

ASSEMBLY, No. 3080

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Requires liability insurance for certain vessels.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2004)

1 AN ACT concerning liability insurance for certain vessels.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. As used in this act:

7 "Chief Administrator" means the Chief Administrator of the New
8 Jersey Motor Vehicle Commission established by section 4 of
9 P.L.2003, c.13 (C.39:2A-4).

10 "Operator" means any person having charge, control, operation or
11 direction of any vessel.

12 "Owner" means any person, other than a lienholder, having the
13 property of, or title to, a vessel.

14 "Vessel" means a boat or watercraft required to be numbered
15 pursuant to the provisions of section 3 of the "New Jersey Boat Act
16 of 1962," P.L.1962, c.73 (C.12:7-34.38).

17 "Waters of this State" means all waters within the jurisdiction of
18 this State, both tidal and nontidal, and the marginal sea adjacent to this
19 State to a distance of three nautical miles from the shoreline.

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21 2. Every owner of a vessel registered in this State shall maintain
22 liability insurance coverage, under provisions approved by the chief
23 administrator, insuring against loss resulting from liability imposed by
24 law for bodily injury or death sustained by any person arising out of
25 the ownership, maintenance, operation or use of the vessel wherein
26 such coverage shall be at least in:

27 a. an amount or limit of \$100,000, exclusive of interest and costs,
28 on account of injury to, or death of, one person, in any one accident;
29 and

30 b. an amount or limit, subject to such limit for any one person so
31 injured or killed, of \$200,000, exclusive of interest and costs, on
32 account of injury to, or death of, more than one person, in any one
33 accident.

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35 3. a. Any owner who operates or causes to be operated a vessel
36 upon the waters of this State without liability insurance coverage as
37 required by this act, and any operator who operates or causes a vessel
38 to be operated and who knows or should know from the attendant
39 circumstances that the vessel is without liability insurance coverage
40 required by this act shall be subject, for the first offense, to a fine of
41 not less than \$300 nor more than \$1,000, and shall forthwith forfeit his
42 right to operate a vessel on the waters of this State for a period of one
43 year from the date of conviction. Upon subsequent conviction, he
44 shall be subject to a fine of up to \$5,000 and shall be subject to
45 imprisonment for a term of 14 days, and shall forfeit his right to
46 operate a vessel for a period of two years from the date of his

1 conviction.

2 b. Failure to produce at the time of trial an insurance identification
3 card or an insurance policy which was in force for the time of
4 operation for which the offense is charged creates a rebuttable
5 presumption that the person was uninsured when charged with a
6 violation of this section.

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8 4. a. An insurance identification card shall be in the possession of
9 the owner or operator of a vessel at all times when operating a vessel
10 on the waters of this State.

11 b. The chief administrator shall, after consultation with the
12 Commissioner of Banking and Insurance, promulgate rules and
13 regulations concerning the issuance, design and content of the
14 insurance identification card required by this section.

15 c. A person who violates the provisions of this section shall be
16 subject to a fine of not more than \$500 or to a term of imprisonment
17 not to exceed 60 days or both, except that a person who can exhibit to
18 the court before which the person is summoned to answer to the
19 charge, an insurance identification card for the vessel which was valid
20 on the day that person was charged, shall be subject to a fine of not
21 more than \$100, in addition to any reasonable court costs the court
22 may impose.

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24 5. The chief administrator shall adopt rules and regulations,
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14b-1 et seq.) necessary to effectuate the purposes of this act.

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28 6. This act shall take effect on the 60th day after enactment.

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STATEMENT

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33 This bill requires that every owner of certain boats or watercraft
34 registered in this State shall maintain liability insurance coverage
35 insuring against loss for bodily injury or death sustained by any person
36 arising out of the ownership, maintenance, operation or use of a boat
37 or watercraft. Under the bill, coverage shall be maintained in an
38 amount or limit of \$100,000 on account of injury to, or death of, one
39 person, in any one accident; and \$200,000, on account of injury to, or
40 death of, more than one person, in any one accident. Under the bill,
41 a person who fails to carry liability insurance on a boat or watercraft
42 is subject, for the first offense, to a fine of not less than \$300 nor more
43 than \$1,000 and his license to operate a vessel on the waters of this
44 State shall be suspended for a period of one year. Subsequent
45 convictions subject the person to a fine of up to \$5,000 and
46 imprisonment for 14 days.

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1 The bill also requires an insurance identification card to be in the
2 possession of the owner or operator of a vessel at any time it is
3 operated on the waters of this State, and provides for penalties for
4 violations of this provision.

5 The provisions of the bill are modeled upon this State's requirement
6 that all registered motor vehicles be covered by liability insurance.