

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 43*
Commerce Committee Substitute Adopted 5/4/09

Short Title: Require Boating Safety Education.

(Public)

Sponsors:

Referred to:

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY
3 EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN
4 HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT
5 COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Article 1 of Chapter 75A of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 75A-16.2. Boating safety education required.**

10 (a) No person shall operate a vessel with a motor of 10 horsepower or greater on the
11 public waters of this State unless the operator has met the requirements for boating safety
12 education in accordance with the age provisions established in subsection (c) of this section.

13 (b) A person shall be considered in compliance with the requirements of boating safety
14 education if the person does one of the following:

- 15 (1) Completes and passes the boating safety course instituted by the Wildlife
16 Resources Commission under G.S. 75A-16.1 or another boating safety
17 course that is approved by the National Association of State Boating Law
18 Administrators (NASBLA) and accepted by the Wildlife Resources
19 Commission;
20 (2) Passes a proctored equivalency examination that tests the knowledge of
21 information included in the curriculum of an approved course;
22 (3) Possesses a valid or expired license to operate a vessel issued to maritime
23 personnel by the United States Coast Guard;
24 (4) Possesses a State-approved nonrenewable temporary operator's certificate to
25 operate a vessel for 90 days that was issued with the certificate of number
26 for the vessel, if the boat was new or was sold with a transfer of ownership;
27 (5) Possesses a rental or lease agreement from a vessel rental or leasing business
28 that lists the person as the authorized operator of the vessel;
29 (6) Properly displays Commission-issued dealer registration numbers during the
30 demonstration of the vessel;
31 (7) Operates the vessel under onboard direct supervision of a person who is at
32 least 18 years of age and who meets the requirements of this section;
33 (8) Demonstrates that he or she is not a resident, is temporarily using the waters
34 of this State for a period not to exceed 90 days, and meets any applicable
35 boating safety education requirements of the state or nation of residency;



1 (9) Has assumed operation of the vessel due to the illness or physical
2 impairment of the initial operator, and is returning the vessel to shore in
3 order to provide assistance or care for the operator;

4 (10) Is registered as a commercial fisherman or a person who is under the
5 onboard direct supervision of a commercial fisherman while operating the
6 commercial fisherman's boat; or

7 (11) Provides proof that he or she was born prior to January 1, 1984.

8 Any person who operates a vessel with a motor of 10 horsepower or greater on the waters
9 of this State shall, upon the request of a law enforcement officer, present to the officer a
10 certification card or proof that the person has complied with the provisions of this section.

11 (c) Any person who violates a provision of this section or a rule adopted pursuant to
12 this section is guilty of an infraction, as provided in G.S. 14-3.1, and the court shall assess a
13 penalty of one hundred dollars (\$100.00) and no court costs for each violation. A person may
14 not be convicted of violating this section if, when tried for the offense, the person produces in
15 court a certification card or proof that the person has completed and passed a boating safety
16 course in compliance with subdivision (b)(1) of this section.

17 (d) No unit of local government shall enact any ordinance or rule relating to boating
18 safety education, and this law preempts all existing ordinances or rules."

19 **SECTION 2.** G.S. 75A-13.3(b) reads as rewritten:

20 "**§ 75A-13.3. Personal watercraft.**

21 ...

22 (b) Except as otherwise provided in this subsection, no person under 16 years of age
23 shall operate a personal watercraft on the waters of this State, and it is unlawful for the owner
24 of a personal watercraft or a person who has temporary or permanent responsibility for a person
25 under the age of 16 to knowingly allow that person to operate a personal watercraft. A person
26 of at least 14 years of age but under 16 years of age may operate a personal watercraft on the
27 waters of this State if:

28 (1) The person is accompanied by a person of at least 18 years of age who
29 physically occupies the ~~watercraft~~; watercraft and who is in compliance with
30 G.S. 75A-16.2; or

31 (2) The person (i) possesses on his or her person while operating the watercraft,
32 identification showing proof of age and a boating safety certification card
33 issued by the ~~Commission~~ or Commission, proof of other satisfactory
34 completion of a boating safety education course approved by the National
35 Association of State Boating Law Administrators (~~NASBLA~~); (NASBLA),
36 or proof of other boating safety education in compliance with
37 G.S. 75A-16.2; and (ii) produces that identification and ~~certification card~~
38 proof upon the request of an officer of the Commission or local law
39 enforcement agency.

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41 **SECTION 3.** This act becomes effective May 1, 2010.