounds to believe a person is operating a vessel in  
12 violation of the provisions of [Section 19 of P.L.1954, c.236  
13 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C.12:7-46).

14 b. A record of the taking of the sample, disclosing the date and  
15 time thereof, as well as the result of any chemical test, shall be made  
16 and a copy shall be furnished or made available to the person so tested,  
17 upon his request.

18 c. In addition to the samples taken and tests made at the direction  
19 of the State Marine Police Force or a law enforcement officer, the  
20 person tested shall be permitted to have samples taken and chemical  
21 tests of his breath, urine or blood made by a person or physician of his  
22 own selection.

23 d. The State Marine Police Force or a law enforcement officer shall  
24 inform the person tested of his rights under subsections b. and c. of  
25 this section.

26 e. No chemical test, as provided in this section, or specimen  
27 necessary for a test, may be made or taken forcibly and against  
28 physical resistance thereto by the defendant. The State Marine Police  
29 Force or a law enforcement officer shall, however, inform the person  
30 arrested of the consequences of refusing to submit to the test, in  
31 accordance with section 9 of [this amendatory and supplementary act]  
32 P.L.1986, c.39 (C.12:7-57). A standard statement, prepared by the  
33 Director of the Division of Motor Vehicles in the Department of Law  
34 and Public Safety, shall be read by the State Marine Police Force or a  
35 law enforcement officer to the person under arrest.

36 (cf: P.L.1993, c.233, s.1)

37

38 41. Section 9 of P.L.1986, c.39 (C.12:7-57) is amended to read as  
39 follows:

40 9. a. A [judge] court shall revoke the [right] privilege of a person  
41 to operate a power vessel or a vessel which is 12 feet or greater in  
42 length, if after being arrested for a violation of [section 19 of  
43 P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
44 (C.12:7-46), the person refuses to submit to the chemical test provided  
45 for in section 7 of [this amendatory and supplementary act] P.L.1986,  
46 c.39 (C.12:7-55) when requested to do so. The revocation shall be for

1 six months unless the refusal was in connection with a second offense  
2 under [section 19 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of  
3 P.L.1952, c.157 (C.12:7-46), in which case the revocation period shall  
4 be for two years. If the refusal was in connection with a third or  
5 subsequent offense under [section 19 of P.L.1954, c.236  
6 (C.12:7-34.19) or] section 3 of P.L.1952, c.157 (C.12:7-46), the  
7 revocation shall be for 10 years. The court shall also fine a person  
8 convicted under this section not less than [\$250.00] \$250, nor more  
9 than [\$500.00] \$500.

10 b. The court shall determine by a preponderance of the evidence  
11 whether the arresting officer had probable cause to believe that the  
12 person had been operating or was in actual physical control of the  
13 vessel while under the influence of intoxicating liquor, or a narcotic,  
14 hallucinogenic or habit-producing drug, whether the person was placed  
15 under arrest, and whether the person refused to submit to the test  
16 upon request of the officer. If these elements of the violation are not  
17 established, no conviction shall issue.

18 c. In addition to any other requirements provided by law, a person  
19 whose [right] privilege to operate a vessel is revoked for refusing to  
20 submit to a chemical test shall satisfy the screening, evaluation, referral  
21 and program requirements of the Bureau of Alcohol Countermeasures  
22 in the Division of Alcoholism in the Department of Health. A fee  
23 of[\$40.00] \$40 shall be payable to the Alcohol Education,  
24 Rehabilitation and Enforcement Fund established under section 3 of  
25 P.L.1983, c.531 (C.26:28-32), by the convicted person in order to  
26 defray the costs of the screening, evaluation and referral by the Bureau  
27 of Alcohol Countermeasures and the cost of an education or  
28 rehabilitation program. Failure to satisfy this requirement shall result  
29 in the immediate revocation of the [right] privilege to operate a vessel  
30 on the waters of this State or the continuation of revocation until the  
31 requirements are satisfied. The revocation for a first offense shall be  
32 independent of a revocation imposed because of a conviction under the  
33 provisions of [section 19 of P.L.1954, c.236 (C.12:7-34.19) or]  
34 section 3 of P.L.1952, c.157 (C.12:7-46); the revocation for a second  
35 or subsequent offense shall be concurrent with a revocation imposed  
36 because of a conviction under the provisions of [section 19 of  
37 P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
38 (C.12:7-46).

39 d. In addition to any other requirements provided by law, a person  
40 convicted under this section shall be required after conviction to  
41 complete a boat safety course from the list approved by the  
42 Superintendent of State Police pursuant to section 1 of P.L.1987,  
43 c.543 (C.12:7-60), which shall be completed prior to the restoration  
44 of the privilege to operate a vessel which may have been revoked or  
45 suspended for a violation of the provisions of this section. Failure to  
46 satisfy this requirement shall result in the immediate revocation of the

1 privilege to operate a vessel on the waters of this State, or the  
2 continuation of revocation until the requirements of this subsection are  
3 satisfied.

4 (cf: P.L.1986, c.39, s.9)

5  
6 42. Section 10 of P.L.1986, c.39 (C.12:7-58) is amended to read  
7 as follows:

8 10. a. A person who has been convicted of violating [section 19  
9 of P.L.1954, c.236 (C.12:7-34.19) or] section 3 of P.L.1952, c.157  
10 (C.12:7-46), and who has been imprisoned in a county jail or  
11 workhouse in the county in which the offense was committed, shall not  
12 be released after commitment until the term of imprisonment imposed  
13 has been served. A person imprisoned in the county jail or workhouse  
14 may, at the discretion of the court, be released on a work release  
15 program.

16 b. A warden or other officer having custody of the county jail or  
17 workhouse shall not release a person until the sentence has been  
18 served, except that a person may be released by the court on a work  
19 release program. A person sentenced to an inpatient rehabilitation  
20 program may be released by the court, upon the petition of the treating  
21 agency, to an outpatient rehabilitation program for the duration of the  
22 original sentence.

23 c. This section shall not be construed to interfere in any way with  
24 the operation of a writ of habeas corpus, a proceeding in lieu of the  
25 prerogative writ, or an appeal.

26 (cf: P.L.1986, c.39, s.10)

27  
28 43. Section 11 of P.L.1986, c.39 (C.12:7-59) is amended to read  
29 as follows:

30 11. A person shall receive written notice of the penalties under  
31 [section 19 of P.L.1954, c.236 (C.12:7-34.19),]section 3 of P.L.1952,  
32 c.157 (C.12:7-46)[,]and section 9 of P.L.1986, c.39 (C.12:7-57),  
33 when that person is issued a license to operate a vessel, a registration  
34 certificate, a certificate of number or a certificate of ownership under  
35 chapters 7 and 7A of Title 12 of the Revised Statutes.

36 (cf: P.L.1986, c.39, s.11)

37  
38 44. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read  
39 as follows:

40 2. a. [No] A person who is under 16 years of age [or younger]  
41 shall not operate a power vessel on the [tidal or nontidal] waters of  
42 this State , except that:

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

- 1     (a) a power vessel powered solely by a motor of less than one  
2 horsepower or an electric motor of 12 volts or less; or  
3     (b) a power vessel which is 12 feet or greater in length and powered  
4 by a motor, or combination of motors, of less than 10 horsepower;  
5     (2) A person who is under 16 years of age and successfully  
6 completed an approved boat safety course prior to the effective date  
7 of P.L. , c. (C. )(now before the Legislature as this bill) may  
8 operate a power vessel on the tidal waters of this State, provided that  
9 the person complies with all other requirements of law, rule and  
10 regulation; and  
11     (3) A person who is under 16 years of age and was issued an  
12 operator's license pursuant to section 7 of P.L.1954, c.236  
13 (C.12:7-34.7) before the effective date of P.L. , c. (C. )(now  
14 before the Legislature as this bill) may operate a power vessel  
15 equipped with an outboard motor until the expiration date of that  
16 license.  
17     b. A person who is 16 years of age or older and was born after  
18 December 31, 1978 shall not operate a power vessel on the waters of  
19 this State without having completed a boat safety course approved by  
20 the Superintendent of State Police in the Department of Law and  
21 Public Safety.  
22     [b. A] c. Except as provided pursuant to section 17 of P.L. , c.  
23 (C. )(now before the Legislature as this bill), a person shall not  
24 operate a personal watercraft on the waters of this State without  
25 having completed a boat safety course approved by the Superintendent  
26 of State Police in the Department of Law and Public Safety.  
27     d. Whenever a person [16 years of age or younger, when  
28 operating] who is required by this section or by section 7 of P.L. ,  
29 c. (C. )(now before the Legislature as this bill), sections 3 or 4  
30 of P.L.1952, c.157 (C.12:7-46 or C.12:7-47), or section 9 of  
31 P.L.1986, c.39 (C.12:7-57) to have completed a boat safety course  
32 operates a power vessel or personal watercraft, as appropriate, on the  
33 [tidal or nontidal] waters of this State, [shall have in his possession]  
34 that person shall have in possession a certificate certifying that  
35 person's successful completion of a boat safety course approved by the  
36 superintendent and shall, when requested to do so, exhibit the  
37 certificate to a law enforcement or peace officer of this State. Failure  
38 of the person to exhibit the certificate is presumptive evidence that the  
39 person has not completed an approved boat safety course.  
40     [c.] e. A person [16 years of age or younger, who operates a  
41 power vessel on the tidal or nontidal waters of this State without  
42 having completed a boat safety course approved by the superintendent  
43 or] who violates subsection a., b., c. or d. of this section or who  
44 exhibits to a law enforcement or peace officer a certificate of  
45 completion of an approved boat safety course of another person is  
46 subject to a fine of not less than[\$100.00] \$100 nor more

1 than[\$500.00] \$500.

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

8 g. A person making application to the Director of the Division of  
9 Motor Vehicles for a power vessel operator's license issued pursuant  
10 to section 3 of P.L. , c. (C. )(now before the Legislature as this  
11 bill) who is required pursuant to the provisions of this section to  
12 possess a certificate certifying successful completion of a boat safety  
13 course shall submit the original or a copy of the certificate with the  
14 application. The director shall not issue a power vessel operator's  
15 license to such person who fails to submit the original or a copy of the  
16 certificate.

17 (cf: P.L.1987, c.453, s.2)

18

19 45. Section 2 of P.L.1975, c.369 (C.12:7C-8) is amended to read  
20 as follows:

21 2. The following terms whenever used or referred to in this act  
22 shall have the following meanings unless a different meaning clearly  
23 appears from the context:

24 a. "Vessel" means a boat or watercraft, other than a seaplane on  
25 the water, used or capable of being used as a means of transportation  
26 on the water, except a boat or watercraft which is subject to the  
27 provisions of P.L.1969, c.264 (C.12:7C-1 et seq.).

28 b. "Owner" means a person, other than a lienholder, having the  
29 property in or title to a vessel. The term includes a person entitled to  
30 the uses or possession of a vessel subject to an interest of another  
31 person, reserved or created by agreement and securing payment or  
32 performance of an obligation, but the term excludes a lessee under a  
33 lease not intended as security.

34 c. "Lienholder" means any person holding a security interest.

35 d. "Security interest" means an interest which is reserved or  
36 created by an agreement which secures payment or performance of an  
37 obligation and is valid against third parties generally.

38 e. ["Department"] "Division" means the Division of Motor Vehicles  
39 in the Department of [Environmental Protection] Transportation.

40 f. "Waters of this State" means all waters within the jurisdiction of  
41 this State, both tidal and nontidal, and the marginal sea adjacent to this  
42 State to a distance of three nautical miles from the shoreline.

43 g. "Removal costs" means any or all costs associated with the  
44 removal or destruction of any vessel from land or water and shall  
45 include the reimbursement of any or all costs incurred by the applicant  
46 in the course of acquiring title to an abandoned vessel.

1 (cf: P.L.1975, c.369, s.2)

2

3 46. Section 5 of P.L.1975, c.369 (C.12:7C-11) is amended to read  
4 as follows:

5 5. If a vessel has a boat registration number or other means of  
6 identifying the owner thereof, the person desiring to acquire title,  
7 shall, if possible, secure the owner's last known address, and the  
8 lienholder, if any, appearing on the records of the [department]  
9 division. He shall notify the owner by registered letter to his last  
10 known address and the lienholder by registered letter at the address of  
11 the lienholder appearing on the records of the [department] division  
12 that if ownership is not claimed and the vessel removed within 30  
13 days, title to the vessel will be applied for in his name. If any vessel's  
14 owner cannot be identified or his address ascertained, or no lienholder  
15 appears on the records of the [department] division, the registered  
16 letter need not be sent.

17 (cf: P.L.1975, c.369, s.5)

18

19 47. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to read  
20 as follows:

21 7. At the end of the 30-day period the person desiring to acquire  
22 title shall apply to the [department] division for a title to the vessel in  
23 his name on forms approved by the [department] division  
24 accompanied by the following affidavits:

25 a. A statement that the vessel has been apparently abandoned for  
26 at least 6 months.

27 b. Proof that the registered letter was mailed at least 30 days  
28 before application or a detailed explanation of the unsuccessful steps  
29 taken to identify the owner and secure his address.

30 c. Proof that a notice was printed in a paper as required in section  
31 6 of [this act] P.L.1975, c.369 (C.12:7C-12).

32 (cf: P.L.1975, c.369, s.7)

33

34 48. Section 8 of P.L.1975, c.369 (C.12:7C-14) is amended to read  
35 as follows:

36 8. Upon receipt of the material required in section 7 of [this act]  
37 P.L.1975, c.369 (C.12:7C-13) and upon payment of any fees and taxes  
38 due, the [department] division shall issue the applicant a title to the  
39 vessel.

40 (cf: P.L.1975, c.369, s.8)

41

42 49. Section 11 of P.L.1975, c.369 (C.12:7C-17) is amended to  
43 read as follows:

44 11. After receiving title if the applicant destroys or otherwise  
45 disposes of the vessel, he shall report the same to the [department]  
46 division within 15 days giving all details.

1 (cf: P.L.1975, c.369, s.11)

2

3 50. Section 12 of P.L.1975, c.369 (C.12:7C-18) is amended to  
4 read as follows:

5 12. The [department] division may receive title to any vessel  
6 abandoned on any of the waters of this State or on any land owned by  
7 this State or any of its political subdivisions by proceeding in the same  
8 manner as a landowner, his lessee, or his agent, as set forth in this act.  
9 (cf: P.L.1975, c.369, s.12)

10

11 51. Section 13 of P.L.1975, c.369 (C.12:7C-19) is amended to  
12 read as follows:

13 13. a. Any person who violates section 3 of [this act] P.L.1975,  
14 c.369 (C.12:7C-9) shall be subject to a fine of not less than~~[\$500.00]~~  
15 \$500 and not more than~~[\$1,000.00,]\$1,000~~ to be recovered in a  
16 summary proceeding instituted by the [Commissioner of  
17 Environmental Protection] Attorney General in the name of the State  
18 in accordance with the "the penalty enforcement law" (N.J.S.2A:58-1  
19 et seq.).

20 b. Any person who obtains or attempts to obtain title to a vessel  
21 under the provisions of this act through fraudulent means is guilty of  
22 a disorderly persons offense and upon conviction shall be subject to a  
23 fine of not more than~~[\$200.00]~~ \$200.

24 (cf: P.L.1975, c.369, s.13)

25

26 52. Section 14 of P.L.1975, c.369 (C.12:7C-20) is amended to  
27 read as follows:

28 14. The [department] division may promulgate pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et  
30 seq.) such rules and regulations deemed necessary to carry out the  
31 provisions of this act.

32 (cf: P.L.1975, c.369, s.14)

33

34 53. N.J.S.2C:29-2 is amended to read as follows:

35 2C:29-2 a. A person is guilty of a disorderly persons offense if he  
36 purposely prevents a law enforcement officer from effecting a lawful  
37 arrest, except that he is guilty of a crime of the fourth degree if he:

38 1. Uses or threatens to use physical force or violence against the  
39 law enforcement officer or another; or

40 2. Uses any other means to create a substantial risk of causing  
41 physical injury to the public servant or another.

42 It is not a defense to a prosecution under this subsection that the  
43 law enforcement officer was acting unlawfully in making the arrest,  
44 provided he was acting under color of his official authority and  
45 provided the law enforcement officer announces his intention to arrest  
46 prior to the resistance.

1       b. Any person, while operating a motor vehicle on any street or  
2 highway in this State or any vessel, as defined pursuant to section 2 of  
3 P.L. , c. (C. )(now before the Legislature as this bill), on the  
4 waters of this State, who knowingly flees or attempts to elude any  
5 police or law enforcement officer after having received any signal from  
6 such officer to bring the vehicle or vessel to a full stop commits a  
7 crime of the third degree; except that, a person is guilty of a crime of  
8 the second degree if the flight or attempt to elude creates a risk of  
9 death or injury to any person. For purposes of this subsection, there  
10 shall be a permissive inference that the flight or attempt to elude  
11 creates a risk of death or injury to any person if the person's conduct  
12 involves a violation of chapter 4 of Title 39 or chapter 7 of Title 12 of  
13 the Revised Statutes. In addition to the penalty prescribed under this  
14 subsection or any other section of law, the court shall order the  
15 suspension of that person's driver's license, or privilege to operate a  
16 vessel, whichever is appropriate, for a period of not less than six  
17 months or more than two years.

18       In the case of a person who is at the time of the imposition of  
19 sentence less than 17 years of age, the period of the suspension of  
20 driving privileges authorized herein, including a suspension of the  
21 privilege of operating a motorized bicycle, shall commence on the day  
22 the sentence is imposed and shall run for a period as fixed by the  
23 court. If the driving or vessel operating privilege of any person is  
24 under revocation, suspension, or postponement for a violation of any  
25 provision of this Title or Title 39 of the Revised Statutes at the time  
26 of any conviction or adjudication of delinquency for a violation of any  
27 offense defined in this chapter or chapter 36 of this Title, the  
28 revocation, suspension, or postponement period imposed herein shall  
29 commence as of the date of termination of the existing revocation,  
30 suspension, or postponement.

31       Upon conviction the court shall collect forthwith the New Jersey  
32 driver's licenses of the person and forward such license or licenses to  
33 the Director of the Division of Motor Vehicles along with a report  
34 indicating the first and last day of the suspension or postponement  
35 period imposed by the court pursuant to this section. If the court is for  
36 any reason unable to collect the license or licenses of the person, the  
37 court shall cause a report of the conviction or adjudication of  
38 delinquency to be filed with the director. That report shall include the  
39 complete name, address, date of birth, eye color, and sex of the person  
40 and shall indicate the first and last day of the suspension or  
41 postponement period imposed by the court pursuant to this section.  
42 The court shall inform the person orally and in writing that if the  
43 person is convicted of personally operating a motor vehicle or a vessel,  
44 whichever is appropriate, during the period of license suspension or  
45 postponement imposed pursuant to this section the person shall, upon  
46 conviction, be subject to the penalties set forth in R.S.39:3-40 or

1 section 14 of P.L. , c. (C. )(now before the Legislature as this  
2 bill), whichever is appropriate. A person shall be required to  
3 acknowledge receipt of the written notice in writing. Failure to receive  
4 a written notice or failure to acknowledge in writing the receipt of a  
5 written notice shall not be a defense to a subsequent charge of  
6 violation of R.S.39:3-40 or section 14 of P.L. , c. (C. )(now  
7 before the Legislature as this bill), whichever is appropriate. If the  
8 person is the holder of a driver's or vessel operator's license from  
9 another jurisdiction, the court shall not collect the license but shall  
10 notify the director who shall notify the appropriate officials in the  
11 licensing jurisdiction. The court shall, however, in accordance with the  
12 provisions of this section, revoke the person's non-resident driving or  
13 vessel operating privileges, whichever is appropriate, in this State.

14 For the purposes of this subsection, it shall be a rebuttable  
15 presumption that the owner of a vehicle or vessel was the operator of  
16 the vehicle or vessel at the time of the offense.

17 (cf: P.L.1993, c.219, s.5)

18

19 54. (New section) There is appropriated from the receipts  
20 collected by the Division of State Police pursuant to subsection b. of  
21 section 17 of P.L. , c. (C. )(now before the Legislature as this  
22 bill), such sums as are necessary to develop and administer the boat  
23 safety test and issue boat safety certificates.

24

25 55. The following sections are repealed:

26 Section 1 of P.L.1941, c.396 (C.12:7-16.1)

27 Section 2 of P.L.1941, c.396 (C.12:7-16.2)

28 Section 3 of P.L.1941, c.396 (C.12:7-16.3)

29 Section 9 of P.L.1952, c.157 (C.12:7-52).

30 Section 1 of P.L.1954, c.236 (C.12:7-34.1)

31 Section 4 of P.L.1954, c.236 (C.12:7-34.4)

32 Section 6 of P.L.1954, c.236 (C.12:7-34.6)

33 Section 7 of P.L.1954, c.236 (C.12:7-34.7)

34 Section 9 of P.L.1954, c.236 (C.12:7-34.9)

35 Section 13 of P.L.1954, c.236 (C.12:7-34.13)

36 Section 14 of P.L.1954, c.236 (C.12:7-34.14)

37 Section 18 of P.L.1954, c.236 (C.12:7-34.18)

38 Section 19 of P.L.1954, c.236 (C.12:7-34.19)

39 Section 20 of P.L.1954, c.236 (C.12:7-34.20)

40 Section 22 of P.L.1954, c.236 (C.12:7-34.22)

41 Section 23 of P.L.1954, c.236 (C.12:7-34.23)

42 Section 25 of P.L.1954, c.236 (C.12:7-34.25)

43 Section 27 of P.L.1954, c.236 (C.12:7-34.27)

44 Section 28 of P.L.1954, c.236 (C.12:7-34.28)

45 Section 29 of P.L.1954, c.236 (C.12:7-34.29)

46 Section 30 of P.L.1954, c.236 (C.12:7-34.30)

1 Section 31 of P.L.1954, c.236 (C.12:7-34.31)  
2 Section 33 of P.L.1954, c.236 (C.12:7-34.33)  
3 Section 34 of P.L.1954, c.236 (C.12:7-34.34)  
4 Section 2 of P.L.1962, c.73 (C.12:7-34.37)  
5 Section 16 of P.L.1962, c.73 (C.12:7-34.51)  
6 Section 17 of P.L.1962, c.73 (C.12:7-34.52)  
7 Section 20 of P.L.1962, c.73 (C.12:7-34.55)  
8 Section 1 of P.L.1987, c.9 (C.12:7-34.6a)  
9 Section 1 of P.L.1973, c.231 (C.12:7-34.9a)  
10 Section 1 of P.L.1993, c.118 (C.12:7-34.9b)  
11 Section 2 of P.L.1993, c.118 (C.12:7-34.9c)  
12 Section 3 of P.L.1993, c.118 (C.12:7-34.9d)

13

14 56. This act shall take effect on the first day of the sixth month  
15 following enactment, except that sections 17 and 54 shall take effect  
16 immediately and section 17 shall expire on the first day of the sixth  
17 month following enactment.

18

19

20

#### STATEMENT

21

22 The bill reorganizes and consolidates many of the laws, currently  
23 found in Chapter 7 of Title 12 of the Revised Statutes, regulating the  
24 licensing, numbering, and operation of vessels and power vessels.

25 The bill reclassifies the penalties for violations of the boating laws  
26 from disorderly persons offenses to penalties commensurate with those  
27 imposed for similar types of motor vehicle offenses. The bill also  
28 revises the current requirement that persons under 17 years of age  
29 successfully complete a boat safety course as a condition for operating  
30 a power vessel to require anyone 16 years of age or older and born  
31 after December 31, 1978, to meet that condition. Persons under 16  
32 years of age would be prohibited from operating a boat, with the  
33 exception that such individuals who are over 12 years of age could  
34 operate small power vessels (as defined in the bill) upon successful  
35 completion of a boat safety course.

36 The requirement to complete a boat safety course would be  
37 extended to the following:

38

39 **M** persons operating a personal watercraft (e.g., jet-ski), with the  
40 provision that experienced boaters, as defined by the Director  
41 of the Division of Motor Vehicles, may take a one-time-only  
42 written test within six months of the bill's enactment date.  
43 Passage of this test would exempt the person from the safety  
44 course requirement, while failure of the test would subject the  
45 person to the safety course requirement. Currently, a person  
46 can operate a personal watercraft without having to complete

1 a safety course.

2

3 **M** persons found guilty of either careless boating, reckless  
4 boating, boating under the influence or refusing a chemical test  
5 in connection with a law enforcement officer's suspicion of  
6 boating under the influence.

7

8 The bill would permit persons who possess a boat safety certificate  
9 prior to the bill's effective date or who possess a boat operator's  
10 license issued prior to the bill's effective date to continue to have the  
11 boating privileges conferred by the certificate or license, or provided  
12 by the bill.

13

14

15

16

17 \_\_\_\_\_  
Revises and updates safety and licensing provisions of boating laws.

WITHDRAWN