

SENATE, No. 2110

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1997

By Senator LITTELL

1 AN ACT concerning boat safety certification and amending P.L.1987,  
2 c.453.

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

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

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

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

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

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

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

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

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

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

9       (2) an out-of-State resident, or a resident of a foreign country, who  
10 is eighteen years of age or older, who will be in this State for less than  
11 90 days, and whose power vessel, that is not a personal watercraft, is  
12 registered in that person's state or country of residence, may operate,  
13 without having completed a boat safety course approved by the  
14 Superintendent of State Police in the Department of Law and Public  
15 Safety, that power vessel on the waters of this State; and

16       (3) a person who is eighteen years of age or older may operate,  
17 without having completed a boat safety course approved by the  
18 Superintendent of State Police in the Department of Law and Public  
19 Safety, a rented power vessel that is not a personal watercraft, and  
20 that is powered by a motor, or combination of motors, of more than  
21 10 horsepower, on the waters of this State under the following  
22 conditions:

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

25       (b) the person has successfully completed a State-approved pre-  
26 rental instruction course provided by the owner or lessee of the power  
27 vessel prior to operating the power vessel on the waters of the State;  
28 and

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

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

39       d. Whenever a person who is required by this section or by section  
40 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157  
41 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57)  
42 to have completed a boat safety course operates a power vessel or  
43 personal watercraft, as appropriate, on the waters of this State, that  
44 person shall have in possession a certificate certifying that person's  
45 successful completion of a boat safety course approved by the  
46 superintendent and shall, when requested to do so, exhibit the

1 certificate to a law enforcement or peace officer of this State. Failure  
2 of the person to exhibit the certificate is presumptive evidence that the  
3 person has not completed an approved boat safety course.

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

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

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

22 h. The Superintendent of State Police shall establish appropriate  
23 guidelines to implement the provisions of subsection b. of this section.  
24 (cf: P.L.1996, c.59, s.1)

25  
26 2. This act shall take effect immediately.  
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## 29 STATEMENT

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31 This bill would provide exemptions from the current requirement  
32 that persons born after December 31, 1978, successfully complete a  
33 boat safety course prior to operating a power vessel on the waters of  
34 the State. The bill would allow persons eighteen years of age or older  
35 to operate a power vessel that is not a personal watercraft (e.g., jet  
36 ski, waverunner) on the waters of the State without completing the  
37 boat safety course if:

38 1) The person possesses a valid driver's license and operates a  
39 power vessel powered by a motor of 10 horsepower or less;

40 2) The person is not a New Jersey resident, is in this State for less  
41 than 90 days, and possesses a power vessel registered in another state  
42 or country; or

43 3) The person rents a power vessel powered by a motor of more  
44 than 10 horsepower from a boat rental business and the person has  
45 successfully completed a State-approved pre-rental instruction course  
46 administered by the owner of the boat rental business prior to

1 operating the vessel, provided that the owner of the business is an  
2 experienced boater and has successfully completed the State boat  
3 safety course.

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8 Exempts certain persons from boat safety course requirements.