

**SENATE, No. 1342**

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**STATE OF NEW JERSEY**

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INTRODUCED JUNE 13, 1996

**By Senator DiFRANCESCO**

1   **AN ACT** concerning the regulation of personal watercraft, amending  
2   P.L.1987, c.453 and repealing section 18 of P.L.1995, c.401.  
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4   **BE IT ENACTED** by the Senate and General Assembly of the State  
5   of New Jersey:

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

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

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

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

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

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

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

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

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

Matter underlined **thus** is new matter.

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

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

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

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

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

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

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

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

## STATEMENT

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

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

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

### 30 Concerns consistent regulation of power vessels.