

LAW AND PUBLIC SAFETY

(a)

BOAT REGULATION COMMISSION

MOTOR VEHICLE COMMISSION

Boating Regulations

Proposed Readoption with Amendments: N.J.A.C. 13:82

Authorized By: New Jersey Boat Regulation Commission, Edward Harrison, Jr., Acting Chair, with the approval of Matthew J. Platkin, Attorney General, and Latrecia Littles-Floyd, Acting Chair and Chief Administrator, Motor Vehicle Commission.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-055.

Submit written comments on N.J.A.C. 13:82-1.1 through 7.4, by August 19, 2023, to:

Edward Harrison, Jr., Acting Chair, Boat Regulation Commission
c/o Marine Services Bureau
Division of State Police
PO Box 7068
West Trenton, New Jersey 08628-0068
or electronically at BoatingRegulations@njsp.org

Submit written comments on N.J.A.C. 13:82-8.1 through 9.1, by August 19, 2023, to:

Emily Armstrong, APO
Attn: Legal Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162
or electronically at MVC.rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Boat Regulation Commission (BRC) and the Motor Vehicle Commission (“MVC” or “Commission”) are proposing to readopt and update N.J.A.C. 13:82 with amendments. N.J.A.C. 13:82 sets forth rules concerning the inspection, operation, equipment, anchorage, racing, and safety of vessels on the waters of the State and rules concerning the numbering and registration of vessels and licensing of operators. The rules in this chapter were scheduled to expire on March 15, 2024, pursuant to N.J.S.A. 52:14B-5.1.c. As the BRC and the Commission submitted this notice to the Office of Administrative Law prior to that date, that date is extended 180 days to September 11, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(1).

The BRC and the MVC have reviewed the existing rules and determined that the rules proposed for readoption with amendments are necessary, reasonable, and proper for the purpose for which they were originally promulgated. N.J.S.A. 12:7-34.49 requires that rules promulgated by the BRC not be inconsistent with rules issued by the agency or agencies of the United States having jurisdiction with respect to power vessels upon waters of the State. The BRC has reviewed the rules for conformity with Federal boating statutes and rules promulgated by the United States Coast Guard and is proposing amendments, where necessary.

The following is a summary of the existing Chapter 82, which the BRC and the MVC propose to readopt with amendments.

Subchapter 1 includes general rules on equipment and operation.

N.J.A.C. 13:82-1.1 sets forth that the chapter will govern the operation of vessels on the waters of the State.

N.J.A.C. 13:82-1.2 includes general references.

N.J.A.C. 13:82-1.3 describes the equipment required on all vessels.

N.J.A.C. 13:82-1.4 describes the requirement for personal flotation devices (PFDs) on vessels. The BRC proposes to add new N.J.A.C. 13:82-1.4(f) to require all persons on board of certain vessels to wear a United

States Coast Guard-approved personal flotation device between November 1st and May 1st. This amendment is proposed to increase safety measures.

N.J.A.C. 13:82-1.5 describes the authorized use of rotating lights.

N.J.A.C. 13:82-1.6 describes the authorized use of sirens.

N.J.A.C. 13:82-1.7 provides general rules on vessel speed and wakes.

N.J.A.C. 13:82-1.8 incorporates by reference the Federal Inland Navigation Rules and International Navigation Rules, commonly referred to as the “rules of the road.”

N.J.A.C. 13:82-1.9 concerns restrictions on anchoring near aids to navigation.

N.J.A.C. 13:82-1.10 concerns restrictions on operating or anchoring vessels in a manner that interferes with other vessels.

N.J.A.C. 13:82-1.11 prohibits traversing a marine event in a manner that would endanger participants.

N.J.A.C. 13:82-1.12 reiterates the requirement that vessel operators obey orders of law enforcement personnel.

N.J.A.C. 13:82-1.13 prohibits operators from allowing passengers to ride in dangerous positions. The BRC proposes to add new N.J.A.C. 13:82-1.13(b) to prohibit a person from riding between the operator and steering controls of a personal watercraft. This amendment is proposed to increase safety measures.

N.J.A.C. 13:82-1.14 pertains to motors with altered identification numbers.

N.J.A.C. 13:82-1.15 requires operators to wear the lanyard cutoff switch on vessels so equipped.

N.J.A.C. 13:82-1.16 provides an exemption from operational rules for vessels engaged in authorized marine events.

N.J.A.C. 13:82-1.17 pertains to reporting of vessels found under other than normal conditions.

N.J.A.C. 13:82-1.18 pertains to floats and swim platforms that may be obstructions to navigation.

N.J.A.C. 13:82-1.19 prohibits operation of a vessel by a non-licensed operator in an area where a license is required.

N.J.A.C. 13:82-1.20 governs permits for marine events.

N.J.A.C. 13:82-1.21 outlines the BRC waiver process.

Subchapter 2 includes one rule, N.J.A.C. 13:82-2.1, pertaining to the reporting of boating accidents.

Subchapter 3 includes rules on waterskiing, swimming, and diving, and rules applicable to specific bodies of water in the State.

N.J.A.C. 13:82-3.1, which outlines the permissible uses of waterskiing and wake surfing and safety protocols for those engaged in waterskiing and wake surfing. The BRC proposes to amend this section to increase the distance from 100 feet to 200 feet to increase safety measures.

With regard to bodies of water in the State, Subchapter 3 sets forth specific rules for each.

N.J.A.C. 13:82-3.2 pertains to Beaver Dam Creek Point Pleasant and Brick Town, Ocean County.

N.J.A.C. 13:82-3.3 pertains to Deal Lake, Monmouth County.

N.J.A.C. 13:82-3.4 pertains to Lake Grinnell, Sussex County.

N.J.A.C. 13:82-3.5 pertains to Indian Lake, Morris County.

N.J.A.C. 13:82-3.6 pertains to Paulinskill Lake, Sussex County.

N.J.A.C. 13:82-3.7 pertains to Grover’s Mill Pond, Mercer County.

N.J.A.C. 13:82-3.8 pertains to Lake Mohawk, Sussex County.

N.J.A.C. 13:82-3.9 pertains to South Branch of Kettle Creek, Ocean County.

N.J.A.C. 13:82-3.10 pertains to Shrewsbury and Navesink Rivers and adjacent areas; and tidal waters.

N.J.A.C. 13:82-3.11 pertains to Lake Hopatcong, Sussex and Morris Counties.

N.J.A.C. 13:82-3.12 pertains to Budd Lake, Morris County.

N.J.A.C. 13:82-3.13 pertains to Operation on Greenwood Lake.

N.J.A.C. 13:82-3.14 pertains to Operation on Cranberry Lake.

N.J.A.C. 13:82-3.15 pertains to Seven Presidents Park, Long Branch, Monmouth County.

N.J.A.C. 13:82-3.16 pertains to Upper Greenwood Lake.

N.J.A.C. 13:82-3.17 describes the provisions of diving and swimming.

N.J.A.C. 13:82-3.18 prescribes the mandatory wearing of a personal flotation device (PFD) on Round Valley Reservoir. The proposed amendment removes the specific types of personal flotation devices. The

United States Coast Guard has updated its guidelines and requirements on personal flotation devices and has moved away from describing “types” of personal flotation devices.

N.J.A.C. 13:82-3.19 pertains to Patcong Creek, Atlantic County.

N.J.A.C. 13:82-3.20 pertains to Mullica River, Atlantic and Burlington Counties.

Subchapter 4 includes rules on watercraft noise control.

N.J.A.C. 13:82-4.1 sets forth relevant definitions.

N.J.A.C. 13:82-4.2 sets forth the maximum permitted decibel level for power vessels and prescribes the method of testing employed by the State Police for enforcement.

N.J.A.C. 13:82-4.3 and 4.4 include rules for the use of muffling systems.

N.J.A.C. 13:82-4.5 prohibits any person from operating or tampering with any vessel without the owner’s permission.

N.J.A.C. 13:82-4.6 includes rules for the issuance of race test permits. The permit required at N.J.A.C. 13:82-4.6 is in addition to any permit required for a marine event pursuant to N.J.A.C. 13:82-1.20.

Subchapter 5 includes one rule on personal watercraft.

N.J.A.C. 13:82-5.1 sets forth that personal watercraft must conform to statutory requirements.

Subchapter 6 includes rules on parasailing.

N.J.A.C. 13:82-6.1 permits parasailing in New Jersey, except where prohibited.

N.J.A.C. 13:82-6.2 defines “parasailing.”

N.J.A.C. 13:82-6.3 sets forth the requirements for parasailing operation and equipment. The proposed amendment at N.J.A.C. 13:82-6.3(d) removes the specific types of personal flotation devices. The United States Coast Guard has updated its guidelines and requirements on personal flotation devices and has moved away from describing “types” of personal flotation devices.

Subchapter 7 sets forth rules for motor vehicles on ice-covered waters.

N.J.A.C. 13:82-7.1 indicates that the rules in the subchapter shall govern the operation of vehicles on ice-covered waters.

N.J.A.C. 13:82-7.2 includes definitions of all-terrain vehicles and snowmobiles permitted to operate on ice-covered waters.

N.J.A.C. 13:82-7.3 prohibits operations by other vehicles and also requires operators to wear Coast Guard-approved personal flotation devices. The proposed amendment removes the specific types of personal flotation devices. The United States Coast Guard has updated its guidelines and requirements on personal flotation devices and has moved away from describing “types” of personal flotation devices.

N.J.A.C. 13:82-7.4 sets forth that violations of this subchapter will be subject to penalties.

Subchapter 8 sets forth rules on the registration of vessels and the licensing of operators. These rules are promulgated by the MVC. The subchapter describes the requirements for the numbering of vessels, the issuance and transfer of registration certificates, and the issuance of operator licenses. It also sets forth a fee for duplicate registration certificates. The MVC has reviewed the current rules and has determined that no substantive amendments are necessary at this time.

Subchapter 9 includes rules establishing fees for issuance of certificates of ownership for vessels. The MVC has reviewed the current rules and has determined that no amendments are necessary.

As the BRC and MVC are providing a 60-day comment period for this notice of proposal, the notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for re-adoption with amendments will have a positive social impact by continuing the safe operation of vessels on the waters of the State and promoting the enjoyment and use of those waters by the public. Specifically, proposed new N.J.A.C. 13:82-1.4(f) will require all persons on board of certain vessels to wear a United States Coast Guard-approved personal flotation device between November 1st and May 1st. This will promote safety for all people on board during cold weather months. Proposed new N.J.A.C. 13:82-1.13(b) will prohibit a person from riding between an operator and steering control of a personal watercraft, which will help in preventing accidents and injuries to riders and others.

Economic Impact

The rules proposed for re-adoption with amendments will not have any significant economic impact on the public but they may have an indirect economic impact, as violations of BRC rules subject the violator to the fines prescribed at N.J.S.A. 12:7-51. The rules imposing accident reporting and equipment requirements are based on State and Federal statutory and regulatory mandates. The fees for registration of vessels and licensing of operators remain the same as under the existing rules. Fees for issuance of certificates of ownership, registration, and numbering of vessels, and licenses for operators provide general State revenues, except for deposits in the Boat Certification Fund, which are used exclusively for administrative and enforcement costs associated with the Boat Ownership Certificate Act.

Federal Standards Statement

A Federal standards analysis is not necessary because the rules proposed for re-adoption with amendments do not exceed Federal boating standards promulgated by the United States Coast Guard to the extent that those standards are applicable to waters of the State. The Code of Federal Regulations, Title 33, Subchapter 175, regulates the personal flotation devices, that must be approved by the United States Coast Guard.

Jobs Impact

The rules proposed for re-adoption with amendments will not result in the generation or loss of any jobs in New Jersey.

Agriculture Industry Impact

The rules proposed for re-adoption with amendments will not have any impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

The rules proposed for re-adoption with amendments apply to all vessels and operators in the State and may impose reporting, recordkeeping, or other compliance requirements on small businesses. Of the approximately 150,000 vessels registered in the State, it is estimated that approximately 5,000 are owned by small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The existing rules prohibit any person from operating 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) readily accessible for each person on board. The rules proposed for re-adoption with amendments will require each person on board a recreational vessel less than 26 feet, including rowboats, canoes, kayaks, and stand-up paddleboards, to wear the PFD during cold water months, specifically between November 1st and May 1st. These rules apply to all persons on open vessels under 26 feet and to all people outside of the cabin of a cabin vessel less than 26 feet during the aforementioned cold-water months. The rules proposed for re-adoption with amendments are applied uniformly to provide for the safety and enjoyment of the public.

The rules proposed for re-adoption with amendments apply to all vessels and operators uniformly to provide for the safety and enjoyment of the public. Small businesses are required to register and title vessels and pay the associated fees to the same extent as larger businesses and private individuals. Costs are based on the size of the vessel. Operators are required to report boating accidents by statute. The rules proposed for re-adoption with amendments do not impose any additional requirements. Operational rules apply uniformly to all vessels and operators and do not impose reporting, recordkeeping, or other compliance requirements on small businesses. N.J.A.C. 13:82-1.20 imposes compliance requirements on sponsors and organizers of marine events, some of whom may be small businesses. There are no costs or fees associated with the required permit and small businesses will not need professional services to comply.

Housing Affordability Impact Analysis

The rules proposed for re-adoption with amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern equipment and operation of vessels on the waters of the State.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood

that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules concern equipment and operation of vessels on the waters of the State.

**Racial and Ethnic Community Criminal Justice and Public Safety
Impact Statement**

The rules proposed for reoption with amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in New Jersey. Accordingly, no further analysis is required.

Full text of the rules proposed for reoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:82.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

13:82-1.4 Personal flotation devices

(a)-(c) (No change.)

(d) The following classes of vessels shall be exempt from the requirements [of] **at (b) above and (f) below**:

1.-4. (No change.)

(e) (No change.)

(f) No owner or operator of a recreational vessel less than 26 feet, including rowboats, canoes, kayaks, and stand-up paddleboards shall permit its operation between November 1st and May 1st, unless each person on board such vessel is wearing a securely fastened United States Coast Guard-approved wearable personal flotation device of an appropriate size while such vessel is underway. A person inside the cabin of a cabin vessel shall be exempt from this requirement.

13:82-1.7 Speed

(a) (No change.)

(b) All vessels shall reduce speed to slow speed/no wake when passing:

1. Any marina, pier, dock, wharf, or abutment at a distance of 200 feet or less, except on Lake Hopatcong, in accordance with N.J.A.C. 13:82-3.11;

2. Work barges, platforms, or floats while actually engaged in work related activity;

3. (No change.)

4. Through lagoons, canals, and confined areas of less than 200 feet in width;

5.-7. (No change.)

(c) (No change.)

(d) State Police, on the recommendation of the Commission, or on its own initiative, may designate a specific area not included [in] **at (b)1 through 6 above** as a temporary slow speed/no wake area based on congestion, visibility, safety, or other good cause. All vessels moving through these areas shall reduce their speed to slow speed/no wake within a 200-foot radius of the sign or buoy, in addition to any restriction [under] **pursuant to (b) above**.

(e) No person shall place, anchor, or construct any buoy that states or implies that an area is a "Slow Speed/No Wake" area except as provided [in] **at (a) [through], (b), (c), or (d) above**. The State Police may remove or have removed any such unauthorized buoy.

13:82-1.9 Anchoring near aid to navigation

No person shall anchor or cause to be anchored, tie, or cause to be tied any power vessel, rowboat, sailboat, canoe, or any other vessel to or within a radius of 50 feet of any light, beacon, buoy, or any other aid to navigation, except in an emergency. This section shall not apply to vessels operated by the State or Federal Government for the maintenance, replacement, or survey of navigation aids.

13:82-1.11 Interference with marine events

No vessel shall move across the course or around the course of any marine event as defined [in] **at N.J.A.C. 13:82-1.20**, so as to create a water condition, which shall unnecessarily endanger the life, limb, or craft of those competing in the marine event.

13:82-1.13 Riders

(a) The operator of a vessel shall not allow any person to ride in any position that would endanger life or limb nor allow passengers or cargo in excess of the maximum capacity stated on the manufacturer's or U.S. Coast Guard capacity label.

1.-2. (No change.)

3. For purposes of this section, waterskiers as defined [in] **at N.J.A.C. 13:82-3.1** shall be included in the number of persons in the vessel.

(b) The owner or certified operator of a personal watercraft (PWC) shall not allow any person or persons to ride between the certified operator and the steering controls of the personal watercraft (PWC).

13:82-1.14 Altered motor numbers

Any person who shall have in his or her possession any motor, whether inboard or outboard, the motor number of which has been altered or mutilated, or who shall come into possession of such a motor, shall at once file, in writing, with the State Police a statement setting forth all circumstances in connection with his or her possession of such motor.

13:82-1.16 Exclusion of marine events

The provisions of this subchapter shall not apply to any vessel or to any operator while actually competing in a marine event for which a permit has been issued [under] **pursuant to N.J.A.C. 13:82-1.20**, except as may be otherwise provided in the permit.

13:82-1.17 Finding

(a) Any person finding, recovering, or coming into possession of any vessel other than through normal purchase, loan, rental, charter, or gift shall notify the State Police within 24 hours. Any person finding an unoccupied vessel on the waters of the State or under circumstances that indicate an emergency shall notify the State Police without delay by the quickest means available.

(b) (No change.)

13:82-1.20 Marine events

(a) For the purposes of this section, "marine event" means an organized water event of limited duration that takes place on a predetermined schedule. A marine event shall include, but is not limited to, vessel parades, regattas, contests that use speed, acceleration, distance, time, and/or destination, retrieval of any object(s), obstacle courses, or maneuvering as a measure of competition involving more than five vessels (sail and/or power) underway at any time, and swimming events. A marine event shall not include events of public entertainment on [wholly-owned] **wholly owned** private lakes.

(b) (No change.)

(c) The organizer or sponsor of the marine event shall submit a request, in writing, to the Station Commander of the State Police marine station responsible for patrolling the area in which the event is intended to take place. The request shall state the nature of the intended activity and shall include the name, address, and telephone number of the person or organization sponsoring the event, the date, start and anticipated finish time, route of travel, number of vessels, and estimated number of persons, and any other information requested by the Station Commander. This request shall be submitted at least 45 days prior to the event. If the event encompasses more than one State Police marine station area, the Station Commander of the area in which the event starts shall process the request, after consultation with the Station Commanders of any other State Police stations [effected] **affected** by the event, and determine whether or not to issue the permit. The Station Commander shall notify the United States Coast Guard district of any request for a permit affecting waters subject to the jurisdiction of the United States. The Station Commander may consult with other law enforcement agencies or governmental bodies with jurisdiction in the affected area.

(d)-(f) (No change.)

13:82-1.21 Waiver of the Boat Regulation Commission rules

(a) Any person or entity desiring a waiver from the provisions of a rule or rules [in] **at N.J.A.C. 13:82-1 through 7** shall submit a formal written request to the Commission, in accordance with this section. Any such request shall set forth, in detail, all facts that support the necessity of the requested relief and identify all persons or entities who might be affected

if the relief were granted. Any waiver granted pursuant to this section shall only be valid for one year.

(b) (No change.)

(c) The Commission may waive application of any rule in an individual circumstance on its own motion upon finding that such relief is warranted by the factors set forth [in] **at** (b) above.

(d)-(h) (No change.)

SUBCHAPTER 2. REPORTING OF BOATING ACCIDENTS

13:82-2.1 Reporting of boating accidents

(a) Pursuant to N.J.S.A. 12:7-34.46 and 33 CFR Part 173, when, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel the operator shall, without delay, by the quickest means available, notify the nearest State Police station of the following:

1. The date, time, and exact location of the occurrence;

2.-4. (No change.)

(b) (No change.)

(c) If, as a result of an occurrence that involves a vessel or its equipment, a person dies; a person is injured and requires medical treatment beyond first aid; damage to the vessel and other property totals more than the Federal standard for filing an accident report as established pursuant to 33 CFR 173.55, or there is the complete loss of any vessel; or a person disappears from a vessel under circumstances that indicate death or injury, the operator or operators shall file a written report on forms furnished by the State Police within:

1. (No change.)

2. Within 10 days of the occurrence or death if an earlier report is not required [under] **pursuant to** (c)1 above.

(d) The written report required [in] **at** (c) above shall include the following information:

1.-2. (No change.)

3. The name of the nearest city or town, the county, the State, and the body of water;

4.-5. (No change.)

6. The visibility, weather, and water conditions;

7.-20. (No change.)

21. The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, [or] explosion, or other);

22.-26. (No change.)

(e) When the operator of a vessel cannot submit the casualty or accident report required [in] **at** (d) above, the owner of the vessel shall submit the casualty or accident report.

SUBCHAPTER 3. OPERATIONAL REGULATIONS

13:82-3.1 Waterskiing and wake surfing

(a) (No change.)

(b) All power vessels (including vessel, towline, and skier) conducting waterskiing operations, including wake surfing, shall, while underway, keep at least 200 feet distant from any wharf, marina, dock, pier, bridge structure, abutment, [or] persons in the water, [and 100 feet from] other vessels, any shore, approved aid to navigation, or mooring, except specifically provided otherwise in this chapter.

(c)-(i) (No change.)

13:82-3.3 Deal Lake, Monmouth County

(a)-(c) (No change.)

(d) Barefoot skiing, kite flying, parasailing, and ski jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey.

13:82-3.4 Lake Grinnell, Sussex County

(a)-(f) (No change.)

(g) Barefoot skiing, kite flying, para-sailing, and ski-jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey, as required by law.

(h) (No change.)

13:82-3.5 Indian Lake, Morris County

(a)-(c) (No change.)

(d) Barefoot skiing, kite flying, [parasail] **parasailing**, and ski jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey, as required by law.

13:82-3.6 Paulinskill Lake, Sussex County

(a) [Water-skiing] **Waterskiing** shall be permitted on Paulinskill Lake only within the designated ski course, as described below.

1. (No change.)

2. The ski course described [in] **at** (a)1 above, including the start, stop, and turning areas, shall be identified by marker buoys.

(b) Skiing hours are designated as follows:

1. (No change.)

2. Saturday, Sunday, and [Holidays] **holidays**--12:00 Noon to sunset.

(c)-(l) (No change.)

13:82-3.8 Lake Mohawk, Sussex County

(a) No waterskiing shall be permitted in Tamarack Cove, Turtle Cove, Three Finger Cove, or the South End Cove of the lake.

(b) No waterskiing shall be permitted to the west of Manitou Island north and south of Manitou Bridge, between Manitou Island and Echo Island, or in any other indicated slow speed/no wake area as defined [in] **at** N.J.A.C. 13:82-1.7(c).

(c)-(i) (No change.)

13:82-3.11 Lake Hopatcong, Sussex and Morris [County] **Counties**

(a) From May 15 through September 15 of each calendar year, no person shall waterski on Saturdays, Sundays, or holidays between the hours of 11:00 A.M. and 5:00 P.M. in the following areas:

1.-6. (No change.)

(b) No vessel shall pull more than two skiers at any one time on Saturdays, Sundays, or holidays from May 15 through September 15 of any year, except when participating in an exhibition or race sanctioned by the State Police or the Division of Parks and Forestry.

(c) (No change.)

(d) While towing a skier, the operator of the vessel shall 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.

(e)-(g) (No change.)

(h) No vessel shall be operated upon Lake Hopatcong on Saturdays, Sundays, or legal holidays between May 15 and September 15 at a speed in excess of 30 miles per hour.

(i)-(k) (No change.)

13:82-3.14 Operation on Cranberry Lake

(a) Subject to the restrictions imposed [by] **at** (b) below, vessels operating on Cranberry Lake shall not exceed a speed of 25 miles per hour.

(b) No person shall operate a vessel at a speed in excess of five miles per hour between sunset and sunrise or at any time in the following areas:

1.-3. (No change.)

4. Within 100 feet of any shore, any wharf, pier, bridge, dock structure, buoy, or person in the water or designated bathing area which is marked by buoys.

(c) Any person swimming or using a raft, tube, or other floatation device shall be accompanied by a boat escort unless such person is not more than 75 feet from the shore or is in an area in which vessel speed is limited to five miles per hour.

13:82-3.15 Seven Presidents Park, Long Branch, Monmouth County

(a) Between Memorial Day weekend and Labor Day, no person shall operate a personal watercraft, power vessel, or any other type of vessel (hereinafter referred to as "watercraft") on waters within the boundaries of Seven Presidents Oceanfront Park designated as bathing, surfing, or boogie board use areas. Those watercraft entering and exiting the ocean shall utilize the boat launch area and watercraft access lane as designated on site, and shall maintain a speed no faster than that which is necessary to safely navigate the surf until clear of the watercraft access area. The riding of waves by personal watercraft within the watercraft access lane is prohibited.

(b) After Labor Day and before Memorial Day weekend, personal watercraft may utilize the boat launch area to ride waves, except as

provided [in] at N.J.S.A. 12:7-63. Power vessels shall give right of way to sailboats when required by the International Steering and Navigation Rules, Rule 18. A copy of the rule may be obtained from the State Police.

(c) (No change.)

13:82-3.16 Upper Greenwood Lake

(a) No waterskiing is permitted around Blueberry Island, Carters Island, and Snake Island at the northeast end of the lake or in the Mount Laurel section cove in the southeast section of the lake.

(b) (No change.)

(c) All vessels shall maintain slow speed no wake around Blueberry Island, Carters Island, and Snake Island at the northeast end of the lake, and in the Mount Laurel section cove in the southeast section of the lake.

(d) No vessel shall be operated on Upper Greenwood Lake on Saturdays, Sundays, and legal holidays at a speed in excess of 30 miles per hour. Between sunset and sunrise, no vessel shall be operated at a speed in excess of 10 miles per hour.

13:82-3.17 Diving and swimming

(a) General provisions with respect to diving and swimming are as follows:

1. (No change.)

2. Any person while diving shall mark his or her position with a buoyed flag:

i. Such flag shall be displayed so that it is visible all around the horizon from a buoy, float, boat, or other floating object; and

ii. (No change.)

3.-4. (No change.)

5. No person shall swim or dive in a narrow, confined, or improved channel or in a marked fairway, under a bridge, or impede, obstruct, or interfere with passage of watercraft therein; and

6. (No change.)

(b) (No change.)

(c) Provisions for Barnegat Inlet are as follows:

1. Except as provided in this subsection, no person or persons shall, while engaged in gogglefishing, spearfishing, or skin diving, enter into any navigable channel or approach within 200 feet of any boat anchored or underway within the water adjacent to the land areas of the Borough of Barnegat Light;

2.-4. (No change.)

5. A diver shall mark his or her position with a float and skin diver's flag as provided [in] at (a) above;

6.-8. (No change.)

(d) Provisions for Shark River Inlet are as follows:

1.-2. (No change.)

3. A diver shall mark his or her position with a float and skin diver's flag as provided [in] at (a) above;

4.-5. (No change.)

13:82-3.18 Mandatory wearing of personal flotation device (PFD) on Round Valley Reservoir

All persons on board vessels under 14 feet in length or a canoe, kayak, inflatable, or windsurfer, regardless of power, while on Round Valley Reservoir shall wear a serviceable United States Coast [Guard Approved Type I, II, III or V Hybrid Personal Flotation Device] **Guard-approved personal flotation device** (PFD).

13:82-3.21 Point Pleasant Canal, Ocean County

No person shall operate a canoe, kayak, rowboat, or other non-motorized vessel in the confines of the Point Pleasant Canal, except in an emergency.

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.

...

13:82-4.2 Noise limitation provisions

(a)-(c) (No change.)

(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] at (b) and (c) above.

(e) (No change.)

(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.-8. (No change.)

9. The provisions [of] at (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 races may begin two hours before the start of the first race.

10. (No change.)

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.

13:82-4.6 Racing events

(a) (No change.)

(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] **ensure** 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.

SUBCHAPTER 6. PARASAILING

13:82-6.1 Scope

Parasailing, as defined [in] at 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.

13:82-6.3 Operation and equipment

(a)-(c) (No change.)

(d) All parasail riders shall wear a United States Coast [Guard approved Type I, II, or III] **Guard-approved** 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)-(l) (No change.)

(m) Parasail operators shall maintain a parasail log on the vessel to document inspections and maintenance of the tow line, including trimming, as required [in] at (l) above, winch, and other parasail equipment.

(n)-(s) (No change.)

SUBCHAPTER 7. MOTOR VEHICLES ON ICE-COVERED WATERS

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.

... "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] **Guard-approved** personal flotation device while on ice-covered waters.

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.

...
 “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.

13:82-8.2 Numbering pattern

(a) The following numbering pattern for boats [under] **pursuant to** the New Jersey numbering pattern is hereby established:

1.-3. (No change.)

13:82-8.3 Display of numbers on vessels

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

1.-3. (No change.)
 (b)-(c) (No change.)

13:82-8.4 Application for number

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

- 1.-4. (No change.)
- 5. The type of application (new number, initial number, renewal of number, transfer of ownership, duplicate registration, duplicate decal, and so forth);
- 6.-12. (No change.)
- 13. The make, model, and year;
- 14.-15. (No change.)
- 16. The type of use (livery, commercial, or pleasure);
- 17.-18. (No change.)

13:82-8.9 Operation of vessel; certificate

(a) (No change.)
 (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 change.)

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. (No change.)
 - 2. The vessel is lost, destroyed, or abandoned; or
 - 3. (No change.)
- (b) (No change.)

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 Commission, in writing, of:

1.-4. (No change.)

(b) A person whose name appears as the owner of a vessel on a registration certificate shall within two weeks notify the Commission 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)-(c) (No change.)
 (d) When a vessel is documented [under] **pursuant to** Part 67 of Title 46, Code of Federal Regulations, the owner shall:
 1.-2. (No change.)

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

(a) (No change.)
 (b) Those vessels documented [under] **pursuant to** 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) (No change.)

13:82-8.17 Change in address; name

Every licensed operator of a power vessel or motor shall notify the Commission 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) (No change.)

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

(a) Each applicant for a boat operator license shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant’s presence in the United States is authorized [under] **pursuant to** Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed [in] **at** (b) below as follows:

- 1.-6. (No change.)
- 7. An applicant who is not a United States citizen must also submit proof of continued legal presence in the United States evidenced by a document listed [in] **at** (b) *ii* below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant’s lawful presence in the United States as of the time the proof is presented.

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, [Commission authorized] **Commission-authorized** personnel may review, approve, or accept other documentation that proves the applicant’s identity and date of birth, and that the applicant’s presence in the United States is authorized [under] **pursuant to** Federal law.

- 9. (No change.)
- 10. The Commission reserves the right to make changes to the list of acceptable documents found [in] **at** (b) below. Such changes will be posted on the Motor Vehicle Commission’s website, www.njmvc.gov, and will be available at all motor vehicle agencies.

(b) The following are acceptable documents:
 1. Primary documents:
 i. (No change.)
 ii. A person who is not a United States citizen must submit at least one document from the following list to establish lawful presence in the United States:

<u>Document</u>	<u>Value</u>
...	
Valid I-94 stamped “Refugee,” “Parolee,” “Asylee,” or “Notice of Action” (Form I-797 approved petition) by USCIS	4
...	
2. (No change.)	
(c)-(d) (No change.)	

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

(f)-(h) (No change.)

13:82-8.21 General provisions; hull identification numbers

(a)-(c) (No change.)

(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) (No change.)

TRANSPORTATION

(a)

NEW JERSEY TRANSIT CORPORATION

Senior Citizen and Disabled Resident Transportation Assistance Act Program Guidelines and Procedures

Proposed New Rules: N.J.A.C. 16:78

Authorized By: New Jersey Transit Corporation, Kevin S. Corbett,
President and Chief Executive Officer.

Authority: N.J.S.A. 27:25-5.e and 27:27-32.a.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2023-056.

Submit comments by August 19, 2023, to:

Jonathan Bernstein
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246
Email: SCDRTAP@njtransit.com

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:78, the Senior Citizen and Disabled Resident Transportation Assistance Act Program Guidelines and Procedures, expired on October 25, 2005. The proposed new rules repromulgate the expired rules, which were first adopted effective October 7, 1985.

In 1981, the voters in this State approved an amendment of the State Constitution, which provided that revenues from casino taxes could be used for additional or expanded transportation services or benefits to senior citizens and people with disabilities. As a result, the 1984 Senior Citizen and Disabled Resident Transportation Assistance Act (Act) was passed. The Act authorized the New Jersey Transit Corporation ("NJ TRANSIT" or the "Corporation") to use a portion of the taxes derived from the taxation of gambling establishments in Atlantic City to provide additional or expanded transportation services or benefits to senior citizens and people with disabilities.

NJ TRANSIT, consistent with this statutory authority and in conjunction with its Senior Citizen Disabled Resident Transportation Advisory Committee (SCDRTAC) and the 21 counties, enacted rules establishing the Senior Citizen and Disabled Resident Transportation Assistance Program ("SCDRTAP" or "program"). The rules lapsed in 2005. NJ TRANSIT desires to promulgate the previously expired rules as new rules for two main reasons. First, the expired rules proposed herein as new rules modernize the program to reflect current trends in the transportation industry, including the recent emergence of transportation network companies (TNCs). Second, as part of a 2021 consent decree between the Department of Justice and the State of New Jersey and NJ TRANSIT regarding the National Voter Registration Act of 1993 (NVRA), NJ TRANSIT is required to amend its rules to ensure counties

or designated recipients of program funds comply with NVRA guidelines, rules, or regulations for voter registration. The expired rules proposed herein as new rules reflect this requirement. These two recent developments make promulgation of the expired rules proposed herein as new rules both timely and appropriate.

NJ TRANSIT has reviewed the expired rules and proposes them as new rules.

A summary review of the each of the subchapters at N.J.A.C. 16:78 follows:

Subchapter 1, General Overview, describes the purpose of the chapter and sets forth definitions of terms used in this chapter.

Subchapter 2, Apportionment, describes the method of allocating funds to the counties, includes a funding formula, availability of funds for the corporation and the counties, as well as the transfer of funds process when allocations are not expended.

Subchapter 3, Eligibility, describes the eligibility requirements for recipients, service areas, activities, coordination plans, and Local Citizens Advisory Committee requirements.

Subchapter 4, Program Developments and Management, sets forth the methods and requirements for program development and covers regional public hearings, annual audits, technical assistance, and the Corporation's reporting requirements.

Subchapter 5, Local Assistance Application, sets forth the requirements for the submission of an application by the counties, or their designees, for local assistance under the Senior Citizen and Disabled Resident Transportation Assistance Act. The subchapter includes a description of the eligible entities, the elements of the required description of proposed services, budget, coordination of services, public involvement, and commitment and resolution by the governing body.

NJ TRANSIT has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice of proposal is excepted from the rulemaking calendar requirement.

Social Impact

The social impact of the expired rules proposed herein as new rules has not changed since the rules were first adopted in 1985 following legislative enactment authorized by the New Jersey Constitution. The program continues to assist counties in developing accessible feeder transportation services and accessible local transit service. It also enables NJ TRANSIT to develop and maintain capital improvements promoting transportation accessibility for senior citizens and people with disabilities, to provide a higher level of accessible public transportation service, and to render technical assistance to the counties.

The Senior Citizen and Disabled Resident Transportation Assistance Act program provides additional transportation services to senior citizens and people with disabilities and has had, and will continue to have, a positive effect on this segment of the population. The program enables this segment of the population to access services in their own communities, whether they are rural or urban, and to more readily remain a part of their communities. The expired rules proposed herein as new rules will continue to have a positive social impact on the populations served.

Economic Impact

There is a positive economic impact of this allocation to the eligible senior citizens and people with disabilities, as well as to local services and businesses patronized by them and the construction and equipment suppliers who assist in the provision of services. In addition, the availability of these services allows, in some cases, individuals to remain active within their community and age in place.

Federal Standards Statement

The expired rules proposed herein as new rules are not subject to any Federal regulations or standards because the requirements of this rulemaking are governed by State statute, beyond the requirements in the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501-11, which are not exceeded but, rather, are included.

Job Impact

The expired rules proposed herein as new rules will not affect the creation or loss of jobs.