

ASSEMBLY, No. 933

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Exempts disabled veterans from beach buggy permit fees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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
40 (42 U.S.C. 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; and

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.

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

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

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

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

37 (cf: P.L.2015, c.205, s.1)
38

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

41 12. a. The department shall not charge an admission fee for
42 entrance into a State park or forest by any resident of the State of 62
43 or more years of age or who is totally disabled or who is an active
44 member of the New Jersey National Guard who has completed
45 Initial Active Duty Training. The department shall prescribe by
46 regulation the types of evidence that may be used to qualify persons
47 for the benefits of this subsection.

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

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

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

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

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

3. This act shall take effect immediately.

STATEMENT

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

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

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

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