

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1209  
Committee Substitute Favorable 4/27/99  
Third Edition Engrossed 4/29/99

Short Title: Personal Watercraft Safety.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW  
REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM WITH  
THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF STATE  
BOATING LAW ADMINISTRATORS AND TO OTHERWISE IMPROVE  
PERSONAL WATERCRAFT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-13.3 reads as rewritten:

**"§ 75A-13.3. Personal watercraft.**

(a) No person shall operate a personal watercraft on the waters of this State at any time between ~~the hours from one hour after sunset to one hour before~~ and sunrise. For purposes of this section, "personal watercraft" means a small vessel which uses an outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vehicle.

(b) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, ~~nor shall~~ and it is

1 unlawful for the owner of a personal watercraft or a person who has temporary or  
2 permanent responsibility for a person under the age of 16 to knowingly allow a person  
3 under the age of 16 that person to operate a personal watercraft. A person of at least 13  
4 years of age but under 16 years of age may operate a personal watercraft on the waters of  
5 this State if:

6 (1) The person is accompanied by a person of at least ~~16~~18 years of age  
7 who physically occupies the watercraft; or

8 (2) The person (i) possesses a boating safety certificate or a photographic  
9 identification card certifying that the person has completed a boating  
10 safety course approved by the United States Coast Guard Auxiliary on  
11 his or her person while operating the watercraft, identification showing  
12 proof of age and a boater safety certification card issued by the Wildlife  
13 Resources Commission or proof of other satisfactory completion of a  
14 boating safety education course approved by the National Association of  
15 State Boating Law Administrators (NASBLA); and (ii) produces that  
16 identification and certification card upon the request of an officer of the  
17 Wildlife Resources Commission or local law enforcement agency.

18 (c) No livery shall lease, hire, or rent a personal watercraft to or for operation by a  
19 person under 16 years of age, except as provided in subsection (b) of this section.

20 (c1) Each livery that rents personal watercraft to the public shall carry liability  
21 insurance providing coverage of not less than three hundred thousand dollars (\$300,000)  
22 per occurrence against liability for injury to persons or property arising out of the rental  
23 of personal watercraft.

24 (d) No person shall operate a personal watercraft on the waters of this State, nor  
25 shall the owner of a personal watercraft knowingly allow another person to operate that  
26 personal watercraft on the waters of this State, unless:

27 (1) Each person riding on or being towed behind such vessel is wearing a  
28 type I, type II, type III, or type V personal flotation device approved by  
29 the United States Coast Guard; Guard. Inflatable personal flotation  
30 devices do not satisfy this requirement; and

31 (2) In the case of a personal watercraft equipped by the manufacturer with a  
32 lanyard-type engine cut-off switch, the lanyard is securely attached to  
33 the person, clothing, or flotation device of the operator at all times while  
34 the personal watercraft is being operated in such a manner to turn off the  
35 engine if the operator dismounts while the watercraft is in operation.

36 (d1) No person shall operate a personal watercraft towing another person on water  
37 skis or other devices unless:

38 (1) The personal watercraft has on board, in addition to the operator, an  
39 observer who shall monitor the progress of the person or persons being  
40 towed, or the personal watercraft is equipped with a rearview mirror;  
41 and

1           (2) The total number of persons operating, observing, and being towed does  
2           not exceed the number of passengers identified by the manufacturer as  
3           the maximum safe load for the vessel.

4           (e) A personal watercraft must at all times be operated in a reasonable and prudent  
5 manner. Maneuvers that endanger life, limb, or ~~property, including: property~~ shall  
6 constitute reckless operation of a vessel as provided in G.S. 75A-10, and include:

7           (1) Unreasonably or unnecessarily weaving through congested vessel  
8           traffic;

9           (2) Jumping the wake of another vessel unreasonably or unnecessarily close of  
10           within 100 feet of such other vessel or when visibility around such other  
11           vessel is obstructed; and

12           (3) Intentionally approaching another vessel in order to swerve at the last  
13           possible moment to avoid collision-collision;

14           (4) Operating at greater than no-wake speed within 100 feet of an anchored  
15           or moored vessel, the shoreline, a dock, pier, swim float, marked  
16           swimming area, swimmers, surfers, persons engaged in angling, or any  
17           manually operated propelled vessel; and

18           (5) Operating contrary to the "rules of the road" or following too closely to  
19           another vessel, including another personal watercraft. For purposes of  
20           this subdivision, "following too closely" means proceeding in the same  
21           direction and operating at a speed in excess of 10 miles per hour when  
22           approaching within 100 feet to the rear or 50 feet to the side of another  
23           vessel that is underway unless that vessel is operating in a narrow  
24           channel, in which case a personal watercraft may operate at the speed  
25           and flow of other vessel traffic.

26 ~~shall constitute reckless operation of a vessel as provided in G.S. 75A-10.~~

27           (f) The provisions of this section do not apply to a performer engaged in a  
28 professional exhibition, a person or persons engaged in an activity authorized under G.S.  
29 75A-14, or a person attempting to rescue another person who is in danger of losing life or  
30 limb.

31           ~~(g) This section applies only to that portion of the waters of the upper Catawba~~  
32 ~~River found within Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell,~~  
33 ~~and Mecklenburg Counties, beginning where the US Highway 221 bridge crosses the~~  
34 ~~Catawba River in McDowell County and extending downstream to the Cowans Ford~~  
35 ~~Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this~~  
36 ~~section."~~

37           Section 2. G.S. 75A-18 is amended by adding a new subsection to read:

38           (c1) Any boat livery that fails to carry liability insurance in violation of G.S. 75A-  
39 13.3(c1) shall be guilty of a Class 2 misdemeanor and shall only be subject to a fine not  
40 to exceed one thousand dollars (\$1,000)."

41           Section 3. G.S. 75A-13.2 is repealed.

42           Section 4. This act becomes effective December 1, 1999 and applies to acts  
43 committed on or after that date.