

CHAPTER 64**PERSONAL WATERCRAFT OPERATION****Authority**

N.J.S.A. 12:7-86.

Source and Effective Date

R.2006 d.405, effective October 26, 2006.
See: 38 N.J.R. 3144(a), 38 N.J.R. 4873(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 64, Personal Watercraft Operation, expires on October 26, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 64, Personal Watercraft Operation, was adopted as R.1996 d.330, effective July 15, 1996. See: 28 N.J.R. 2326(a), 28 N.J.R. 3609(a).

Subchapter 5, Temporary Operation After Purchase, was adopted as R.1998 d.435, effective August 17, 1998. See: 30 N.J.R. 1517(a), 30 N.J.R. 3065(a).

Chapter 64, Personal Watercraft Operation, was readopted as R.2001 d.272, effective July 12, 2001. See: 33 N.J.R. 1497(a), 33 N.J.R. 2687(a).

Chapter 64, Personal Watercraft Operation, was readopted as R.2006 d.405, effective October 26, 2006. As a part of R.2006 d.405, Subchapter 5, Temporary Operation After Purchase, was repealed, effective November 20, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DESIGNATION OF RENTAL OPERATION AREA**13:64-1.1 Operation prohibited**

(a) No person engaged in the business of renting personal watercraft for use on the waters of this State shall permit a person to operate a rented personal watercraft unless the operator is 16 years of age or older and has proof of age and that he or she successfully completed a boat safety course approved by the Superintendent of State Police pursuant to N.J.S.A. 12:7-60, or has proof of successful completion of a boat safety course substantially similar to an approved boat safety course, unless the business has been issued a permit for a personal watercraft rental operation area pursuant to this chapter. For the purposes of this section proof of completion of a substantially similar boat safety course means written proof of completion of a boat safety course endorsed or approved by another state, the National Association of State Boating Law Administrators or its successor organization, or the United States Coast Guard.

(b) Persons engaged in the business of renting personal watercraft may rent personal watercraft to persons 16 years of age or older without proof of completion of a boat safety course upon issuance of a permit by the Superintendent subject to the requirements of this chapter.

Amended by R.2001 d.272, effective August 6, 2001.
See: 33 N.J.R. 1497(a), 33 N.J.R. 2687(a).

Deleted "passed the written test administered by the Marine Law Enforcement Bureau prior to July 1, 1996 or".

Amended by R.2006 d.405, effective November 20, 2006.
See: 38 N.J.R. 3144(a), 38 N.J.R. 4873(a).

Inserted designation (a); rewrote (a); and added (b).

13:64-1.2 Expiration of permit

Permits issued in accordance with this chapter shall expire at the end of the calendar year in which they are issued.

13:64-1.3 Contents of application for permit

(a) Applications for a permit shall be submitted on business letterhead addressed to:

Marine Services Bureau
Division of State Police
P.O. Box 7068
West Trenton, New Jersey 08628-0068

(b) Applications shall include the following information:

1. The name and address of business;
2. The name of the manager or contact person and a daytime telephone number;
3. The hours of rental operation;
4. The number of personal watercraft available for rent;

5. The area requested, defined by longitude and latitude; and

6. The chart or photocopy of chart indicating proposed location of boundary marker buoys (minimum of four).

(c) Two or more businesses may submit a joint application for a designated area, provided, however, that the information required in (b) above shall be submitted as to each applicant.

Amended by R.2001 d.272, effective August 6, 2001.

See: 33 N.J.R. 1497(a), 33 N.J.R. 2687(a).

In (a), substituted "Services Unit" for "Law Enforcement Bureau".

Amended by R.2006 d.405, effective November 20, 2006.

See: 38 N.J.R. 3144(a), 38 N.J.R. 4873(a).

In address in (a), substituted "Bureau" for "Unit".

13:64-1.4 Conditions for approval

Permits for a designated area will be approved in the discretion of the Superintendent based on the information provided by the applicant(s) and the suitability of the requested area for personal watercraft operation. The designated area shall be at least 100 feet from the boundaries of a marked channel and must allow for the free passage of other vessels on all sides.

13:64-1.5 Marker buoys

(a) The designated area shall be marked by at least four buoys supplied by the permittee(s).

(b) Buoys must comply with the Uniform State Waterway Marking System and be visible from a distance of one half mile.

(c) Buoys shall be set by the permittee at the beginning of the business day and shall be removed before sunset.

13:64-1.6 Operation of personal watercraft

(a) Rented personal watercraft may be operated outside the designated area solely for the purpose of transit to and from the rental location.

(b) Rented personal watercraft shall be escorted to and from the designated area by a supervisor.

(c) Rented personal watercraft are subject to all laws and regulations applicable to power vessels on the waters of the State while in transit and while operating in the designated area.

13:64-1.7 Revocation or suspension of permits

The Superintendent or designee may suspend or revoke a permit for violation of conditions by the permittee or its employees, or for operation of rented personal watercraft outside the designated area, except as permitted in N.J.A.C. 13:64-1.6 or for other good cause, including, but not limited to, unsafe conditions in the designated area. The permittee may request an informal conference by making a written request to the Marine Services Bureau within 14 days of receipt of written

notice of suspension or revocation. Any matter not resolved by informal conference will be treated as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Amended by R.2006 d.405, effective November 20, 2006.

See: 38 N.J.R. 3144(a), 38 N.J.R. 4873(a).

Section was "Revocation of permits". Substituted "The Superintendent or designee may suspend or revoke a permit" for "Permits issued by the Superintendent may be revoked"; and added last two sentences.

SUBCHAPTER 2. SUPERVISION OF DESIGNATED RENTAL OPERATION AREA

13:64-2.1 Supervisors required

Permittee(s) shall provide a qualified supervisor in the designated area during operation of rented personal watercraft. Each supervisor may supervise up to seven personal watercraft.

13:64-2.2 Qualifications of supervisors

(a) Supervisors shall:

1. Be at least 18 years of age;
2. Have at least 100 hours of experience operating personal watercraft;
3. Have completed a boating safety course approved by the Superintendent; and
4. Carry the boating safety certificate issued by the Superintendent while supervising or operating a personal watercraft.

(b) Supervisors shall remain in the designated area while rented personal watercraft are operating.

(c) Supervisors shall display a signal pennant, which shall be yellow in color and triangular in shape and not less than 12 inches on any dimension, at least four feet above the vessel's highest point.

SUBCHAPTER 3. INSTRUCTION TO RENTERS

13:64-3.1 Contents of instruction

(a) Permittees shall instruct each renter in boating safety prior to allowing such renter to operate. Instruction shall include at least the following topics:

1. United States Coast Guard Navigation Rules:
 - i. Meeting situation;
 - ii. Crossing situation;
 - iii. Overtaking situation;