

BOATER LICENSING LEGISLATION

Boater licensing legislation is being considered in Raleigh. On Wednesday April 16, 2008 a meeting is being hosted by Representative Michael H. Wray to organize support of legislation that would require statewide mandatory education and certification for ALL boaters on NC waters. The laws being proposed by Wray would possibly include the follow terms, according to a draft document being circulated by people lobbying for these laws. The High Rock Lake Association has not taken a position of this pending legislation. We feel it is important that all people who are boaters, or otherwise use marine vessels, are aware of this effort to increase regulatory oversight of our waters. Please let your elected officials know how you feel about this matter.

Potential Draft Legislation Content

Be it enacted by the General Assembly of North Carolina:

1. That the applicable Code of North Carolina is amended and reenacted and that the Code of North Carolina is amended by adding a section numbered as follows:

X. Boating safety education required; Wildlife Resource Commission to promulgate regulations.

- A. It is unlawful for any person to operate a motorboat or personal watercraft on the waters of the State, unless the operator has met the requirements for boating safety education in accordance with the age provisions established in subsection D.*
- B. A person shall be considered in compliance with the requirements for boating safety education if the person meets one of the following:*
 - 1. Completes and passes a boating safety course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Department;*
 - 2. Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;*
 - 3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government;*
 - 4. Possesses a state-approved nonrenewable temporary operator's certificate to operate a motorboat for 90 days that was issued with the certificate of number for the motorboat, if the boat is new or was sold with a transfer of ownership;*
 - 5. Possesses a rental or lease agreement from a motorboat rental or leasing business, which lists the person as the authorized operator of the motorboat;*
 - 6. Is operating the motorboat under supervised training;*
 - 7. Demonstrates that he is not a resident, is temporarily using the waters of North Carolina for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card; or*
 - 8. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator, and is returning the motorboat to shore in order to provide assistance or care for the operator.*
- C. The Wildlife Resource Commission shall promulgate regulations by July 1, 2010, to implement a boating safety education program for all motorboat and personal watercraft operators to meet boating safety education requirements.*
- D. Such regulations shall include provisions that phase-in the requirements for boating safety education according to the following:*
 - 1. Personal watercraft operators 20 years of age or younger to meet the requirements by July 1, 2010;*

2. *Personal watercraft operators 35 years of age or younger to meet the requirements by July 1, 2011;*
3. *Personal watercraft operators 50 years of age or younger to meet the requirements by July 1, 2012;*
4. *All personal watercraft operators, regardless of age, to meet the requirements by July 1, 2013;*
5. *Motorboat operators 20 years of age or younger to meet the requirements by July 1, 2011;*
6. *Motorboat operators 30 years of age or younger to meet the requirements by July 1, 2012;*
7. *Motorboat operators 40 years of age or younger to meet the requirements by July 1, 2013;*
8. *Motorboat operators 45 years of age or younger to meet the requirements by July 1, 2014;*
9. *Motorboat operators 50 years of age or younger to meet the requirements by July 1, 2015;*
10. *All motorboat operators, regardless of age, to meet the requirements by July 1, 2016.*

- E. Such regulations may include, but not be limited to, provisions for compliance, statewide availability of NASBLA-approved courses including through the Internet, the issuance of certificates to document successful course completion, duplicate certificates, record keeping, requirements for course providers, instructor certification, student name and address changes, equivalency exam criteria, requirements for motorboat rental and leasing businesses, issuance of a temporary operator's certificate and the establishment of fees (not to exceed the cost of giving such instruction for each person participating in and receiving the instruction) for boating safety courses and certificates.*
- F. The Resource Commission shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating business community in the promulgation of such regulations.*
- G. Any person who operates a motorboat on the waters of the State shall, upon the request of a law-enforcement officer, present to the officer evidence that he has complied with subsection B.*
- H. Any person who violates any provision of this section or any regulation promulgated hereunder shall be subject to a civil penalty of not more than \$250. All civil penalties assessed under this section shall be deposited in the Wildlife Resources Operating Fund and used as provided for herein.*