

HOUSE No. 04206

The Commonwealth of Massachusetts

HOUSE, June 27, 2012

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 3407) of Thomas J. Calter, Angelo J. Puppolo, Jr. and Benjamin Swan for legislation to require the attachment of safe boating education certificates with applications for boat registration submitted to the Department of Fisheries, Wildlife and Environmental Law Enforcement, reports recommending that the accompanying bill (House, No. 4206) ought to pass.

For the committee,

ANNE M. GOBI.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act David Hanson Boater Safety Act.

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. This Act shall be referred to as the “David Hanson Boater Safety Act”.
- 2 SECTION 2. Section 1 of Chapter 90B of the General Laws as appearing in the 2010 Official
3 Edition is hereby amended by inserting the following definitions:—
- 4 “Boating Certificate”, a boating safety education certificate issued to a person who has met the
5 established minimum standard of boating safety education competency.
- 6 “Non-resident”, a person residing outside Massachusetts, or residing in Massachusetts for a
7 period of less than 6 consecutive months.
- 8 SECTION 3. Chapter 90B of the General Laws as appearing in the 2010 Official Edition is
9 hereby amended by adding after section 38 the following 6 sections:—
- 10 Section 39. The director shall establish and implement a boating education program. In
11 establishing such a program the director shall:

12 1. Set a minimum standard of boating education competency which shall be consistent with
13 the applicable standard established by the National Association of State Boating Law
14 Administrators (NASBLA). The director may update the minimum standard of competency as
15 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 which
19 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 duplicate, to
23 be deposited in a retained revenue account.

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

27 Section 40. A person born on or after January 1, 1988 shall not operate a motorboat on the
28 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, unless such
32 person obtains a boating certificate as evidence of successful passage of an approved boating

33 safety course or an equivalency examination pursuant to section 40. Nothing in sections 39 to 42
34 shall supercede the requirements for operators of personal watercraft established in section 9A
35 and 9B of chapter 90B. The phase-in schedule for personal watercraft operators to obtain a
36 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 who:

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

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

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

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

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

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

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

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

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

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

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

75 Section 44. Beginning on January 1, 2013, a person engaged in the business of renting or
76 leasing a motorboat shall provide a division-approved safe motorboat operation checklist to each
77 person, at least 18 years of age, who will be an authorized operator and is not in compliance with
78 Section 42 of this act. Each authorized operator of a rented or leased motorboat shall first review
79 and complete said checklist before operating the motorboat.