

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 39*

Short Title: Require Boating Safety Education. (Public)

Sponsors: Representatives Wray, Wilkins, Williams, Faison (Primary Sponsors);
Allen, Bryant, Earle, Goforth, Harrison, Lucas, Pierce, Sutton, Tolson,
Wainwright, Womble, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY
EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN
HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75A of the General Statutes is amended by
adding a new section to read:

"§ 75A-16.2. Boating safety education required.

(a) No person shall operate a vessel with a motor of 10 horsepower or greater on the public waters of this State unless the operator has met the requirements for boating safety education in accordance with the age provisions established in subsection (c) of this section.

(b) A person shall be considered in compliance with the requirements of boating safety education if the person does one of the following:

- (1) Completes and passes the boating safety course instituted by the Wildlife Resources Commission under G.S. 75A-16.1 or another boating safety course that is approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Wildlife Resources Commission;
- (2) Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;
- (3) Possesses a valid or expired license to operate a vessel issued to maritime personnel by the United States Coast Guard;
- (4) Possesses a State-approved nonrenewable temporary operator's certificate to operate a vessel for 90 days that was issued with the certificate of number for the vessel, if the boat was new or was sold with a transfer of ownership;
- (5) Possesses a rental or lease agreement from a vessel rental or leasing business that lists the person as the authorized operator of the vessel;
- (6) Properly displays Commission-issued dealer registration numbers during the demonstration of the vessel;
- (7) Operates the vessel under onboard direct supervision of a person who is at least 18 years of age and who meets the requirements of this section;



- 1 (8) Demonstrates that he or she is not a resident, is temporarily using the waters
 2 of this State for a period not to exceed 90 days, and meets any applicable
 3 boating safety education requirements of the state or nation of residency;
 4 (9) Has assumed operation of the vessel due to the illness or physical
 5 impairment of the initial operator, and is returning the vessel to shore in
 6 order to provide assistance or care for the operator; or
 7 (10) Is registered as a commercial fisherman or a person who is under the
 8 onboard direct supervision of a commercial fisherman while operating the
 9 commercial fisherman's boat.

10 Any person who operates a vessel with a motor of 10 horsepower or greater on the waters
 11 of this State shall, upon the request of a law enforcement officer, present to the officer a
 12 certification card or proof that the person has complied with the provisions of this section.

13 (c) Enforcement of the requirement for boating safety education shall be phased in as
 14 follows:

- 15 (1) Vessel operators 20 years of age or younger shall meet the requirements by
 16 July 11, 2011;
 17 (2) Vessel operators 30 years of age or younger shall meet the requirements by
 18 July 11, 2012;
 19 (3) Vessel operators 40 years of age or younger shall meet the requirements by
 20 July 11, 2013;
 21 (4) Vessel operators 45 years of age or younger shall meet the requirements by
 22 July 11, 2014;
 23 (5) Vessel operators 50 years of age or younger shall meet the requirements by
 24 July 11, 2015;
 25 (6) All vessel operators, regardless of age, shall meet the requirements by July
 26 11, 2016.

27 (d) Any person who violates a provision of this section or a rule adopted pursuant to
 28 this section is guilty of an infraction, as provided in G.S. 14-3.1, and the court shall assess a
 29 penalty of one hundred dollars (\$100.00) and no court costs for each violation. A person may
 30 not be convicted of violating this section if, when tried for the offense, the person produces in
 31 court a certification card or proof that the person has completed and passed a boating safety
 32 course in compliance with subdivision (b)(1) of this section.

33 (e) No unit of local government shall enact any ordinance or rule relating to boating
 34 safety education, and this law preempts all existing ordinances or rules."

35 **SECTION 2.** G.S. 75A-13.3(b) reads as rewritten:

36 "**§ 75A-13.3. Personal watercraft.**

37 ...

38 (b) Except as otherwise provided in this subsection, no person under 16 years of age
 39 shall operate a personal watercraft on the waters of this State, and it is unlawful for the owner
 40 of a personal watercraft or a person who has temporary or permanent responsibility for a person
 41 under the age of 16 to knowingly allow that person to operate a personal watercraft. A person
 42 of at least 14 years of age but under 16 years of age may operate a personal watercraft on the
 43 waters of this State if:

- 44 (1) The person is accompanied by a person of at least 18 years of age who
 45 physically occupies the ~~watercraft~~; watercraft and who is in compliance with
 46 G.S. 75A-16.2; or
 47 (2) The person (i) possesses on his or her person while operating the watercraft,
 48 identification showing proof of age and a boating safety certification card
 49 issued by the ~~Commission~~ or Commission, proof of other satisfactory
 50 completion of a boating safety education course approved by the National
 51 Association of State Boating Law Administrators (~~NASBLA~~); (NASBLA),

1 or proof of other boating safety education in compliance with
2 G.S. 75A-16.2; and (ii) produces that identification and ~~certification card~~
3 proof upon the request of an officer of the Commission or local law
4 enforcement agency.

5 "

6 "**SECTION 3.** This act is effective when it becomes law, and enforcement shall take effect
7 as provided in G.S. 75A-16.2(c), as enacted in this act.