

ASSEMBLY, No. 2697

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblymen Armato and Benson

SYNOPSIS

Waives boat safety course requirement for veterans and active duty members of military with maritime training.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2020)

1 **AN ACT** concerning the operation of power vessels and amending
2 P.L.1987, c.453.

3

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

6

7 1. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read
8 as 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
14 of State Police in the Department of Law and Public Safety may
15 operate:

16 (a) a power vessel powered solely by an electric motor; 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
23 that the person complies with all other requirements of law, rule and
24 regulation;

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 (C.12:7-
27 34.7) before July 1, 1996 may operate a power vessel equipped with
28 an outboard motor until the expiration date of that license; and

29 (4) A person who is under 16 years of age but at least 13 years
30 of age and who possesses a certificate certifying the person's
31 successful completion of a boat safety course approved by the
32 Superintendent of State Police in the Department of Law and Public
33 Safety, or a person under 16 years of age but at least 13 years of age
34 who is an out-of-State resident or resident of a foreign country who
35 possesses proof of successful completion of a boat safety course as
36 provided in paragraph (2) of subsection b. of this section may
37 operate a power vessel on the tidal and nontidal waters of this State
38 while actually competing in an authorized race held under the
39 auspices of a duly incorporated yacht club or racing association
40 conducted under the rules of a national boat racing association in
41 accordance with rules and regulations prescribed by the New Jersey
42 Boat Regulation Commission in consultation with the Division of
43 State Police in the Department of Law and Public Safety and
44 pursuant to a permit issued by that division. **【Such】** The permit
45 may include limitations on age, vessel type, and horsepower.

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 b. As provided in the schedule set forth in section 7 of
2 P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is
3 16 years of age or older shall not operate a power vessel, including
4 a personal watercraft, on the waters of this State without having
5 completed a boat safety course approved by the Superintendent of
6 State Police in the Department of Law and Public Safety, except
7 that:

8 (1) (Deleted by amendment, P.L.2005, c.292).

9 (2) an out-of-State resident, or a resident of a foreign country
10 who is 16 years of age or older and who will be in this State for less
11 than 90 days may operate a power vessel on the waters of this State,
12 without having completed a boat safety course approved by the
13 Superintendent of State Police in the Department of Law and Public
14 Safety if the person presents:

15 (i) written proof of successful completion of a boat safety
16 course endorsed or approved by another state, the National
17 Association of State Boating Law Administrators or its successor
18 organization, or the United States Coast Guard;

19 (ii) written proof of successful completion of a boat safety
20 course substantially similar to the boat safety course required
21 pursuant to this section as determined by the Superintendent of
22 State Police; or

23 (iii) a boat safety certificate issued by the state or country in
24 which the person resides;

25 (3) a person who is 18 years of age or older may operate on the
26 waters of this State, without having completed a boat safety course
27 approved by the Superintendent of State Police in the Department of
28 Law and Public Safety, a rented power vessel that is not a personal
29 watercraft, under the following conditions:

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

32 (b) the person has successfully completed a State-approved pre-
33 rental instruction course provided by the owner or lessor of the
34 power vessel prior to operating the power vessel on the waters of
35 the State; and

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

40 (4) A person required to take the boat safety course pursuant to
41 this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who
42 purchases a power vessel that is not a personal watercraft at a boat
43 dealership may operate that power vessel for 30 days without
44 having completed a boat safety course approved by the
45 Superintendent of State Police in the Department of Law and Public
46 Safety provided that the person successfully completes a State-
47 approved pre-purchase instruction course provided by the owner or
48 operator of the boat dealership prior to operating the power vessel,

1 and the owner or operator of the boat dealership is experienced in
2 the operation of power vessels and has successfully completed a
3 boat safety course approved by the Superintendent of State Police.
4 The State-approved pre-purchase instruction course required by this
5 paragraph shall be a uniform, standardized course developed by the
6 Superintendent of State Police. The State-approved pre-purchase
7 instruction course shall not replace the requirement that a person
8 shall successfully complete an approved boat safety course pursuant
9 to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The
10 provisions of this paragraph shall not apply to a person purchasing a
11 power vessel from another private party.

12 (5) A person holding a United States Coast Guard operator's
13 license may operate a power vessel on the waters of this State
14 without having completed a boat safety course approved by the
15 Superintendent of State Police in the Department of Law and Public
16 Safety.

17 (6) An honorably discharged veteran or active duty or reserve
18 member of the United States Armed Forces who provides
19 documentation to the chief administrator demonstrating maritime
20 training and successfully completes a written test pursuant to
21 section 8 of P.L.2005, c.292 (C.12:7-61.2) in lieu of completing the
22 boat safety course required pursuant to this section shall be issued a
23 certificate. The veteran or active duty or reserve member shall keep
24 the certificate in the veteran's or member's possession pursuant to
25 this section. The superintendent shall determine the documents
26 necessary to demonstrate maritime training pursuant to this
27 paragraph.

28 The Superintendent of State Police shall establish appropriate
29 guidelines to implement the provisions of this subsection.

30 c. Except as provided pursuant to section 18 of P.L.1995, c.401
31 (C.12:7-86), a person shall not operate a personal watercraft on the
32 waters of this State without having successfully completed a boat
33 safety course approved by the Superintendent of State Police in the
34 Department of Law and Public Safety or a written test pursuant to
35 section 8 of P.L.2005, c.292 (C.12:7-61.2).

36 d. Whenever a person who is required by this section or by
37 section 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of
38 P.L.1952, c.157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986,
39 c.39 (C.12:7-57) to have completed a boat safety course operates a
40 power vessel or personal watercraft, as appropriate, on the waters of
41 this State, that person shall have in possession a certificate
42 certifying that person's successful completion of a boat safety
43 course approved by the superintendent and shall, when requested to
44 do so, exhibit the certificate to a law enforcement or peace officer
45 of this State. Failure of the person to exhibit the certificate is
46 presumptive evidence that the person has not completed an
47 approved boat safety course.

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

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

12 g. A person making application to the Chief Administrator of
13 the New Jersey Motor Vehicle Commission for a power vessel
14 operator's license issued pursuant to section 3 of P.L.1995, c.401
15 (C.12:7-72) who is required pursuant to the provisions of this
16 section to possess a certificate certifying successful completion of a
17 boat safety course shall submit proof of successful completion of
18 the course or the written examination for experienced boaters with
19 the application. The chief administrator shall not issue a power
20 vessel operator's license to **[such]** a person who fails to submit this
21 proof. A permanent State of New Jersey boating safety certificate
22 or a temporary boating safety certificate issued on a Division of
23 State Police application for boating safety certificate form shall
24 satisfy this requirement.
25 (cf: P.L.2015, c.67, s.1)
26

27 2. This act shall take effect of the first day of the seventh
28 month next following the date of enactment.
29
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31 STATEMENT

32
33 This bill waives the boat safety course requirement for honorably
34 discharged veterans and active duty or reserve members of the
35 United States Armed Forces who provide documentation
36 demonstrating maritime training to the Chief Administrator of the
37 Motor Vehicle Commission.

38 Under the bill, a veteran or member of the military is required to
39 successfully complete a written test approved by the Superintendent
40 of State Police in lieu of the safety course prior to receiving a boat
41 safety certificate. The bill requires the superintendent to determine
42 which documents are necessary for the veteran or member to
43 provide in order to demonstrate maritime training. The veteran or
44 member is to possess the certificate while operating a power vessel
45 or personal watercraft.