

HOUSE No. 2400

By Mr. Verga of Gloucester, petition of Anthony J. Verga and others relative to mandatory boating safety education. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Anthony J. Verga	William Smitty Pignatelli
Matthew C. Patrick	John A. Lepper
Douglas W. Petersen	John D. Keenan

In the Year Two Thousand and Seven.

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 Chapter 90B of the General Laws as appearing in the 2002 Offi-
2 cial Edition 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
5 the excusive office of environmental affairs.”
6 “Division”— “the office of law enforcement within the executive
7 office of environmental affairs.”
8 “Motorboat”— any vessel propelled by machinery whether or not
9 such machinery is the principle source of propulsion.
10 SECTION 39. As used in Sections 39 to 45 the following terms
11 shall have the following meanings:—
12 “Boating Certificate”, a boating safety education certificate issued
13 to a person who has met the established minimum standard of
14 boating safety education competency.
15 “Non-resident”, a person residing outside Massachusetts, or
16 residing in Massachusetts for a period of less than 6 consecutive
17 months.

18 SECTION 40. The director shall establish and implement a
19 boating education program. In establishing such a program the
20 director shall:—

21 1.) Set a minimum standard of boating education competency
22 which shall be consistent with the applicable standard established by
23 the National Association of State Boating Law Administrators
24 (NASBLA). The director may update the minimum standard of com-
25 petency as necessary.

26 2.) Develop a boating education course, designed to meet the min-
27 imum standard of competency established pursuant to subsection (1)
28 of this section.

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

32 4.) Develop a boating certificate designed to meet the purposes of
33 this act.

34 5.) Establish a one-time fee for the boating certificate, and a rea-
35 sonable fee for a duplicate, to be deposited in a retained revenue
36 account.

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

41 SECTION 41. A person born on or after January 1, 1988 shall not
42 operate a motorboat on the waters of the Commonwealth, unless
43 such person obtains, beginning on January 1, 2007, a boating certifi-
44 cate as evidence of successful passage of an approved boating safety
45 course or equivalency examination pursuant to section 40.

46 A person shall not operate a personal watercraft on the waters of
47 the Commonwealth, unless such person obtains a boating certificate
48 as evidence of successful passage of an approved boating safety
49 course or an equivalency examination pursuant to section 40.
50 Nothing in Sections 39 to 42 shall supercede the requirements for
51 operators of personal watercraft established in Section 9A and 9B of
52 Chapter 90B. The phase-in schedule for personal watercraft opera-
53 tors to obtain a boating certificate shall be by age, as follows:—

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

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

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

60 By January 1, 2011- All personal watercraft operators

61 The director may issue a boating certificate to any person at least
62 12 years of age or older who:—

63 (a) Shows evidence of having successfully completed a boating
64 safety course approved by the director, or shows evidence of having
65 successfully completed a boating safety equivalency examination
66 approved by the director and

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

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

74 No person shall alter, forge, counterfeit, or falsify a boating cer-
75 tificate.

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

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

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

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

85 SECTION 43. A person is exempt from the provisions of this act
86 under the following circumstances:—

87 A nonresident, at least 12 years of age, who is temporarily oper-
88 ating a motorboat on waters of the Commonwealth for less than 60
89 days and complies with his/her state of residence certificate require-
90 ments or possesses a Canadian Pleasure Craft Operator's Card; or a
91 person possesses a valid license to operate a commercial vessel
92 issued by the U.S. Coast Guard pursuant to 46 C.F.R., Part 10 or an
93 equivalent license issued by a state or the government of Canada; or
94 a person who owns a motorboat with a new certificate of number

95 issued by the Commonwealth of Massachusetts or a new marine
96 document issued by the United States Coast Guard, shall have 120
97 days from the issue date, to obtain a boating certificate; or a person
98 who operates a motorboat under training and is accompanied on-
99 board and directly supervised by a competent person 18 years of age
100 or older who holds a valid boating certificate or is exempt pursuant
101 this section; or a person at least 18 years of age, who is an autho-
102 rized operator of a rented or leased motorboat shall first review and
103 complete said checklist before operating the motorboat.

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

106 SECTION 45. Beginning on January 1, 2008, a person engaged in
107 the business of renting or leasing a motorboat shall provide a divi-
108 sion-approved safe motorboat operation checklist to each person, at
109 least 18 years of age, who will be an authorized operator and is not
110 in compliance with S. 41 of this act. Each authorized operator of a
111 rented or leased motorboat shall first review and complete said
112 checklist before operating the motorboat.