

CHAPTER 82
BOATING REGULATIONS

Authority

N.J.S.A. 12:7-34.40 and 34.49, and 12:7A-28.

Source and Effective Date

R.2010 d.031, effective January 4, 2010.
See: 41 N.J.R. 3033(a), 42 N.J.R. 636(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 82, Boating Regulations, expires on January 4, 2017. See: 43 N.J.R. 1203(a).

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).

Subchapter 9, Certificate of Ownership Fees, was adopted as R.1995 d.365, effective July 3, 1995. See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Pursuant to Executive Order No. 66(1978), Chapter 82, Boating Regulations, was readopted as R.1999 d.127, effective March 24, 1999. See: 31 N.J.R. 113(a), 31 N.J.R. 1069(a).

Chapter 82, Boating Regulations, was readopted as R.2004 d.318, effective July 22, 2004. See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

Chapter 82, Boating Regulations, was readopted as R.2010 d.031, effective January 4, 2010. As part of R.2010 d.031, Subchapter 4, Watercraft Noise Control, was renamed Power Vessel Noise Control, effective March 1, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

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 vessel in or on the waters of this State unless the vessel is carrying on board the minimum equipment required by Title 33 and Title 46 of the Code of Federal Regulations, amendments thereto and as may be amended, for the size and type of vessel.

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

(c) Failure to produce such equipment shall 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).

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

Substituted references to vessel for references to motorboat throughout; in (a), amended the C.F.R. reference and inserted ", for the size and type of vessel" at the end; in (b), substituted "owner or operator" for "operator or the captain of the motorboat".

Amended by R.2010 d.031, effective March 1, 2010.

See: 41 N.J.R. 3033(a), 42 N.J.R. 636(a).

In (c), substituted "shall" for "will".

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 per-

sonal flotation device (PFD) readily accessible 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 N.J.S.A. 12:7-47.1, 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 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).

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

In (a), inserted "readily accessible" following "personal flotation device (PFD)"; in (b), amended the N.J.S.A. reference.

13:82-1.5 Rotating lights

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

SUBCHAPTER 4. POWER VESSEL NOISE CONTROL

13:82-4.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Person” means any corporation, company, association, society, firm, partnership and joint stock company, as well as individuals, and shall include the State and all its political subdivisions and any agencies and instrumentalities thereof.

“Vessel” means a boat or watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

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

Deleted “Department” definition.

13:82-4.2 Noise limitation provisions

(a) No person shall operate or give permission for the operation of any vessel or watercraft capable of emitting noise totalling in excess of 90 dba in or upon the waters of this State.

(b) Measurements shall be made by a sound level meter which satisfies ANSI-S 1.4, type 2, or equivalent, and is certified by the Department of Environmental Protection, Office of Noise Control, with reference, as applicable, to standards of the New Jersey Office of Weights and Measures or the National Institute of Science and Technology or both, or by other competent authority designated by the Office of Noise Control.

(c) The noise emission test measurement shall be made with the sound level meter at a distance of not less than four feet above the water at a point where the transom gunwale and port or starboard gunwale intersects. The vessel being tested shall operate its engine at the lowest throttle setting in neutral gear. In the case of a vessel with multiple engines, said engines shall operate together at the lowest throttle setting in neutral gear. Personal watercraft, jet boats, and all other vessels which have no neutral gear shall operate at the lowest throttle setting with minimum or no headway motion.

(d) Any member of the State Police or other law enforcement officer certified by the Office of Noise Control with a reason to suspect that a vessel is exceeding the noise limitation may require the operator to submit to a noise emissions test as described in (b) and (c) above.

(e) Any person who fails to comply with the directive to submit to a noise emissions test shall be ordered to immediately return the vessel to its mooring and cease operations and shall be subject to the penalty for violation of those regulations.

(f) The noise limitation provisions of this section shall not apply to vessels registered and actually participating in racing events or tune-up periods for such racing events, when authorized by the State Police or by any other public authority with the approval of the State Police. Tune-up periods approved pursuant to this section shall be limited as follows:

1. Before any race boat is tested, the driver shall secure a Race Test Permit from the State Police.

2. Before the permit is issued, the applicant shall submit a statement which shall include the following:

i. The name and address of the driver;

ii. The type and a description of the boat;

iii. The area of the test;

iv. The name and address of the boat’s owner;

v. The date and location of the next race in which the operator will compete; and

vi. Any other information deemed necessary by the State Police.

3. From May 15 through October 1, there shall be no race tests permitted on Saturday, Sunday or holiday.

4. All race tests shall be conducted between the hours of 10:00 A.M. and sunset.

5. All race tests shall be limited to a total test period of 20 minutes on the water.

6. There shall be a maximum five race tests in any seven day period.

7. No driver shall be permitted more than five race tests in any seven day period.

8. No boat shall be tested more than five times in any seven day period.

9. The provisions of (f)3, 6, 7 and 8 above shall not apply on a body of water in the three-day period immediately preceding a race on that body of water. Subject to such restrictions as may be imposed by the U.S. Coast Guard or the State Police, testing on days of sanctioned race may begin two hours before the start of the first race.

10. The State Police may deny or cancel any permit issued by the State Police for the reasons of boat traffic, poor weather, confined area, or other valid reason.

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

In (d), substituted “member of the State Police” for “marine police officer” following “Any”; and in (f), substituted references to the State Police for references to the Department in the introductory paragraph, substituted references to the State Police for references to the Bureau in 1, 2vi and 9, rewrote the introductory paragraph of 2, and rewrote 10.

13:82-4.3 Muffling device

Every outboard motor, inboard motor or inboard/outboard motor in use or attached to a vessel operating on the waters of this State shall be equipped with a muffling system as supplied by the manufacturer or installed by the owner. The muffling system shall be maintained in good working order at all times. An exception to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, the State Police, or operation with a race test permit.

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

Substituted "State Police, or operation with a race test permit" for "Bureau, or other operation with a race test permit issued by the Bureau" at the end.

13:82-4.4 Use of cutouts

(a) The use of cutouts, removal of mufflers, or cutting or punching holes in mufflers is prohibited.

(b) Mufflers may be removed and cutouts opened only where such boats are actually engaged in a lawfully conducted race or during such tuning-up period as the permitting authority may assign thereto.

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), substituted "permitting authority" for "Department" following "as the".

13:82-4.5 Owner's permission

No person shall operate or tamper with any vessel or its motor without the owner's permission.

13:82-4.6 Racing events

(a) Every incorporated yacht club or racing association, before holding or conducting races or regattas, whether for inboard or outboard motors, or both, shall first secure a permit to hold such races from the State Police.

(b) Application for such permit shall be made in writing to the State Police at least 45 days prior to the race or regatta, and no such race or regatta shall be conducted unless a permit has been received.

(c) Any such permit shall include such requirements as will tend to insure the safety of those competing and the safety of other craft, during such regatta or race, including the tuning-up period before, as shall be prescribed by the State Police. All boats not competing, except official boats, shall remain anchored during the running of the events of the race or regatta.

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) and (b), substituted "State Police" for "Bureau"; in (b), deleted "from the Bureau" at the end; and in (c), substituted "State Police" for "Department" at the end of the first sentence.

Amended by R.2001 d.129, effective April 16, 2001.
See: 32 N.J.R. 4047(a), 33 N.J.R. 1204(b).
In (b), substituted "45" for "20".

SUBCHAPTER 5. PERSONAL WATERCRAFT**13:82-5.1 Scope**

Operations of personal watercraft on the waters of the State shall be in accordance with the provisions of P.L. 1993, c.299 (N.J.S.A. 12:7-62 et seq.), section 18 of P.L. 1995, c.401 (N.J.S.A. 12:7-86) and rules promulgated thereunder by the Superintendent of State Police at N.J.A.C. 13:64.

Administrative correction.

See: 27 N.J.R. 3621(c).

Petition for rulemaking: Personal watercraft.

See: 27 N.J.R. 4454(b), 28 N.J.R. 300(c).

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

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

Rewrote the section.

SUBCHAPTER 6. PARASAILING**13:82-6.1 Scope**

Parasailing, as defined in N.J.A.C. 13:82-6.2, is permitted on the waters of the State, except where prohibited by this chapter or by local ordinance.

Amended by R.2010 d.031, effective March 1, 2010.

See: 41 N.J.R. 3033(a), 42 N.J.R. 636(a).

Substituted "chapter" for "subchapter".

13:82-6.2 Definition of parasailing

"Parasailing" means a person towed by a power vessel by means of a tow rope where the rider ascends into the air by the towline extended from the vessel and remains suspended in the air as the vessel runs its course.

Amended by R.1996 d.88, effective February 20, 1996.

See: 27 N.J.R. 4135(a), 28 N.J.R. 1222(a).

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

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

Amended by R.2010 d.031, effective March 1, 2010.

See: 41 N.J.R. 3033(a), 42 N.J.R. 636(a).

Substituted "a person" for "anything with a rider".

13:82-6.3 Operation

(a) Vessels engaged in parasailing operations must be designed by the manufacturer for parasailing, and be equipped with a rear launch platform and hydraulic winch used to release the towline.

(b) All commercial parasail operators are required to have the appropriate license for carrying passengers for hire issued by the United States Coast Guard.

(c) All parasailing operations shall include an observer 18 years of age or older at all times to monitor the progress of the airborne parasail rider and parachute.

(d) All parasail riders shall wear a United States Coast Guard approved Type I, II, or III personal flotation device of the proper size and must be connected to the towline and secured in a seat harness attached to an ascending type of parachute.

(e) Parasailing conducted in the Atlantic Ocean shall be restricted to not less than three-eighths nautical mile from the shore. This restriction applies to the entire parasailing apparatus, including vessel, tow line and rider.

(f) No parasailing shall be permitted within 600 feet of a bridge span, concrete bridge supports, barriers, other vessels, or persons in the water.

(g) Parasailing shall be prohibited on bodies of water less than 1200 feet in width from shore to shore.

(h) All parasail towing vessels shall be equipped with a VHF radio.

(i) Parasailing shall only be conducted from one-half hour after sunrise to one-half hour before sunset, and at no time during restricted visibility.

(j) Parasailing is prohibited when there are sustained winds of 25 knots and/or seas five feet or higher in the area of operation.

(k) Tow lines shall not exceed 500 feet in length.

(l) Individuals intending to engage in parasailing shall notify the State Police station nearest the area of operation 24 hours in advance. Commercial operators shall notify the State Police at least 10 days in advance of the commencement of annual operations.

(m) Parasail operators shall only launch and land riders from the flight deck of the vessels.

(n) Advertisement banner flying is prohibited.

(o) The Commission shall, upon application, waive any one or more of the above requirements for events of public entertainment on any wholly-owned private lake, provided that it finds the event to be consistent with the interests of boating safety.

Amended by R.1996 d.88, effective February 20, 1996.

See: 27 N.J.R. 4135(a), 28 N.J.R. 1222(a).

Amended by R.1998 d.197, effective April 20, 1998.

See: 30 N.J.R. 25(b), 30 N.J.R. 1423(a).

Rewrote (e).

Amended by R.1998 d.198, effective April 20, 1998.

See: 30 N.J.R. 26(a), 30 N.J.R. 1422(b).

Added (o).

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

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

Rewrote (j); and in (l), substituted references to the State Police for references to the Marine Law Enforcement Bureau.

Amended by R.2010 d.031, effective March 1, 2010.

See: 41 N.J.R. 3033(a), 42 N.J.R. 636(a).

In (b), substituted "the appropriate license" for "a Captain's License".

SUBCHAPTER 7. MOTOR VEHICLES ON ICE-COVERED WATERS

13:82-7.1 Scope

The following rules in this subchapter shall govern the operation of motor vehicles on ice-covered waters of New Jersey.

13:82-7.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"All-terrain vehicle" means a motor vehicle, designed to travel over all terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine not exceeding 400 cubic centimeters, but shall not include golfcarts.

"Snowmobile" means any motor vehicle designed primarily to travel over ice or snow, of a type which uses sled-type runners, skis, and endless belt, tread, cleats, or any combination of those or other similar means of contact with the surface upon which is operated, but does not include any farm tractor, highway or other construction equipment or any military vehicle.

13:82-7.3 Prohibited operation

No person shall operate a motor vehicle, other than a snowmobile or all-terrain vehicle, upon the ice-covered waters of this State at any time. Operators and passengers on a snowmobile or all-terrain vehicle shall wear a Coast Guard approved Type I, Type II, Type III or Type V Hybrid personal flotation device while on ice-covered waters.

13:82-7.4 Violations

Violations of this subchapter shall be subject to penalties as provided by N.J.S.A. 12:7-51.

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

Amended the N.J.S.A. reference.

SUBCHAPTER 8. REGISTRATION AND LICENSING

13:82-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Chief Administrator” means Chief Administrator of the Motor Vehicle Commission.

“Commission” means the Motor Vehicle Commission.

“Register,” “registration” and “registration certificate” as used in this subchapter are the equivalent of the terms “number,” “numbering” and “certificate of number” which are used in the amended “New Jersey Boat Act of 1962” which is found at N.J.S.A. 12:7-34.36 et seq.

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

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

Deleted “Bureau” definition.

Amended by R.2004 d.318, effective August 16, 2004 (operative October 1, 2004).

See: 36 N.J.R. 1174(a), 36 N.J.R. 3886(a).

Added “Chief Administrator” and “Commission”, deleted “Director” and “Division”.

13:82-8.2 Numbering pattern

(a) The following numbering pattern for boats under the New Jersey numbering pattern is hereby established:

1. The identification numbers awarded under the State system shall consist of three parts:
 - i. The first part shall consist of the letters NJ indicating this State;
 - ii. The second part shall consist of not more than four Arabic numerals;
 - iii. The third part shall consist of not more than two letters.
2. The parts shall be separated by a hyphen or an equivalent space (as examples: NJ-1234-AA, NJ 9999 ZZ).
3. Since the letters “I,” “O,” and “Q” may be mistaken for numerals, they shall not be used in the suffix.

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)2, changed second example.

13:82-8.3 Display of numbers on vessels

(a) The identification number awarded to any vessel under the New Jersey numbering system shall be displayed thereon by being:

1. Painted on, or attached to, each side of the bow (that is, the forward half) of the vessel; reading from left to right; and in such position as to provide maximum visibility;
2. In block characters of good proportion not less than three inches in height; and
3. Of a color which will contrast with the color of the background (that is, dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible.

(b) No other number shall be carried on the bow of the vessel.

(c) This section does not apply to the following:

1. A vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the state in which the vessel is principally used; and
2. A vessel documented in accordance with Part 67 of Title 46, Code of Federal Regulations.

13:82-8.4 Application for number

(a) The application for a number shall include the following information:

1. The legal name and address of the owner including zip code;
2. The driver license number or corpcode;
3. The citizenship of owner;
4. The date of birth of owner;
5. The type of application (new number, initial number, renewal of number, transfer of ownership, duplicate registration, duplicate decal and so forth);
6. The owner’s eye color, height and weight;
7. The previous number, if any;
8. The hull material (wood, steel, aluminum, fiberglass, other);
9. The hull identification number, if any;
10. The type of boat (open, cabin, houseboat, sail, auxiliary, canoe, other);
11. The type of propulsion (outboard, inboard, sail, inboard/outboard, electric, other);
12. The type of fuel (gas, diesel, other);
13. The make, model and year;
14. The length, measured from end to end over the deck excluding sheer;
15. The state of principal use;
16. The type of use (livery, commercial or pleasure);
17. A statement of ownership by applicant; and
18. The signature of the owner or owners.

13:82-8.5 Registration certificate

(a) The registration certificate shall include the following:

1. The legal name and address of owner;
2. The number issued;

3. The driver license number or corpcode;
4. The expiration date;
5. The state of principal use;
6. The type of use;
7. The hull identification number;
8. The make and year of vessel;
9. The model or type of vessel;
10. The hull material (wood, steel, aluminum, fiberglass, other);
11. The length of vessel;
12. The propulsion (inboard, outboard, sail, inboard/outboard, electric, other); and
13. The fuel (diesel, gasoline or other).

13:82-8.6 Duplicate registration certificates

(a) The fee for the issuance of a duplicate registration certificate for a vessel shall be \$5.00.

(b) The fee for new registration certificates in transfer of ownership shall be in accordance with the annual fees established by N.J.S.A. 12:7-34.47.

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

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

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