

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

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 bill:

An Act relative to mandatory boating safety education.

PETITION OF:

NAME:

Paul Kujawski

DISTRICT/ADDRESS:

8th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2400 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

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 is hereby
2 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 executive office of environmental affairs.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 By January 1, 2011- All personal watercraft operators

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

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

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

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

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

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

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

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

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

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

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

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

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

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