

RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVITY

Boater Education and Child Life Jacket Use

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

Here's the current status (as of 3-20-17) of state laws on two issues:

(1) While all states have boating safety education programs available to the public, their mandatory motorboat education requirements are not the same.

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

***Most states (25) require education for ONLY those motorboat operators "born-on or after" a certain date (i.e., 1/1/1980 currently covers only 36 and younger; 1/1/1996 currently covers only 20 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 motorboat operators (17 and under).

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

(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 except for a federal requirement of under 13 for federal and state/federal waters where there is no state requirement. 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.

Note mandatory motorboat education laws in California, Hawaii, Illinois, and New York.

And NMMA reports a discussion of bills and initiatives in three states regarding safe wakesurfing boats. Some states have forbidden wakesurfing behind outboards and inboard/outboards, with good reason. However a new drive system called "forward drive" has tucked the prop either at or forward of the transom, making it safe for wakersurfers. Georgia, NJ, and PA are just now working to catch up with this new technology.

The coalition's next meeting will be June 13, 2017

Action Alerts will be issued as significant activity develops.

If you have any additional information or corrections, please email 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 (2017 legislature convened February 7, 2017 and adjourns May 31)

+ Requires education for motorboat operators born-on or after 4/28/1954 -- 62 & younger

- *Under 8 for child life jacket use.*

H.B. 24 (PFD requirements), by Rep. Joe Faust, in 2013, 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 or 2016.

Contact: Col. Walter S. Thompson (BLA), 334-353-2628, steve.thompson@alea.gov;

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

Alaska (convened January 17 and adjourns April 16)

- *No motorboat operators 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."

BLA reports that HB 7 was referred to two committees; Judiciary (where it sits now) and Finance. It was a carry over into the 2016 session. However, no further action in 2016.

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

Arizona (convened January 9 and adjourns April 22)

- *No motorboat operators education requirements.*

+ 12 and Under for child life jacket use.

BLA says to remove the "grass roots" reference regarding Linda Gray. She is no longer a senator and the effort died. No hope for action this legislative session as mandatory education would be viewed as a regulatory burden on the public. No government is good government! Even attempts to correct PFD language from types to current CG labeling standard has come under unusual scrutiny.

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

Arkansas (convened January 9 and adjourned March 9)

- + Requires education for motorboat operators born-on or after 1/1/1986 -- 31 & younger
- + 12 and Under for child life jacket use.

Contact: Stephanie Weatherington (BLA), 501-223-6379, stephanie.weatherington@agfc.ar.gov

California (convened December 5, 2016 and adjourns September 15)

- + Requires education for all motorboat 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, 2014.

Its implementation will be staggered. First, the Division of Boating and Waterways must develop the requirements of a vessel operator card in order to adopt regulatory standards by December 31, 2017. Once the card 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.

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 (convened January 11 and adjourns May 10)

- *Motorboat 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 (convened January 4 and adjourns June 7)

- + Requires motorboat education and certificate to be carried by 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.

NMMA reports that Connecticut has enacted a law requiring boat operators to be at least 16 years old if they are towing a skier. This mandate also requires all tow boat operators to take a course in towing safety either separately or as part of the state's mandatory motorboat safety education law.

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

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

Delaware (convened January 10 and adjourns June 30)

- + Requires education for motorboat operators born-on or after 1/1/1978 -- 39 & younger.
- + 12 and Under for child life jacket use.

Contact: Robert C. Legates, Sr. (BLA), 302-542-2106, robert.legates@state.de.us

District of Columbia

- + Requires motoboat education for all operators.
- + 12 and Under for child life jacket use.

Contact: Lt. Paul Niepling (BLA), 202-727-4583, paul.niepling@dc.gov

Florida (convened March 7 and adjourns May 5)

- + Requires motorboat education for operators born-on or after 1/1/1988 -- 29 & younger
- *Under 6 for child life jacket use.*

BLA reports that the Governor signed CS/CS/SB 680, which was an FWC agency bill which, in part, modified Florida's laws related to use of life jackets. The changes will ensure that Florida law no longer refers to "types" when referencing life jackets. This will ensure that life jackets produced in the future under the new federal labeling standards, as well as those currently in use and labeled under the former labeling standards, will meet state legal requirements.

NMMA reports the passage of H.B. 427 which will give boat owners who buy either a personal locator beacon or an ERIRB a reduction in their registration fees. The reduction is based on the size of boat. It has been sent to the Governor.

Also, another pre-filed bill (H.B. 863) would have increased the minimum age to operate a PWC from 14 years old to 16. It failed to advance.

Contact: Major Richard Moore (BLA), 850-617-9544, richard.moore@myfwc.com;

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

Georgia (convened January 9 and adjourns March 24)

- + Requires motorboat education for operators born-on or after 1/1/1998 -- 19 & younger
- + Under 13 for child life jacket use.

BLA reports the following:

HB 208 – This bill will increase recreational vessel registration fees

HB 275 – This bill will regulate activities related to body surfing and wake surfing

HB 375 – This bill will initiate titling of vessels and provide procedures for such

All three of these bills have crossed over and await action by the Senate.

Contact: Lt.Col. Jeff Weaver (BLA), 770-918-6408, jeff.weaver@dnr.state.ga.us;
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Hawaii (convened January 18 and adjourns May 4)

+ Requires mandatory boating education for all motorboat operators.

+ Under 13 for child life jacket use.

BLA reported that their mandatory education requirement 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 (convened January 9 and adjourns March 31)

- *No motorboat 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

BLA reports that there is an increase in the invasive species sticker fee for non-residents.

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

Illinois (convened January 11 and adjourns May 31)

+ Requires education for motorboat operators born-on or after 1/1/91 -- 26 & younger

+ 12 and Under for child life jacket use.

Governor has signed SB 3433, mandatory boating education, into law. It became 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: Sgt. Chris Stone (BLA), 217-782-5828, Christian.stone@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 (convened January 3 and adjourns April 29)

- *Motorboat 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 (convened January 9 and adjourns April 18)

- *Motorboat education requirement applies only to age 17 and under.*
- + 12 and Under for child life jacket use.

Contact: Susan Stocker (BLA), 515-725-8477, susan.stocker@dnr.iowa.gov

Kansas (convened January 12 and adjourns May 15)

- + Requires education for motorboat operators born-on or after 1/1/1989 -- 28 & younger
- + 12 and Under for child life jacket use.

H.B 2117, boater education/safety/licensing, Sponsor: KS House Agriculture and Natural Resources Committee. States that on and after January 1, 2016, no person born on or after January 1, 1995,

shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person. Introduced; referred to House Committee on Agriculture and Natural Resources 1/23/2015. Hearing held 2/17/2015. Carried over to 2016 session 6/26/2015. FAILED TO ADVANCE.

Contact: Major Dan Heskett (BLA), 620-672-0758, dan.heskett@ksoutdoors.com
David Dickerson, NMMA, 202-737-9761, ddickerson@nmma.org

Kentucky (convened January 3 and adjourns March 30)

- Motorboat *education requirement applies only to operators age 17 and under.*
- + Under 12 for child life jacket use.

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 (convened April 10 and adjourns June 8)

- + Requires education for motorboat operators born-on or after 1/1/1984 -- 33 & younger
- + 16 and Under for child life jacket use.

Contact: Lt. Col. Samuel Martin (BLA), 225-765-2536, smartin@wlf.la.gov

Maine (convened December 7, 2016 and adjourns June 14)

- *No motorboat 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-Inland), 207-287-2766, joel.wilkinson@maine.gov, and Jonathan Cornish (BLA-Coastal), 207-624-6555, Jon.cornish@maine.gov, and Ralph Pears, 207-468-1165; rbpears@gwi.net

Maryland (convened January 11 and adjourns April 10)

- + Requires education for motorboat operators born-on or after 7/1/1972 -- 44 & younger
- + Under 13 for child life jacket use.

Contact: Charles F. Santerre (BLA), 410-260-8883, c.santerre@md.gov

Massachusetts (convened January 4 and adjourns November 15)
- *Motorboat education requirement applies to operators age 15 and younger.*
+ Under 12 for child life jacket use.

BLA previously reported that H.627 was the current copy of An Act related to boating safety known as the Dave Hanson Act relating to mandatory boating education. Previously it was H.3855. Submitted by a group of Massachusetts Harbormasters. It was an amended version of H.664. 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.

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

Michigan (convened January 11 and adjourns December 31)
+ Requires education for motorboat operators born-on or after 6/1/1996 -- 20 & younger
- *Under 6 for child life jacket use.*

Contact: F/Lt. Tom Wanless (BLA), 517-284-6026, wanlesst@michigan.gov
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Minnesota (convened January 3 and adjourns May 22)
- *Motorboat education requirement applies only to operators age 17 and younger.*
- *Under 10 for child life jacket use.*

BLA reports that a legislative effort to increase child life jacket use law to 13 and Under failed in committee markup.

BLA previously reported the following law and rule changes:

1. New carbon monoxide law. Requires CO detectors on motorboats with specified cabin spaces, requires warning labels on others with enclosed occupancy spaces. Requires information and stickers be mailed to owners of boats over 19'. Passed on 6/1/ 2016. Goes into effect 5/1/2017. Legislation coordinated with NMMA and ABYC.
2. New title transfer on death law. In effect summer 2016
3. Life jacket rules were revised to reflect USCG terminology changes. In effect 6/13/2016. A 2015 law initiated this rule change.
4. Emergency water surface rules may be enacted by the local unit of government for up to 30 days instead of five days. In effect 6/13/2016. A 2015 law initiated this rule change.

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

Mississippi (convened January 3 and adjourns April 2)
+ Requires education for motorboat operators born-on or after 6/30/1980 -- 36 & younger
+ 12 and Under for child life jacket use.

Contact: Capt. Calvin Fulton (BLA), 601-432-2178, calvinf@mdwfp.state.ms.us

Missouri (convened January 4 and adjourns May 12)

+ Requires education for motorboat operators born-on or after 1/01/1984 -- 33 & younger

- *Under 7 for child life jacket use.*

Contact: Cpt. Mark E. Richerson (BLA), 573-751-5071, Mark.Richerson@mshp.dps.mo.gov

Montana (convened January 2 and adjourns April 25)

- *Motorboat 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 (convened January 4 and adjourns June 2)

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

+ Under 13 for child life jacket use.

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

Nevada (convened February 6 and adjourns June 5)

+ Requires education for motorboat operators born-on or after 1/1/1983 - 34 & younger

+ Under 13 for child life jacket use.

Contact: David Pfiffner (BLA), 702-486-5127 x3401, pfiffner@ndow.org

New Hampshire (convened January 4 and adjourns June 30)

+ Requires motorboat education for all ages.

+ 12 and Under for child life jacket use.

Contact: Timothy C. Dunleavy (BLA), 603-293-2037, timonthy.dunleavy@dos.nh.gov

New Jersey (convened January 10 and adjourns January 9, 2018)

+ Requires motorboat education for all operators.

+ 12 and Under for child life jacket use.

BLA reports the a change to N.J.A.C. Title 13:82-3.1 Waterskiing. This rule has been promulgated but has not yet been signed by the Governor. Every indication points to the changes being approved for the 2017 boating season. The changes to the rule are noted in red. At the time of the proposal, Volvo Forward drive systems were not available to the public and jet drive systems were rarely used for wake surfing. Due to comments received during the promulgation period, it is likely that the New Jersey Boat Regulation Commission will propose amendments to allow for those devices.

13:82-3.1 Waterskiing

(a) "Waterskiing" or "skiing" means a person being towed by a power vessel by means of a tow rope, tow line or training boom.

1. "Wake Surfing" means a person being temporarily towed by a power vessel by means of a tow rope or tow line and releases the tow line after using the vessel's wake as means of forward propoltion. For the purposes of this section, a wake surfer is considered being towed by the tow vessel after releasing the tow line or tow rope.

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

(c) All power vessels conducting waterskiing operations shall have a crew of at least two persons, one of whom shall be a competent observer, and shall have adequate space on the vessel for the waterskiing participant.

(d) Tow lines shall be not less than 35 feet nor more than 75 feet in length, except as specifically provided otherwise in these regulations.

1. Wake Surfing lines shall be not less than 8ft in length.

(e) Waterskiing **and wake surfing** is permitted only between sunrise and sunset, except as specifically provided otherwise in these regulations.

(f) Waterskiers and **Wake Surfers** shall wear a United States Coast Guard approved wearable personal flotation device, except that a barefoot wetsuit may be worn during sanctioned competitions or shows and while training for such events, as long as there is a United States Coast Guard approved wearable personal flotation device on board the vessel for each skier.

(g) All ski boats shall display a signal pennant, which shall be orange in color and triangular in shape and not less than 12 inches on any dimension.

1. Said pennant shall be displayed at least four feet above the highest structure on the boat during each of the following activities:

i. While pulling or retrieving a skier **or wake surfer**; ii. While a skier **or wake surfer** is in the water; or iii. While a tow line is in the water.

2. A person shall not display the pennant at any time other than while conducting any of the activities described in this subsection.

(h) The Commission shall, upon application, waive any one or more of the above requirements for events of public entertainment on any wholly-owned private lake, provided that it finds the event to be consistent with the interests of boating safety.

(i) Vessels utilized for the purposes of Wake Surfing, as described in (a)1. of this section, where tow lines or tow ropes are less than 35ft, but not less than 8ft in length, shall be direct drive, or v-drive type propulsion, where the propeller does not extend aft of the transom of the tow vessel. Any vessel in which the means of propulsion extends rearward of the transom of the tow vessel, including but not limited to, outboard, inboard outboard, and jet drive, shall not be utilized

Contact: Lt. Kenneth Ryan (BLA), 609-882-2000x6168, lpp5643@gw.njsp.org

New Mexico (convened January 17 and adjourned March 18)

+ Requires education for motorboat operators born-on or after 1/1/1989 -- 28 & younger

+ 12 and Under for child life jacket use.

Contact: Barry Lucero (BLA), 505-476-3369, Barry.Lucero@state.nm.us

New York (convened January 4 and adjourns December 31)
+ Requires motorboat education for boaters born-on or after 5/1/1996 -- 20 & younger
+ Under 12 for child life jacket use.

BLA previously reported that 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, 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: Larry Migliozi(BLA), 518-474-0445; larry.migliozi@parks.ny.gov;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

North Carolina (convened January 11 and adjourns August 1)
+ Requires education for motorboat operators born-on or after 1/1/1988 -- 29 & younger
+ Under 13 for child life jacket use.

Contact: Maj. Chris Huebner (BLA), 919-707-0030, chris.huebner@ncwildlife.org;
Pete Deschenes, Chair, N. C. Coalition, 252-586-3144, stugaville@embarqmail.com

North Dakota (convened January 3 and adjourns April 26)
- *Motorboat education requirement applies only to operators age 15 and younger.*
- *10 and Under for child life jacket use.*

Contact: Brian Schaffer(BLA), 701-328-6312, bschaffer@nd.gov

Ohio (convened January 2 and adjourns December 31)
+ Requires education for motorboat operators born-on or after 1/1/1982 -- 35 & younger
- *Under 10 for child life jacket use.*

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

Oklahoma (convened February 6 and adjourns May 26)
- *Motorboat 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 (convened February 1 and adjourns July 10)
+ Requires motorboat education for all ages
+ 12 and Under for child life jacket use

BLA reports a brief update on legislation currently in Oregon. Please note that the session is still early and none of these bills have gone far into the process. It is therefore unknown if they will be amended or even survive their committees. HB 2320 and HB 2321 are Marine Board bills. We have no positions on HB 2716 or SB 643.

HB 2320: Directs the Oregon State Marine Board to create a non-motorized boating program. Defines “nonmotorized boat” and “nonmotorized craft.” Establishes Nonmotorized boating Program Fund. Requires person using nonmotorized craft on river or stream to wear a life jacket. Punishes by maximum fine of \$30.

HB 2321: Requires boat operators to drain all standing or captured water before leaving water access site or riparian zone.

Provides exceptions. Punishes by maximum fine of \$250. Clarifies that requirement to obtain aquatic invasive species prevention permit applies to persons 14 years of age or older if person is operating nonmotorized boat. Authorizes State Marine Board to combine aquatic invasive species prevention permit with other documents that board issues. Requires person to cooperate with recommended decontamination process at check station. Punishes by maximum fine of \$250. Authorizes peace officer to stop person transporting recreational or commercial watercraft and require person to drive to nearest check station if peace officer has reason to believe person failed to stop at check station. Punishes failure to comply with peace officer’s directions by maximum of 30 days’ imprisonment, \$1,250 fine, or both.

SB 643: Requires persons 17 years of age or younger and who are operating a boat, or who are passengers I na boat, on section of waters rated class III or higher to wear helmet.

HB 2716: Directs outfitters and guides on waters rated class II or higher to require passengers 12 year of age and under to wear helmet and to provide helmet for passengers over 12 years of age.

Contact: Randolph. H. Henry (BLA, 503-378-2612, randy.h.henry@state.or.us)

Pennsylvania (convened January 3 and adjourns December 31)

- + Requires education for motorboat operators born-on or after 1/1/1982 -- 35 & younger
- + 12 and Under for child life jacket use.

Contact: Corey Britcher (BLA), 717-705-7861, cbritcher@pa.gov

Rhode Island (convened January 3 and adjourns June 30)

- + Requires education for motorboat operators born-on or after 1/1/1986 -- 31 & younger
- + Under 13 for child life jacket use.

Contact: Frank Floor (BLA), 401-222-2284, frank.floor@dem.ri.gov

South Carolina (convened January 10 and adjourns June 1)

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

Contact: Col. Alvin Taylor, (BLA), 803-734-4007, taylor@dnr.sc.gov

South Dakota (convened January 10 and adjourns March 27)

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

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

Tennessee (convened January 10 and adjourns April 14)

- + Requires education for motorboat operators born-on or after 1/1/1989 -- 28 & younger
- + 12 and Under for child life jacket use.

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

Texas (convened January 10 and adjourns May 29)

- + Requires education for motorboat operators born-on or after 9/1/1993 -- 22 & younger
- + Under 13 for child life jacket use.

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

Utah (convened January 23 and adjourned March 9)

- *No motorboat 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 (convened January 4 and adjourns May 8)

- + Requires education for motorboat operators born-on or after 1/1/1974 -- 43 & younger
- + Under 12 for child life jacket use.

Contact: Sgt. J.R. Underhill (BLA), 802-878-7111 x2207, john.underhill@state.vt.us

Virginia (convened January 11 and adjourned February 25)

- + Requires motorboat education for all ages by 7/1/2016

+ *No requirement for child life jacket use.*

(However, a federal requirement calls for "under 13 for child life jacket use" on federal and state/federal waters where there is no state requirement.)

In previous years, there have been proposals to change Virginia's excellent boater education program. All were defeated. Similar proposals were expected in 2016 session but they were not introduced. So, the Virginia motorboat education for all ages went into full effect on July 1, 2016.

However, a new date collection requirement was added to the law in 2017 via the adoption of HB 866.

G. The Department shall, by July 1, 2018, establish and thereafter shall maintain a database listing every person who, at any time prior to that date, has completed and passed a boating safety course pursuant to subdivision B 1. The database shall list each person's full name and date of birth and the date on which he passed the safety course, and it shall allow any person who completes and passes the course after July 1, 2018, to add his own information. The Department shall make the database available to law-enforcement officers and, to the extent possible or appropriate, shall maintain the confidentiality of information in the database.

H. Any person who operates a motorboat on the waters of the Commonwealth shall, upon the request of a law-enforcement officer, present to the officer evidence in physical or electronic form that he has complied with subsection B. The law-enforcement officer shall not issue a citation until he has checked the boating safety course passage database created pursuant to subsection G. The listing of the operator in such database shall constitute satisfactory evidence that he has complied with subsection B.

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.

This lack of action on PFDs may change in 2018 with forthcoming change in House leadership.

Contact: Thomas E. Guess (BLA), 804-921-9147, tom.guess@dgif.virginia.gov;
Bruce Dungan (chair, VSBA), 11dunganb@jetbroadband.com

Washington (convened January 9 and adjourns April 23)

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

Looking ahead....

...to the 2017 session, we are intending to advance several agency request bills, possibly as an omnibus. Note that not all of the following will likely make the final cut. We are going through stakeholder outreach and gathering feedback at the moment:

- Issue 1: Vessel impound authority: Currently there is no state law that gives express authority to commissioned officers to impound a vessel. It has been suggested by some that this authority would be useful in certain scenarios involving the enforcement of RCW 798A.670.040 – boating under the influence. I.e. situations where the vessel operator is intoxicated and there is no other person aboard the vessel that is qualified to operate the vessel. The authority envisioned would be discretionary not mandatory.
- Issue 2- Part A: Increased Spending Flexibility for Mandatory Boater Education Card Revenue / Part B: Clarify Authority To generate and spend revenue generated with state dollars: The \$10 fee for Boater Education Card program generates annual revenue that may be spent on promoting the program or for grants to local law enforcement agencies. State Parks would like additional flexibility in spending those funds for a broader range of boating safety programs including support for the Marine Law Enforcement training program. The increased flexibility will provide a funding source to cover costs considered ineligible under the USCG Grant that funds the RBS Program. Also, any revenue generated using these funds can be used to help fund the MLE training program.
- Issue 3: Redirecting Fees Generated from Certain Vessel Registration and Titling Transactions: During the 2015 legislative session, Senate Bill 5416 added a \$5 fee to vessel registration and titling transactions when they occur at a county office. The bill directed the revenue to the Capital Vessel Account (state ferry construction). What is being proposed is redirecting those fees so they are distributed to approved marine law enforcement programs in the same manner as vessel registration fees. This could increase state revenue to approved programs by up to \$300,000 per

year. The agencies that rely on vessel registration fees to fund their marine programs have not seen an increase since 1994. Also, there is a strong nexus between registration fees and the agencies that enforce registration requirements. Directing some of these fees to the State Parks RBS program will also help it fund RBS related efforts such as the marine law enforcement training program. Currently State Parks does not retain any of the vessel registration fees that it administers.

- Issue 4: Exempting Flare Guns from certain requirements of Initiative 594: Some have interpreted Initiative 594 as imposing certain restrictions on the transfer and sale of flare guns; we believe the authors of the initiative did not intend that result. Because of this interpretation, some retailers (most notably West Marine) have stopped selling flare guns. Visual distress signals, of which flare guns are an example, are required of boaters on the open ocean and within the Puget Sound. What is being proposed is an amendment to RCW 9.41.113 to make it clear that flare guns are exempt from the transfer requirements of I-594 so that we remove impediments around the sale and use of flare guns for boating safety.

- Issue 5: Eliminate "Transition" statutes toward the Mandatory Boater Education Program: The statutes that created mandatory boater education in Washington included language that described how the program would be phased in over time. Now that that phase-in is complete, that language can be removed. A contradiction between the phase in schedule in section 630 and exemptions in section 640 will also be eliminated.

- Regarding paddlesports, we are still meeting with our work group which has not yet reached conclusions on what legislation if any that it will recommend that our agency pursue.

Contact: Wade Alonzo (BLA), 360-902-8836, wade.alonza@parks.wa.gov

West Virginia (convened February 8 and adjourns April 8)
+ Requires motorboat education for operators born-on or after 12/31/1986 - 30 & younger
+ 12 and Under for child life jacket use.

Contact: Lt.Col. Dave Trader (BLA), 304-558-2784, david.trader@wv.gov

Wisconsin (convened January 4 and adjourns December 31)
+ Requires education for motorboat operators born-on or after 1/1/1989 -- 28 & younger
- *No requirement for child life jacket use.*
(However, a federal requirement calls for "under 13 for child life jacket use" on federal and state/federal waters where there is no state requirement.)

Child life jacket use requirement:

A.B. 699, Rep. Alvin Ott (R) and S.B. 597, Senator Jerry Petrowski, (R), companion bills would prohibit the operator of a recreational vessel from carrying a passenger who is under the age of 13 unless, during all times when the vessel is underway, the passenger is wearing a properly fitting personal flotation device approved by the U.S. Coast Guard or the passenger remains below deck or in an enclosed cabin.

Hearings were held on both bills. Both sponsors are members of the majority party. The Republican Party controls both chambers of the Legislature and the Governor's Office. These measure received bi-partisan co-sponsorship support. Several members of NRBSA -- Safe Kids Wisconsin, NMMA and NTSB -- testified in favor of these proposals

BLA reports that both versions of the bill received public hearings and bi-partisan votes in favor of recommending passage by their respective houses.

However, since there was no further action before adjournment, the entire process must start over again in 2017.

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

Wyoming (convened January 10 and adjourned March 6)

- *No motorboat 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/