

ASSEMBLY, No. 1796

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 24, 2008

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Revises statutes concerning abandoned vessels to include sunken vessels; authorizes municipalities to remove abandoned vessels from municipal waterways.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2008)

1 AN ACT concerning sunken or abandoned vessels, amending and
2 supplementing P.L.1975, c.369, and amending various sections
3 of statutory law.

4

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

7

8 1. Section 4 of P.L.1962, c.73 (C.12:7-34.39) is amended to
9 read as follows:

10 4. (a) The owner of a vessel required to be numbered in this
11 State shall file an application with the **[division]** New Jersey Motor
12 Vehicle Commission on forms approved by it. The application
13 shall be signed by the owner and shall be accompanied by the fee
14 prescribed by this act for such vessel. Upon receipt of the
15 application in the approved form and the prescribed fee, the
16 **[division]** commission shall enter the same upon the records of its
17 office and issue to the applicant a pocket-size, laminated or
18 otherwise water resistant certificate of number, which shall state the
19 name and address of the owner, a description of the vessel, its use,
20 and the number assigned.

21 (b) Except as provided herein, the certificate of number shall be
22 available at all times for inspection on the vessel for which issued
23 whenever such vessel is in operation. The certificate of number for
24 vessels less than 26 feet in length and leased or rented to another for
25 the latter's noncommercial use of less than 24 hours may be retained
26 on shore by the vessel's owner or his representative at the place
27 from which the vessel departs or returns to the possession of the
28 owner or his representative; provided such substitute as the director
29 may prescribe by regulation is carried on board.

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

38 (d) No application for a vessel number shall be approved if the
39 applicant or owner has been convicted of a violation of section 3 of
40 P.L.1975, c.369 (C.12:7C-9) (as amended by section 12 of this bill)
41 or subsection b. of section 10 of P.L.1975, c.369 (C.12:7C-16) (as
42 amended by section 13 of this bill), until the commission has been
43 notified by the appropriate municipality or harbor commission that
44 all outstanding charges for vessel removal, storage, and destruction

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

Matter underlined thus is new matter.

1 costs have been satisfied.
2 (cf: P.L.1995, c.401, s.21)

3

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

6 3. a. (1) Upon proper application therefor, the **[director]** Chief
7 Administrator of the New Jersey Motor Vehicle Commission shall
8 license a person to operate a power vessel on the nontidal waters of
9 this State. A person shall not make any misstatement of fact in an
10 application for a power vessel operator's license.

11 (2) The New Jersey Motor Vehicle Commission shall not issue
12 or renew the license of any person who has been found guilty of an
13 offense pursuant to section 10 of P.L.1975, c.369 (C.12:7C-16) (as
14 amended by section 13 of this bill), until the commission has been
15 notified by the appropriate municipality or harbor commission that
16 all outstanding charges for vessel removal, storage, and destruction
17 costs have been satisfied.

18 b. Except as provided pursuant to subsections c. and g. of this
19 section:

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

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

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

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

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

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

35 (4) if the person is an out-of-State resident and has written
36 proof, while operating the power vessel, of successful completion of
37 a boat safety course substantially similar to the boat safety course
38 administered pursuant to section 1 of P.L.1987, c.453 (C.12:7-60).

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

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

1 (1) A person who has never been licensed to operate a power
2 vessel on the nontidal waters of this State or any other jurisdiction
3 shall be subject to a fine of not less than \$200 and, in addition, the
4 court shall issue an order to the **【Director of the Division of Motor
5 Vehicles】** Chief Administrator of the New Jersey Motor Vehicle
6 Commission requiring the director to refuse to issue a license to
7 operate a power vessel on the nontidal waters of this State to that
8 person for a period of not less than 180 days; and

9 (2) A person who can exhibit to the court before which the
10 person is summoned to answer to the charge a valid operator's
11 license issued to that person which was valid on the day that person
12 was charged shall be subject to a fine of not more than \$100, in
13 addition to any reasonable court costs the court may impose.
14 Notwithstanding the provisions of this subsection, the court may, in
15 its discretion, dismiss a charge regarding the failure to exhibit an
16 operator's license brought pursuant to the provisions of this section.

17 f. The penalties provided for pursuant to subsection e. of this
18 section shall not be applicable in cases where failure to have actual
19 possession of the operator's license is due to an administrative or
20 technical error by the **【Division of Motor Vehicles】** New Jersey
21 Motor Vehicle Commission.

22 g. A person who is under 16 years of age and was issued an
23 operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-
24 34.7) before July 1, 1996 may operate a power vessel equipped with
25 an outboard motor until the expiration date of that license.

26 (cf: P.L.1997, c.152, s.1)

27
28 3. Section 13 of P.L.1995, c.401 (C.12:7-82) is amended to read
29 as follows:

30 13. a. A court may revoke or suspend the privilege of a person
31 to operate a power vessel if that person has been convicted of
32 homicide in connection with the operation of a motor vehicle or of
33 operating a motor vehicle while under the influence of intoxicating
34 liquor or a narcotic, hallucinogenic or habit producing drug.

35 b. A court may revoke or suspend the privilege of a person to
36 operate a power vessel if that person has been charged with a
37 homicide in connection with the operation of a motor vehicle or of
38 operating a vessel or motor vehicle while under the influence of
39 intoxicating liquor or a narcotic, hallucinogenic or habit producing
40 drug, pending disposition of that charge, or for any other violation
41 of any of the provisions of chapter 7 of Title 12 of the Revised
42 Statutes or of any rule or regulation prescribed thereunder by the
43 director or the commission.

44 c. A court shall revoke or suspend the privilege of a person to
45 operate a power vessel if that person has been charged with or
46 convicted of homicide in connection with the operation of a vessel.

47 d. When a person's privilege to operate a power vessel is
48 revoked or suspended, that person shall have an opportunity to be

1 heard. Attendance of witnesses to such hearing may be compelled
2 by subpoena.

3 e. Failure of the licensee or any other person possessing the
4 license card to deliver the same to the suspending or revoking court,
5 or the director if so ordered, shall constitute a violation. A court
6 that suspends or revokes a license shall promptly place the license
7 card in the custody of the **[division]** New Jersey Motor Vehicle
8 Commission, except when the **[division]** commission shall
9 otherwise direct.

10 f. The **[division]** New Jersey Motor Vehicle Commission shall
11 have the exclusive power to restore a person's privilege to operate a
12 power vessel and may restore that privilege after the person pays to
13 the **[director]** chief administrator a **[\$50]** \$100 restoration fee.
14 Unless otherwise specified, whenever a license is revoked pursuant
15 to this section a new license shall not be issued to the person whose
16 license is revoked for at least six months after the date of such
17 revocation, as determined by the **[director]** chief administrator.

18 g. The court may revoke or suspend the privilege of a person to
19 operate a power vessel if that person has been convicted of an
20 offense under section 3 of P.L.1975, c.369 (C.12:7C-9) (as amended
21 by section 12 of this bill) or subsection b. of section 10 of P.L.1975,
22 c.369 (C.12:7C-16) (as amended by section 13 of this bill), and
23 outstanding charges for vessel removal, storage, and destruction
24 costs have not been satisfied.

25 (cf: P.L.1995, c.401, s.13)

26

27 4. Section 1 of P.L.1975, c.369 (C.12:7C-7) is amended to read
28 as follows:

29 1. This act shall be known and may be cited as the "Abandoned
30 or Sunken Vessels Disposition Law."

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

32

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

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

38 a. "Vessel" means a boat, ship or any other watercraft,
39 regardless of whether it is, or was, used for recreational,
40 commercial or industrial purposes, or any other purpose, other than
41 a seaplane on the water, used or capable of being used as a means of
42 transportation on the water, except a boat or watercraft which is
43 subject to the provisions of P.L.1969, c.264 (C.12:7C-1 et seq.), and
44 includes any trailer used to transport or store it.

45 b. "Owner" means a person or any other legal entity, other than
46 a lienholder, having **[the]** a property interest in or title to a vessel.
47 The term includes a person entitled to the use or possession of a

1 vessel subject to an interest of another person, reserved or created
2 by agreement and securing payment or performance of an
3 obligation, but the term excludes a lessee under a lease not intended
4 as security.

5 c. "Lienholder" means any person or any other legal entity
6 holding a security interest in or to a vessel.

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

10 e. ["Division" means the Division of Motor Vehicles in the
11 Department of Transportation] "Commission" means the New
12 Jersey Motor Vehicle Commission.

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

17 g. "Removal costs" means any or all costs associated with the
18 removal, raising, towing, transporting, cleaning, storage, or
19 destruction of any vessel from land or water and shall include the
20 reimbursement of any or all costs incurred by the applicant in the
21 course of acquiring title to an abandoned vessel, including acquiring
22 title to any trailer abandoned with the vessel.

23 h. "Municipal waterway" means any portion of a body of water
24 located within a municipality or any portion of a body of water over
25 which a municipality or harbor commission legally exercises
26 jurisdiction.

27 (cf: P.L.1995, c.401, s.46)

28

29 6. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read
30 as follows:

31 3. a. It shall be unlawful for any **[person]** owner to **[willfully]**
32 abandon any vessel to or upon public land or waters of this State,
33 including any municipal waterway, to or upon any municipally-
34 owned land, or to or upon any private property or the water
35 immediately adjacent thereto without the consent of the official
36 designated by law to have jurisdiction over such public land or
37 waterway, or the owner or other person in charge of the private
38 property. A vessel which has remained moored, grounded, docked,
39 or otherwise attached or fastened to or upon any public land or
40 waterway or any private property without such consent for a period
41 of more than **[6 months]** seven days, or which is submerged
42 partially or completely into the water for any period of time, shall
43 be prima facie evidence of such abandonment and shall establish a
44 rebuttable presumption that the vessel is abandoned.

45 b. (1) A vessel that is abandoned may be removed from a
46 municipal waterway by, or at the direction of, the municipality or
47 harbor commission at any time.

1 (2) Whenever a vessel is removed pursuant to paragraph (1) of
2 this subsection, the official designated by law to have jurisdiction
3 over the municipal waterway shall file an incident report with the
4 Motor Vehicle Commission in the Department of Transportation.

5 c. (1) An owner who violates the requirements of subsection a.
6 of this section shall be guilty of a disorderly persons offense and
7 shall be subject to a fine of not more than \$1,000 or imprisonment
8 for a period not to exceed six months, or both. Each day upon
9 which the violation continues shall constitute a separate offense.
10 The municipal court for the municipality in which the offense
11 occurs shall have jurisdiction to enforce the provisions of this
12 section.

13 (2) The municipal court clerk shall report to the New Jersey
14 Motor Vehicle Commission any person found guilty pursuant to
15 paragraph (1) of this subsection.

16 (cf: P.L.1975, c.369, s.3)

17
18 7. Section 4 of P.L.1975, c.369 (C.12:7C-10) is amended to
19 read as follows:

20 4. A landowner, his lessee, or his agent, or a municipality or
21 harbor commission, in the case of a municipal waterway, may,
22 subject to the provisions of [this act] P.L.1975, c.369 (C.12:7C-7 et
23 seq.), acquire title to any abandoned vessel on his land or the water
24 immediately adjacent thereto [, which has been abandoned] in the
25 case of a landowner, his lessee or his agent, or which has become
26 abandoned in a municipal waterway, in the case of a municipality or
27 harbor commission, according to the provisions of section 3 of [this
28 act] P.L.1975, c.369 (C.12:7C-9). The acquisition of title divests
29 any other person and any other legal entity, including lienholders,
30 of any interest in the vessel.

31 (cf: P.L.1975, c.369, s.4)

32
33 8. Section 5 of P.L.1975, c.369 (C.12:7C-11) is amended to
34 read as follows:

35 5. If a vessel has a boat registration number or other means of
36 identifying the owner thereof, the person, entity, municipality, or
37 harbor commission desiring to acquire title, shall, if possible, secure
38 the owner's last known address, and the lienholder, if any,
39 appearing on the records of the [division. He] New Jersey Motor
40 Vehicle Commission, and shall notify the owner by registered letter
41 to his last known address and the lienholder by registered letter at
42 the address of the lienholder appearing on the records of the
43 [division] commission that if ownership is not claimed and the
44 vessel removed within 30 days, title to the vessel will be applied for
45 in his or its name, or in the name of the municipality, or harbor
46 commission, as appropriate. If any vessel's owner cannot be
47 identified or his address ascertained, or no lienholder appears on the

1 records of the **[division]** commission, the registered letter need not
2 be sent.

3 (cf: P.L.1995, c.401, s.47)

4

5 9. Section 6 of P.L.1975, c.369 (C.12:7C-12) is amended to
6 read as follows:

7 6. The person, entity, municipality, or harbor commission
8 desiring to acquire title shall also place a notice in a newspaper of
9 general circulation published in the county or **[city]** municipality
10 where the vessel is located, describing the vessel, its location of
11 **[apparent]** abandonment, any identifying number, and shall state if
12 the vessel is not claimed and removed within 30 days after the
13 publication date of the notice, **[he]** the person, entity, municipality,
14 or harbor commission, as the case may be, will apply for title to the
15 vessel in **[his]** the person's, entity's, municipality's, or harbor
16 commission's name.

17 (cf: P.L.1975, c.369, s.6)

18

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

21 7. At the end of the 30-day period the person, entity,
22 municipality, or harbor commission desiring to acquire title shall
23 apply to the **[division]** New Jersey Motor Vehicle Commission for
24 a title to the vessel in **[his]** the person's, entity's, municipality's, or
25 harbor commission's name on forms approved by the **[division]**
26 commission accompanied by the following affidavits:

27 a. A statement that the vessel has been **[apparently]** abandoned
28 **[for at least six months]**.

29 b. Proof that the registered letter was mailed at least 30 days
30 before application or a detailed explanation of the unsuccessful
31 steps taken to identify and secure the address of the owner or
32 lienholder, or both **[and secure his address]**.

33 c. Proof that a notice was printed in a paper as required in
34 section 6 of P.L.1975, c.369 (C.12:7C-12).

35 (cf: P.L.1995, c.401, s.48)

36

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

39 8. Upon receipt of the material required in section 7 of
40 P.L.1975, c.369 (C.12:7C-13) and upon payment of any fees and
41 taxes due, the **[division]** commission shall issue the applicant a title
42 to the vessel.

43 (cf: P.L.1995, c.401, s.49)

44

45 12. Section 9 of P.L.1975, c.369 (C.12:7C-15) is amended to
46 read as follows:

1 9. All costs incurred in receiving title to a vessel under **[this**
2 **section]** P.L.1975, c.369 (C.12:7C-7 et seq.) shall be borne by the
3 applicant. In the case of an applicant that is a municipality or a
4 harbor commission, the applicant may recover all costs incurred in
5 receiving title to an abandoned vessel from the previous owner of
6 the vessel in the same manner as the recovery of the removal or
7 destruction costs authorized under subsection a. of section 10 of
8 P.L.1975, c.369 (C.12:7C-16) (as amended by section 13 of this
9 bill).

10 (cf: P.L.1975, c.369, s.9)

11
12 13. Section 10 of P.L.1975, c.369 (C.12:7C-16) is amended to
13 read as follows:

14 10. a. After receiving title if the applicant desires to remove an
15 abandoned vessel from **[his]** the applicant's land or the water
16 immediately adjacent thereto, or from a municipal waterway or land
17 owned by the municipality, or to destroy such vessel, **[the removal]**
18 any costs incurred by the applicant shall be borne by the previous
19 owner of **[said]** the vessel, provided that **[such]** the owner shall
20 have been identified pursuant to sections 5 or 6 of **[this act]**
21 P.L.1975, c.369 (C.12:7C-11 or C.12:7C-12) (as amended by
22 sections 8 and 9 of this bill).

23 b. (1) A previous owner who does not pay the removal cost of
24 the vessel, or who does not reimburse the applicant for the removal
25 cost of the vessel, is guilty of a disorderly persons offense and shall
26 be subject to a fine of not more than \$1,000 or imprisonment for a
27 period not to exceed 6 months, or both, in addition to any penalty
28 that may be imposed under section 3 of P.L.1975, c.369 (C.12:7C-
29 9) (as amended by section 6 of this bill). The municipal court for
30 the municipality in which the offense occurs shall have jurisdiction
31 to enforce the provisions of this section.

32 (2) The municipal court clerk shall report to the New Jersey
33 Motor Vehicle Commission any previous owner found guilty
34 pursuant to paragraph (1) of this subsection.

35 (cf: P.L.1975, c.369, s.10)

36
37 14. Section 11 of P.L.1975, c.369 (C.12:7C-17) is amended to
38 read as follows:

39 11. After receiving title if the applicant destroys or otherwise
40 disposes of the vessel, **[he]** the applicant shall report the same to
41 the **[division]** commission within 15 days giving all details.

42 (cf: P.L.1995, c.401, s.50)

43
44 15. Section 12 of P.L.1975, c.369 (C.12:7C-18) is amended to
45 read as follows:

46 12. The **[division]** commission may receive title to any vessel
47 abandoned on any of the waters of this State, including municipal

1 waterways, or on any land owned by this State or any of its political
2 subdivisions by proceeding in the same manner as a landowner, his
3 lessee, or his agent, or a municipality, or a harbor commission, as
4 set forth in **[this act]** P.L.1975, c.369 (C.12:7C-7 et seq.).

5 (cf: P.L.1995, c.401, s.51)

6
7 16. Section 13 of P.L.1975, c.369 (C.12:7C-19) is amended to
8 read as follows:

9 13. **[a.** Any person who violates section 3 of P.L.1975, c.369
10 (C.12:7C-9) shall be subject to a fine of not less than \$500 and not
11 more than \$1,000 to be recovered in a summary proceeding
12 instituted by the Attorney General in the name of the State in
13 accordance with the "the penalty enforcement law" (N.J.S.2A:58-1
14 et seq.).

15 b. **]**Any person who obtains or attempts to obtain title to a
16 vessel under the provisions of **[this act]** P.L.1975, c.369 (C.12:7C-
17 7 et seq.) through fraudulent means is guilty of a disorderly persons
18 offense and upon conviction shall be subject to a fine of not more
19 than **[\$200]** \$1,000.

20 (cf: P.L.1995, c.401, s.52)

21
22 17. Section 14 of P.L.1975, c.369 (C.12:7C-20) is amended to
23 read as follows:

24 14. The **[division]** commission may promulgate pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.) such rules and regulations deemed necessary to carry out the
27 provisions of **[this act]** P.L.1975, c.369 (C.12:7C-7 et seq.), as
28 amended and supplemented by P.L. , c. (C.) (pending before
29 the Legislature as this bill).

30 (cf: P.L.1995, c.401, s.53)

31
32 18. R.S.40:14-3 is amended to read as follows:

33 40:14-3. Whenever any one or more counties and municipalities
34 shall have flowing through their respective boundaries and borders,
35 any inland waterways or navigable stream, and it shall be deemed to
36 the advantage of any two or more of said counties and
37 municipalities, to improve such inland waterways or streams by
38 increasing their depth or width or both, they may, acting together
39 advertise for bids for the doing of such work, and enter into a joint
40 contract therefor. The improvement of inland waterways or
41 navigable streams includes the raising, recovery, towing, removal,
42 storage, destruction, and disposal of vessels that have been
43 abandoned in an inland waterway or navigable stream, as
44 appropriate, pursuant to the procedures applicable to municipal
45 waterways in the "Abandoned or Sunken Vessels Disposition Law,"
46 P.L.1975, c.369 (C.12:7C-7 et seq.) (as amended by sections 4
47 through 17, and supplemented by section 23 of this bill). A vessel

1 that has been abandoned at a public or private marina, pier, or boat
2 dock located in an inland waterway or navigable stream is
3 considered abandoned in that inland waterway or navigable stream.
4 (cf: R.S.40:14-3)

5
6 19. R.S.40:14-4 is amended to read as follows:

7 40:14-4. Whenever the work of increasing the depth or width or
8 both of such inland waterways or navigable stream is contemplated,
9 each county and municipality desiring to enter into the project shall,
10 by its board or body having control of such waterway or navigable
11 stream, introduce and pass a resolution, declaring the advisability of
12 so doing.

13 The resolution shall set forth, in a general way, the work
14 proposed to be done and its estimated cost, and after all of the
15 counties and municipalities contemplating the doing of such work
16 have passed such a resolution, a proposed form of agreement shall
17 be prepared between them, setting forth the work or works to be
18 undertaken, the plans and specifications therefor, and the estimated
19 cost, together with the proportion of the cost thereof to be borne by
20 each, and any other provisions deemed necessary or proper, to be
21 inserted therein.

22 The work of removing abandoned vessels shall not require joint
23 action unless it is part of a program to remove more than three
24 abandoned vessels from the inland waterway or navigable stream.
25 (cf: R.S.40:14-4)

26
27 20. R.S.40:14-5 is amended to read as follows:

28 40:14-5. The work authorized and mentioned [herein] in
29 chapter 14 of Title 40 of the Revised Statutes (C.40:14-1 et seq.)
30 may be done either as a local or general improvement, and notice of
31 all proceedings shall be given as is required for such improvements
32 under chapter 56 of this title ([s.] R.S. 40:56-1 et seq.), except that
33 if the work concerns the raising, recovery, towing, removal, storage,
34 destruction, or disposal of an abandoned vessel, the local unit shall
35 charge those costs to the owner or operator of that vessel pursuant
36 to the "Abandoned or Sunken Vessels Disposition Law," P.L.1975,
37 c.369 (C.12:7C-7 et seq.) (as amended by sections 4 through 17,
38 and supplemented by section 23 of this bill).

39 (cf: R.S.40:14-5)

40
41 21. R.S.40:14-6 is amended to read as follows:

42 40:14-6. All work to be done pursuant to the provisions
43 **[hereof]** of chapter 14 of Title 40 of the Revised Statutes (C.40:14-
44 1 et seq.), shall be by contract let to the lowest responsible bidder
45 after advertisement for bids in accordance with the provisions of
46 **[chapter 50 of this title (s. 40:50-1 et seq.)]** the "Local Public
47 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

48 (cf: R.S.40:14-6)

1 22. Section 2 of P.L.1940, c.161 (C.40:68-23) is amended to
2 read as follows:

3 2. The commission so created shall be vested with such powers
4 and duties as shall be defined and designated by ordinance adopted
5 by the governing body of such municipality with respect to the
6 management, operation and control of the harbor and water front
7 owned or leased by said municipality, including the construction,
8 maintenance, operation and use of the harbor, water front, beach,
9 land and all properties, structures, piers, bulkheads and jetties
10 located upon lands owned or leased by the municipality and upon
11 lands owned or leased by the municipality contiguous to such
12 harbor, water front and beach. A commission is vested with the
13 power to raise, recover, tow, remove, store, destroy, and dispose of
14 vessels that have been abandoned in the harbor or waterfront, as
15 appropriate, pursuant to the procedures applicable to municipal
16 waterways in the "Abandoned or Sunken Vessels Disposition Law,"
17 P.L.1975, c.369 (C.12:7C-7 et seq.) (as amended by sections 1
18 through 14, and supplemented by section 20 of this bill). A vessel
19 that has been abandoned at a public or private boat dock, pier, or
20 marina is considered abandoned in the harbor or waterfront.
21 (cf: P.L.1940, c.161, s.2)

22
23 23. (New section) a. A municipality may adopt an ordinance,
24 or a harbor commission may adopt a resolution, requiring every
25 owner or operator of a vessel that moors or docks in a municipal
26 waterway, or grounds on land, under the control of the municipality
27 or harbor commission, to register with the official designated by the
28 ordinance or resolution to have jurisdiction over the public land or
29 municipal waterway where the vessel is moored, grounded, or
30 docked. The registration shall include the length of time the vessel
31 is intended to remain at the location along with the home address
32 and telephone number of the owner or operator of the vessel, and a
33 local address and telephone number where the owner or operator
34 can be contacted.

35 b. If an ordinance or resolution has been adopted pursuant to
36 subsection a. of this section, then notice shall be posted around the
37 harbor, municipal waterway, navigable stream, or public land
38 stating where the owner or operator of a vessel shall register the
39 required information.

40 c. The ordinance or resolution shall designate one or more
41 holding areas, public or private, at which vessels in violation of the
42 registration requirement may be held.

43 d. After a vessel has been moored, grounded, or docked
44 without registration for a period of one week, an enforcement
45 official acting for or on behalf of the municipality or harbor
46 commission, may affix a notice on the vessel advising that if the
47 vessel is not removed by the date indicated on the notice, which
48 shall be no less than seven calendar days following the date that the

1 notice is affixed, then the vessel, including any trailer upon which a
2 grounded vessel has been placed, will be removed to a holding area.

3 e. No public entity, agents or authorized representatives shall
4 be held liable for any damage or loss to any vessel or its contents
5 that is removed to a holding area and stored pursuant to the
6 authority of this section.

7 f. An owner or operator who violates the provisions of an
8 ordinance or resolution adopted pursuant to this section shall be
9 subject to a fine of not less than \$100 or more than \$1,250, or
10 imprisonment for a period not to exceed six months, or both. Each
11 day upon which the violation continues shall constitute a separate
12 offense. The imposition of a fine under this section shall be
13 enforceable in municipal court.

14

15 24. This act shall take effect on the first day of the third month
16 after enactment, but such anticipatory administrative action may be
17 taken in advance thereof as shall be necessary for the
18 implementation of this act.

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20

21

STATEMENT

22

23 This bill would revise the statutes concerning abandoned vessels
24 to include sunken vessels, make easier the removal of a sunken or
25 abandoned vessel from a municipal waterway or land, and increase
26 the penalties for the violation of current law concerning the
27 abandonment of a vessel to or upon public land or waters of the
28 State, including a municipal waterway or municipally owned land.

29 The bill revises the existing law that makes it unlawful for an
30 owner of a vessel to abandon that vessel to or upon any public land
31 or waters of the State to clarify that the latter include a municipal
32 waterway or municipally owned land, and provides that a vessel
33 owner who does so shall be guilty of a disorderly persons offense
34 and subject to a fine of not more than \$1,000 or imprisonment for a
35 period not to exceed six months, or both. The bill would remove
36 the current statutory requirement that such an action be willful in
37 order for it to be unlawful. The bill also would provide that a vessel
38 that has been docked without consent for a period of seven days, or
39 that is submerged partially or completely into the water for any
40 period of time, shall be prima facie evidence of abandonment and
41 shall establish a rebuttable presumption that the vessel is
42 abandoned.

43 The bill provides that a vessel that is abandoned may be removed
44 from a municipal waterway by, or at the direction of, a municipality
45 or harbor commission at any time.

46 The bill also specifies that municipalities, and harbor
47 commissions are included among the entities authorized to obtain
48 title to a sunken or abandoned vessel, and then to remove or destroy

1 the vessel, and recoup those costs from the vessel owner. A person
2 who does not pay the cost of removal or destruction would be guilty
3 of a disorderly persons offense and subject to a fine of not more
4 than \$1,000 or imprisonment for a period not to exceed 6 months, or
5 both.

6 The bill amends the law authorizing the New Jersey Motor
7 Vehicle Commission to issue or renew a license to operate a vessel,
8 or a vessel registration, to any person who abandons a vessel by
9 making such issuance or renewal contingent upon notification from
10 the appropriate municipality or harbor commission that all
11 outstanding charges for the removal, destruction or storage of a
12 sunken or abandoned vessel have been satisfied. The bill increases
13 the restoration fee to be paid to the New Jersey Motor Vehicle
14 Commission from \$50 to \$100.

15 The bill also allows a court to revoke or suspend the privilege of
16 a person to operate a power vessel if the person has been convicted
17 of abandoning a vessel or not paying any outstanding charges for
18 vessel removal, storage and destruction costs, and those costs have
19 not been satisfied.

20 Finally, the bill authorizes a municipality to adopt an ordinance,
21 or a harbor commission to adopt a resolution, requiring every owner
22 or operator of a vessel that moors or docks in water, or grounds on
23 land, under the control of the municipality or harbor or waterfront
24 commission, to register with the official designated by the
25 ordinance or resolution to have jurisdiction over the public land or
26 waterway where the vessel is moored, grounded, or docked. The
27 registration must include the length of time the vessel is intended to
28 remain at the location along with the home address and telephone
29 number of the owner or operator of the vessel, and a local address
30 and telephone number where the owner or operator can be
31 contacted.

32 The ordinance or resolution must designate one or more holding
33 areas, public or private, at which vessels in violation of the
34 registration requirement may be held. After a vessel has been
35 moored, grounded, or docked without registration for a period of
36 one week, an enforcement official acting for or on behalf of the
37 municipality or harbor commission may affix a notice on the vessel
38 advising that if the vessel is not removed by the date indicated on
39 the notice, which shall be no less than seven calendar days
40 following the date that the notice is affixed, then the vessel,
41 including any trailer upon which a grounded vessel has been placed,
42 will be removed to a holding area. An owner or operator who
43 violates the provisions of an ordinance or resolution adopted
44 pursuant to the bill will be subject to a fine of not less than \$100 or
45 more than \$1,250, or imprisonment for a period of 6 months, or
46 both, enforceable in municipal court.