

HOUSE No. 2244

By Mr. Kujawski of Webster, a petition (accompanied by bill, House, No. 2244) of Paul Kujawski and others relative to mandatory boating safety education. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to mandatory boating safety education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul Kujawski	8th Worcester
Angelo J. Puppolo, Jr.	12th Hampden
John F. Quinn	9th Bristol
Patricia A. Haddad	5th Bristol
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Viriato Manuel deMacedo	1st Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO MANDATORY BOATING SAFETY EDUCATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 90B of the General Laws as appearing in the 2002 Official Edition is hereby amended by adding the following sections:—

Chapter 90B, Sec 1 definition changes:

“Director”- “the director of the office of law enforcement within the executive office of environmental affairs.”

“Division”- “the office of law enforcement within the executive office of environmental affairs.”

“Motorboat”- any vessel propelled by machinery whether or not such machinery is the principle source of propulsion

SECTION 39. As used in sections 39 to 45 the following terms shall have the following meanings:—

“Boating Certificate”, a boating safety education certificate issued to a person who has met the established minimum standard of boating safety education competency.

“Non-resident”, a person residing outside Massachusetts, or residing in Massachusetts for a period of less than 6 consecutive months.

SECTION 40. The director shall establish and implement a boating education program. In establishing such a program the director shall:

1. Set a minimum standard of boating education competency which shall be consistent with the applicable standard established by the National Association of State Boating Law Administrators (NASBLA). The director may update the minimum standard of competency as necessary.

2. Develop a boating education course, designed to meet the minimum standard of competency established pursuant to subsection (1) of this section.

3. Develop a boating education equivalency examination designed to test knowledge which meets the minimum standard of competency established pursuant to subsection (1) of this section.

4. Develop a boating certificate designed to meet the purposes of this act.

5. Establish a one-time fee for the boating certificate, and a reasonable fee for a duplicate, to be deposited in a retained revenue account.

6. Evaluate and approve other boating safety courses that meet the minimum standard of competency in conjunction with the National Association of State Boating Law Administrators (NASBLA).

SECTION 41. A person born on or after January 1, 1988 shall not operate a motorboat on the waters of the Commonwealth, unless such person obtains, beginning on January 1, 2007, a boating certificate as evidence of successful passage of an approved boating safety course or equivalency examination pursuant to section 40.

30 A person shall not operate a personal watercraft on the waters of the Commonwealth, unless such person obtains a
31 boating certificate as evidence of successful passage of an approved boating safety course or an equivalency
32 examination pursuant to section 40. Nothing in sections 39 to 42 shall supercede the requirements for operators of
33 personal watercraft established in section 9A and 9B of chapter 90B. The phase-in schedule for personal watercraft
34 operators to obtain a boating certificate shall be by age, as follows:
35 By January 1, 2008- All personal watercraft operators 25 years of age and younger;
36 By January 1, 2009- All personal watercraft operators 35 years of age and younger;
37 By January 1, 2010- All personal watercraft operators 45 years of age and younger;
38 By January 1, 2011- All personal watercraft operators
39 The director may issue a boating certificate to any person at least 12 years of age or older who:
40 (a) Shows evidence of having successfully completed a boating safety course approved by the director, or
41 shows evidence of having successfully completed a boating safety equivalency examination approved by the
42 director and
43 (b) Pays the established fee for the certificate to the division.
44 SECTION 42. A person required to obtain a boating certificate shall possess such certificate when operating a
45 motorboat and shall present such certificate upon the request of a law enforcement officer duly empowered to
46 enforce Chapter 90B. Failure to present a valid certificate or its' equivalent to such a law enforcement officer shall
47 constitute prima facie evidence of a violation of this section.
48 No person shall alter, forge, counterfeit, or falsify a boating certificate.
49 No person shall possess a boating certificate that has been altered, forged, counterfeited or falsified.
50 No person shall loan or permit his/her boating certificate to be used by another person.
51 No motorboat owner shall permit another person to operate his/her motorboat in violation of the provisions of this
52 act.
53 A violation of this section shall be punished by a fine of \$50 for a first offense, \$100 for a second offense and \$250
54 for all subsequent offenses.
55 SECTION 43. A person is exempt from the provisions of this act under the following circumstances:
56 A nonresident, at least 12 years of age, who is temporarily operating a motorboat on waters of the Commonwealth
57 for less than 60 days and complies with his/her state of residence certificate requirements or possesses a Canadian
58 Pleasure Craft Operator's Card; or a person possesses a valid license to operate a commercial vessel issued by the
59 U.S. Coast Guard pursuant to 46 C.F.R., Part 10 or an equivalent license issued by a state or the government of
60 Canada; or a person who owns a motorboat with a new certificate of number issued by the Commonwealth of
61 Massachusetts or a new marine document issued by the United States Coast Guard, shall have 120 days from the
62 issue date, to obtain a boating certificate; or a person who operates a motorboat under training and is accompanied
63 on-board and directly supervised by a competent person 18 years of age or older who holds a valid boating
64 certificate or is exempt pursuant this section; or a person at least 18 years of age, who is an authorized operator of a
65 rented or leased motorboat shall first review and complete said checklist before operating the motorboat.
66 SECTION 44. The director may promulgate regulations deemed necessary to implement the provisions of this
67 act.
68 SECTION 45. Beginning on January 1, 2008, a person engaged in the business of renting or leasing a
69 motorboat shall provide a division-approved safe motorboat operation checklist to each person, at least 18 years of
70 age, who will be an authorized operator and is not in compliance with S. 41 of this act. Each authorized operator of
71 a rented or leased motorboat shall first review and complete said checklist before operating the motorboat.