

SENATE, No. 2146

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 18 years of age or older, and who has in his  
2 possession a valid motor vehicle operator's license issued pursuant to  
3 R.S.39:3-10, may operate 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, a power  
6 vessel that is (a) powered solely by an electric motor or a motor, or  
7 combination of motors, of 10 horsepower or less, and (b) not a  
8 personal watercraft;

9       (2) an out-of-State resident, or a resident of a foreign country, who  
10 is 18 years of age or older and who will be in this State for less than  
11 90 days may operate on the waters of this State, without having  
12 completed a boat safety course approved by the Superintendent of  
13 State Police in the Department of Law and Public Safety, a power  
14 vessel that is (a) registered in that person's State or country of  
15 residence and (b) not a personal watercraft; and

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

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

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

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

32       The Superintendent of State Police shall establish appropriate  
33 guidelines to implement the provision of this subsection.

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

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

1 superintendent and shall, when requested to do so, exhibit the  
2 certificate to a law enforcement or peace officer of this State. Failure  
3 of the person to exhibit the certificate is presumptive evidence that the  
4 person has not completed an approved boat safety course.

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

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

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

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

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25 2. This act shall take effect immediately.  
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#### 28 STATEMENT

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30 This bill would provide exemptions from the current requirement  
31 that persons born after December 31, 1978, successfully complete a  
32 boat safety course prior to operating a power vessel on the waters of  
33 the State. The bill would allow persons 18 years of age or older to  
34 operate a power vessel that is not a personal watercraft (e.g., jet ski,  
35 waverunner) on the waters of the State without completing the boat  
36 safety course if:

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

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

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