

CHAPTER 64

PERSONAL WATERCRAFT OPERATION

Authority

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

Source and Effective Date

R.2001 d.272, effective July 12, 2001.
See: 33 N.J.R. 1497(a), 33 N.J.R. 2687(a).

Chapter Expiration Date

Chapter 64, Personal Watercraft Operation, expires on July 12, 2006.

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. 18 3065(a).

Chapter 64, Personal Watercraft Operation, was readopted as R.2001 d.272, effective July 12, 2001. 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

No person engaged in the business of renting personal watercraft for use on the waters of this State shall permit a

rented personal watercraft to be operated by a person who has not completed a boat safety course required pursuant to Section 18 of P.L. 1995, c.401, except in accordance with a permit issued by the Superintendent of State Police in accordance with 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".

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 Unit
Division of State Police
PO 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".

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 of permits

Permits issued by the Superintendent may be revoked 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.

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;
 - iv. Meaning of proper lookout; and
 - v. Safe speed and distance;
2. Handling characteristics of personal watercraft;
3. Equipment requirements for Class A vessels;
4. Operating instructions for the vessel being rented; and
5. Operating under the influence of alcohol or drugs.

SUBCHAPTER 4. RENTAL AGREEMENTS
13:64-4.1 Contents of rental agreements

(a) The permittee shall maintain a written rental agreement for each personal watercraft rented, which shall contain at least the following information:

1. The full name, address, date of birth and telephone number of the renter;
2. The date and time of rental;
3. The name of the agent or employee renting the vessel;
4. The registration number of the rented vessel;
5. The statement "I have received and understand the instruction in safe boating covering the United States Coast Guard Navigation Rules, equipment requirements for Class A vessels, and operation of personal watercraft"; and

6. The signature of the renter.

(b) The written agreement shall be kept on file for at least one year after rental.

(c) Agreements shall be subject to inspection by the Marine Services Unit during normal business hours.

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

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

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

SUBCHAPTER 5. TEMPORARY OPERATION AFTER PURCHASE

13:64-5.1 Applicability

This subchapter implements P.L. 1997, c.152, section 2 (N.J.S.A. 12:7-86b). The subchapter applies to persons who operate personal watercraft within 21 days of purchase who have not completed a boating safety course required pursuant to N.J.S.A. 12:7-61 and who are not operating pursuant to any other section of N.J.S.A. 12:7-86. This subchapter applies to operators of personal watercraft regardless of the place of purchase or whether the seller was a dealer or an individual.

13:64-5.2 Definitions

As used in N.J.S.A. 12:7-86b and this subchapter, the following terms have the following meaning:

"Educational materials" means written or videotape material containing the items set forth at N.J.A.C. 13:64-3.1.

"Immediate family" means the purchaser's spouse and children 16 years of age or older living in the purchaser's household, children of the purchaser or the purchaser's

spouse 16 years of age or older temporarily residing with the purchaser, and any person 16 years of age or older for whom the purchaser has legal responsibility, and who has not completed a boating safety course.

"Purchaser" means the individual whose name appears on the bill of sale for the personal watercraft, regardless of name under which the personal watercraft is registered.

13:64-5.3 Proof of compliance

(a) A person operating a personal watercraft pursuant to this subchapter shall have in his or her possession the original certificate required by N.J.S.A. 12:7-86b(5) containing the information required by N.J.A.C. 13:64-5.4 and a legible copy of the bill of sale.

(b) In addition to the items specified in (a) above, an operator who is a member of the immediate family of the purchaser also shall have in his or her possession a form of identification and an original written statement signed by the purchaser identifying the operator and stating the relationship of the operator to the purchaser.

13:64-5.4 Contents of certificate

(a) The certificate required by N.J.S.A. 12:7-86b(5) shall contain the following information:

1. The date of purchase;
2. The printed name and address of seller;
3. The printed name and address of purchaser;
4. A typed, printed, or written statement that the seller has provided and the purchaser has received at the time of purchase educational materials concerning the operation of the personal watercraft as prescribed in N.J.A.C. 13:64-3.1; and
5. The signatures of seller and purchaser.