

ASSEMBLY, No. 5617

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

SYNOPSIS

Requires installation of Type IV flotation devices at certain lakes, ponds, and rivers.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning personal flotation devices and supplementing
 2 P.L.1991, c.135 (C.26:4A-4 et seq.), P.L.1983, c.324 (C.13:1L-1
 3 et seq.), and Title 40 of the Revised Statutes.

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

7
 8 1. a. The owner of a campground, common interest community,
 9 hotel, mobile home park, private lake, river or bay or private
 10 community lake, river or bay association, private marina, or
 11 retirement community, which includes a lake, pond, or river at
 12 which swimming, boating, or ice-skating is permitted by the
 13 property owner shall install a Type IV personal flotation device
 14 approved for use by the United States Coast Guard at the lake,
 15 pond, or river, as appropriate. The flotation device shall be
 16 permanently installed near the water and shall be equipped with a
 17 sign that clearly indicates the presence of the flotation device.

18 b. Nothing in this section shall be deemed to impose any
 19 liability upon or to give rise to a cause of action against a property
 20 owner.

21
 22 2. a. The department shall install a Type IV personal flotation
 23 device approved for use by the United States Coast Guard at each
 24 lake, pond, or river located in a State park or forest at which
 25 swimming, boating, or ice-skating is permitted. The flotation
 26 device shall be permanently installed near the water and shall be
 27 equipped with a sign that clearly indicates the presence of the
 28 flotation device.

29 b. Nothing in this section shall be deemed to impose any
 30 liability upon or to give rise to a cause of action against the
 31 department or any other State agency.

32
 33 3. a. A county or municipality shall install a Type IV personal
 34 flotation device approved for use by the United States Coast Guard
 35 at each lake, pond, or river located in a park owned by the county or
 36 municipality at which swimming, boating, or ice-skating is
 37 permitted. The flotation device shall be permanently installed near
 38 the water and shall be equipped with a sign that clearly indicates the
 39 presence of the flotation device.

40 b. Nothing in this section shall be deemed to impose any
 41 liability upon or to give rise to a cause of action against a
 42 municipality or county.

43 c. (1) A county may use funds from a "County Open Space,
 44 Recreation, Floodplain Protection, and Farmland and Historic
 45 Preservation Trust Fund" created pursuant to subsection c. of
 46 section 2 of P.L.1997, c.24 (C.40:12-15.2) in order to implement
 47 the provisions of this section.

1 (2) A municipality may use funds from a "Municipal Open
2 Space, Recreation, Floodplain Protection, and Farmland and
3 Historic Preservation Trust Fund" created pursuant to subsection c.
4 of section 7 of P.L.1997, c.24 (C.40:12-15.7) in order to implement
5 the provisions of this section.

6
7 4. This act shall take effect immediately.
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9

10 STATEMENT
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12 This bill would require certain property owners to install Type
13 IV personal flotation devices at each lake, pond, or river at which
14 swimming, boating, or ice-skating is permitted. A Type IV
15 personal flotation device is a buoyant object—such as a cushion or
16 ring—that is meant to be thrown to a conscious person in the water.

17 Specifically, the bill would apply to campgrounds, common
18 interest communities, hotels, mobile home parks, private lake, river,
19 or bay associations, private community lake, river, or bay
20 associations, private marinas, and retirement communities, as those
21 terms are defined in section 1 of P.L.1991, c.135 (C.26:4A-4).

22 The bill would also require the Department of Environmental
23 Protection, and counties and municipalities, to install a Type IV
24 personal flotation device at each lake, pond, or river located in a
25 public park or State forest at which swimming, boating, or ice-
26 skating is permitted. The bill would allow counties and
27 municipalities to draw on funds in their respective "Open Space,
28 Recreation, Floodplain Protection, and Farmland and Historic
29 Preservation Trust Funds" in order to pay for the flotation devices
30 and installation costs.