

HOUSE No. 2913

The Commonwealth of Massachusetts

PRESENTED BY:

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 adoption of the accompanying bill:

An Act relative to mandatory boating safety education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/20/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/22/2011</i>

HOUSE No. 2913

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 2913) of John P. Fresolo and Angelo J. Puppolo, Jr. relative to mandatory boating safety education. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2244 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to mandatory boating safety education.

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. Chapter 90B of the General Laws as appearing in the 2002 Official Edition
2 is hereby amended by adding the following sections:—

3 Chapter 90B, Sec 1 definition changes:

4 “Director”- “the director of the office of law enforcement within the exclusive office of
5 environmental affairs.”

6 “Division”- “the office of law enforcement within the executive office of environmental
7 affairs.”

8 “Motorboat”- any vessel propelled by machinery whether or not such machinery is the
9 principle source of propulsion

10 SECTION 39. As used in sections 39 to 45 the following terms shall have the following
11 meanings:–

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

14 “Non-resident”, a person residing outside Massachusetts, or residing
15 in Massachusetts for a period of less than 6 consecutive months.

16 SECTION 40. The director shall establish and implement a boating education program.
17 In establishing such a program the director shall:

18 1. Set a minimum standard of boating education competency which shall be
19 consistent with the applicable standard established by the National Association of State Boating
20 Law Administrators (NASBLA). The director may update the minimum standard of competency
21 as necessary.

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

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

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

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

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

33 SECTION 41. A person born on or after January 1, 1988 shall not operate a motorboat
34 on the waters of the Commonwealth, unless such person obtains, beginning on January 1, 2007, a
35 boating certificate as evidence of successful passage of an approved boating safety course or
36 equivalency examination pursuant to section 40.

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

43 By January 1, 2008- All personal watercraft operators 25 years of age and younger;

44 By January 1, 2009- All personal watercraft operators 35 years of age and younger;

45 By January 1, 2010- All personal watercraft operators 45 years of age and younger;

46 By January 1, 2011- All personal watercraft operators

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

49 (a) Shows evidence of having successfully completed a boating safety course
50 approved by the director, or shows evidence of having successfully completed a boating safety
51 equivalency examination approved by the director and

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

53 SECTION 42. A person required to obtain a boating certificate shall possess such
54 certificate when operating a motorboat and shall present such certificate upon the request of a
55 law enforcement officer duly empowered to enforce Chapter 90B. Failure to present a valid
56 certificate or its' equivalent to such a law enforcement officer shall constitute prima facie
57 evidence of a violation of this section.

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

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

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

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

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

66 SECTION 43. A person is exempt from the provisions of this act under the following
67 circumstances:

68 A nonresident, at least 12 years of age, who is temporarily operating a motorboat on
69 waters of the Commonwealth for less than 60 days and complies with his/her state of residence
70 certificate requirements or possesses a Canadian Pleasure Craft Operator's Card; or a person
71 possesses a valid license to operate a commercial vessel issued by the U.S. Coast Guard pursuant
72 to 46 C.F.R., Part 10 or an equivalent license issued by a state or the government of Canada; or a
73 person who owns a motorboat with a new certificate of number issued by the Commonwealth of
74 Massachusetts or a new marine document issued by the United States Coast Guard, shall have
75 120 days from the issue date, to obtain a boating certificate; or a person who operates a
76 motorboat under training and is accompanied on-board and directly supervised by a competent
77 person 18 years of age or older who holds a valid boating certificate or is exempt pursuant this
78 section; or a person at least 18 years of age, who is an authorized operator of a rented or leased
79 motorboat shall first review and complete said checklist before operating the motorboat.

80 SECTION 44. The director may promulgate regulations deemed necessary to
81 implement the provisions of this act.

82 SECTION 45. Beginning on January 1, 2008, a person engaged in the business of
83 renting or leasing a motorboat shall provide a division-approved safe motorboat operation
84 checklist to each person, at least 18 years of age, who will be an authorized operator and is not in
85 compliance with S. 41 of this act. Each authorized operator of a rented or leased motorboat shall
86 first review and complete said checklist before operating the motorboat.