

**New Jersey Boat Regulation Commission Meeting
March 12th, 2025
Ocean City Yacht Club
100 Bay Road
Ocean City, NJ 08226**

I. ROLL CALL

Acting Chairman Edward Harrison Jr.
Karen Fahy
Leonard Mangiaracina
Shaun Blick
Roland Gehweiler Jr.

STAFF

DAG Patrick Cucurullo
Sergeant Anthony Buro

Office of the Attorney General
NJSP, Marine Services Bureau

PLEDGE OF ALLIGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:07 AM on March 12th, 2025 by Acting Chairman Edward Harrison Jr., at which time he also announced that this meeting was being held in compliance with the provisions of Chapter 231, Public Law 1975, known as the Open Public Meetings Act. Notice of this meeting was filed with the Secretary of State, various news media outlets via the New Jersey State Police Office of Public Information, the New Jersey State Police website, and posting at State Police Headquarters, West Trenton, NJ.

III. MINUTES OF OCTOBER 2024 MEETING

Minutes from the January 8th, 2025 Boat Regulation Commission Meeting were approved by Leonard Mangiaracina and the motion to approve was seconded by Shaun Blick.

IV. UNFINISHED BUSINESS

- **13:82 / 12:7-51 Proposal to Increase Fines update**

Acting Chairman Edward Harrison Jr. moved to unfinished business, mentioning the pending 13:82 / 12:7-51 proposal to increase fines update. Sergeant Anthony Buro provided an update on the January meeting, mentioning that at the January meeting, Karen Fahy, who at the time of the January 8th 2025 meeting was acting as the NJ Boat Regulation Commission Administrator on behalf of the NJSP Marine Services Bureau provided an update to 13:82 / 12:7-51 Proposal to Increase Fines. Sergeant Anthony Buro advised that on January 8th, Karen Fahy Reported that the fine sub-committee was making progress with assistance from the MSB Deputy Attorney Generals (DAGs). Sergeant Anthony Buro went on to state that Karen Fahy identified some challenges and advised that the fines did not directly correspond to each regulation; and that research was required to align penalties with the appropriate statutes. She went on to mentioned that input from NJSP Marine Services Bureau Troopers helped create a list of 17 key regulations deemed most critical for safety to guide the review process.

Sergeant Anthony Buro advised that the key regulation categories Karen Fahy mentioned at the January 8th meeting was as follows:

- Equipment and PFDs
- Speed and navigation rules
- Anchoring near aids and vessel interference
- Compliance with orders and operator licensing
- Reporting accidents and watersports regulations
- Vessel number and sticker display (under NJMVC jurisdiction).

Sergeant Anthony Buro further stated that on January 8th Karen Fahy finished by adding that the next step would be for the sub-committee to meet within 60 days from the January 8th meeting to review the NJSP DAGs' findings and begin fine assessment. This meeting took place on March 7th 2025.

Karen Fahy then provided a summary of the meeting that took place on March 7th 2025 during which she advised that progress was made and that the sub-committee decided on making several regulation amendments under 13:82 and also make some legislative changes under title 12.

Karen Fahy advised that the sub-committee proposed a legislative change to 12:7-51 (General Penalties) raising the general fines from \$25 for a first offense, \$50 for the second offense, and \$100 for the third offense to \$100 for a first offense, \$300 for the second offense, and \$500 for the third offense. She went on to state that these penalties will affect the majority of the 13:82 regulations which defer back to 12:7-51.

Karen Fahy advised that the sub-committee also proposed a legislative change for 13:82-1.4(b) Fail to have Child 12 and underwear PFD and would defer to fines from

12:7-23.5, being a fine of not less than \$100 for the first offense, \$300 for the second offense, and \$500 for the third and each subsequent offense.

She went on to stat that the sub-committee proposed a legislative change for 13:82-2.1 Reporting of Boating Accidents, and would defer to Motor Vehicle Statute 39:4-130 (Immediate notice of accident; written report), being a fine of not less than \$250 or more than \$1000.

Karen Fahy advised that the sub-committee simultaneously proposed regulatory changes for the following N.J.A.C. 13:82 regulations that have been determined by members of the Marine Services Bureau to be egregious violations, if committed.:

13:82-1.3 Equipment

13:82-1.4(a) Operation w/out PFD

13:82-1.4(f) Operation w/out PFD in cold weather PFD

13:82-1.7(a) Speeding causing risk of danger

13:82-1.7(b) Fail to reduce to slow speed/no wake

13:82-1.7(d) Fail to reduce speed in temporary slow speed/no wake area

13:82-1.7(e) Unauthorized slow speed/ no wake buoy

13:82-1.8 Navigation rules

13:82-1.9 Anchoring near aid to navigation

13:82-1.10 Interference with other vessels

13:82-1.11 Interference with marine events

13:82-1.12 Obeying orders/Fail to stop

13:82-1.13(a) Unsafe riding (vessel)

13:82-3.1 Waterskiing and wake surfing

13:82-3.1(g) Fail to display signal pennant on ski boat

13:82-4.6(a) Racing events w/out a permit

13:82-4.6(c) Failure to keep non-competing boat anchored during race

13:82-7.3 Prohibited operation on ice covered waters – May amend 13:82-7.4

Karen Fahy further stated that the regulations would include a fine provision and defer to fines from 12:7-23.5, being a fine of not less than \$100 for the first offense, \$300 for the second offense, and \$500 for the third and each subsequent offense.

The sub-committee did not propose any changes to N.J.A.C. 13:82-1.19 and considered the existing fines under the 12:7-72 provision to be satisfactory.

Karen Fahy concluded by stating that the sub-committee believes that they have created a fair approach to enhance most of the fines associated with the 13:82 regulations mostly across the board with a legislative change to 12:7-51, while allowing the Commission greater authority and a more efficiency with regulatory changes regarding the listed regulations that the MSB members consider egregious safety hazards, if violated.

V. NEW BUSINESS

- **BRC@njsp.gov Email Communications Inbox Report**

Acting Chairman Edward Harrison Jr. introduced new business, and asked if the Boat Regulation Commission email communication inbox received any emails after the last meeting that took place on January 8th, 2025.

Sergeant Anthony Buro advised that on January 12th, 2025 at 12:13PM, the BRC email communication received an email from Mr. John Kurzman, a resident of the Lake Hopatcong area.

Sergeant Anthony Buro provided a summary of Mr. Kurzman's email due to the length and breadth of the content. Mr. Kurzman had stated in his email that the minutes from the October 2024 meeting revealed concerns about proposed regulatory changes related to Lake Hopatcong. He stated that he believes that the primary issue is the removal of the 13:82-1.7(b)1 exemption, which currently sets distance regulations for all vessels. He believes that the proposal is linked to changes in 13:82-3.11(d), which only addresses distances for waterskiing vessels. He views the removal of the exemption for all vessels as inappropriate because it was not discussed and would conflict with existing regulations, potentially creating unsafe conditions on the lake.

Sergeant Anthony Buro reminded the Commission of the following statutes sighted by Mr. Kurzman:

13:82-1.7(b)1 specifies that vessels must reduce speed to "slow speed/no wake" when passing within 200 feet of any marina, pier, dock, wharf, or abutment, except on Lake Hopatcong.

13:82-3.11(d), when towing a skier on Lake Hopatcong, the vessel's operator must maintain a distance from any shore, structure, buoy, person in the water, vessel, or other object of not less than the length of the tow line plus 100 feet.

Additionally, Mr. Kurzman criticized the changes for not properly addressing issues related to wake surfing—which he believes are the real concern at Lake Hopatcong—

since the state law already requires a 200-foot distance for wake surfing, which wasn't being clearly communicated. His argument is that the law should first be publicized and enforced before making changes, especially since the complaints were not primarily about waterskiing.

Mr. Kurzman also criticized that the regulatory changes were not properly presented to the public and could have unintended consequences, potentially making conditions more dangerous.

Mr. Kurzman is requesting a delay in implementing the changes and to focus on better public education and enforcement of the existing laws before altering regulations further. Mr. Kurzman offers to assist in discussing the regulations to prevent issues in the future.

Sergeant Anthony Buro concluded by advising the Commission that Mr. Kurzman's comments have been noted, and he is more than welcomed to make public comment during the rule making process when that takes place.

Acting Chairman Edward Harrison Jr. responded by stating that it seems that Mr. Kurzman is not happy with the fact that the Boat Regulation Commission passed the removal of the 13:82-1.7(b)1 Lake Hopatcong exemption.

Karen Fahy advised that the Lake Hopatcong Commission (LHC) had several meetings discussing this topic and that Mr. Kurzman was also not pleased with the LHC's stance on the topic which is in line with that of the BRC.

Shaun Blick then stated that the process for the public to voice their opinions is established and conducted when issues are on the floor through the open public meetings law and through the process of public comment. Shaun Blick further stated that when the public makes comments that criticize the BRC decisions after they are made does not meet the requirement of public comment although Mr. Kurzman's thoughts expressed in his email will still be placed on record by the BRC.

Acting Chairman Edward Harrison Jr. then followed-up by acknowledging that no changes will be made to 13:82-1.7(b)1.

- **USCG Digital Certificate of Numbering (Vessel Registration)**

Acting Chairman Edward Harrison Jr. then introduced the topic of the USCG Digital Certificate of Numbering (Vessel Registration).

Karen Fahy advised that she would speak on this matter. She stated that the National Defense Authorization Act (NDAA) for fiscal year 2023 amended 46 U.S.C. 12304(a) to allow any Certificate of Number (CON) for undocumented vessels to be in digital form, while retaining the requirement that any certificates issued in hard

copy under this section be pocket-sized. She went on to state that effective July 5, 2024, the United States Coast Guard amended 33 CFR 173.21(a) to specify that any certificate of number (registration) can be in hard copy or digital form.

Karen Fahy went on to state that the Coast Guard also amended 33 CFR 174.25 to allow vessels to carry any CON in a digital format, while also requiring that a hard copy be pocket-sized in place of the precise dimensions for a hard copy CON currently specified in the CFR.

Karen Fahy also advised that several states are in the process of moving toward digital proof of registration, and at least one state is currently allowing for digital CONs, SD. (KS, OH WV are in the process). She stated that although New Jersey is not one of these states, she felt it was something the NJ BRC should be aware of.

Karen Fahy also advised that effective March 24, 2023, the New Jersey Motor Vehicle Commission (NJMVC) announced that New Jersey motorists can now utilize an electronic proof of vehicle registration that can be displayed on a smartphone, tablet or computer. While paper registrations will still be issued and recognized as valid, they are no longer the only option for drivers when they need to provide proof of registration.

Karen Fahy went on to state that in NJ Title 39:3-29, the driver's license, the registration certificate of a motor vehicle, and an insurance identification card shall be in the possession of the driver or operator at all times when the driver or operator is in charge of a motor vehicle on the highways of this state. The registration certificate or insurance identification card may be displayed or provided in either paper or electronic form. For the purposes of this section, "electronic form" means the display of images on an electronic device, such as a cellular telephone, tablet, or computer. The use of a cellular telephone, tablet, computer, or any other electronic device to display proof of registration or insurance does not constitute consent for a police officer or judge to access any other contents on the device. Any police officer or judge presented with an electronic device pursuant to this section shall be immune from any liability resulting from damage to the device.

Karen Fahy reminded the BRC that law enforcement on the water comes with some challenges specifically if the electron form is dropped in the water.

She went on to state that adoption of a digital certificate of number could affect the following NJ Title 12 and 13 statutes:

- 13:82-8.9(a)1 Operation of vessel; certificate
- 12:7-34.39 Application for vessel number; certificate; display
- 12:7-34.44 Documented vessel; certificate of registration

Acting Chairman Edward Harrison Jr. acknowledged the information provided by Karen Fahy, confirmed that none of the other Commissioner had any questions

regarding the information presented, and stated that BRC will wait and see what happens in the future.

- **USCG Lifejacket Harmonization Rule**

Acting Chairman Edward Harrison Jr. brought up the next topic, USCG Lifejacket Harmonization Rule.

Sergeant Anthony Buro advised that The USCG updated the PFD Classifications which became Effective on January 6, 2025:

Sergeant Anthony Buro advised that this replaces old Type I–V classifications with Performance Levels to align with international standards. It aims to clarify appropriate life jackets for different activities like kayaking vs. offshore boating and encourages innovation for more comfortable life jackets and that older PFDs with type labels remain valid until unserviceable.

Sergeant Anthony Buro mentioned two approval and standards changes listed below:

- The Coast Guard amends approval requirements, adopting new standards and removing obsolete ones.
- Updates PFD carriage requirements to allow equipment approved under new standards.

Sergeant Anthony Buro listed requirements for inflatable PFDs listed below:

- Placard: Must include a readable placard for prospective buyers.
- Manual: Each PFD must include an instruction manual.

Sergeant Anthony Buro went on to state that there are now performance levels for wearable PFDs listed below:

- Level 50: For conscious users in sheltered waters; not for general boating.
- Level 70: For inland or nearshore waters; quick rescue likely.
- Level 100: For coastal or offshore waters; some ability to turn unconscious users face-up.
- Level 150: For offshore, rough seas; likely to turn unconscious users face-up.
- Level 275: For extreme offshore use with heavy gear; maximum buoyancy.

Sergeant Anthony Buro also advised that there are also new buoyancy requirements which are listed below:

- Level 50: 50N (11 lbs.)
- Level 70: 70N (15.7 lbs.)
- Level 100: 100N (22 lbs.)

- Level 150: 150N (33 lbs.)
- Level 275: 275N (61 lbs.)
- Face-Up Turning Capability:
- Levels 100, 150, 275 can turn unconscious users face-up.
- Levels 50 and 70 lack this capability.
- Accessibility Requirements:
- Wearable PFDs must be onboard for each person.
- Throwable PFDs must also be onboard.
- Certain inflatable models must be worn to count as inventory.
- New Label Icons:
- Turning Icons: Indicate if a PFD can turn an unconscious person face-up.

Sergeant Anthony Buro advised of marketing and labeling requirements that state that Level 50 PFDs must include a label stating they must be worn to count as required equipment. The new approval procedure for PFDs require that applications for Level 50 and Level 70 PFDs must be submitted to a Coast Guard-recognized lab and that labs must assess if PFDs with novel designs need a preliminary Coast Guard review. The approval inspections and tests require that the recognized labs must certify that PFDs meet the requirements for inflatable Level 50 or Level 70 PFDs.

Acting Chairman Edward Harrison Jr. acknowledged the information provided by Sergeant Anthony Buro and asked for clarification on the personal flotation device previously known as the “type IV Throwable.” The question by Acting Chairman Edward Harrison Jr. was if the type IV Throwable was included in these new categories. It was pointed out by Sergeant Anthony Buro that the PFD previously known as the Type IV Throwable, is now known as simply a “Throwable PFD.”

- **Penalties for BUI 12:7-46 more severe than DUI 39:4-50**

Acting Chairman Edward Harrison Jr. brought up the next topic, of penalties for BUI 12:7-46 being more severe then DUI 39:4-50 penalties.

Sergeant Anthony Buro advised that he could speak on this topic, and began by reading over 12:7-70. Findings, declarations relative to boating.

Sergeant Anthony Buro advised that within 12:7-70, the Legislature finds and declares that numerous laws have been enacted over the past half century concerning the regulation of boats and vessels; that many of the provisions of these laws are duplicative or outdated; that violations of laws governing the licensing, registration and operation of boats and vessels are currently treated as disorderly persons offenses; and that such offenses are dis-proportionate with the seriousness of these types of violations, which are comparable to motor vehicle violations. The Legislature further finds and declares that, while most boaters are knowledgeable and responsible with regard to safety issues, there remain many less experienced, and often younger, boaters who operate vessels on the waters of the State; that, under

current law, boaters convicted of boating while intoxicated, or of careless or reckless boating can resume their boating activities upon payment of a fine or expiration of a period of boating privilege suspension; and that many personal watercraft operators can be found on the waters of the State each year with little or no knowledge or understanding of safe vessel operation.

The Legislature therefore determines that it is in the public interest to reorganize and consolidate the various boating laws to facilitate a clearer understanding and increased compliance with these laws; and, that boating laws should be revised so that the penalties imposed for violations of these laws are consistent with those imposed for motor vehicle violations.

The Legislature further determines that there is a need for mandatory boat safety instruction for young and inexperienced boaters, as well as for those who are found guilty of boating while intoxicated or of careless or reckless boating. § 12:7-71. Definitions. As used in this chapter, unless the context clearly requires a different meaning.

Sergeant Anthony Buro then advised that with 12:7-70 in mind, over the past few months, several prosecutors have raised concerns about differences in penalties between New Jersey's DUI statute (N.J.S.A. 39:4-50) and BUI statute (N.J.S.A. 12:7-46), which have caused some confusion in the court system. A review of these differences highlights key areas of inconsistency:

- Scope of Suspension – N.J.S.A. 39:4-50 affects only the offender's driver's license, whereas N.J.S.A. 12:7-46 impacts both the driver's license and boating privileges.
- Duration of Suspension – N.J.S.A. 12:7-46 imposes longer suspension periods for repeat offenses compared to N.J.S.A. 39:4-50.
- Ignition Interlock Devices – Under N.J.S.A. 39:4-50, an ignition interlock device is required for motor vehicles but is not applicable to vessels.

Sergeant Anthony Buro then advised that the issue of whether an interlock device should be required for vessels is worth discussing.

Shaun Blick advised that it was to his belief that this was an impracticality and that the BRC has no say on what the Legislature plans to do with this dilemma.

Sergeant Anthony Buro advised the Boat Regulation Commission of notable differences between the penalties for refusing a breath test under N.J.S.A. 39:4-50.4a (DUI refusal) and N.J.S.A. 12:7-57 (BUI refusal). He highlighted that there is no provision for an ignition interlock device on a vessel. Consequently, an individual accused of BUI will most likely face suspension of both their driver's license and boating privileges. In contrast, a person accused and convicted of DUI who installs an ignition interlock device immediately may, on a first offense, avoid losing their driver's license—creating a significant disparity in penalties.

During the discussion, Shaun Blick requested clarification on what an ignition interlock device is. Sergeant Anthony Buro explained that it requires the operator to provide a breath sample before enabling the vehicle's ignition to start. This led the commission to question whether installing an ignition interlock device on a vessel would be practical. The discussion ultimately concluded that such an installation could present significant challenges.

Karen Fahy suggested that she believes that it is important that the BUI penalties match the penalties of a DUI where the motor vehicle is concerned. The penalties regarding a BUI should also include the option to add an interlock to vehicle. Karen Fahy stated the option of an interlock on a vessel would be impractical and could prove dangerous, should the operator not have the page that prompts the operator to provide a breath sample, due to the noise on a vessel. The vessel could shut down in rough seas placing the vessel and its occupants in a dangerous situation. Additionally, in certain conditions it is paramount to maintain hands on the both the wheel and throttle to operate the vessel and may prohibit the operator from providing a breath sample. Karen Fahy advised the NJSP Marine Services Bureau could look further into the legislative change for the DUI and explore options for a possible change for the BUI penalties to be similar.

Acting Chairman Edward Harrison Jr. asked for information on how much of an issue BUIs were in the state of New Jersey, and how many arrests have been made.

Sergeant Anthony Buro advised that in 2024, sixteen BUI arrests were made and in 2023, twelve BUI arrests were made.

Acting Chairman Edward Harrison Jr. asked the other commissioner if they had any other questions on the topic, and if anyone on the Commission had any other new business that they would like to discuss. The BRC advised that they did not. At this point, Acting Chairman Edward Harrison Jr. closed the new business discussion.

VI. PUBLIC COMMENT

Melissa Danko, Executive Director of the Marine Trades Association of New Jersey, stated: Melissa Danko raised questions about the recent changes in the Boat Regulation Commission roles. She also asked who the NJ Boating Law Administrator was, and asked for information on the up-coming executive session.

Karen Fahy advised Ms. Danko that she is now a member of the Boat Regulation Commission as the ex officio which is a representative of the NJ Attorney General. Sergeant Buro advised Ms. Danko that he has taken Karen Fahy's prior role as the Boat Regulation Commission Administrator. Karen Fahy then advised Ms. Danko that Lt. Christopher Jones #6456 is currently the New Jersey Boating Law Administrator.

In regards to Ms. Danko's question regarding the reason behind the executive session being held during the meeting to discuss N.J.A.C. 13:82-1.18 - Floats and swim

platforms, Karen Fahy advised that the MSB office had a discussion with the DAGs to make some administrative changes to the permitting of the floats and swim platforms and the executive session was scheduled to enable the NJSP and the Boat Regulation Commission to discuss this topic further with the NJ DAGs.

VII. EXECUTIVE SESSION

- **The Commission convened to discuss N.J.A.C. 13:82-1.18 (Floats and swim platforms)**

At 10:52 AM, the Boat Regulation Commission moved to enter an executive session to discuss N.J.A.C. 13:82-1.18, which pertains to floats and swim platforms.

Shaun Blick made the motion, Roland Gehweiler Jr. seconded it, and the BRC voted unanimously in favor of proceeding into executive session. As this session was private, members of the public were asked to leave and were not permitted to observe or participate.

The executive session concluded at 11:42 AM. Shaun Blick moved to close the session, with Roland Gehweiler Jr. seconding the motion. Following this, Shaun Blick made a motion to reopen the public session, which Roland Gehweiler Jr. also seconded. The motion carried, and the public meeting resumed.

VIII. EXPRESSION OF APPRECIATION

Acting Chairperson Edward Harrison Jr. expressed his appreciation to the providers of the facility and to the staff for the accommodations for the meeting.

IX. AGENDA FOR THE NEXT MEETING

Acting Chairman Edward Harrison Jr. asked the Boat Regulation Commission and Staff if there was anything on the agenda for the next meeting.

Karen Fahy stated that at present, there was nothing on the agenda and the possibility of either adding the follow-up discussion on N.J.A.C. 13:82-1.18 (Floats and swim platforms) to public comment or executive session is to be determined.

X. DATE, TIME, AND LOCATION OF NEXT MEETING

The next Boat Regulation Commission meeting is posted publicly on the New Jersey State Police website, www.njsp.org, under Public Information, Marine Services, New Jersey Boat Regulation Commission Annual Schedule of Meetings. The meeting is scheduled to take place at 10:00AM, Wednesday, May 14th, 2025 at the New Jersey Maritime Museum located at 528 Dock Road, Beach Haven, NJ 08008.

XI. AJOURNMENT

Roland Gehweiler Jr. made a motion to adjourn the meeting. Leonard Mangiaracina seconded the motion. The meeting was adjourned at 11:47 AM.