

**New Jersey Boat Regulation Commission Meeting
September 13, 2023
Toms River Yacht Club
1464 Riviera Avenue
Toms River, NJ 08753**

I. ROLL CALL

Acting Chairperson Ed Harrison Jr.
Leonard Mangiaracina
Shaun Blick
Bruce Strigh
Christopher Wozniak

STAFF

DAG Kevin Dronson
Sergeant Karen Fahy

Office of the Attorney General
NJSP, Marine Services Bureau

PLEDGE OF ALLEGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:26 AM by Acting Chairperson Ed Harrison Jr., at which time he also announced that this meeting is 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 JULY 2023 MEETING

Minutes from the July 12, 2023, Boat Regulation Commission Meeting were Approved by Acting Chairperson Ed Harrison Jr., and the motion was seconded by Leonard Mangiaracina.

IV. UNFINISHED BUSINESS

- **Vessel Transactions and the Motor Vehicle Commission (12:7-34.45 Change of address of owner; status of vessel)**

Acting Chairperson Ed Harrison Jr. reminded the Commission that this item still needed to be addressed and requested a status on the issue. Sergeant Karen Fahy advised the commission she was recently in communication with an assigned liaison from the New Jersey Motor Vehicle Commission to mediate the concerns brought forth by the New Jersey State Police and the New Jersey Boat Regulation Commission, regarding documentation of the sale of a vessel.

- **Status of 13:82 Rule Changes Approved in 2022 by Commission.**

Acting Chairperson Ed Harrison Jr. addressed the status of the 13:82 proposed rule changes. Sergeant Karen Fahy stated the public comment period ended on August 19th and the proposed rule changes were approved by the governor's office. She reminded the Commission the proposed rule changes included 13:82-1.4 Mandatory winter PFD wear; 13:82-1.13 Prohibit PWC passengers from riding between the operator and the controls; 13:82-3.1 Waterskiing and Wake surfing speed, wash, and wake distance from shore increased from 100 to 200 feet; and terminology of United States Coast Guard approved PFD is no longer type I, II, III, or V, just USCG approved PFD. Sergeant Fahy advised the changes would be posted in the October New Jersey Register.

- **Further Considerations for Mechanically Propelled Personal Hydrofoils (EFOILS) and Mechanically Propelled / Motorized Surfboards (JETBOARDS)**

Acting Chairperson Ed Harrison Jr. readdressed the topic of mechanically propelled hydrofoils, or eFoils and mechanically propelled surfboards, or jetboards, in reference to further considerations prior to regulation. Acting Chairperson Ed Harrison Jr. spoke of the recommendations from the USCG to regulate these vessels as a PWC. He further explained the definition of a PWC under the New Jersey Statute uses the term combustible engine and identified the need to talk about changing the definition. He was not certain if these vessels should be categorized as a PWC or its own type of vessel. Acting Chairperson Ed Harrison Jr. elaborated on the lack of storage for a fire extinguisher and the high speed for a vessel with little horsepower. He stated the Commission would need to decide what would fit best.

Leonard Mangiaracina stated the eFoils and jetboards are currently a big and growing part of the boating industry. Acting Chairperson Ed Harrison Jr. followed with information regarding Mercury Marine had recently purchased Australian eFoil manufacturing company Flightboard. Bruce Strigh queried how best to word an amended definition. Christopher Wozniak replied that he would like to see Title 12 amended to mirror the CFR (Code of Federal Regulations). He subsequently read the CFR definition for PWC's and the Title 12 definition:

Personal Watercraft as defined in 33 CFR 174.3, means a vessel propelled by a water-

jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel hull.

12:7-62. "Personal watercraft" defined for the purposes of this act, "personal watercraft" shall mean a power vessel defined as a Class "A" vessel by the United States Coast Guard, and which: (a) Is designed to be operated from a sitting, standing or kneeling position; (b) Is equipped with an internal combustion engine which powers a water jet pump; and (c) Cannot be operated in a manner so as to disengage the pump so as to prevent the vessel from making headway.

Christopher Wozniak elaborated, to the effect that verbiage for hydrofoils and jetboards could be added to the definition.

Leonard Mangiaracina questioned if the Marine Police could get a registration number of an eFoil or jetboard speeding up and down a lagoon. Christopher Wozniak replied the State Police get calls all the time with a vessel description which is typically enough to identify the vessel. He further stated speed should not be a problem due to slow speed, no wake describing either, slow speed or no wake. He advised the State Police should make this more apparent to the boating public.

Acting Chairperson Ed Harrison Jr. asked the question, aside from a fire extinguisher exemption, are there any other exemptions that need to be considered for these vessels. And he questioned if altering the number size was within the purview of the Commission. Sergeant Karen Fahy replied the exemption on the number size fell under 13:82. Shaun Blick asked if there was procedure regarding no HIN (Hull Identification Number) on the vessels. Sergeant Karen Fahy explained that law enforcement encountering a vessel with no HIN could contact the US Coast Guard and advise the USCG Product Assurance Branch of the manufacturer. They would subsequently assign the manufacturer a Manufacturer Identification Code (MIC), which would then require a HIN to be placed on the vessels. Acting Chairperson Ed Harrison Jr. advised he is agreeable to reducing the number size.

Sergeant Karen Fahy stated there may be a need to consider the high-speed electric motor when considering regulation for the eFoils and jetboards due to the low horsepower equivalent on lightweight vessels that can still travel at high speeds. Bruce Strigh stressed the importance of the regulation being easy and not overly complicated. Acting Chairperson Ed Harrison Jr. spoke to the safety concerns with speed and advised if these vessels are regulated as personal watercraft, then there is no need to worry about operation with children ages 13 to under 16 years old. He further elaborated on the personal watercraft regulations and equipment requirements that would be applicable to eFoils and jetboards, such as PFD, sound producing

device requirement, and daylight operation due to no light requirement.

Leonard Mangiaracina asked the Commission to consider one operator, and no other occupant on board the jet board. Christopher Wozniak advised he saw no issue with more than one person on board. He advised the State Police Marine Services Office can look into possibilities regarding multiple occupants, then re-visit this during the next meeting. Shaun Blick questioned the definition of a Class “A” vessel and Sergeant Karen Fahy advised it was any vessel under 16 feet.

Acting Chairperson Ed Harrison Jr. advised steps should be implemented to amend the definition of a PWC in order to move forward with regulation of the eFoils and jetboards. DAG Kevin Dronson advised this would be an appropriate way to proceed.

- **Jet-Lev Flyer justification for regulation submitted (13:82-5.2)**

Sergeant Karen Fahy advised the justification for Jet-Lev Flyers, currently known as Hydroflight Vessels has been re-submitted to the New Jersey State Police Research and Legislation Services Unit for review to be considered for adoption into the N.J.A.C. 13:82 regulations before the March 2024 New Jersey Boating Regulations 13:82 expiration.

V. NEW BUSINESS

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

Acting Chairperson Ed Harrison Jr. inquired if there have been any Boat Regulation Commission Email communications. Sergeant Fahy provided an update regarding the Commission’s email inbox and advised there had been email communications addressed to Sergeant Karen Fahy pertaining to eFoil regulation and the author had been advised to reach out to her work email directly if the questions were not specific to the Commission. Anthony Hannan, a member of the public present at the meeting, advised he sent an email late the previous night. Sergeant Fahy stated she did not see the correspondence, and advised he could speak to his email during the public comment portion of the meeting.

- **Expiration of N.J.A.C. 13:82 / Approval of changes**

Acting Chairperson Ed Harrison Jr. introduced the expiration of N.J.A.C. 13:82. Sergeant Karen Fahy explained any changes to the administrative code intended to be adopted prior to the March 2024 expiration, need to be approved by the Boat Regulation Commission and submitted to the New Jersey State Police Research and Legislative Services Unit by September 19th, otherwise they could be introduced at a later date if needed.

Sergeant Karen Fahy advised the justification for Subchapter 10; Power Boat Racing had previously been submitted by the New Jersey State Police Racing Control Squad. She then read the following Subchapter 10, Powerboat Racing Guidelines:

N.J.A.C. 13:82-10.1 Guidelines

- (a) The NJSP Racing Control Squad shall enforce the rules promulgated in this subchapter.
- (b) All licensee's holding power boat events which race around a designated course will adhere to the American Power Boat Association (A.P.B.A.) regulations.
- (c) All licensee's holding drag boat events will adhere to the International Hot Boat Association (I.H.B.A.) regulations.

N.J.A.C 13:82-10.2 Construction requirements

- (a) Design and construction of the race course must be approved by the Superintendent or designee prior to the racing event. Safety features such as, but not limited to, fences, crash protection, lights, spectator seating, entrances and exits, pit facility locations, and other physical factors affecting the safety of spectators and participants may be required for approval depending on the terrain and location of the race course, at the discretion of the Superintendent or designee.
- (b) A sketch or sketches of the track and associated areas shall be provided as near to scale as practicable indicating the location of required safety features.

N.J.A.C. 13:82-10.3 Fences

- (a) All fences installed for the purpose of limiting spectator areas shall be constructed of welded wire or chain link and shall be at least six feet in height and so constructed as not to be easily lifted, climbed over, or moved aside.
- (b) All spectator fencing shall be erect at a distance of at least 25 feet beyond the designated launch/haul and pit area.
- (c) All fencing and setbacks must conform to the above specifications at a minimum and or those set forth in the A.P.B.A. or I.H.B.A. technical specifications latest published edition.

Shaun Blick questioned the insurance requirement for these racing vessels. Acting Chairperson Ed Harrison Jr. responded that the I.H.B.A. and the A.P.B.A. probably require insurance for entry. Lieutenant Christopher Jones #6456, New Jersey State Police Operations Officer, advised the racing association will determine the requirements, and the insurance requirements would fall outside the purview of the BRC. Acting Chairperson Ed Harrison Jr. requested to move on N.J.A.C. 13:82-10. Leonard Mangiaracina made a motion to approve. Bruce Strigh seconded the motion.

Sergeant Karen Fahy reminded the Commission that the proposed statute for the Jet Levitation Devices was read and addressed by the Commission during the July, Lake Hopatcong BRC meeting. She advised she made changes to the proposed regulation

which included replacing the term “Jet Levitation” with “Hydroflight Vessel.” She explained with further research, it has since been found the common term for these devices is “hydroflight vessel.” She also addressed an issue with not explicitly restricting persons under the age of 16 in the proposed regulation. After a conference with DAG Kevin Dronson she stated it was advisable to add the provision to the proposed regulation to be clear on the matter. Shaun Blick addressed oversight on terminology and requested the verbiage change to “or other machinery,” regarding 13:82-5.2(a)1. Is equipped with an internal combustion engine which powers a water jet pump, or other machinery. Shaun Blick motioned to approve 13:82-5.2 with the addressed modifications. Bruce Strigh seconded the motion.

- **Delay with NJ registration of federally documented vessels**

Acting Chairperson Ed Harrison Jr. addressed the topic of the delay with documented vessel registrations. Sergeant Karen Fahy explained the issue was thoroughly researched after Shaun Blick explained at the July BRC meeting, there was a delay with the USCG federal documentation paperwork and consequently was unable to register and pay sales tax on a vessel through the New Jersey Motor Vehicle Commission (NJMVC). She stated the problem is outside of the purview of the Boat Regulation Commission, nor is it a New Jersey State Police matter.

Sergeant Karen Fahy advised there is currently a 4 month back log through the USCG to federally title a vessel. The USCG subsequently advises not to operate the vessel without valid documentation. The registration through NJMVC cannot be completed until the documentation is finalized. NJSP advises not to operate the vessel without proper registration. This is a quandary because New Jersey state law, and the timing for the issuance of federal transfer documentation are inconsistent with one another such that compliance is difficult.

NJMVC does not penalize for a registration deadline. A penalty is applied only for state titling which does not apply in this matter. The problem is that NJ requires payment of sales tax within 10 days. The Division of Taxation advised the purchaser is good if he / she pays upon registering the vessel, and there should be no issue if there is a legitimate reason to not pay sales tax at the time of purchase. As per the Division of Taxation, the purchaser does have the option to pay directly to the Division of Taxation and receive a sales tax receipt.

- **Requested Wake Surfing regulation amendment for Lake Hopatcong***

- **Request to remove waterskiing restriction on Byram/Woodport Coves (13:82-3.11(a))***

Sergeant Karen Fahy presented both issues due to concern addressed at the July Lake Hopatcong meeting. Marty Kane, of the Lake Hopatcong Foundation, addressed the Commission to advise these topics will be vetted through the Lake Hopatcong Commission. He stated the topic prompted 60 wakeboarders to come out to the Lake

Hopatcong Commission meeting which subsequently initiated the need for a subcommittee on the topic. *Marty Kane advised the Lake Hopatcong Commission will take care of the issues, including the water-skiing restriction, and currently the BRC can ignore these items for now.

VI. PUBLIC COMMENT

Acting Chairperson Ed Harrison Jr introduced the public comment portion of the meeting. Sergeant Karen Fahy advised she would like to present the proposed 2024 Boat Regulation Commission meeting schedule where some alternative venues were lined up for the Commission to decide on. The following schedule was discussed:

Jan 10, 2024, **Battleship NJ -Main Deck or Museum (if ship is in dry dock in Phila.)**

Mar 13, 2024, **Ocean City Yacht Club**

May 08, 2024, **The New Jersey Maritime Museum**

Jul 10, 2024, **Lake Hopatcong Yacht Club**

Sep 11, 2024, **Toms River Yacht Club**

Oct 30, 2024, **Liberty Landing State Park Central Railroad of NJ Terminal Bldg.**

A motion to approve the schedule was made by Shaun Blick. Bruce Strigh seconded the motion.

Anthony Hannan, a resident of Middletown. Mr. Hannan advised he was exploring the idea of living on a sailboat and cruising the coast. He was looking to stay in the Monmouth County area for 2-3 months. He inquired about the length of time he could leave his boat anchored at a location. Lieutenant Christopher Jones #6456, of the New Jersey State Police Marine Services Unit, advised the vessel should be moved every 10 days with the intent to avoid liveaboards and abandonment. Mr. Hannan further inquired if he could anchor in the Navesink River. Sergeant First Class Frake #5996, of the New Jersey State Police Marine Services Unit, advised he could as long as the vessel was properly lit at night. Mr. Hanna then inquired about any regulated proximity to shore reference anchoring. Sergeant Karen Fahy advised she would investigate this further and respond to his email.

Melissa Danko, Executive Director of the Marine Trades Association. Ms. Danko posed a question about the proposed Title 13:82 Regulations regarding where they were posted for public knowledge. Sergeant Karen Fahy advised the proposed rules were located on the New Jersey State Police website at NJSP.org, under public information, then under the proposed rules menu. Ms. Danko subsequently suggested any proposed rules be posted at the BRC Meetings. Christopher Wozniak advised the Commission would also display existing Title 13:82 at all meetings going forward. Ms. Danko further requested

Sergeant Fahy to reach out to the Trades association regarding any other big changes in regulations.

Marty Kane, the Lake Hopatcong Foundation Board Chair. Mr. Kane addressed the Commission and advised there were a couple accidents on the lake, however there were no serious injuries, and there was one BUI. He stated the season is short at Lake Hopatcong due to the lake drawdown. He added it will be down 5 feet. Mr. Kane explained that because of the drawdown, all the boat races are packed into two weeks. He did state everything went smooth with the boat races. He further advised the Commission he would not be in attendance for the October meeting.

VII. EXPRESSION OF APPRECIATION

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

VIII. AGENDA FOR THE NEXT MEETING

The agenda for the next meeting will be posted publicly on the New Jersey State Police website and at State Police Headquarters, West Trenton, NJ.

IX. DATE, TIME AND LOCATION OF THE 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 for 10:00AM, Wednesday, October 25, 2023, at the Liberty State Park Central Railroad of NJ Terminal Building, 1 Audrey Zapp Drive, Jersey City, NJ 07305.

X. ADJOURNMENT

Shaun Blick moved to adjourn the meeting; Leonard Mangiaracina seconded the motion. The meeting was adjourned at 11:23AM.