

**HOUSE . . . . . No. 02913**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*John P. Fresolo*

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*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.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*John P. Fresolo*

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*16th Worcester*

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*Angelo J. Puppolo, Jr.*

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*12th Hampden*

# HOUSE . . . . . No. 02913

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 2913) of Puppolo and Fresolo relative to mandatory boating safety education Joint Committee on 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 is
- 2 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 affairs.”
- 7 “Motorboat”- any vessel propelled by machinery whether or not such machinery is the principle
- 8 source of propulsion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 By January 1, 2011- All personal watercraft operators

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

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

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

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

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

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

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

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

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

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

66 A nonresident, at least 12 years of age, who is temporarily operating a motorboat on waters of  
67 the Commonwealth for less than 60 days and complies with his/her state of residence certificate  
68 requirements or possesses a Canadian Pleasure Craft Operator's Card; or a person possesses a  
69 valid license to operate a commercial vessel issued by the U.S. Coast Guard pursuant to 46  
70 C.F.R., Part 10 or an equivalent license issued by a state or the government of Canada; or a

71 person who owns a motorboat with a new certificate of number issued by the Commonwealth of  
72 Massachusetts or a new marine document issued by the United States Coast Guard, shall have  
73 120 days from the issue date, to obtain a boating certificate; or a person who operates a  
74 motorboat under training and is accompanied on-board and directly supervised by a competent  
75 person 18 years of age or older who holds a valid boating certificate or is exempt pursuant this  
76 section; or a person at least 18 years of age, who is an authorized operator of a rented or leased  
77 motorboat shall first review and complete said checklist before operating the motorboat.

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

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