

HOUSE No. 627

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter and James M. Cantwell

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 adoption of the accompanying bill:

An Act relative to boater safety to be known as the David Hanson act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/15/2015</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/16/2015</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/22/2015</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/16/2015</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/23/2015</i>

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By Messrs. Calter of Kingston and Cantwell of Marshfield, a petition (accompanied by bill, House, No. 627) of Thomas J. Calter, James M. Cantwell and others for legislation to implement a boating education program within the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3855 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act relative to boater safety to be known as the David Hanson act.

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

1 SECTION 1. This Act shall be referred to as the “David Hanson Boater Safety Act”.

2 SECTION 2. Section 1 of chapter 90B of the General Laws as appearing in the 2012
3 Official Edition is hereby amended by inserting, after the definition of “Boating Accident” , the
4 following definition:–

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

7 SECTION 3. Said chapter 90B of the General Laws is hereby further amended by
8 inserting after section 38, the following 6 sections:–

9 Section 39. The director shall establish and implement a boating education program. In
10 establishing this program the director shall:

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

15 2. Develop a boating education course, designed to meet the minimum standard of
16 competency established under paragraph (1) of this section.

17 3. Develop a boating education equivalency examination designed to test knowledge
18 which meets the minimum standard of competency established under paragraph (1) of this
19 section.

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

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

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

26 Section 40. A person who was born on or after January 1, 1991 shall not operate a
27 motorboat on the waters of the commonwealth, unless such person obtains, beginning on January
28 1, 2016, a boating certificate as evidence of successful passage of an approved boating safety
29 course or equivalency examination pursuant to section 39.

30 A person shall not operate a personal watercraft on the waters of the commonwealth,
31 unless such person obtains a boating certificate as evidence of successful passage of an approved
32 boating safety course or an equivalency examination pursuant to section 39. Nothing in sections
33 39 through 42, inclusive, shall supersede the requirements for operators of personal watercraft
34 established in sections 9A and 9B of chapter 90B. The phase-in schedule for personal watercraft
35 operators to obtain a boating certificate shall be by age, as follows:

36 By January 1, 2016- All personal watercraft operators 25 years of age and younger;

37 By January 1, 2017- All personal watercraft operators 35 years of age and younger;

38 By January 1, 2018- All personal watercraft operators 45 years of age and younger;

39 By January 1, 2019- All personal watercraft operators

40 The director may issue a boating certificate to any person who is 12 years of age or older,
41 who:

42 (a) Shows evidence of having successfully completed a boating safety course
43 approved by the director, or shows evidence of having successfully completed a boating safety
44 equivalency examination approved by the director and

45 (b) Pays the established fee for the certificate to the division.

46 Section 41. A person who is required to obtain a boating certificate shall possess such
47 certificate when operating a motorboat and shall present such certificate upon the request of a
48 law enforcement officer duly empowered to enforce Chapter 90B. Failure to present a valid
49 certificate or an equivalent certificate to such a law enforcement officer shall constitute prima
50 facie evidence of a violation of this section.

51 No person shall alter, forge, counterfeit, or falsify a boating certificate.

52 No person shall possess a boating certificate that has been altered, forged, counterfeited
53 or falsified.

54 No person shall loan or permit his boating certificate to be used by another person.

55 No motorboat owner shall permit another person to operate his motorboat in violation of
56 the provisions of this section or sections 40, 42 or 44.

57 A violation of this section shall be punished by a fine of \$50 for a first offense, \$100 for a
58 second offense and \$250 for all subsequent offenses.

59 Section 42. A person shall be exempt from obtaining a boating certificate issued by the
60 commonwealth as specifically provided under the following circumstances:

61 A non-resident, who is 12 years of age or older, who is temporarily operating a motorboat
62 on waters of the commonwealth for less than 60 days and complies with his state of residence
63 certificate requirements or possesses a Canadian Pleasure Craft Operator's Card; or a person who
64 possesses a valid license to operate a commercial vessel issued by the United States Coast Guard
65 pursuant to 46 C.F.R., Part 10 or an equivalent license issued by a state or the government of
66 Canada; or a person who owns a motorboat with a new certificate of number issued by the
67 commonwealth or a new marine document issued by the United States Coast Guard, shall have
68 120 days from the issue date, to obtain a boating certificate; or a person who operates a
69 motorboat under training and is accompanied on-board and directly supervised by a competent
70 person who is 18 years of age or older and holds a valid boating certificate or is exempt under
71 this section; or a person who is 18 years of age or older, and is an authorized operator of a rented

72 or leased motorboat shall first review and complete said checklist before operating the
73 motorboat.

74 For the purposes of this section the term “non-resident”, shall mean a person residing
75 outside Massachusetts, or residing in Massachusetts for a period of less than 6 consecutive
76 months.

77 Section 43. The director may promulgate regulations deemed necessary to implement the
78 provisions of sections 39, 40, 41, 42 and 44. .

79 Section 44. Beginning on January 1, 2016, a person who is engaged in the business of
80 renting or leasing a motorboat shall provide a division approved safe motorboat operation
81 checklist to each person who is 18 years of age or older, and will be an authorized operator and
82 is not in compliance with section 42.. Each authorized operator of a rented or leased motorboat
83 shall first review and complete said checklist before operating the motorboat.