

CHAPTER 82
BOATING REGULATIONS

Authority

N.J.S.A. 12:7-34.49 and 12:7A-28.

Source and Effective Date

R.1999 d.127, effective March 24, 1999.
See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Executive Order No. 66(1978) Expiration Date

Chapter 82, Boating Regulations, expires on March 24, 2004.

Chapter Historical Note

Chapter 82, Boating Regulations, was adopted as R.1994 d.205, effective April 18, 1994. See: 26 N.J.R. 744(a), 26 N.J.R. 1673(a).

Pursuant to Executive Order No. 66(1978), Chapter 82, Boating Regulations, was readopted as R.1999 d.127, effective March 24, 1999. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. EQUIPMENT

13:82-1.1 Scope

The rules in this chapter shall govern the operation of vessels on tidal and nontidal waters of the State of New Jersey.

13:82-1.2 Construction

(a) These rules shall be liberally construed to permit the Department and its various agencies to discharge statutory functions.

(b) As used in these rules, "Department" means the Department of Law and Public Safety, "Commission" means the Boat Regulation Commission, and "State Police" means the Division of State Police.

(c) These rules are to be construed consistent with Federal law and all regulations adopted by the United States Coast Guard, as amended and as may be amended, and other applicable laws or regulations relating to vessels.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

In (a), deleted a reference to the Marine Law Enforcement Bureau; and rewrote (b) and (c).

Administrative change.

See: 32 N.J.R. 2909(b).

13:82-1.3 Equipment

(a) No person shall operate or allow any person to operate any motorboat in or on the waters of this State unless said motorboat is carrying on board the minimum equipment for motorboats as is required in 33 C.F.R. Part 175, amendments thereto and as may be amended.

(b) Whenever such motorboat is in operation, this equipment shall be produced by the operator or the captain of the motorboat upon the request of a law enforcement officer of this State.

(c) Failure to produce such equipment will be a violation of this section.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Rewrote (a).

13:82-1.4 Personal flotation devices

(a) No person shall operate or allow any person to operate any vessel in or on the waters of this State unless such vessel has a serviceable United States Coast Guard approved personal flotation device (PFD) for each person on board. Such PFD shall be of the type(s) and number(s) required by the United States Coast Guard for a vessel of that class operating on navigable waters. This section applies to all vessels except surfboards, racing shells, rowing sculls and racing kayaks.

(b) In accordance with P.L. 1999, c.161, every person who operates a vessel on the waters of this State with a child 12 years of age or younger on board shall have the child wear a properly fitted United States Coast Guard approved PFD whenever the vessel is underway. The PFD shall be fully secured on the child by all means provided in accordance with the manufacturer's instructions.

(c) Subsection (b) above shall not apply when the child is inside a fully enclosed cabin that is a permanent, non-removable part of the vessel that is intended by the vessel's manufacturer to carry passengers.

(d) The following classes of vessels shall be exempt from the requirements of (b) above:

1. Vessels owned and operated by the United States;
2. Vessels owned or operated by the State of New Jersey or an agency thereof, a county, a municipality, a volunteer first aid, rescue or emergency squad, a search and rescue unit established within a fire district created pursuant to N.J.S.A. 40A:14-70 or a volunteer fire company created pursuant to N.J.S.A. 40A:14-70.1 when a child is on board as a direct result of being rescued from an emergency situation;
3. Commercial vessels; and
4. Ferries.

(e) For the purposes of this section, "commercial vessel" means any vessel longer than 65 feet operated for a purpose that requires a United States Coast Guard Operator's or Master's License. "Ferry" means any vessel longer than 65 feet operating on a short run on a frequent schedule between two points offering a public service of a type normally attributed to a bridge or tunnel.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Substituted "section applies to" for "rule includes" in the last sentence.

Amended by R.2000 d.89, effective March 6, 2000.

See: 31 N.J.R. 2465(a), 32 N.J.R. 814(a).

Added (a) designation; and added (b) through (e).

13:82-1.5 Rotating lights

(a) No vessel shall display a rotating or sequential flashing light except as provided in this section.

(b) Any law enforcement or emergency vessel may display a rotating blue light beacon.

(c) Any vessel engaged in activity recognized by the Coast Guard as being eligible for its use may display a rotating red and yellow light.

13:82-1.6 Siren

No vessel shall be equipped with, nor shall any person use upon a vessel, any siren except as otherwise permitted in this section. It is permissible that any vessel be equipped with a theft alarm signal device which is so arranged that it cannot be used by the operator as an ordinary warning signal. This section shall not apply to any vessel operated by or for the Department, a first aid squad, or a police or fire department.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

13:82-8.9 Operation of vessel; certificate

(a) Except for vessels that are not required to be numbered pursuant to the New Jersey Boat Act of 1962 as amended, no person shall operate or use a vessel upon the waters of the State unless such vessel has on board:

1. A valid registration certificate or temporary registration certificate for that vessel; or
2. A copy of the lease or rental agreement, signed by the owner or his or her authorized representative and by the person leasing or renting the vessel, which agreement contains at least:
 - i. The vessel number that appears on the registration certificate; and
 - ii. The period of time for which the vessel is leased or rented.

(b) In addition to any other requirement, whenever a vessel is in operation, the registration certificate, lease or rental agreement shall be presented to any Federal, State or local law enforcement officer at his or her request.

(c) No person shall use or operate a vessel to which this section applies unless the required registration certificate or rental agreement is carried on board in such a manner that it can be handed to the inspecting person.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

In (c), substituted "shall" for "may" following "person".

13:82-8.10 Registration certificate; validity

(a) In addition to any other provision, specifically N.J.A.C. 13:82-8.9, a registration certificate is invalid after the date upon which:

1. The person whose name appears on the registration certificate as owner of the vessel sells or transfers all of his or her ownership in the vessel, involuntarily loses his or her interest in the registered vessel by legal process or in any way disposes of the vessel;
2. The vessel is lost, destroyed or abandoned; or
3. The fees for the issuance or renewal of the certificate of number are not paid.

(b) A registration certificate is invalid 60 days after the day on which the vessel is no longer principally used in the State where the registration certificate was issued as required by Title 33 of the Code of Federal Regulations.

13:82-8.11 Notification required

(a) In addition to any other requirement, a person whose name appears as the owner of a vessel on a registration certificate shall within seven days notify the Division in writing of:

1. Any change in address from that shown on his registration certificate;
2. The theft or recovery of the vessel;
3. The loss or destruction of a valid registration certificate; or
4. Any condition which would invalidate the registration certificate.

(b) A person whose name appears as the owner of a vessel on a registration certificate shall within two weeks notify the Division of a change in name due to marriage, divorce or by order of court.

13:82-8.12 Removal of numbers; removal of validation sticker

(a) The person whose name appears on a registration certificate as the owner of a vessel shall remove the registration number and validation sticker from the vessel when:

1. The vessel is no longer principally used in the State where the registration certificate was issued; or
2. The registration certificate becomes invalid because the application for the registration certificate contains a false or fraudulent statement.

(b) The validation sticker shall be removed upon completion of a sale or transfer transaction whichever is sooner.

(c) Expired validation stickers shall be removed.

(d) When a vessel is documented under Part 67 of Title 46, Code of Federal Regulations, the owner shall:

1. Remove the registration number and validation sticker from each side of the bow or the forward half of the vessel; and
2. Conform to the provisions of N.J.A.C. 13:82-8.13, Display of validation sticker and fee for duplicate, where the vessel is subject to the provisions of N.J.S.A. 12:7-34.44a, Documented Vessels under 500 gross tons based in this State.

13:82-8.13 Display of validation sticker and fee for duplicate

(a) Every vessel on the waters of this State required to be registered shall display validation stickers to indicate the year of expiration of its registration. The validation stickers shall be displayed on each side of the vessel, three inches behind the State registration number assigned to the vessel, except for documented vessels.

(b) Those vessels documented under Part 67 of Title 46, Code of Federal Regulations and required to register with this State pursuant to N.J.S.A. 12:7-34.44a shall display a validation sticker on each side of the vessel in an area adjacent to the main steering station affixed to a vertical

surface plainly visible at all times from both the port and starboard sides.

(c) The fee for the issuance of a duplicate validation sticker shall be \$5.00.

Amended by R.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

In (c) increased the fee from \$3 to \$5.

13:82-8.14 Registration of manufacturers' and dealers' boats

(a) Registration requirements of this section shall apply to boats operated by manufacturers and dealers.

(b) The description of the boat will be omitted from the registration certificate since the numbers and the registration certificate awarded may be transferred from one boat to another. In lieu of the description, the word "manufacturer" or "dealer," as appropriate will be plainly marked on each registration certificate.

(c) The manufacturer or dealer may have the registration number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated or tested so long as the display meets the requirements of N.J.A.C. 13:82-8.3.

13:82-8.15 Registration of livery boats

(a) Registration requirements of this section shall apply to boats operated by livery and other rental agents.

(b) The word "livery" shall be plainly marked on each registration certificate.

(c) The livery or rental agent may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being rented so long as the display meets the requirements of N.J.A.C. 13:82-8.3.

13:82-8.16 Misstatements

(a) No person shall make any misstatement of fact in an application for a registration number or an operator's license, or give a fictitious name or address.

(b) The Division shall, upon presentation of evidence of any such misstatement, or the giving of a fictitious name or address, or of the conviction therefor, revoke the registration of the power vessel, or the operator's license as the case may be.

Amended by R.1999 d.127, effective April 19, 1999.

See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

In (b), deleted a reference to motors.

13:82-8.17 Change in address; name

(a) Every licensed operator of a power vessel or motor shall notify the Division of any change in his or her legal residence within seven days of the change.

(b) Every licensed operator of a power vessel or motor shall notify the Division within two weeks of a change in name due to marriage, divorce or court order.

13:82-8.18 Renewal of registration

(a) Any person, corporation or firm, applying for the renewal of a registration after six months have elapsed beyond the renewal date, may be assigned a new expiration date, 12 months from the current date.

(b) Failure to receive a renewal notice does not excuse the owner from the requirement of renewing the number on or before the expiration date shown on the registration certificate.

13:82-8.19 Fee for duplicate operator's license

(a) The fee for issuance of a duplicate boat operator's license shall be \$3.00.

(b) The fee for issuance of a duplicate boat operator's license with a photo shall be \$5.00.

(c) Photo licenses shall be mandatory for boaters under the age of 21.

Amended by R.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

In (b) increased the fee from \$4.50 to \$5.

13:82-8.20 Operator's license; proof of age and identity; expiration

(a) All applicants for a boat operator's license will be required to furnish proof of identity and date of birth. Proof of identity and date of birth may be established in the following manner:

1. An original domestic birth certificate or foreign birth certificate with United States Consulate Seal when United States citizen is born outside of the country;
2. A certified copy of birth certificate (state or municipal seal must appear on document);
3. A United States passport;
4. A valid foreign passport (with acceptable Visa status indicated in passport);
5. A valid alien registration card;
6. Citizenship papers;
7. Military identification cards (active duty only);
8. United States adoption papers;

9. A valid New Jersey driver license (also acceptable if expired less than three years);

10. A New Jersey Division of Motor Vehicles nondriver identification card;

11. Military discharge papers (DD-214);

12. A court order or judgment authorizing legal name change when accompanied by satisfactory proof of birth; or

13. A valid work authorization card (when accompanied by a Social Security card).

(b) In addition to the documentation in (a) above, a parent or guardian must consent to the granting of a boat license for any applicant who is under 17 years of age.

(c) For purposes of a name change only, a New Jersey boat license can be issued in the boater's married name if an acceptable original or certified marriage certificate (state or municipal seal must appear on document) is accompanied by another acceptable identification in the boater's former name.

(d) All boat licenses which are endorsements on basic driver licenses shall have the same expiration date as the basic driver license.

(e) All boat-only licenses shall expire four years from the last day of the month in which the license was originally issued and, thereafter, every four years.

13:82-8.21 General provisions; hull identification numbers

(a) Any vessel offered for sale in New Jersey must have a hull identification number assigned to it. The number assigned to said vessel shall be in the form approved by the United States Coast Guard.

(b) Registration numbers shall not be issued to any vessel that does not comply with the above requirement.

(c) Vessels which are homemade or for other reasons that do not have a hull identification number assigned to them by their builders shall be assigned a number by the Division once the Division receives satisfactory proof on a form approved by the Director that they have been examined by the State Police. The series used by the Division shall be composed of three parts. The first section shall be NJZ—followed by a second section composed of a five digit number commencing with 00001; the third section shall consist of the word "HULL." An example of a hull identification number is as follows: NJZ-00001-HULL.

(d) The hull identification number must be carved, burned, stamped, embossed or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism,

above the waterline of the boat in such a way that alteration, removal or replacement would be obvious and evident.

(e) The character of the hull identification number must be no less than $\frac{1}{4}$ of an inch in height.

Amended by R.1999 d.127, effective April 19, 1999.
See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

In (c), substituted a reference to the State Police for a reference to the Bureau of Marine Police in the first sentence.

SUBCHAPTER 9. CERTIFICATE OF OWNERSHIP FEES

Authority

N.J.S.A. 39:2-3, 39:3-10a, 39:3-28, 39:3-32, 39:3-33.4, 39:5-30.4, 39:6-42, 39:12-4, 39:13-7, 12:7-34.36 et seq., 12:7A-28 and P.L.1994, c.60.

Source and Effective Date

R.1995 d.365, effective July 3, 1995.
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

13:82-9.1 Certificate of ownership fees

(a) The fee collected by the Division for issuing a certificate of ownership in case of a sale not subject to a security interest pursuant to N.J.S.A. 12:7A-12a shall be \$20.00.

(b) The fee collected by the Division for issuing a certificate of ownership and copy thereof in case of a sale subject to a security interest pursuant to N.J.S.A. 12:7A-12b shall be \$30.00.

(c) The fee collected by the Division for a certificate of ownership, upon the filing with the Director of a certificate of ownership together with a financing statement, pursuant to N.J.S.A. 12:7A-12c shall be \$30.00.

(d) The fee collected by the Division for a notice of satisfaction of a lien or encumbrance of record or abstract, or termination of a security interest pursuant to N.J.S.A. 12:7A-12f shall be \$10.00.

(e) The penalty collected by the Division from a purchaser who fails to comply with the provisions of N.J.S.A. 12:7A-12g shall be \$25.00.

(f) The fee collected by the Division for issuing a duplicate certificate of ownership pursuant to N.J.S.A. 12:7A-13 shall be \$25.00.

(g) The fees collected by the Division for providing copies of documents pursuant to N.J.S.A. 12:7A-15 shall be as follows:

1. Lien search, \$5.00.
2. Chain of title, \$10.50.

(h) The fee collected by the Division for issuing a corrected certificate of ownership pursuant to N.J.S.A. 12:7A-18 shall be \$20.00.

New Rule, R.1995 d.365, effective July 3, 1995.
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).