HOUSE DOCKET, NO. 992 FILED ON: 1/15/2013

HOUSE . . . . . No. 664

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter and John P. Fresolo

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas J. Calter	*12th Plymouth*
John P. Fresolo	*16th Worcester*
Cory Atkins	*14th Middlesex*
James M. Cantwell	*4th Plymouth*
Harriette L. Chandler	*First Worcester*
Josh S. Cutler	*6th Plymouth*

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By Messrs. Calter of Kingston and Fresolo of Worcester, a petition (accompanied by bill, House, No. 664) of Thomas J. Calter 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. *4206* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

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

SECTION 2. Section 1 of Chapter 90B of the General Laws as appearing in the 2010 Official Edition is hereby amended by inserting the following definitions:–

"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 3. Chapter 90B of the General Laws as appearing in the 2010 Official Edition is hereby amended by adding after section 38 the following 6 sections:-

Section 39. 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

14 Law Administrators (NASBLA). The director may update the minimum standard of competency
15 as necessary.

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

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

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

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

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

27 Section 40. A person born on or after January 1, 1988 shall not operate a motorboat on
28 the waters of the Commonwealth, unless such person obtains, beginning on January 1, 2013, a
29 boating certificate as evidence of successful passage of an approved boating safety course or
30 equivalency examination pursuant to section 39.

31 A person shall not operate a personal watercraft on the waters of the Commonwealth,
32 unless such person obtains a boating certificate as evidence of successful passage of an approved
33 boating safety course or an equivalency examination pursuant to section 40. Nothing in sections
34 39 to 42 shall supersede the requirements for operators of personal watercraft established in
35 section 9A and 9B of chapter 90B. The phase-in schedule for personal watercraft operators to
36 obtain a boating certificate shall be by age, as follows:

37 By January 1, 2013- All personal watercraft operators 25 years of age and younger;

38 By January 1, 2014- All personal watercraft operators 35 years of age and younger;

39 By January 1, 2015- All personal watercraft operators 45 years of age and younger;

40 By January 1, 2016- All personal watercraft operators

41 The director may issue a boating certificate to any person at least 12 years of age or older
42 who:

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

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

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

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

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

55 No person shall loan or permit his/her boating certificate to be used by another person.

56 No motorboat owner shall permit another person to operate his/her motorboat in violation
57 of the provisions of this act.

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

60 Section 42. A person is exempt from the provisions of this act under the following
61 circumstances:

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

74 Section 43. The director may promulgate regulations deemed necessary to implement
75 the provisions of this act.

76 Section 44. Beginning on January 1, 2013, a person engaged in the business of
77 renting or leasing a motorboat shall provide a division-approved safe motorboat operation
78 checklist to each person, at least 18 years of age, who will be an authorized operator and is not in

79 compliance with Section 42 of this act. Each authorized operator of a rented or leased motorboat
80 shall first review and complete said checklist before operating the motorboat.