

SENATE, No. 1703

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

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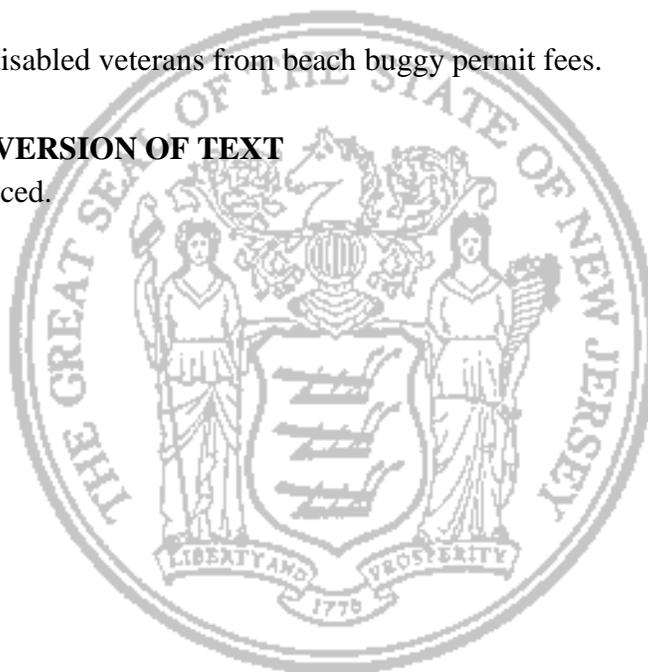
Senators A.R.Bucco, Diegnan, Madden, Pou, Assemblymen Johnson, Rooney, Space and Wirths

SYNOPSIS

Exempts disabled veterans from beach buggy permit fees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT exempting disabled veterans from beach buggy permit
2 fees, and amending P.L.1955, c.49 and P.L.1983, c.324.

3

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

6

7 1. Section 1 of P.L.1955, c.49 (C.40:61-22.20) is amended to
8 read as follows:

9 1. a. The governing body of any municipality bordering on the
10 Atlantic Ocean, tidal water bays or rivers which owns or shall
11 acquire, by any deed of dedication or otherwise, lands bordering on
12 the ocean, tidal water bays or rivers, or easement rights therein, for
13 a place of resort for public health and recreation and for other
14 public purposes shall have the exclusive control, government and
15 care thereof and of any boardwalk, bathing and recreational
16 facilities, safeguards and equipment, now or hereafter constructed
17 or provided thereon, and may, by ordinance, make and enforce rules
18 and regulations for the government and policing of such lands,
19 boardwalk, bathing facilities, safeguards and equipment; provided,
20 that such power of control, government, care and policing shall not
21 be construed in any manner to exclude or interfere with the
22 operation of any State law or authority with respect to such lands,
23 property and facilities. Any such municipality may, in order to
24 provide funds to improve, maintain and police the same and to
25 protect the same from erosion, encroachment and damage by sea or
26 otherwise, and to provide facilities and safeguards for public
27 bathing and recreation, including the employment of lifeguards, by
28 ordinance, make and enforce rules and regulations for the
29 government, use, maintenance and policing thereof and provide for
30 the charging and collecting of reasonable fees for the registration of
31 persons using said lands and bathing facilities, for access to the
32 beach and bathing and recreational grounds so provided and for the
33 use of the bathing and recreational facilities, but no such fees shall
34 be charged or collected from children under the age of 12 years.

35 b. A municipality may by ordinance provide that no fees, or
36 reduced fees, shall be charged to:

37 (1) persons 65 or more years of age;

38 (2) persons who meet the disability criteria for disability
39 benefits under Title II of the federal Social Security Act (42 U.S.C.
40 s.401 et seq.);

41 (3) persons in active military service in any of the Armed Forces
42 of the United States and to their spouse or dependent children over
43 the age of 12 years;

44 (4) persons who are active members of the New Jersey National
45 Guard who have completed Initial Active Duty Training and to their

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 spouse or dependent children over the age of 12 years. As used in
2 this paragraph, "Initial Active Duty Training" means Basic Military
3 Training, for members of the New Jersey Air National Guard, and
4 Basic Combat Training and Advanced Individual Training, for
5 members of the New Jersey Army National Guard;

6 (5) persons who have served in any of the Armed Forces of the
7 United States and who were discharged or released therefrom under
8 conditions other than dishonorable and who either have served at
9 least 90 days in active duty or have been discharged or released
10 from active duty by reason of a service-incurred injury or disability.
11 The Adjutant General of the New Jersey Department of Military
12 and Veterans' Affairs shall promulgate rules and regulations
13 pertaining to veteran eligibility under this paragraph; and

14 (6) persons holding a driver's license or identification card with
15 a Gold Star Family designation issued pursuant to section 1 of
16 P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47
17 (C.39:3-29.3), respectively.

18 c. A municipality providing for no fees or reduced fees
19 pursuant to paragraph (3), (4), (5), or (6) of subsection b. of this
20 section shall track, in a manner deemed appropriate by the
21 governing body of the municipality, the number of persons who
22 qualify under the provisions of those paragraphs.

23 d. A person who qualifies for free access to beaches and
24 bathing and recreational grounds and free use of bathing and
25 recreational facilities pursuant to paragraph (3), (4), (5), or (6) of
26 subsection b. of this section may, in lieu of obtaining and presenting
27 a municipal beach tag or similar admission pass to gain such access
28 and use, present a valid military identification card, form DD-214
29 or similar document, or State driver's license or identification card
30 indicating that the holder is a veteran of the Armed Forces of the
31 United States or a Gold Star Family member.

32 e. A municipality that issues a permit to operate a motorized
33 vehicle on a beach shall not charge a disabled veteran a fee to
34 obtain, replace, or renew the permit.

35 For purposes of this section, "disabled veteran" means any
36 resident of the State who has been honorably discharged or released
37 under honorable circumstances from active service in any branch of
38 the Armed Forces of the United States and who has been declared
39 by the United States Department of Veterans Affairs, or its
40 successor, to have a service-connected disability of any degree.

41 (cf: P.L.2017, c.175, s.8)

42

43 2. Section 12 of P.L.1983, c.324 (C.13:1L-12) is amended to
44 read as follows:

45 12. a. The department shall not charge an admission fee for
46 entrance into a State park or forest by any resident of the State of 62
47 or more years of age or who is totally disabled or who is an active
48 member of the New Jersey National Guard who has completed
49 Initial Active Duty Training. The department shall prescribe by

1 regulation the types of evidence that may be used to qualify persons
2 for the benefits of this subsection.

3 b. The department shall not charge a disabled veteran a fee to
4 obtain, replace, or renew a permit to operate a motorized vehicle on
5 a State park beach.

6 c. As used in this section [.] :

7 “Disabled veteran” means any resident of the State who has been
8 honorably discharged or released under honorable circumstances
9 from active service in any branch of the Armed Forces of the United
10 States and who has been declared by the United States Department
11 of Veterans Affairs, or its successor, to have a service-connected
12 disability of any degree.

13 "Initial Active Duty Training" means Basic Military Training,
14 for members of the New Jersey Air National Guard, and Basic
15 Combat Training and Advanced Individual Training, for members
16 of the New Jersey Army National Guard.

17 (cf: P.L.1993, c.304, s.1)

18

19 3. This act shall take effect immediately.

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STATEMENT

22

23 This bill would exempt disabled veterans from fees to obtain a
24 beach buggy permit.

25 Multiple municipal beaches and State parks permit the operation
26 of certain motorized vehicles on beach property, provided the owner
27 of the vehicle first obtains a permit. If a disabled veteran applies
28 for such a permit and, if all qualifications are met, this bill would
29 permit the veteran to receive the permit free of cost. The disabled
30 veteran would also be able to replace or renew the permit free of
31 cost.

32 State parks and municipal beaches proscribe their own criteria as
33 to what types of vehicles qualify as a beach buggy; implement
34 restrictions on dates, times, and locations to operate a beach buggy;
35 and limit the extent to which a beach buggy may be used (for
36 instance, only for fishing purposes). A disabled veteran who
37 obtains a free permit under this bill would still be required to abide
38 by all applicable State and local regulations. Likewise, nothing in
39 this bill would permit a disabled veteran who obtains a free permit
40 to use the beach buggy beyond what is proscribed under State and
41 local law—for instance, operating a beach buggy in a municipality
42 that does not permit their operation or failing to obtain a proper
43 driver’s license or inspection certificate.

44 A disabled veteran is defined in this bill to mean a State resident
45 who has been honorably discharged from any branch of the United
46 States Armed Forces and has been declared by the United States
47 Department of Veterans Affairs as having any degree of service-
48 connected disability.