

HOUSE No. 2931

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 boating safety courses.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|--------------------------------|------------------|
| <i>Robert M. Koczera</i> | <i>11th Bristol</i> | <i>1/18/2017</i> |
| <i>Alan Silvia</i> | <i>7th Bristol</i> | |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>3/16/2017</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> | <i>2/1/2017</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/15/2017</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>1/31/2017</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>3/15/2017</i> |

HOUSE No. 2931

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 2931) of Robert M. Koczera and others relative to personal motorboat licensing and boating safety courses. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to boating safety courses.

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 is hereby amended by inserting after
2 section 2 the following section:-

3 Section 2A. (a) For the purposes of this section, unless the context clearly requires
4 otherwise, the word, “Personal motorboat” shall mean a recreational vessel propelled by a motor
5 that operates in excess of 25 horsepower on waters of the commonwealth; provided however,
6 that a personal motorboat shall not include a personal watercraft or a commercial vessel, except a
7 commercial motorboat rented or leased for personal use.

8 (b) (1) No person shall operate a personal motorboat on the waters of the commonwealth
9 unless that person is licensed by the commonwealth to operate a personal motorboat, except: (i)
10 that a person who is at least 13 years of age who possesses a valid learner's permit may operate a
11 personal motorboat on the waters of the commonwealth, if accompanied by an operator licensed
12 pursuant to this section; and (ii) any person who purchases and registers a personal motorboat

13 pursuant to this chapter, may operate the personal motorboat without a license for 6 months from
14 the date of purchase of the personal motorboat; provided, that said person shall not operate said
15 personal motorboat without a valid license issued pursuant to this section after 6 months from the
16 date of purchase of the personal motorboat.

17 (2) The director may issue a license to operate a personal motorboat to a person of 16
18 years of age or older, who: (i) completes a safe boater education course approved by the director
19 in accordance with criteria established by the National Association of State Boating Law
20 Administrators; provided, that the course shall provide a minimum of 8 hours of instruction; and
21 (ii) upon completion of the safe boater education course, successfully completes a proctored
22 examination, administered and authorized by the director or a designee, with a minimum passing
23 score of 80 per cent.

24 The director may issue a learner's permit to operate a personal motorboat to a person of
25 13 years of age or older, who: (i) completes a safe boater education course approved by the
26 director in accordance with criteria established by the National Association of State Boating Law
27 Administrators; provided, that the course shall provide a minimum of 8 hours of instruction; and
28 (ii) upon completion of the safe boater education course, successfully completes a proctored
29 examination, administered and authorized by the director or a designee, with a minimum passing
30 score of 80 per cent; provided, however, that the permit shall be subject a restriction that the
31 junior operator must be accompanied by an operator licensed pursuant to this section during the
32 operation of a personal motorboat.

33 (3) A license issued pursuant to this section shall be valid for the lifetime of the person
34 and may not be revoked by the department or a court without reasonable cause and a hearing,
35 except as otherwise provided by law.

36 (4) A person issued a valid personal motorboat license shall carry the license on their
37 person at all times during operation of a personal motorboat on any waters of the commonwealth.

38 (5) Any person who operates a personal motorboat or supervises a personal motorboat
39 operator without proof of licensure, without reasonable excuse, shall be subject to a fine of \$100;
40 provided however, that a person issued a violation may appeal the violation to the court.

41 (6) Any person who forges or alters a personal motorboat license or boater safety course
42 documents to prove compliance with this section, except official copies or corrected documents
43 issued by the director or a government authority, shall be subject to a fine of \$500.

44 (c) The department may recognize boating licenses, permits, or boating education
45 certificates issued by other states, including the United States Coast Guard Auxiliary, the United
46 States Power Squadron, or such other entity approved by the director, as proof of licensure to
47 operate a personal motorboat in waters of the commonwealth. The director may grant personal
48 motorboat licenses to any employee of the division who operates a motorboat in the performance
49 of their official duties.

50 (d) The director may establish necessary and reasonable regulations, standards, or
51 policies, related to personal motorboat safety.

52 SECTION 2. Within 2 years of the effective date of this act, the director of the division
53 of law enforcement of the department of fisheries, wildlife and environmental law enforcement
54 shall promulgate regulations to implement section 1.

55 SECTION 3. Section 1 shall take effect 1 year after the publication of regulations
56 promulgated pursuant to section 2 in the state register, pursuant to section 6 of chapter 30A of
57 the General Laws.