

SENATE, No. 1312

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senator CIESLA

1 AN ACT concerning the operation of personal watercraft and
2 amending P.L.1995, c.401.

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

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

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

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

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

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

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

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

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

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

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

31 (5) if the person is an out-of-State resident[, the person's vessel]
32 who brings a vessel into this State, provided that the vessel is
33 registered in the person's state of residence and the person has
34 successfully completed a boat safety course substantially similar to the

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 boat safety course administered pursuant to section 1 of P.L.1987,
2 c.453 (C.12:7-60), and provided that the person enters New Jersey
3 with the intent to operate a vessel, and that the person operates the
4 vessel for no more than 30 days between May 1 and September 30 of
5 any year[.];

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

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

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

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

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

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

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

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

44 18. a. A person may operate a personal watercraft without having
45 completed a boat safety course required pursuant to subsection c. of
46 section 2 of P.L.1987, c.453 (C.12:7-61) or a written test administered

1 pursuant to section 17 of P.L.1995, c.401, under the following
2 conditions:

3 (1) the person operates the personal watercraft within the
4 boundaries of an area designated solely for the operation of personal
5 watercraft by a business engaged in renting personal watercraft for use
6 on the waters of the State;

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

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

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

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

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

25 (a) the operator of the personal watercraft is the person who
26 purchased the personal watercraft or a member of that person's
27 immediate family;

28 (b) the operator of the personal watercraft is at least 16 years of
29 age;

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

32 (d) the seller of the personal watercraft has provided educational
33 materials regarding the safe operation of the personal watercraft at the
34 time of sale; and

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

40 (2) the person has successfully completed a boat safety course or
41 written test substantially similar to the boat safety course required
42 pursuant to the boat safety course administered pursuant to section 1
43 of P.L.1987, c.453 (C.12:7-60) or the written test authorized pursuant
44 to section 17 of P.L.1995, c.401 in another state.

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

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill would amend current law regarding the licensing and
7 operating requirements for power vessels and personal watercraft to
8 clarify and expand the exemptions from these requirements. First, the
9 bill would amend the licensing exemption provision accorded pursuant
10 to section 3 of P.L.1995, c.401 (C.12:7-72) to clarify that an out-of-
11 State resident who operates the power vessel of another person need
12 not be licensed provided that he has successfully completed a boat
13 safety course substantially similar to New Jersey's boat safety course.
14 Current law only exempts out-of-State owners of power vessels who
15 have registered their vessels and meet the safety course requirement.

16 The bill would also exempt buyers of personal watercraft, and their
17 immediate family who are at least 16 years of age, from the
18 requirement to take a boat safety course pursuant to R.S.12:7-61 or a
19 written test pursuant to section 17 of P.L.1995, c.401 prior to
20 operating the personal watercraft for the first 21 days subsequent to the
21 purchase. The bill stipulates that the exemption only applies if the
22 personal watercraft that has been purchased is the one being operated,
23 the seller has provided educational materials regarding the safe
24 operation of the personal watercraft at the time of sale, and the buyer
25 and seller of the personal watercraft have signed a certificate
26 acknowledging that the educational materials have been provided and
27 received.

28 The bill also allows persons who have successfully completed, in
29 another state, a boat safety course or written test substantially similar
30 to a course or test required in New Jersey to operate a personal
31 watercraft in New Jersey.

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36 Revises law regarding licensing and operation of personal watercraft.