
Legislative Update

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Boating Safety Education bill becomes law

The 211th Legislature has ended with the passage of comprehensive boater education legislation that places New Jersey's education law amongst the strongest in the nation. The legislation, Assembly Bill 2624 (Smith), was a major priority for the MTANJ last session. The bill was signed into law by Governor Codey on January 9, 2005.

There are several important aspects of the new boater education and safety law. First, the law applies to all people age 16 years and older who operate registered vessels above 12 feet that are defined as power vessels under the law. Operators holding a U.S. Coast Guard license are not required to complete a New Jersey boat safety course. The law becomes effective over a staggered period of time. Specifically, persons born after December 31, 1978 have to take the course immediately. Persons born after December 31, 1968 and on or before December 31, 1978 have to take the course before June 1, 2006. Persons born after December 31, 1958 and on or before December 31, 1968 have to take the course before June 1, 2007. Persons born after December 31, 1948 and on or before December 31, 1958 have to take the course before June 1, 2008. All other persons need to have taken the course before June 1, 2009.

The bill provides that "out of State" boaters 18 years of age and older, however, who operate a power vessel for less than 90 days a year in New Jersey do not have to take a New Jersey boat safety course if they present proof of similar education from NASBLA, the Coast Guard or other state. The law also provides that persons purchasing a power vessel for the first time do not have to take a boat safety course until 30 days after the purchase if they complete a State approved "pre-first time instruction" course provided for at the dealership.

At the request of legislators and others who are long time boaters, language was added to the law that allows the Superintendent of State Police to develop an "experienced boater test". Persons taking and passing the test will not be required to complete the boat safety course. The test is required to be developed using national standards.

The MTANJ was also successful in defining what the boat safety course would look like. Specifically, a boat safety course must be at least eight hours of instruction, including six hours of classroom time and a closed book examination. This definition, and the definition in the law for "approved boat safety instructor", are identical to NASBLA national standards. The State will also now allow for Internet boating safety courses, despite the MTANJ opposition to the language, provided such courses meet the New Jersey standards and that the final testing be done in person.

The personal watercraft law was also updated in this Act. Specifically, the law regarding the operation of a PWC was changed to require all persons, age 16 years and older, to take a boat

safety course without exception. This does not apply to persons renting a PWC, however, and that law remains in effect. In addition, the bill does not apply to persons renting a boat. The rental laws require only that a person receive safety instruction from the rental company prior to use and these laws and regulations have been in effect since 1997.

The legislation was passed after a more than three year effort by the Marine Trades Association of New Jersey. The passage of the law did not come without significant struggle however. Up until the final passage of the law, the Attorney General's office expressed concerns with the imposition of NASBLA standards for an eight hour boat safety course as they felt it would conflict with existing regulations and practices. The MTANJ argued successfully that a strong standard, based on national review and research, would improve boating safety in New Jersey.

Assemblyman Robert J. Smith, who retired from the Legislature at the end of this session, was a strong and experienced advocate for the MTANJ and this legislation. His support for this law was never in question and he was a dedicated voice for the recreational boating community of New Jersey. His retirement will leave a void in the Legislature but this law will be a testament to his commitment to boating.

Insurance bill dies

Legislation to require mandatory liability insurance for boat owners in New Jersey failed to become law this past session. Assembly Bill 3080, sponsored by Assemblyman Wisniewski, established insurance coverage of \$100,000 and \$200,000 and penalties for failing to have insurance. The bill, which the MTANJ expressed concerns with, passed the Assembly in December but was stalled in the Senate Transportation Committee. The bill has been reintroduced this session as Assembly Bill 1953 and it was referred to the Assembly Transportation Committee.

New Session has Begun

On January 12, 2006, the 212th Legislature was sworn in to office. The Democrats have a majority in both houses. The General Assembly, led by newly installed Speaker Joe Roberts, has a Democratic majority of 49-31. The Senate, led by Senate President Dick Codey, remains a 22-18 Democratic split.

Governor Corzine was sworn into office on January 17, 2006 and is in the process of putting together his Cabinet, his first Budget and his priorities for his Administration. The Governor's Front Office leadership staff is in place. Corzine has also nominated several important Cabinet officials prior to taking office, including DEP veteran Lisa Jackson to be the Commissioner of the Department of Environmental Protection. With the retirement of DOT Commissioner Jack Lettiere, changes may be possible in the Department and we will be working closely with the MTANJ on maintaining the growth in the Office of Maritime Resources and the I BOAT NJ Program.