New Jersey: The Legal Requirements of Boating

Your Vessel’s Registration and Validation Decals

- Requirements for vessel registration vary from state to state. In New Jersey, all titled vessels must be registered. In addition, any vessel that is mechanically propelled, regardless of length, must be registered. Recreational vessels that are exempt from registration include:
  - Vessels 12 feet or less in length
  - A non-powered, inflatable vessel; a surfboard; a racing shell; or a tender used for no other purpose than direct transportation between a vessel and the shore
  - A non-powered kayak or canoe
  - A non-powered sailboat or vessel used exclusively on small lakes and ponds wholly within private lands
  - Vessels properly registered in another state or documented vessels from another state that operate on New Jersey waters on a transient basis

- Vessel registration application forms are available from marinas, boat dealers, Motor Vehicle Commission field offices, or by writing to the State of New Jersey, Motor Vehicle Commission, P.O. Box 160, Trenton, NJ 08666. Follow the instructions on the form to obtain your Certificate of Number (registration card) and decals.

- The Certificate of Number must be on board and available for inspection by an enforcement officer whenever the vessel is operated.

- The registration number and validation decals must be displayed as follows.
  - Number must be painted, applied as a decal, or otherwise affixed to both sides of the bow.
  - Number must read from left to right on both sides of the bow.
  - Number must be in at least three-inch-high BLOCK letters.
  - Number’s color must contrast with its background.
  - Letters must be separated from the numbers by a hyphen or equivalent space: NJ 3717 ZW or NJ-3717-ZW.
  - No other numbers may be displayed on either side of the bow.
  - Validation decals must be displayed on both sides of the vessel three inches aft of the registration numbers.

- If your vessel requires registration, it is illegal to operate it or allow others to operate your vessel unless it is registered and numbered.

Other Facts About Titling and Registering Your Vessel

- All vessels longer than 12 feet must be titled. All titled vessels must be registered.
- If the vessel is not titled, you will have to show proof of ownership to register it. Any documents accepted for titling are also acceptable for registration.
- When the owner of a vessel registered and numbered in New Jersey changes his or her address from what is on the registration card, he/she must notify the Motor Vehicle Commission in writing within seven days to give the new address.
- Larger recreational vessels owned by U.S. citizens may (at the option of the owner) be documented by the U.S. Coast Guard (USCG). Call the USCG at 1-800-799-8362 for more information. Documented vessels also must obtain New Jersey registration and display a validation sticker on each side of the vessel in an area adjacent to the main steering station affixed to the vertical surface plainly visible at all times from both sides.

Spaces or hyphens should appear here.

PWCs also are required to display the registration number and validation decals.

Registration Questions?

Call the New Jersey Division of Motor Vehicles at 609-292-6500 or 1-888-486-3339 (toll-free in NJ).

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Hull Identification Number

- The Hull Identification Number (HIN) is a unique 12-digit number assigned by the manufacturer to vessels built after 1972.
- Hull Identification Numbers:
  - Distinguish one vessel from another—the same as serial numbers distinguish one car from another.
  - Are engraved in the fiberglass or on a metal plate permanently attached to the transom.
- You should write down your HIN and put it in a place separate from your vessel in case warranty problems arise or your vessel is stolen.
- The HIN must appear on the registration application.

Who May Operate a Motorized Vessel

- To operate a personal watercraft (PWC) on New Jersey waters, the following requirements apply.
  - If under the age of 16, you may not operate a PWC.
  - If 16 years old or older, you must have successfully completed an approved boating safety course and must carry your New Jersey Boat Safety Certificate on board.
- To operate a motorized vessel other than a PWC on New Jersey waters, the following requirements apply.
  - If under the age of 13, you may not operate any motorized vessel.
  - If 13 to 15 years old, you may operate only the following motorized vessels on New Jersey waters and only if you have successfully completed an approved boating safety course and carry your New Jersey Boat Safety Certificate on board:
    - Vessels powered by an electric motor
    - Vessels 12 feet long or longer and powered by a motor less than 10 horsepower
  - If 16 years old or older and required per the phase-in schedule (see sidebar “When Do I Need My Certificate”), you must have successfully completed an approved boating safety course and must carry your New Jersey Boat Safety Certificate on board.

Non-Tidal Boat License

In addition to the registration card and New Jersey Boat Safety Certificate (if required; see above), some operators also are required to have a non-tidal boat license.

- A non-tidal boat license is required only if you are boating on waters where the tide does not change.
- A non-tidal boat license is separate from the New Jersey Boat Safety Certificate and is issued through the Motor Vehicle Commission (MVC). You must present your New Jersey Boat Safety Certificate at the MVC in order to obtain a non-tidal boat license.
- The following persons are not required to have a non-tidal boat license (exemptions):
  - Operators of vessels powered by a motor less than 1 horsepower or by an electric motor of 12 volts or less
  - Operators of vessels 12 feet long or longer and powered by a motor or combination of motors less than 10 horsepower
  - Out-of-state operators who carry written proof of successful completion of a boating safety course substantially similar to the New Jersey course
  - Operators participating in an authorized race

Requirements for Out-of-State Residents

Out-of-state residents who are at least 16 years old and in New Jersey for less than 90 days may operate a motorized vessel on New Jersey waters if they:

- Possess a certificate issued by their state of residence or …
- Have in their possession written proof of successful completion of a boat safety course approved by another state, the U.S. Coast Guard, or the National Association of State Boating Law Administrators (NASBLA).
Unlawful Operation of a Vessel

New Jersey law designates the following dangerous operating practices as illegal.

◆ Careless or Reckless Operation of a vessel is operating in a manner that causes danger to the life, limb, or property of any person. Examples of careless or reckless operation include:
  • Jumping a wake with a motorized vessel unreasonably close to another vessel
  • Jumping the wake of any vessel that is towing a skier, wakeboarder, etc.
  • Operating a vessel within any area marked off or set aside as a prohibited area
  • Weaving your vessel through congested waterway traffic
  • Operating a vessel in a manner that creates hazardous wave or wake conditions while approaching or passing another boat
  • Approaching in a vessel or on water skis within 50 feet of a diver's flag unless you are part of the diving operation
  • Steering toward another object or person in the water and swerving at the last possible moment in order to avoid collision
  • Chasing, harassing, or disturbing wildlife with your vessel
  • Operating a motorized vessel that is equipped with a lanyard-type ignition safety switch without the lanyard attached to the person, clothing, or PFD of the operator

◆ Improper Speed or Distance is not maintaining a proper speed and/or distance while operating a vessel. Specifically, the following operations are illegal:
  • Operating a vessel at a distance from other vessels or at a speed that exceeds safe and reasonable limits given the waterway traffic, marked speed limits, weather, and other boating conditions
  • Causing damage or injury from the wake of your vessel
  • Exceeding “slow speed/no wake” or being on plane in a marked “no wake” zone
  • Exceeding “slow speed/no wake” when passing:
    - Vessels not under command such as anchored vessels
    - Work barges or floats that are engaged in construction
    - Emergency vessels (displaying flashing lights)
    - Within 200 feet of a marina, pier, dock, or wharf
    - Through bridge openings of 400 feet or less in width
    - Through lagoons, canals, or confined areas less than 200 feet in width

◆ Riding in an Unsafe Position is allowing passengers to ride in any position that would unduly endanger life or limb (for example, on the bow, gunwales, tops of seat backs, or any other position where the person may be in grave danger of falling overboard falling overboard).

◆ Overloading is operating a vessel that has been loaded beyond the recommended capacity shown on the capacity plate installed by the vessel manufacturer. At least one half of a vessel's total depth (as measured at the center of the vessel) must remain above water.

◆ Failure to Use Ignition Safety Switch is not wearing the lanyard when operating a vessel that is equipped with a lanyard-type ignition safety switch.

◆ Unsafe Condition is operating a vessel that has a condition that could endanger those on board the vessel or anyone else. Law enforcement officers may instruct the operator to take immediate corrective action or return to mooring if any of the following “unsafe conditions” exist.
  • The vessel is overloaded.
  • There are insufficient personal flotation devices, fire extinguishers, backfire flame arrestors, ventilation, or navigation lights.
  • The vessel is leaking fuel or has fuel in the bilges.

REMEMBER ...

As an owner of a vessel, you are responsible for any damage caused from the wake of your vessel.

“slow speed/no wake”
The speed at which a motorized vessel moves through the water and is able to maintain minimum headway in relation to a vessel or structure being passed and produces the minimum wake possible

gunwale
Upper edge of vessel’s side (generally pronounced “gunnel”)

overboard
Over the side or out of the vessel

The U.S. Coast Guard Auxiliary and U.S. Power Squadrons will perform a Vessel Safety Check (VSC) of your vessel and equipment free of charge. This inspection covers federal and state requirements. If your vessel meets all VSC requirements, you will receive a VSC decal. If your vessel fails to meet all requirements, no report is made to any law enforcement agency.
Alcohol and Drugs

New Jersey law prohibits anyone from operating under the influence—that is, operating any vessel while under the influence of alcohol or drugs. Alcohol and drugs cause impaired balance, blurred vision, poor coordination, impaired judgment, and slower reaction times. Alcohol is a major contributor to boating accidents and fatalities. Read more about the effects and risks of consuming alcohol in Chapter 5.

◆ New Jersey law states that a person is considered to be operating a vessel under the influence of alcohol or drugs if he or she:
  • Has a blood or breath alcohol concentration (BAC) of 0.08% or more or ...
  • Is under the influence of alcohol, controlled substances, or drugs to a degree that renders a person incapable of operating the vessel safely.

◆ It is illegal for the owner or person in control of a vessel to allow someone to operate it who is under the influence of alcohol or drugs.

◆ Those convicted of operating under the influence (OUI) are subject to the following penalties.
  • If the person had a BAC of 0.08% or more but less than 0.10%, the person may receive a fine of up to $400, loss of boating privileges for a year, and loss of their vehicle driver’s license for three months.
  • If the person had a BAC of 0.10% or more or was under the influence of drugs, the person may receive a fine of up to $500, loss of boating privileges for a year, and loss of their vehicle driver’s license for 7 to 12 months.
  • More serious penalties exist for multiple convictions, including jail time and loss of boating privileges and vehicle driver’s license for up to 10 years.

◆ By boating on New Jersey waters, vessel operators have given consent (“implied consent”) to an alcohol and/or drug test.

Obstructing Navigation

Vessel operators should always be considerate of other vessel operators even when stopping to anchor or moor. Keep in mind that it is illegal to:

◆ Operate any vessel in such a way that it will interfere unnecessarily with the safe navigation of other vessels on the waterway.

◆ Anchor a vessel in the traveled portion of a river or channel in a way that will prevent or interfere with any other vessel passing through the same area.

◆ Moor or attach a vessel to a buoy (other than a mooring buoy), beacon, light, or any other navigational aid placed on public waters by proper authorities.

◆ Move, displace, tamper with, damage, or destroy any navigational aid.

◆ Obstruct a pier, wharf, boat ramp, or access to any facility.

Homeland Security Restrictions

Recreational boaters have a role in keeping our waterways safe and secure.

◆ Violators of the restrictions below can expect a quick and severe response.
  • Do not approach within 100 yards and slow to minimum speed within 500 yards of any U.S. Naval vessel. If you need to pass within 100 yards of a U.S. Naval vessel for safe passage, you must contact the U.S. Naval vessel or the U.S. Coast Guard escort vessel on VHF-FM channel 16.
  • Observe and avoid all security zones. Avoid commercial port operation areas, especially those that involve military, cruise-line, or petroleum facilities.
  • Observe and avoid other restricted areas near dams, power plants, etc.
  • Do not stop or anchor beneath bridges or in the channel.
  • Keep a sharp eye out for anything that looks peculiar or out of the ordinary. Report all activities that seem suspicious to the local authorities, the U.S. Coast Guard, or the port or marina security.
Personal Flotation Devices (Life Jackets)

All vessels must be equipped with U.S. Coast Guard–approved life jackets, called personal flotation devices (PFDs). The quantity and type depend on the length of your vessel and the number of people on board and/or being towed. Each PFD must be in good condition, be the proper size for the intended wearer, and very importantly, be readily accessible! Readily accessible means you must be able to put the PFD on in a reasonable amount of time in an emergency (vessel sinking, on fire, etc.). PFDs should not be stowed in plastic bags or in locked or closed compartments, and they should not have other gear stowed on top of them.

Vessel operators should ask everyone on their vessel to wear a PFD whenever on the water. PFDs can save lives, but only if they are worn!

PFD Requirements

- All vessels must have at least one USCG–approved Type I, II, III, or V PFD for each person on board or being towed. All vessels 16 feet or longer, except canoes and kayaks, also must carry one USCG–approved Type IV throwable device.

- All children 12 years of age or younger must wear a PFD whenever they are on a vessel that is underway unless they are in a fully enclosed, non-removable cabin.

- A personal watercraft may not be operated unless each person on board is wearing a USCG–approved Type I, II, III, or V PFD.

- Every person being towed behind a vessel on water skis, aquaplanes, or any similar devices must wear a U.S. Coast Guard–approved Type I, II, III, or V PFD.

- All PFDs must be in good and serviceable condition and be readily accessible. The PFDs must be of the proper size for the intended wearer. Sizing for PFDs is based on body weight and chest size.

Types of Personal Flotation Devices

Read and follow the label restrictions on all PFDs.

BOATER’S TIP

An emergency situation (rough water, rapid onset of bad weather, or dangerous boating traffic) can occur suddenly—leaving little or no time to put on life jackets. Life jackets are very difficult to put on once you are in the water. Be a smart boater, and have everyone on board your vessel wear their life jackets at all times.
Fire Extinguishers

- Extinguishers are classified by a letter and number symbol. The number indicates the relative size of the extinguisher, and the letter indicates the type of fire it will extinguish.
  - Type A fires are of combustible solids like wood.
  - Type B fires are of flammable liquids like gasoline or oil.
  - Type C fires are electrical fires.
- All vessels are required to have a Type B fire extinguisher(s) on board if one or more of the following conditions exist:
  - Inboard engines
  - Closed compartments under seats where portable fuel tanks may be stored
  - Double bottoms not sealed to the hull or not completely filled with flotation materials
  - Closed living spaces
  - Closed storage compartments in which flammable or combustible materials are stowed
  - Permanently installed fuel tanks
- Approved types of fire extinguishers are identified by the following marking on the label—“Marine Type USCG Approved”—followed by the type and size symbols and the approval number.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Foam</th>
<th>Carbon Dioxide</th>
<th>Dry Chemical</th>
</tr>
</thead>
<tbody>
<tr>
<td>type &amp; size</td>
<td>minimum gallons</td>
<td>minimum pounds</td>
<td>minimum pounds</td>
</tr>
<tr>
<td>B-I</td>
<td>1¼</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>B-II</td>
<td>2½</td>
<td>15</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of Vessel</th>
<th>Without Fixed System</th>
<th>With Fixed System*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 feet</td>
<td>one B-I</td>
<td>None</td>
</tr>
<tr>
<td>26 feet to less than 40 feet</td>
<td>two B-I or one B-II</td>
<td>one B-I</td>
</tr>
<tr>
<td>40 feet to less than 65 feet</td>
<td>three B-I or one B-II and one B-I</td>
<td>two B-I or one B-II</td>
</tr>
</tbody>
</table>

* refers to a permanently installed fire extinguisher system

- Extinguishers should be placed in an accessible area—not near the engine or in a compartment, but where they can be reached immediately. Be sure you know how to operate them.
- Fire extinguishers must be maintained in usable condition. Inspect extinguishers regularly to ensure the following:
  - Seals and tamper indicators are not broken or missing.
  - Pressure gauges or indicators read in the operable range.
  - There is no physical damage, corrosion, leakage, or clogged nozzles.
Backfire Flame Arrestors
Because boat engines may backfire, all powerboats (except outboards) that are fueled with gasoline must have an approved backfire flame arrestor on each carburetor. Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires.

◆ Backfire flame arrestors must be:
  • In good and serviceable condition
  • U.S. Coast Guard–approved (must comply with SAE J-1928 or UL 1111 standards)
  ◆ Periodically clean the flame arrestor(s) and check for any damage.

Ventilation Systems
Ventilation systems are crucial. Their purpose is to avoid explosions by removing flammable gases. Properly installed ventilation systems greatly reduce the chance of a life-threatening explosion.

◆ All gasoline-powered vessels, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes. At least one exhaust duct must extend from the open atmosphere to the lower bilge. At least one intake duct must extend from a point at least midway to the bilge or below the level of the carburetor air intake.

◆ If your vessel is equipped with a power ventilation system, turn it on for at least four minutes in either of these situations:
  • After fueling
  • Before starting the engine

◆ If your vessel is not equipped with a power ventilation system (for example, a personal watercraft), open the engine compartment and sniff for gasoline fumes before starting the engine.

Mufflers and Noise Level Limits
Vessel operators may not hear sound signals or voices if the engine is not adequately muffled.

◆ The exhaust of every internal combustion engine on any vessel must be effectively muffled. That is, the engine’s exhaust must be muffled or suppressed at all times so as not to create excessive noise.

◆ It is unlawful to operate a vessel that exceeds a noise level of 90 dBA.

◆ Exceptions to the muffler requirement are made to:
  • Vessels participating in races sanctioned by the U.S. Coast Guard or New Jersey State Police
  • Vessels with a race test permit issued by the State Police

WARNING:
Gasoline vapors can explode. Before starting engine, operate blower for four minutes and check (using your nose) engine compartment for gasoline vapors.

Vessels built after July 31, 1980, which contain power exhaust blowers in gasoline engine compartments, must have the above warning sticker placed near the instrument panel.

backfire
Explosion of prematurely ignited fuel or of unburned exhaust gases in an internal combustion engine

cowl
Hooded opening designed to scoop in air

Powerboats are built to ventilate the engine when underway. As the boat moves along, an air intake scoops up fresh air and forces it down the air duct into the engine compartment. The exhaust sucks out the explosive fumes from the lowest part of the engine and fuel compartments.
Navigation Lights

- Vessel operators must make sure that their vessels are equipped with the proper navigation lights and use the lights during these conditions:
  - When away from the dock between sunset and sunrise
  - During periods of restricted visibility such as fog or heavy rain
- The different types of navigation lights are described in “Navigation Lights” in Chapter 3. No other lights that may be mistaken for required navigation lights may be exhibited. *Note: Blue or red flashing lights are restricted to use by law enforcement vessels only.*
- The required navigation lights differ depending on the type and size of your vessel. The common lighting configurations for recreational vessels are discussed below. For other configurations and requirements for larger vessels, see the U.S. Coast Guard’s *Navigation Rules.*

Power-Driven Vessels Less Than 65.6 Feet Long When Underway

If less than 65.6 feet (20 meters) long, these vessels must exhibit the lights as shown in illustration 1. Remember, power-driven vessels include sailboats operating under engine power. The required lights are:

- Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet (12 meters) long, at least one mile away—on a dark, clear night.
- An all-round white light (if less than 39.4 feet long) or both a masthead light and a sternlight. These lights must be visible from a distance of at least two miles away on a dark, clear night. The all-round white light (or the masthead light) must be at least 3.3 feet (one meter) higher than the sidelights.

Unpowered Vessels When Underway

Unpowered vessels are sailing vessels or vessels that are paddled, poled, or rowed.

- If less than 65.6 feet long, these vessels must exhibit the lights as shown in illustration 2. The required lights are:
  - Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet long, at least one mile away—on a dark, clear night.
  - A sternlight visible from a distance of at least two miles away.
- If less than 23.0 feet (7 meters) long, these vessels should:
  - If practical, exhibit the same lights as required for unpowered vessels less than 65.6 feet in length.
  - If not practical, have on hand at least one lantern or flashlight shining a white light as shown in illustration 3.

All Vessels When Not Underway

All vessels are required to display a white light visible in all directions whenever they are moored or anchored outside a designated mooring area between sunset and sunrise.
Visual Distress Signals

Visual Distress Signals (VDSs) allow vessel operators to signal for help in the event of an emergency. VDSs are classified as day signals (visible in bright sunlight), night signals (visible at night), or both day and night signals. VDSs are either pyrotechnic (smoke and flames) or non-pyrotechnic (non-combustible).

- Vessels on federally controlled waters must be equipped with U.S. Coast Guard–approved visual distress signals. All vessels, regardless of length or type, are required to carry night signals when operating between sunset and sunrise. Most vessels must carry day signals also; exceptions to the requirement for day signals are:
  - Recreational vessels that are less than 16 feet in length
  - Non-motorized open sailboats that are less than 26 feet in length
  - Manually propelled vessels
- VDSs must be U.S. Coast Guard–approved, in serviceable condition, and readily accessible.

U.S. Coast Guard–Approved Visual Distress Signals

Pyrotechnic Visual Distress Signals
- Orange Smoke—Handheld
- Orange Smoke—Floating
- Day Signal
- Red Meteor
- Day and Night Signal
- Red Flare
- Day and Night Signal

Non-Pyrotechnic Visual Distress Signals
- Electric Light
- Night Signal
- Orange Flag
- Day Signal

- If pyrotechnic VDSs are used, a minimum of three must be carried in the vessel. Any combination may be carried as long as they add up to three signals for day use and three signals for night use. Also, pyrotechnic VDSs must be dated and will not be considered acceptable after their expiration date.
- The following combinations of signals are examples of VDSs that could be carried on board to satisfy U.S. Coast Guard requirements:
  - Three handheld red flares (day and night)
  - One handheld red flare and two red meteors (day and night)
  - One handheld orange smoke signal (day), two floating orange smoke signals (day), and one electric light (night only)
- It is prohibited to display visual distress signals while on the water unless assistance is required to prevent immediate or potential danger to persons on board a vessel.

Pyrotechnic Devices
- Pyrotechnics are excellent distress signals. However, there is potential for injury and property damage if not handled properly. These devices produce a very hot flame, and the residue can cause burns and ignite flammable materials.
- Pistol-launched and handheld parachute flares and meteors have many characteristics of a firearm and must be handled with caution. In some states, they are considered a firearm and are prohibited from use.
- Pyrotechnic devices should be stored in a cool, dry, and prominently marked location.

Non-Pyrotechnic Devices
- The distress flag is a day signal only. It must be at least 3 x 3 feet with a black square and ball on an orange background.
- The electric distress light is accepted for night use only and must flash the international SOS distress signal automatically.

Arm Signal
Although this signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.

federally controlled waters
Waters on which vessels must observe federal requirements, including VDS requirements; these waters include:
- Coastal waters
- The Great Lakes
- Territorial seas
- Those waters connected directly to one of the above, up to a point where the waters are less than two miles wide
Common Sound Signals
Some common sound signals that you should be familiar with as a recreational boater are as follows.

Changing Direction
- One short blast tells other boaters “I intend to pass you on my port (left) side.”
- Two short blasts tell other boaters “I intend to pass you on my starboard (right) side.”
- Three short blasts tell other boaters “I am backing up.”

Restricted Visibility
- One prolonged blast at intervals of not more than two minutes is the signal used by power-driven vessels when underway.
- One prolonged blast plus two short blasts at intervals of not more than two minutes is the signal used by sailing vessels.

Warning
- One prolonged blast is a warning signal (for example, used when coming around a blind bend or exiting a slip).
- Five (or more) short, rapid blasts signal danger or signal that you do not understand or that you disagree with the other boater’s intentions.

Scuba divers and snorkelers should not place a flag in an area already occupied by other boaters or where their diving operation will impede the normal flow of waterway traffic. Divers also should follow all of the water safety rules themselves.

Sound-Producing Devices
In periods of reduced visibility or whenever a vessel operator needs to signal his or her intentions or position, a sound-producing device is essential. The navigation rules for meeting head-on, crossing, and overtaking situations described in Chapter 3 are examples of when sound signals are required.

- The following requirements apply to vessels operating on state or federally controlled waters.
  - Vessels less than 65.6 feet (20 meters) in length, which includes PWCs, are required to carry on board a whistle or horn or some other means to make an efficient sound signal audible for at least one-half mile.
  - Vessels that are 65.6 feet (20 meters) or more in length are required to carry on board a whistle or horn, and a bell that are audible for at least one mile.
- No vessel may be equipped with a siren except vessels used by law enforcement officers.

Other Equipment and Regulations
- Diver-Down Flags: Persons scuba diving, skin diving, snorkeling, or underwater spearfishing must display a diver-down flag to warn other boaters.
  - Unless there is an emergency, a diver may not surface more than 25 feet from the flag.
  - It is unlawful to display a diver-down flag when not diving.
  - No person may operate a vessel within 50 feet of a diver-down flag.
  - Two types of flags are used to indicate diving activity.
    - A rigid rectangular red flag, at least 14 x 16 inches, with a white diagonal stripe that is one-fifth the width of the flag must be mounted on a float or buoy.
    - A rigid replica of the International Code Flag A (or blue and white Alfa flag), at least 3.3 feet (one meter) high and visible from all directions, must be displayed on vessels on federally controlled waters. This flag indicates that the vessel is involved in a diving activity.
- Ski Flag: Vessels towing persons on water skis or other devices must display a ski flag that is orange, triangular in shape, at least 12 inches in any dimension, and rigid to enhance visibility. The flag must be displayed at least four feet above the highest structure on the vessel while towing or retrieving a skier or when a skier or tow line (rope) is in the water.
- Local Regulations: Many local waterways in New Jersey have specific equipment and operational restrictions in addition to those covered in this chapter. Be sure to check for local regulations before you go boating.
Requirements Specific to Personal Watercraft (PWCs)

In addition to adhering to all boating laws, personal watercraft (PWC) operators have requirements specific to their vessel.

◆ Every person on board or being towed behind a PWC must wear a U.S. Coast Guard–approved Type I, II, III, or V life jacket (PFD).
◆ If the PWC is equipped with a lanyard-type ignition safety switch, the lanyard must be attached to the person, clothing, or PFD of the operator.
◆ A PWC may not be operated:
  • Between sunset and sunrise
  • During periods of restricted visibility
  • In the Point Pleasant or Cape May canals
  • In a way that causes the PWC to become airborne within 100 feet of another vessel
◆ A PWC operator must always face forward.
◆ A PWC may not be operated above "minimum headway speed" within 100 feet of:
  • Buoys or signs that mark the boundaries of a swimming area
  • A shoreline
  • A person in the water
  • A residential dwelling unit
◆ There are minimum age and boater education requirements for operators of personal watercraft. See “Who May Operate a Motorized Vessel (Including Personal Watercraft).”
◆ A PWC must be operated in a responsible manner. Maneuvers that endanger people or property are prohibited, including:
  • Operating a speed such that the PWC cannot be stopped safely
  • Weaving through congested vessel traffic
  • Jumping the wake produced by another vessel at a distance within 100 feet of that vessel

Towing a Person With a Vessel Legally

Vessel operators towing a person(s) on water skis, aquaplanes, surfboards, inner tubes, or any similar devices must obey these laws also.

◆ Every person being towed behind a vessel on water skis, aquaplanes, or any similar devices must wear a U.S. Coast Guard–approved Type I, II, III, or V life jacket (PFD).
◆ A person may not be towed between sunset and sunrise.
◆ When a vessel is towing a person on water skis, a surfboard, or similar device, the operator must have a competent person on board to act as an observer.
◆ A PWC operator may not tow a person on water skis or other devices unless the PWC is designed and recommended by the manufacturer to accommodate at least three people.
◆ Those towing persons on water skis, a surfboard, or similar device and those being towed must act in a safe and prudent manner. Vessels towing persons must keep at least:
  • 200 feet away from any wharf, marina, dock, pier, bridge, structure, abutment, or person in the water
  • 100 feet away from any other vessel, shore, aid to navigation, or mooring
◆ It is illegal to operate the vessel or manipulate the tow rope, water skis, or other device such that the towed device or person collides with any other person or object.
◆ Tow ropes must be at least 35 feet and less than 75 feet in length.

"minimum headway speed"

The slowest speed at which it is still possible to maintain steering of the vessel
Vessels towing persons on water skis or other devices must display a ski flag while towing or retrieving a skier or when a skier or tow rope is in the water. The ski flag must be orange, triangular in shape, at least 12 inches in any dimension, and displayed at least four feet above the highest structure on the vessel.

**Waste, Oil, and Trash Disposal in New Jersey and Federal Waters**

- It is illegal to discharge waste, oil, or trash into any state or federally controlled waters. This is for very good reasons.
  - Sewage carries disease and other pollutants that are harmful to people, aquatic plants, and animals.
  - Trash thrown into the water can injure swimmers and wildlife alike. It also can plug engine cooling water intakes.
  - Pollution is unsightly and takes away from your enjoyment of the water.
- Vessel operators need to be aware of the following regulations for waste, oil, and trash disposal that apply to both federally controlled and state waters. The Refuse Act prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into the waters of the United States.

**Discharge of Sewage and Waste**

- New Jersey law states that it is unlawful to place, leave, or discharge waste or waste containers into New Jersey waters.
- Every vessel 65 feet in length and under with an installed toilet must have an operable U.S. Coast Guard–certified marine sanitation device (MSD) on board.
- There are three types of MSDs.
  - Types I and II MSDs are usually found on large vessels. Waste is treated with special chemicals to kill bacteria before the waste is discharged. Types I and II MSDs with “Y” valves that would direct the waste overboard must be secured so that the valve cannot be opened. This can be done by placing a lock or non-reusable seal on the “Y” valve or by taking the handle off the “Y” valve.
  - Type III MSDs provide no treatment and are either holding tanks or portable toilets. Collected waste should be taken ashore and disposed of in a pump-out station or onshore toilet.
- Vessels 65 feet or less in length may use a Type I, II, or III MSD. Vessels more than 65 feet in length must install a Type II or III MSD.
- All installed devices must be U.S. Coast Guard–certified.

**Discharge of Trash**

The Act to Prevent Pollution from Ships places limitations on the discharge of garbage from vessels. It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters. Many forms of litter can kill birds, fish, and marine mammals.

- You must store trash in a container while on board and place it in a proper receptacle after returning to shore.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a Garbage Disposal Placard in a prominent location. The Garbage Disposal Placard is a durable sign that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.
Discharge of Oil and Other Hazardous Substances
Regulations issued under the Federal Water Pollution Control Act require all vessels with propulsion machinery to be able to retain oil mixtures on board.
◆ You are not allowed to discharge oil or hazardous substances. The penalty for illegal discharge may be a fine of up to $10,000.
◆ You are not allowed to dump oil into the bilge of the vessel without means for proper disposal. Fuel spills can be removed using absorbent bilge pads.
◆ You must dispose of oil waste at an approved reception facility. On recreational vessels, a bucket or bailer is adequate for temporary storage prior to disposing of the oil waste at an approved facility.
◆ You must notify the U.S. Coast Guard immediately if your vessel discharges oil or hazardous substances in the water. Call toll-free 1-800-424-8802. Report the discharge’s location, color, source, substances, size, and time observed.
◆ If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard made of durable material, fixed in a conspicuous place in the machinery spaces or at the bilge pump control station, stating the following:

Discharge of Oil Prohibited
The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste upon or into any navigable waters of the U.S. The prohibition includes any discharge which causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil and/or criminal sanctions including fines and imprisonment.

Waste Management Plan
◆ Ocean-going vessels that are 40 feet or more in length with cooking and sleeping facilities must have a written Waste Management Plan.
◆ The captain of the vessel is responsible for implementing the Waste Management Plan.
◆ The Waste Management Plan, identifying the vessel’s name and home port, should be posted and should include directives to all persons on board about:
  • Discharging sewage and hazardous substances
  • Discharging garbage and other food waste
  • Disposing of plastics, bottles, and cans
  • Reading applicable placards for additional information
  • Advising the captain in case of oily discharges or diesel spills

Stop the Spread of Nuisance Species!
Introducing non-native species into New Jersey waters can upset the balance of the ecosystem, thereby harming the environment. Aquatic nuisance species, such as zebra mussels, quagga mussels, milfoil, and hydrilla, most often spread between waterways by hitching a ride on vessels and trailers. When transplanted into new waters, these organisms proliferate, displacing native species and damaging the water resource.

To prevent spreading aquatic nuisance species:
• Inspect your vessel and trailer, and remove any plants and animals you see before leaving the area.
• Drain your motor, live well, and bilge on land before leaving the area.
• Empty your bait bucket on land. Never release live bait into a body of water or release aquatic animals from one body of water into another.
• Rinse your vessel, propeller, trailer, and equipment.
• Air-dry your vessel and equipment for as long as possible.
Boating Accidents and Casualties ... What the Law Requires You To Do

◆ An operator involved in a boating accident must:
  • Stop his or her vessel immediately at the scene of the accident and …
  • Assist anyone injured or in danger from the accident, unless doing so would seriously endanger his or her own vessel or passengers and …
  • Give, in writing, his or her name, address, and vessel identification to anyone injured and to the owner of any property damaged by the accident.
◆ Both operators are required to file a full description of the accident with the New Jersey State Police, Marine Law Enforcement station in the area where the accident occurred if the accident involves:
  • Death or disappearance of a person or …
  • Injury to a person or …
  • Property damage of more than $2,000.
◆ A boating accident that results in the death or disappearance of a person must be reported immediately. All other boating accidents that result in personal injury or more than $2,000 in property damage must be reported within 10 days.
◆ The vessel owner is liable for any injury or damage caused by negligent operation of any powered vessel.

Enforcement

New Jersey State Police officers and all other peace officers enforce the boating laws of New Jersey. U.S. Coast Guard officers also patrol and have enforcement authority on federally controlled waters.
◆ Officers have the authority to stop and board your vessel in order to check for compliance with state and federal laws.
◆ It is illegal to refuse to follow the directive of a person with law enforcement authority. An operator who has received a visual or audible signal from a law enforcement officer must bring his or her vessel to a stop.

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