

RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVITY on

Boater Education and Child Life Jacket Use

As compiled by the National Recreational Boating Safety Coalition (NRBSC)

Here's the current status (as of 6/17/2015) of state laws on two issues:

(1) Boater education for all operators:

***Almost all states have some sort of mandatory boater education laws EXCEPT seven (7) states (Alaska, Arizona, Idaho, Maine, South Dakota, Utah, Wyoming) which have virtually none.

***Most states (25) require education for ONLY those boaters "born-on or after" a certain date (i.e., 6/30/1980 currently covers only 34 and younger; 6/1/1996 currently covers 19 and younger; et cetera).

***Ten (10) states (Colorado, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Montana, North Dakota, Oklahoma, South Carolina) have laws that ONLY apply to young boaters (17 and under).

***Eight (8) states (California, Connecticut, Hawaii, New Hampshire, New Jersey, Oregon, Virginia, Washington) have laws that apply to all boaters. And Alabama's "born-on or after" law is so old (1954) that it virtually covers all boaters.

(2) Life jacket use for children 12 and under:

***All states have child life jacket use laws EXCEPT two (2) states (Virginia and Wisconsin) which have none. However, nine (9) other states (Alabama, Florida, Maine, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota) have age requirements below the recommended standard of 12 and under.

Here is also the latest information and activity on these issues and some other boating safety issues as reported to the Coalition.

Especially note new mandatory education laws in California, Hawaii, Illinois, New York, and North Carolina. Also note other new laws and activity in Alaska, Georgia, Idaho, Michigan, Minnesota, New Jersey, Pennsylvania, South Dakota, Virginia and Washington.

The coalition's next meeting will be October 28, 2015.

Action Alerts will be issued as significant activity develops.

If you have any additional information or corrections, please e-mail them to Tom O'Day at NRBSCoalition@aol.com and Steve Blackistone at Blackis@ntsb.gov.

NOTE: If you would like to make additional distribution of this report, a digital copy is attached.

***PLUS (+) indicates that the current law meets recommended standards
MINUS (-) indicates either no requirement or room for improvement.***

Alabama (2015 legislature convenes March 3, 2015 and adjourned June 15)

+ Requires education for operators born-on or after 4/28/1954 -- **currently 61 & younger**
- ***Under 8 for child life jacket use.***

H.B. 24 (PFD requirements), by Rep. Joe Faust, would have raised the age under which an individual must wear a flotation device from eight to 13. Outlook for passage was good since the sponsor is a member of the majority party which holds both chambers of the legislature and the office of the governor. However, the House Public Safety and Homeland Security Committee did not act on the bill during a February 6 hearing. So, the bill died with adjournment in 2013. **No similar action in 2014 or 2015.**

Contact: Col. Walter S. Thompson (BLA), 334-353-2628, steve.thompson@dcnr.alabama.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Alaska (convenes January 20 and adjourned April 19)

- ***No boater education requirements.***
+ Under 13 for child life jacket use.

HB 7, introduced on 2/23/15 by Reps. Kito and Gruenberg, would amend "An Act relating to murder in the second degree and manslaughter," by clarifying all kinds of behavior which would fall under this Act including:

A person commits the crime of murder in the second degree if "the person causes the death of another person while operating a motor vehicle, watercraft, or aircraft under circumstances manifesting an extreme indifference to the value of human life."

And a person commits the crime of manslaughter if the person "recklessly causes the death of another person while operating a motor vehicle, watercraft, or aircraft."

Contact: Jeffrey S. Johnson (BLA), 907-269-8705, jeff.johnson@alaska.gov

Arizona (convenes January 12 and adjourned April 25)

- ***No boater education requirements.***
+ 12 and Under for child life jacket use.

There is a grass roots effort spearheaded by various fishermen associations for mandatory boating safety education. Sen. Linda Gray (R) 10th District, who has previously introduced a bill, is being approached by various groups. These groups are also directly lobbying the Governor.

Contact: Tim Baumgarten (BLA), 623-236-7383, tbaumgarten@azgfd.gov

Arkansas (convenes January 12 and adjourned March 12)

+ Requires education for operators born-on or after 1/1/1986 -- **currently 29 & younger**

+ 12 and Under for child life jacket use.

California (convenes December 1, 2014 and adjourns November 30, 2016)

+ Requires education for all operators by 1/1/25 (effective 1/1/2018).

+ Under 13 for child life jacket use.

On January 1, 2018, all motorized boat operators in California that are 20-years-old or younger will have to apply for a "vessel operator card" to stay legal on the water, a card that will show proof of having passed an approved examination of safe boating practices.

The bill, SB 941, was authored by Sen. Bill Monning, D-Carmel, and Senator Mark DeSaulnier, D-Concord. Gov. Jerry Brown signed it into law Sept. 19.

Its implementation will be staggered. First, the Division of Boating and Waterways must develop the requirements of vessel operator and rental vessel operator cards in order to adopt regulatory standards by December 31, 2017. Once the cards goes into effect in 2018, the law will eventually begin to apply to older boat operators, and by 2025, operators of all ages.

The examination would be available on the Division's website, along with links to internet examinations from other providers approved by the Division. Any examination must contain elements consistent with the National Association of State Boating Law Administrators boating safety course standards.

FOR MORE INFORMATION: Bethany Westfall, Sen. Bill Morning, (916) 651-4017, bethany.westfall@sen.ca.gov; Erin Riches, Senate Transportation and Housing Committee, (916) 651-4121, erin.riches@sen.ca.gov.

Contact: Ramona Fernandez (BLA), 916-327-1823; Ramona.fernandez@parks.ca.gov

Jerry Desmond, Jr., Director of Government Affairs, RBOC, 916-441-4166

David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Colorado (convenes January 7 and adjourned May 14)

- *Boater education requirement applies only to ages 15 and under.*

+ Under 13 for child life jacket use.

Contact: Colorado: Kris Wahlers (BLA), 303.791.1954, kris.wahlers@state.co.us

Connecticut (convenes January 7 and adjourned June 3)

+ Requires boater education and certificate to be carried for all ages.

+ 12 and under for child life jacket use.

+ All personal watercraft riders must wear a life jacket.

+ Persons in manually propelled vessels (other than rowing shells) are required to wear life jackets during the cold water months of October 1 through May 31.

Contact: Eleanor C. Mariani (BLA, 860-447-4359, eleanor.mariani@ct.gov)

Delaware (convenes January 13 and adjourns June 30, 2016)

+ Requires education for operators born-on or after 1/1/1978 -- **currently 37 & younger.**

+ 12 and Under for child life jacket use.

District of Columbia (convenes January 7, 2014 and adjourns December 2016)

+ Requires boater education for all operators.

+ 12 and Under for child life jacket use.

Florida (convenes March 3 and adjourned May 1)

+ Requires education for operators born-on or after 1/1/1988 -- **currently 27 & younger**

- **Under 6 for child life jacket use.**

Contact: Richard Moore (BLA), 850-488-5600, richard.moore@myfwc.com

Georgia (convenes January 12 and adjourned March 9)

+ Requires education for operators born-on or after 1/1/1998 -- **currently 17 & younger**

+ Under 13 for child life jacket use.

BLA reports that Gov. Deal has signed HB 777 Boater Violator Compact law into law.

House Bill 777 enacts the Interstate Boating Violator Compact (Mirrors the Interstate Wildlife Violator Compact) and allows Georgia to enter into the compact and provide a mechanism to suspend privileges to operate a vessel upon Georgia waters for violations of boating laws and allow reciprocal recognition of boating related suspensions from other states who in the future enter into the compact.

Contact: Jeff Weaver (BLA), 706-557-3313, jeff.weaver@dnr.state.ga.us;

David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Hawaii (convenes January 21 and adjourned April 23)

+ Requires mandatory boating education for all boat operators.

+ Under 13 for child life jacket use.

BLA reported that they had no legislation in 2014 but their mandatory education requirement took effect in November. It is not a phase in program and anyone operating a vessel of 10hp or more will have to take a NASBLA approved course.

Starting in November, 2014, all boat operators must complete a boating safety course to operate motorized vessel in Hawaii state waters. Seasoned boaters will be able to take equivalency exams if they feel they already understand the rules of the road. For new boaters, an online course approved by the National Association of State Boating Law Administrators (NASBLA) takes just 3-4 hours of instruction to complete. Boat operators under 16 years old must be accompanied by an adult 21 years or older who holds the required boater safety education certificate; The new rule, as Title 13, Section 13-244-15.5, HAR, Operation of Power Driven Vessels, gives the Department of Boating and Ocean Resources (DOBOR) two years to develop and prepare NASBLA-and-state-approved boating safety courses before it takes effect.

Contact: Ed Underwood (BLA), 808-587-1966, ed.r.underwood@hawaii.gov

Idaho (convenes January 12 and adjourns November 30, 2016)

- No boater education requirements except for rentals of personal watercraft; boaters convicted of operating under the influence of drugs or alcohol, and boaters who are repeat offenders of boating law or rule.

+ 14 and Under for child life

Governor has signed Senate Bill 1274 which criminalized the grossly negligent operation of vessels. Grossly negligent is defined to mean without due caution and circumspection, and in a manner as to endanger or be likely to endanger any person or property. The new law took effect June 1, 2014.

<http://legislature.idaho.gov/legislation/2014/S1274.htm>

Contact: Dave Dahms (BLA), 208-514-2412, david.dahms@idpr.idaho.gov

Illinois (convenes January 14 and adjourns December 16)

+ Requires education for operators born-on or after 1/1/91 (effective 1/1/16) -- **currently 24 & younger**

+ 12 and Under for child life jacket use.

Governor has signed SB 3433, mandatory boating education, into law. It becomes effective 1/1/2016.

It amends the Boat Registration and Safety Act. Provides that beginning January 1, 2016 no person born on or after January 1, 1991 shall operate a motorboat with over 10 horse power without a Boating Safety Certificate.

Beginning January 1, 2016, requires persons between 10 and 12 operating a motorboat with over 10 horse power to be under the direct on-board supervision of a parent, guardian, or designee over 18 that possesses a Boating Safety Certificate. Beginning January 1, 2016, requires persons between 12 and 18 operating a motorboat with over 10 horse power to have a Boating Safety Certificate or be under the supervision of a parent, guardian, or designee over 18 with a Boating Safety Certificate. Beginning January 1, 2016, provides that the owner of a motorboat with over 10 horse power shall not allow it to be operated by anyone without a Boating Safety Certificate.

Provides that a person operating a motorboat with over 10 horse power must provide their Boating Safety Certificate to law enforcement upon request. Provides that boat liveries may offer an abbreviated safety course that allows persons renting motorboats from the livery to operate those rentals without a Boating Safety Certificate. Provides that providing false information in an application for a Boating Safety Certificate or displaying a false certificate is a Class A misdemeanor. Provides exceptions to the certificate requirement.

Contacts: Joe Morelock (BLA), 217-782-5828, joe.Morelock@illinois.gov, and Don Koster, Chicago Yachting Association and Chair, Illinois Boating Safety Education Coalition, 708-921-1363, koster43@sbcglobal.net and Fred Poppe, Secretary, Illinois Boating Safety Education Coalition, poppe.dfx@sbcglobal.net and Capt. William Russell, International Shipmasters Lodge 3, ismashipcaptain.@aol.com

Indiana (convenes January 13 and adjourned April 29, 2015)

- ***Boater education requirement applies only to age 15 and under.***

+ 12 and Under for child life jacket use on state/federal waters

Indiana's Boating Law Administrator had proposed to update Indiana's life jacket requirements for children to apply to all state waters. Currently Indiana's legislation applies only to state/federal waters.

S.B. 434, by Senator Allen Paul, would have done this. It was reported favorably from committee on 1-28-13 and then withdrawn on 2-7-13. There was no further consideration.

Contact: Lt. Keaton Turner (BLA), 317-232-0935, KTurner@dnr.IN.gov

Iowa (convenes January 12 and adjourned May 2)

- ***Boater education requirement applies only to age 17 and under.***

+ 12 and Under for child life jacket use.

Contact: Susan Stocker (BLA), 515-286-0122, susan.stocker@dnr.iowa.gov

Kansas (convenes January 12 and adjourned mid-April)

+ Requires education for operators born-on or after 1/1/1989 -- **currently 26 & younger**

+ 12 and Under for child life jacket use.

BLA report that the Governor has signed into law a bill to reduce the property tax on recreational boats from the current 30% valuation times the mill levy to 15% for 2014 and 5% in 2015 and the years following. According to the BLA, "this was a great victory to try and bring our State back to a fair market compared to our neighboring states."

Contact: Dan Heskett (BLA), 620-672-0758, dan.heskett@ksoutdoors.com

Kentucky (convenes January 6 and adjourned March 30)

- ***Boater education requirement applies only to operators age 17 and under.***

+ Under 12 for child life jacket use.

Kentucky has declared itself the "Houseboat Capital of the World." It will also require "a reasonable and articulable suspicion based upon specific and articulable facts which taken together with rational inferences from those facts" before officers of the department of Fish and Wildlife may stop a boat.

Comprehensive boater education legislation passed the House (70-27) in 2008 but there has been no further action since that time.

Contact: Shane Carrier (BLA), 502-564-3400, joseph.carrier@ky.gov

Louisiana (convenes April 13 and adjourned June 11)

+ Requires education for operators born-on or after 1/1/1984 -- **currently 31 & younger**

+ 16 and Under for child life jacket use.

Maine (convenes December 3, 2014 and adjourned June 17)

- ***No boater education requirements except for personal watercraft.***

- ***10 and Under for child life jacket use.***

A previous proposal, L.D. 203, Rep. Richard Malaby (R), would require a person to wear a Coast Guard approved Type III personal flotation device while kayaking on open salt water on the internal waters of the state. After public hearing on 4-4-13, committee of referral did not act on this measure.

The Maine Joint Standing Committee on Inland Fisheries and Wildlife heard testimony in 2009 on LD 1204, a mandatory education bill, introduced by Representative Thom Watson. There was no opposition to the bill. However, a few Senators and Representatives had some concerns. As a result of those concerns, the Senate passed a resolution requiring Maine's Department of Inland Fisheries and Wildlife to provide a plan to implement the bill while addressing problems in rural areas. Currently, a draft of the plan has been completed and is under final review. Basically, the plan closely parallels the original bill.

Currently, the boater education issue seems to be in a deep freeze.

Contacts: Col. Joel Wilkinson (BLA), 207-287-2766, joel.wilkinson@maine.gov, and Ralph Pears, 207-468-1165; rbpears@gwi.net

Maryland (convenes January 14 and adjourned April 13)

- + Requires education for operators born-on or after 7/1/1972 -- **currently 43 & younger**
- + Under 13 for child life jacket use.

Contact: Col. George Johnson (BLA), 410-260-8881, gjohnson@dnr.state.md.us

Massachusetts (convenes January 7 and adjourns November 18)

- ***Boater education requirement applies to operators age 15 and younger.***
- + Under 12 for child life jacket use.

In recent legislatures, there were several bills relating to recreational boating.

The main one being House Bill H3855: An Act related to boating safety known as the Dave Hanson Act relating to mandatory boating education. Submitted by a group of Massachusetts Harbormasters. It was an amended version of H664. It was reported favorably by the committee on Environment, Natural Resources and Agriculture and then referred to the committee on House Ways and Means which took no action on it.

All the other bills were either referred to Ways and Means with no further action or made part of study bills.

Contact: Merri A. Walker (BLA), 508-366-6420, merri.walker@state.ma.us

Michigan (convenes January 14 and adjourns December 16)

- + Requires education for operators born-on or after 6/1/1996 -- **currently 19 & younger**
- ***Under 6 for child life jacket use.***

BLA reports of some changes to Michigan laws affecting vessels that take effect soon:

[http://www.legislature.mi.gov/\(S\(4mhi3mesvjufyjbbkewtcoer\)\)/mileg.aspx?page=getObject&objectName=2013-HB-4441](http://www.legislature.mi.gov/(S(4mhi3mesvjufyjbbkewtcoer))/mileg.aspx?page=getObject&objectName=2013-HB-4441) Public Act 402 of 2014. BUI laws. Legal limit changed from .10 BAC to .08 BAC along with some other penalty enhancements, specifics to BUI with children aboard, etc. BUI language is specific to motorboats where in the past it was vessels generally. Effective March 31, 2015

[http://www.legislature.mi.gov/\(S\(4mhi3mesvjufyjbbkewtcoer\)\)/mileg.aspx?page=getObject&objectName=2014-HB-5563](http://www.legislature.mi.gov/(S(4mhi3mesvjufyjbbkewtcoer))/mileg.aspx?page=getObject&objectName=2014-HB-5563) Public Act 549 of 2014. Abandoned vessels (and snowmobiles, ORVs). Defines abandoned vessels, establishes penalty, creates mechanism for removal and cost recovery. Effective April 16, 2015

Contact: Lt. Andrew Turner (BLA), 517-373-7109, turneral@michigan.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Minnesota (convenes January 6 and adjourned May 18)

- *Boater education requirement applies only to operators age 17 and younger.*
- *Under 10 for child life jacket use.*

BLA reports that in 2014 there were no direct changes to our watercraft laws.

However, there were changes to our driving while impaired statute (which includes motorized watercraft in MN) referencing changes in our criminal vehicular homicide and injury statutes.

Two items will go into effect and one is in development for 2015 based upon laws passed in previous years:

1. On 12/8/14 our state rules will be modified to have numbering and license decal requirements for stand-up paddleboards match other non-motorized watercraft. The essential change is that the registration numbers and letters will not need to be displayed. This was required by 2013 legislation.
2. Effective 7/1/2015 persons transporting watercraft or water related equipment by trailer will need to have an aquatic invasive species trailer decal on the trailer. The decal can be issued after taking a required training course or a temporary seven day authorization is available for those who have not completed the course. Violation is a warning with no penalty. If a person violates other MN aquatic invasive laws they must also complete the training course.
3. One or more tribal bands has made an inquiry on starting the process to issue watercraft licenses. This would be done consistent with NASBLA'S model act and the state law notes that it must be done under federal approval, so nothing can be implemented without USCG approval.

And note the changes affecting boating via MN Impaired Driving Code changes relating to criminal vehicular homicide. See

<https://www.revisor.mn.gov/laws/?id=180&doctype=Chapter&year=2014&type=0#laws.0.1.0>

Contact: Stan Linnell (BLA), 651-259-5626, stan.linnell@state.mn.us

Mississippi (convenes January 6 and adjourned April 6)

- + Requires education for operators born-on or after 6/30/1980 -- **currently 34 & younger**
- + 12 and Under for child life jacket use.

Missouri (convenes January 7 and adjourned May 30)

- + Requires education for operators born-on or after 1/01/1984 -- **currently 31 & younger**

- Under 7 for child life jacket use.

BLA reports that there is pending legislation to amend the new "temporary permit" law passed last year to apply to Missouri residents as well. The statute as passed last year allows out of state residents a one time, seven day, temporary permit to accommodate potential boat renters and purchasers who do not have a boater education card.

Contact: Cpt. Mark E. Richerson (BLA), 573-301-348, mark.richerson@mshp.dps.mo.gov

Montana (convenes January 5 and adjourned April 29)

- Boater education requirement applies only to operators age 14 and younger.

+ Under 12 for child life jacket use.

Contact: Ron Jendro (BLA), 406-444-0136; rjendro@mt.gov

Nebraska (convenes January 7 and adjourned early-April)

+ Requires education for operators born-on or after 12/31/1985 -- **currently 30 & younger**

+ Under 13 for child life jacket use.

BLA reports that we have no new boating safety legislation this year but we are overjoyed to report 2013 was a boating fatality free year for Nebraska. The first year since we started keeping records (1965). Before 2013 we averaged 5 recreational boating fatalities per year. Proving once again what we all know, excellent boating safety program plus diligent law enforcement equals safe recreational boating.

Contact: Herb Angell (BLA), 402-471-5579, herb.angell@ngpc.ne.gov

Nevada (convenes February 2 and adjourned June 1)

+ Requires education for operators born-on or after 1/1/1983 -- **currently 32 & younger**

+ Under 13 for child life jacket use.

New Hampshire (convenes January 7 and adjourns December 7, 2016)

+ Requires boater education for all ages.

+ 12 and Under for child life jacket use.

New Jersey (convenes January 13 and adjourns January 12, 2016)

+ Requires boater education for all operators.

+ 12 and Under for child life jacket use.

BLA call attention to Senate Bill S504, enhanced penalty for leaving the scene of a boating accident, which was merged into S846 and then passed into public law.

Under current law, the operator of a vessel is required to provide assistance to people affected by an accident so long as that operator is able to do so without endangering passengers. This bill makes it a

second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily harm.

The bill is modeled after current law, which makes it a second degree crime to leave the scene of a motor vehicle accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines "serious bodily injury" as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill specifies that its provisions do not preclude an indictment and conviction for aggravated manslaughter or vehicular homicide. The bill further specifies that its provisions shall not merge with a conviction for aggravated manslaughter or vehicular homicide. Convictions for multiple offenses arising under this bill are to run consecutively.

In addition, the bill states that it is not a defense that the vessel operator lacked knowledge of the death or injury, or knowledge of the violation under the bill.

Finally, the bill amends current law to enhance the penalties for failure of an operator to assist persons affected by an accident. Under the bill the penalties are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both, for the first offense. For subsequent offense, the bill imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

Contact: A/SFC Kenneth Ryan (BLA), 609-882-2000x6167, lpp5643@gw.njsp.org

New Mexico (convenes January 20 and adjourned March 21)

- + Requires education for operators born-on or after 1/1/1989 -- **currently 26 & younger**
- + 12 and Under for child life jacket use.

BLA reports that they had no pending legislation during the recently completed session.

In 2013, NM passed a bill (S.B. 94) that will offer a "penalty assessment misdemeanor" as an option for certain boating violations (including failure to wear a PFD) that are not linked to death, disappearance, great bodily harm, etc. Due to the option of paying the penalty assessment directly and avoiding the magistrate court mandatory appearance, this is an efficiency measure for boaters, courts, and officers.

Contact: Toby Velasquez (BLA), 505-476-3369, toby.velasquez@state.nm.us

New York (convenes January 7 and adjourns December 16)

- + Requires *education for boaters born-on or after 5/1/1996* -- **currently 19 & younger**
- + Under 12 for child life jacket use.

BLA reports as of 5/1/14 anyone born on or after 5/1/96 will now be required to complete a boating safety course in order to legally operate a motorized boat within the state. Also new this year, individuals completing a state boating safety course, including those taught by the

auxiliary or power squadrons may have that credential noted on their state driver's license or non-driver ID card <http://nysparks.com/lifetime/>.

Contact: Brian Kempf (BLA), 518-474-0445; brian.kempf@parks.ny.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

North Carolina (convenes January 14 and adjourns June 30, 2015)

- + Requires education for operators born-on or after 1/1/1988 -- **currently 27 & younger**
- + Under 13 for child life jacket use.

BLA called to our attention that North Carolina had a change to their states boater education law that went into effect 12/1/2013. Previously, our chart had shown that their law only applied to operators 26 or younger. Not so! It applies to anyone born on or after January 1, 1988. We apologize for this error.

So, the states boater education law now says that anyone born on or after January 1, 1988 is required to complete a boater education course for boats powered by a motor of 10 HP or more.

Contact: Maj. Chris Huebner (BLA), 919-709-0030, chris.huebner@ncwildlife.org;
Pete Deschenes, Chair, N. C. Coalition, 252-586-3144, stugaville@embarqmail.com

North Dakota (convenes January 6 and adjourned April 29)

- **Boater education requirement applies only to operators age 15 and younger.**
- **10 and Under for child life jacket use.**

In 2013, HB 1141, introduced by Representative Nathe and Senator Miller. Would allow an individual at least age 16 to windsurf or boardsail without wearing a life jacket; would prohibit an individual from towing another individual on water skis, surfboard or other similar device between one hour after sunset to one hour before sunrise; and would allow a vessel equipped with a mirror with a wide field of vision to the rear to replace an observer while towing an individual on water skis, surfboard or similar device. Passed House 78-9. Senate Natural Resources Committee heard 3/22, no further action taken.

Contact: Nancy Boldt (BLA), 701-328-6312, nboldt@nd.gov

Ohio (convenes January 5 and adjourns December 16)

- + Requires education for operators born-on or after 1/1/1982 -- **currently 33 & younger**
- **Under 10 for child life jacket use.**

The Governor has signed HB 29 (aka the "Boater Freedom Act") which specifies that the state's law enforcement personnel may only stop a vessel if they have reasonable suspicion that the vessel or vessel's operator are in violation of marine law or otherwise engaged in criminal activity. It became effective upon signature of the Governor.

Also, individuals possessing a valid merchant mariner credential issued by the U.S. Coast Guard in accordance with 46 C.F.R. 10.109 and having at least one endorsement of master or

operator as defined in 46 C.F.R. 10.107 will no longer be required to complete a boater-safety course before operating a recreational vessel. But when operating any recreational vessel, such individuals must carry documentation of their merchant mariner credentials and endorsements, and the documentation must be presented to a watercraft officer or law-enforcement officer upon request.

Contact: Mike Miller (BLA), 614-265-6474, mike.miller@dnr.state.oh.us;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org;

Oklahoma (convenes February 2 and adjourned May 29)

- **Boater education requirement applies only to ages 15 and younger.**

+ 12 and Under for child life jacket use.

Contact: Lt. Mark Brown (BLA), 405-522-1877, mbrown@dps.state.ok.us

Oregon (convenes February 2 and adjourns July 11)

+ Requires boater education for all ages

+ 12 and Under for child life jacket use

Pennsylvania (convenes January 6 and adjourns December 16)

+ Requires education for operators born-on or after 1/1/1982 -- **currently 33 & younger**

+ 12 and Under for child life jacket use.

BLA sends a quick update from PA: All of the amendments below were approved as proposed rulemaking at the Commission's quarterly meeting on May 5, 2015. These items will be published in the PA Bulletin within the next few weeks, at which time a public comment period will begin. The Commission will consider these items as final rulemaking at its fall quarterly meeting.

BLA reports that a Boating Advisory Board (BAB) meeting was held on Feb 12, 2015, to discuss the following proposed amendments. The detailed discussion items can be found in the BAB's meeting agenda

at: <http://fishandboat.com/images/exec/minutes/2015minu/bab02agd.pdf>. The BAB recommended that all of the discussion items be advanced for consideration as proposed rulemaking at the May 4-5, 2015, Commission Meeting. The BAB meeting minutes will be posted to the Commission's website within the next few weeks. A summary of the discussion items is below.

1. Amendments to Sections 97.1, 109.3, 109.4 and 115.11 – removing references to PFD type codes from regulation; no changes to carriage requirements & no immediate impact to boaters.
2. Amendment to Section 109.3 – removing prohibition of towing only one skier behind a PWC, as long as total passenger capacity is not exceeded.
3. Amendment to Section 111.4 – establishing slow, no wake zone on lower section of Little Beaver Creek, Beaver County; and establishing Bradys Run Lake as electric motors only to conform with county regulations.

4. Amendment to Section 111.9 – simplifying slow, no wake designation on Neshaminy Creek, Bucks County.
5. Amendment to Section 111.21 – eliminating designated ski zone on Conodoguinet Creek, Cumberland County.
6. Amendment to Section 111.23 – establishing slow, no wake designation on entire length of Darby Creek, Delaware County.
7. Amendment to Section 111.39 – eliminating water skiing prohibition on Allentown Pool of Lehigh River, Lehigh County.
8. Amendments to Chapter 111 – simplifying the chapter by removing redundant subsections (relating to the use of electric motors only on Commission and State Park owned lakes) that are already covered by Sections 107.2 and 53.8(a).
- 9.
10. Any questions should be directed to the BLA.
- 11.

Contact: Laurel L. Anders (BLA), 717-705-7849, landers@pa.gov

Rhode Island (convenes January 6 and adjourns June 30, 2015)

- + Requires education for operators born-on or after 1/1/1986 -- **currently 29 & younger**
- + Under 13 for child life jacket use.

South Carolina (convenes January 13 and adjourned June 4)

- ***Boater education requirement applies only to operators age 16 and younger.***
- + Under 12 for child life jacket use.

Contact: Col. Alvin Taylor, DNR, 803-734-3995, taylor@dnr.sc.gov

South Dakota (convenes January 13 and adjourned March 30)

- ***No boater education requirements.***
- ***Under 7 for child life jacket use.***

Legislative Update : SB 48 accomplished two things. Did away with the TYPE code language for PFD's that was listed within that specific law and removed the allowance for PWCs to be operated without navigation lights ½ hr. after sunset and one ½ hr. prior to sunrise.

Contact: Brandon Gust (BLA), 605-256-5727, brandon.gust@state.sd.us

Tennessee (convenes January 13 and adjourns mid-April)

- + Requires education for operators born-on or after 1/1/1989 --**currently 26 & younger**

+ 12 and Under for child life jacket use.

Contact: Darren Rider (BLA), 615-781-6669, darren.rider@tn.gov

Texas (convenes January 13 and adjourned June 1)

+ Requires education for operators born-on or after 9/1/1993 -- **currently 21 & younger**
+ Under 13 for child life jacket use.

BLA reports "just some minor corrections for the Texas Regulations. HB 1395 amended the Texas Water Safety Act to provide mandatory boater education while removing the over 18 exemption. This legislation created a slow phase in of mandatory education. In 2014, we picked up the 21 year olds."

Contact: Cody Jones (BLA), 512.389.4624, cody.jones@tpwd.texas.gov

Utah (convenes January 26 and adjourned March 12)

- ***No boater education requirements except for personal watercraft.***

+ 12 and Under for child life jacket use.

In 2008, the House defeated a bill requiring operators of boats with engines in excess of 50 hp to be licensed and complete a mandatory boating safety education course. Utah AAA and other insurers led a mandatory boater education coalition. Since then, there has been no repeat effort.

Contact: Ty J. Hunter (BLA), 801-440-5106, tyhunter@utah.gov
Rolayne Fairclough, AAA UTAH, 801-238-1265; Rolayne_Fiarclough@csaa.com

Vermont (convenes January 7 and adjourned May 11, 2015)

+ Requires education for operators born-on or after 1/1/1974 -- **currently 41 & younger**
+ Under 12 for child life jacket use.

Virginia (convenes January 14 and adjourned February 27)

+ Requires boater education for all ages by 7/1/2016

+ ***No requirement for child life jacket use.***

HB 1298, by Delegate Morris, would prohibit stopping any boat without reasonable suspicion. Passed both Senate and House. Approved by Governor, effective July 1, 2015.

HB 1324, by Delegate Cole, exempts a person who is serving or has qualified for certain positions in the military from the boating safety education course requirement. Passed both Senate and House. Approved by the Governor, effective July 1, 2015.

SB 996, by Senator Richard Stuart, would have exempted persons born before July 1972 from the existing boater education law. It passed the Senate (21-Y, 16-N) but was defeated in the House (38-Y, 61-N) after strong opposition by the Virginia Safe Boating Alliance and others.

So, Virginia's excellent boater education program is still okay for now.

However, it is expected that similar proposals to change the program will be attempted in 2016.

As for child life jacket use requirements, companion bills (Senate Bill 93 and House Bill 168) were introduced in 2010 to require life jacket wear for children ages 12 and younger in the Commonwealth of Virginia. SB 93 was voted out of the full Senate by a 30-10 vote. HB 168 was voted out of the House Committee on Agriculture, Chesapeake and Natural Resources on by a 19-3 vote. However, upon receipt on the House floor, the bill was referred to the Committee on Militia, Police and Public Safety where it was effectively tabled for the 2010 session. After this narrow defeat, the Virginia Safe Boating Alliance has not pushed for action on a child life jacket law.

Future action on PFDs is uncertain.

Contact: Thomas Guess (BLA), 804-367-8693, tom.guess@dgif.virginia.gov;
Bruce Dungan; 11dunganb@jetbroadband.com

Washington (convenes January 12 and adjourned April 27)

- + Requires boater education for all ages.
- + 12 and Under for child life jacket use.

BLA reports that SB 5416, introduced by Senators King and Benton, would add a \$5 fee to vessel registrations and a \$12 fee to vessel title transactions when those transactions occur at a county auditor's office or a State DOL office. This is a fee equalization bill as these fees are already due when these transactions occur at a subagent's office and the change for vehicle registration/titling transactions was passed last year. They overlooked vessels when they passed that bill last year.

The bill directs those funds to marine law enforcement programs. The current fiscal note is estimating about a \$300K/year increase in the revenue that we provide to the local law enforcement agencies that conduct marine law enforcement on our waterways.

Bill is currently one of several in a special session. Contact BLA for update.

Contact: Wade Alonzo (BLA), Wade.Alonzo@PARKS.WA.GOV

West Virginia (convenes January 14 and adjourned March 15)

- + Requires education for operators born-on or after 12/31/1986 -- **currently 28 & younger**
- + 12 and Under for child life jacket use.

Wisconsin (convenes January 5 and adjourns December 31, 2015)

- + Requires education for operators born-on or after 1/1/1989 -- **currently 26 & younger**
- **No requirement for child life jacket use.**

Two bills (Senate Bill 162 and Assembly Bill 219) were introduced in 2010 and carried over into 2011. Originally, both bills required the wear of life jackets for children ages 12 and under. However, SB 162 was amended to require the wear of life jackets for children ages 10 and under. AB 219 was passed by the Wisconsin Assembly and referred to the Senate. New information indicated that the Senate sponsor of the amendment to SB 162 for the lower age had withdrawn his amendment. It was expected that the Senate and Assembly leadership would approve a bill within two weeks. Senate Committee on Transportation, Tourism, Forestry and Natural Resources voted 5 to 2 to pass AB 219. This bill (life jacket wear for children ages 12 and under) was now available to be scheduled for a vote by the full Senate. On the Assembly side, SB 162 was amended from life jacket wear for children ages 10 and under to ages 12 and under. Thus, both the Senate and Assembly bills had the identical age for children to wear life jackets. However, that session's Senate Majority Leader did not allow AB 219 to move forward to a final vote by the Wisconsin Senate.

Although there was high hope that further action and passage would take place in 2012, this did not happen due largely to the volatile political battles in the state. There was also hope that the original bill sponsors (Representative Fred Clark and Senator Jessica King) would introduce and champion companion bills in the 2013 session. This did not happen. And no action was taken in 2014.

Future action on PFDs is uncertain.

Contact: Roy Zellmer (BLA), 608.212.5385, roy.zellmer@wisconsin.gov

Wyoming (convenes January 13 and adjourned March 6, 2015)

- **No boater education requirements.**
- + 12 and Under for child life jacket use.

Contact: Aaron Kerr (BLA), 307-233-6413, aaron.kerr@wyo.gov

Official positions of the U.S. Coast Guard are available on USCG Auxiliary's website at www.legislative.auxnaco.org

Information on state and federal legislation is available on BoatUS's website at www.boatus.com/gov/